



# United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

L58 (0120)

OCT 23 2009

Memorandum

To: Regional Director, Northeast Region  
Associate Director, Cultural Resources  
Chief, Office of Policy

From: *for* Director *David N. Work*

Subject: Activation: P.L. 111-11, Omnibus Public Land Management Act of 2009, Title VIII, Subtitle C, Section 8204: John H. Chafee Blackstone River Valley National Heritage Corridor

On March 30, 2009, President Obama approved H.R. 146, the Omnibus Public Land Management Act of 2009, as Public Law 111-11. Title VIII, Subtitle C, Section 8204 of the act makes technical corrections to Public Law 99-647 that established the John H. Chafee Blackstone River Valley National Heritage Corridor. A copy of the pertinent pages of the public law and the *Congressional Record* are attached. Also attached is a document related to this section from the 110<sup>th</sup> Congress.

The Omnibus Public Land Management Act of 2009 was introduced as S. 22 by Senator Jeff Bingaman (D-NM) on January 7, 2009. The Senate spent several days debating opponents' concerns about the size of the bill and potential impacts on energy development and private property rights, and voting on motions to end debate. On January 15, the Senate passed the bill by a vote of 73-21.

The House considered S. 22 on March 11 under the "suspension of the rules" process, which requires a 2/3 majority for passage and disallows amendments. Opponents objected to the use of that process for a bill that contained many provisions that had not previously been considered by the House, and to the size and potential impacts of the bill. The House vote was 282-144, two votes short of a 2/3 majority.

H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act, was introduced by Representative Rush Holt (D-NJ) on January 6, 2009 and passed by the House on March 3. On March 12, the Senate replaced the original text of H.R. 146 with the text of S. 22. Again, the Senate spent several days considering motions to end debate and considering opponents' amendments, most of which were defeated. On March 19, the Senate passed H.R. 146 by a vote of 77-20. On March 25, the House passed H.R. 146 as amended by the Senate, by a vote of 285-140.

The Omnibus Public Land Management Act of 2009 is comprised of the text of numerous bills, almost all of which were considered during the 110<sup>th</sup> Congress by the House, the Senate Energy and Natural Resources Committee, or both. These bills were packaged as a comprehensive natural resources omnibus bill by Senator Bingaman, but the bill was not considered by the Senate before the 110<sup>th</sup> Congress adjourned.

During the 110<sup>th</sup> Congress, legislation to make technical corrections to Public Law 99-647 that established the John H. Chafee Blackstone River Valley National Heritage Corridor was included in the version of H.R. 1483 that was reported by the Senate Energy and Natural Resources Committee. H.R. 1483, which was introduced by Representative Ralph Regula (R-OH) on March 12, 2007, and passed by the House on October 24, 2007, contained provisions affecting numerous national heritage areas. The Subcommittee on National Parks of the Senate Energy and Natural Resources Committee held a hearing on H.R. 1483 on April 23, 2008. On May 7, 2008, the committee favorably reported the bill with an amendment that included similar language to that contained in Section 8204. No further action was taken on this bill.

Title VIII, Subtitle C, Section 8204 amends Public Law 99-647, the John H. Chafee Blackstone River Valley National Heritage Corridor, to make a technical correction and to authorize the members of the heritage corridor's commission representing the Governors of the State of Rhode Island and the Commonwealth of Massachusetts to be ex-officio members or their delegates for the purpose of conducting commission business including establishing a quorum.

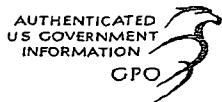
Subtitle D, Section 8301, states that nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

Responsibility:           Regional Director, Northeast Region  
                                  Associate Director, Cultural Resources  
                                  Chief, Office of Policy

**Attachments:**

- P.L. 111-11, Title VIII, Subtitle C, Section 8204 and Subtitle D
- Congressional Record:* January 7, 2009 (Introductory statement on S. 22)
- Congressional Record:* January 9-15, 2009 (Senate consideration of S. 22)
- Congressional Record:* March 11, 2009 (House consideration of S. 22)
- Congressional Record:* March 12-19, 2009 (Senate consideration of H.R. 146)
- Congressional Record:* March 25, 2009 (House consideration of Senate amendments to H.R. 146)
- Senate Report 110-381 (for H.R. 1483), pertinent sections

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Public Law 111-11  
111th Congress

An Act

To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Mar. 30, 2009  
[H.R. 146]

*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.**

Omnibus  
Public Land  
Management Act  
of 2009.  
16 USC 1 note.

(a) **SHORT TITLE.**—This Act may be cited as the “Omnibus Public Land Management Act of 2009”.

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

Sec. 1. Short title; table of contents.

**TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM**

**Subtitle A—Wild Monongahela Wilderness**

- Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.
- Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.
- Sec. 1003. Monongahela National Forest boundary confirmation.
- Sec. 1004. Enhanced Trail Opportunities.

**Subtitle B—Virginia Ridge and Valley Wilderness**

- Sec. 1101. Definitions.
- Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest as wilderness or a wilderness study area.
- Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
- Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
- Sec. 1105. Trail plan and development.
- Sec. 1106. Maps and boundary descriptions.
- Sec. 1107. Effective date.

**Subtitle C—Mt. Hood Wilderness, Oregon**

- Sec. 1201. Definitions.
- Sec. 1202. Designation of wilderness areas.
- Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.
- Sec. 1204. Mount Hood National Recreation Area.
- Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.
- Sec. 1206. Land exchanges.
- Sec. 1207. Tribal provisions; planning and studies.

**Subtitle D—Copper Salmon Wilderness, Oregon**

- Sec. 1301. Designation of the Copper Salmon Wilderness.
- Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.
- Sec. 1303. Protection of tribal rights.

**Subtitle E—Cascade-Siskiyou National Monument, Oregon**

- Sec. 1401. Definitions.

- Sec. 1402. Voluntary grazing lease donation program.
- Sec. 1403. Box R Ranch land exchange.
- Sec. 1404. Deerfield land exchange.
- Sec. 1405. Soda Mountain Wilderness.
- Sec. 1406. Effect.

## Subtitle F—Owyhee Public Land Management

- Sec. 1501. Definitions.
- Sec. 1502. Owyhee Science Review and Conservation Center.
- Sec. 1503. Wilderness areas.
- Sec. 1504. Designation of wild and scenic rivers.
- Sec. 1505. Land identified for disposal.
- Sec. 1506. Tribal cultural resources.
- Sec. 1507. Recreational travel management plans.
- Sec. 1508. Authorization of appropriations.

## Subtitle G—Sabinoso Wilderness, New Mexico

- Sec. 1601. Definitions.
- Sec. 1602. Designation of the Sabinoso Wilderness.

## Subtitle H—Pictured Rocks National Lakeshore Wilderness

- Sec. 1651. Definitions.
- Sec. 1652. Designation of Beaver Basin Wilderness.
- Sec. 1653. Administration.
- Sec. 1654. Effect.

## Subtitle I—Oregon Badlands Wilderness

- Sec. 1701. Definitions.
- Sec. 1702. Oregon Badlands Wilderness.
- Sec. 1703. Release.
- Sec. 1704. Land exchanges.
- Sec. 1705. Protection of tribal treaty rights.

## Subtitle J—Spring Basin Wilderness, Oregon

- Sec. 1751. Definitions.
- Sec. 1752. Spring Basin Wilderness.
- Sec. 1753. Release.
- Sec. 1754. Land exchanges.
- Sec. 1755. Protection of tribal treaty rights.

## Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

- Sec. 1801. Definitions.
- Sec. 1802. Designation of wilderness areas.
- Sec. 1803. Administration of wilderness areas.
- Sec. 1804. Release of wilderness study areas.
- Sec. 1805. Designation of wild and scenic rivers.
- Sec. 1806. Bridgeport Winter Recreation Area.
- Sec. 1807. Management of area within Humboldt-Toiyabe National Forest.
- Sec. 1808. Ancient Bristlecone Pine Forest.

## Subtitle L—Riverside County Wilderness, California

- Sec. 1851. Wilderness designation.
- Sec. 1852. Wild and scenic river designations, Riverside County, California.
- Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.

## Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

- Sec. 1901. Definitions.
- Sec. 1902. Designation of wilderness areas.
- Sec. 1903. Administration of wilderness areas.
- Sec. 1904. Authorization of appropriations.

## Subtitle N—Rocky Mountain National Park Wilderness, Colorado

- Sec. 1951. Definitions.
- Sec. 1952. Rocky Mountain National Park Wilderness, Colorado.
- Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.
- Sec. 1954. East Shore Trail Area.
- Sec. 1955. National forest area boundary adjustments.
- Sec. 1956. Authority to lease Leiffer tract.

## Subtitle O—Washington County, Utah

- Sec. 1971. Definitions.
- Sec. 1972. Wilderness areas.
- Sec. 1973. Zion National Park wilderness.
- Sec. 1974. Red Cliffs National Conservation Area.
- Sec. 1975. Beaver Dam Wash National Conservation Area.
- Sec. 1976. Zion National Park wild and scenic river designation.
- Sec. 1977. Washington County comprehensive travel and transportation management plan.
- Sec. 1978. Land disposal and acquisition.
- Sec. 1979. Management of priority biological areas.
- Sec. 1980. Public purpose conveyances.
- Sec. 1981. Conveyance of Dixie National Forest land.
- Sec. 1982. Transfer of land into trust for Shivwits Band of Paiute Indians.
- Sec. 1983. Authorization of appropriations.

## TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

## Subtitle A—National Landscape Conservation System

- Sec. 2001. Definitions.
- Sec. 2002. Establishment of the National Landscape Conservation System.
- Sec. 2003. Authorization of appropriations.

## Subtitle B—Prehistoric Trackways National Monument

- Sec. 2101. Findings.
- Sec. 2102. Definitions.
- Sec. 2103. Establishment.
- Sec. 2104. Administration.
- Sec. 2105. Authorization of appropriations.

## Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

- Sec. 2201. Definitions.
- Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.
- Sec. 2203. Management of the Conservation Area.
- Sec. 2204. Authorization of appropriations.

## Subtitle D—Snake River Birds of Prey National Conservation Area

- Sec. 2301. Snake River Birds of Prey National Conservation Area.

## Subtitle E—Dominguez-Escalante National Conservation Area

- Sec. 2401. Definitions.
- Sec. 2402. Dominguez-Escalante National Conservation Area.
- Sec. 2403. Dominguez Canyon Wilderness Area.
- Sec. 2404. Maps and legal descriptions.
- Sec. 2405. Management of Conservation Area and Wilderness.
- Sec. 2406. Management plan.
- Sec. 2407. Advisory council.
- Sec. 2408. Authorization of appropriations.

## Subtitle F—Rio Puerco Watershed Management Program

- Sec. 2501. Rio Puerco Watershed Management Program.

## Subtitle G—Land Conveyances and Exchanges

- Sec. 2601. Carson City, Nevada, land conveyances.
- Sec. 2602. Southern Nevada limited transition area conveyance.
- Sec. 2603. Nevada Cancer Institute land conveyance.
- Sec. 2604. Turnabout Ranch land conveyance, Utah.
- Sec. 2605. Boy Scouts land exchange, Utah.
- Sec. 2606. Douglas County, Washington, land conveyance.
- Sec. 2607. Twin Falls, Idaho, land conveyance.
- Sec. 2608. Sunrise Mountain Instant Study Area release, Nevada.
- Sec. 2609. Park City, Utah, land conveyance.
- Sec. 2610. Release of reversionary interest in certain lands in Reno, Nevada.
- Sec. 2611. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.

## TITLE III—FOREST SERVICE AUTHORIZATIONS

## Subtitle A—Watershed Restoration and Enhancement

- Sec. 3001. Watershed restoration and enhancement agreements.

Subtitle B—Wildland Firefighter Safety

Sec. 3101. Wildland firefighter safety.

Subtitle C—Wyoming Range

Sec. 3201. Definitions.  
 Sec. 3202. Withdrawal of certain land in the Wyoming range.  
 Sec. 3203. Acceptance of the donation of valid existing mining or leasing rights in the Wyoming range.

Subtitle D—Land Conveyances and Exchanges

Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.  
 Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.  
 Sec. 3303. Santa Fe National Forest; Pecos National Historical Park Land Exchange.  
 Sec. 3304. Santa Fe National Forest Land Conveyance, New Mexico.  
 Sec. 3305. Kittitas County, Washington, land conveyance.  
 Sec. 3306. Mammoth Community Water District use restrictions.  
 Sec. 3307. Land exchange, Wasatch-Cache National Forest, Utah.  
 Sec. 3308. Boundary adjustment, Frank Church River of No Return Wilderness.  
 Sec. 3309. Sandia pueblo land exchange technical amendment.

Subtitle E—Colorado Northern Front Range Study

Sec. 3401. Purpose.  
 Sec. 3402. Definitions.  
 Sec. 3403. Colorado Northern Front Range Mountain Backdrop Study.

TITLE IV—FOREST LANDSCAPE RESTORATION

Sec. 4001. Purpose.  
 Sec. 4002. Definitions.  
 Sec. 4003. Collaborative Forest Landscape Restoration Program.  
 Sec. 4004. Authorization of appropriations.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

Sec. 5001. Fossil Creek, Arizona.  
 Sec. 5002. Snake River Headwaters, Wyoming.  
 Sec. 5003. Taunton River, Massachusetts.

Subtitle B—Wild and Scenic Rivers Studies

Sec. 5101. Missisquoi and Trout Rivers Study.

Subtitle C—Additions to the National Trails System

Sec. 5201. Arizona National Scenic Trail.  
 Sec. 5202. New England National Scenic Trail.  
 Sec. 5203. Ice Age Floods National Geologic Trail.  
 Sec. 5204. Washington-Rochambeau Revolutionary Route National Historic Trail.  
 Sec. 5205. Pacific Northwest National Scenic Trail.  
 Sec. 5206. Trail of Tears National Historic Trail.

Subtitle D—National Trail System Amendments

Sec. 5301. National Trails System willing seller authority.  
 Sec. 5302. Revision of feasibility and suitability studies of existing national historic trails.  
 Sec. 5303. Chisholm Trail and Great Western Trails Studies.

Subtitle E—Effect of Title

Sec. 5401. Effect.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

Sec. 6001. Definitions.  
 Sec. 6002. Program.  
 Sec. 6003. Effect of subtitle.

Subtitle B—Competitive Status for Federal Employees in Alaska

Sec. 6101. Competitive status for certain Federal employees in the State of Alaska.

Subtitle C—Wolf Livestock Loss Demonstration Project

Sec. 6201. Definitions.

- Sec 6202 Wolf compensation and prevention program
- Sec 6203 Authorization of appropriations

Subtitle D—Paleontological Resources Preservation

- Sec 6301 Definitions
- Sec 6302 Management
- Sec 6303 Public awareness and education program
- Sec 6304 Collection of paleontological resources
- Sec 6305 Curation of resources
- Sec 6306 Prohibited acts, criminal penalties
- Sec 6307 Civil penalties
- Sec 6308 Rewards and forfeiture
- Sec 6309 Confidentiality
- Sec 6310 Regulations
- Sec 6311 Savings provisions
- Sec 6312 Authorization of appropriations

Subtitle E—Izembek National Wildlife Refuge Land Exchange

- Sec 6401 Definitions
- Sec 6402 Land exchange
- Sec 6403 King Cove Road
- Sec 6404 Administration of conveyed lands
- Sec 6405 Failure to begin road construction
- Sec 6406 Expiration of legislative authority

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

- Sec 7001 Paterson Great Falls National Historical Park, New Jersey
- Sec 7002 William Jefferson Clinton Birthplace Home National Historic Site
- Sec 7003 River Raisin National Battlefield Park

Subtitle B—Amendments to Existing Units of the National Park System

- Sec 7101 Funding for Keweenaw National Historical Park
- Sec 7102 Location of visitor and administrative facilities for Weir Farm National Historic Site
- Sec 7103 Little River Canyon National Preserve boundary expansion
- Sec 7104 Hopewell Culture National Historical Park boundary expansion
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- Sec 7106 Minute Man National Historical Park
- Sec 7107 Everglades National Park
- Sec 7108 Kalaupapa National Historical Park
- Sec 7109 Boston Harbor Islands National Recreation Area
- Sec 7110 Thomas Edison National Historical Park, New Jersey
- Sec 7111 Women's Rights National Historical Park
- Sec 7112 Martin Van Buren National Historic Site
- Sec 7113 Palo Alto Battlefield National Historical Park
- Sec 7114 Abraham Lincoln Birthplace National Historical Park
- Sec 7115 New River Gorge National River
- Sec 7116 Technical corrections
- Sec 7117 Dayton Aviation Heritage National Historical Park, Ohio
- Sec 7118 Fort Davis National Historic Site

Subtitle C—Special Resource Studies

- Sec 7201 Walnut Canyon study
- Sec 7202 Tule Lake Segregation Center, California
- Sec 7203 Estate Grange, St Croix
- Sec 7204 Harriet Beecher Stowe House, Maine
- Sec 7205 Shepherdstown battlefield, West Virginia
- Sec 7206 Green McAdoo School, Tennessee
- Sec 7207 Harry S Truman Birthplace, Missouri
- Sec 7208 Battle of Matewan special resource study
- Sec 7209 Butterfield Overland Trail
- Sec 7210 Cold War sites theme study
- Sec 7211 Battle of Camden, South Carolina
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Subtitle D—Program Authorizations

- Sec 7301 American Battlefield Protection Program

- Sec. 7302. Preserve America Program.
- Sec. 7303. Save America's Treasures Program.
- Sec. 7304. Route 66 Corridor Preservation Program.
- Sec. 7305. National Cave and Karst Research Institute.

Subtitle E—Advisory Commissions

- Sec. 7401. Na Hoa Pili O Kaloko-Honokohau Advisory Commission.
- Sec. 7402. Cape Cod National Seashore Advisory Commission.
- Sec. 7403. Concessions Management Advisory Board.
- Sec. 7404. St. Augustine 450th Commemoration Commission.

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

- Sec. 8001. Sangre de Cristo National Heritage Area, Colorado.
- Sec. 8002. Cache La Poudre River National Heritage Area, Colorado.
- Sec. 8003. South Park National Heritage Area, Colorado.
- Sec. 8004. Northern Plains National Heritage Area, North Dakota.
- Sec. 8005. Baltimore National Heritage Area, Maryland.
- Sec. 8006. Freedom's Way National Heritage Area, Massachusetts and New Hampshire.
- Sec. 8007. Mississippi Hills National Heritage Area.
- Sec. 8008. Mississippi Delta National Heritage Area.
- Sec. 8009. Muscle Shoals National Heritage Area, Alabama.
- Sec. 8010. Kenai Mountains-Turnagain Arm National Heritage Area, Alaska.

Subtitle B—Studies

- Sec. 8101. Chattahoochee Trace, Alabama and Georgia.
- Sec. 8102. Northern Neck, Virginia.

Subtitle C—Amendments Relating to National Heritage Corridors

- Sec. 8201. Quinebaug and Shetucket Rivers Valley National Heritage Corridor.
- Sec. 8202. Delaware And Lehigh National Heritage Corridor.
- Sec. 8203. Erie Canalway National Heritage Corridor.
- Sec. 8204. John H. Chafee Blackstone River Valley National Heritage Corridor.

Subtitle D—Effect of Title

- Sec. 8301. Effect on access for recreational activities.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

- Sec. 9001. Snake, Boise, and Payette River systems, Idaho.
- Sec. 9002. Sierra Vista Subwatershed, Arizona.
- Sec. 9003. San Diego Intertie, California.

Subtitle B—Project Authorizations

- Sec. 9101. Tumalo Irrigation District Water Conservation Project, Oregon.
- Sec. 9102. Madera Water Supply Enhancement Project, California.
- Sec. 9103. Eastern New Mexico Rural Water System project, New Mexico.
- Sec. 9104. Rancho California Water District project, California.
- Sec. 9105. Jackson Gulch Rehabilitation Project, Colorado.
- Sec. 9106. Rio Grande Pueblos, New Mexico.
- Sec. 9107. Upper Colorado River endangered fish programs.
- Sec. 9108. Santa Margarita River, California.
- Sec. 9109. Elsinore Valley Municipal Water District.
- Sec. 9110. North Bay Water Reuse Authority.
- Sec. 9111. Prado Basin Natural Treatment System Project, California.
- Sec. 9112. Bunker Hill Groundwater Basin, California.
- Sec. 9113. GREAT Project, California.
- Sec. 9114. Yucaipa Valley Water District, California.
- Sec. 9115. Arkansas Valley Conduit, Colorado.

Subtitle C—Title Transfers and Clarifications

- Sec. 9201. Transfer of McGee Creek pipeline and facilities.
- Sec. 9202. Albuquerque Biological Park, New Mexico, title clarification.
- Sec. 9203. Goleta Water District Water Distribution System, California.

Subtitle D—San Gabriel Basin Restoration Fund

- Sec. 9301. Restoration Fund.



## Subtitle E—Lower Colorado River Multi-Species Conservation Program

- Sec 9401 Definitions
- Sec 9402 Implementation and water accounting
- Sec 9403 Enforceability of program documents
- Sec 9404 Authorization of appropriations

## Subtitle F—Secure Water

- Sec 9501 Findings
- Sec 9502 Definitions
- Sec 9503 Reclamation climate change and water program
- Sec 9504 Water management improvement
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- Sec 9506 Climate change and water intragovernmental panel
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- Sec 9508 National water availability and use assessment program
- Sec 9509 Research agreement authority
- Sec 9510 Effect

## Subtitle G—Aging Infrastructure

- Sec 9601 Definitions
- Sec 9602 Guidelines and inspection of project facilities and technical assistance to transferred works operating entities
- Sec 9603 Extraordinary operation and maintenance work performed by the Secretary
- Sec 9604 Relationship to Twenty-First Century Water Works Act
- Sec 9605 Authorization of appropriations

## TITLE X—WATER SETTLEMENTS

## Subtitle A—San Joaquin River Restoration Settlement

## PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

- Sec 10001 Short title
- Sec 10002 Purpose
- Sec 10003 Definitions
- Sec 10004 Implementation of settlement
- Sec 10005 Acquisition and disposal of property, title to facilities
- Sec 10006 Compliance with applicable law
- Sec 10007 Compliance with Central Valley Project Improvement Act
- Sec 10008 No private right of action
- Sec 10009 Appropriations, Settlement Fund
- Sec 10010 Repayment contracts and acceleration of repayment of construction costs
- Sec 10011 California Central Valley Spring Run Chinook salmon

## PART II—STUDY TO DEVELOP WATER PLAN, REPORT

- Sec 10101 Study to develop water plan, report

## PART III—FRIANT DIVISION IMPROVEMENTS

- Sec 10201 Federal facility improvements
- Sec 10202 Financial assistance for local projects
- Sec 10203 Authorization of appropriations

## Subtitle B—Northwestern New Mexico Rural Water Projects

- Sec 10301 Short title
- Sec 10302 Definitions
- Sec 10303 Compliance with environmental laws
- Sec 10304 No reallocation of costs
- Sec 10305 Interest rate

## PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87-483

- Sec 10401 Amendments to the Colorado River Storage Project Act
- Sec 10402 Amendments to Public Law 87-483
- Sec 10403 Effect on Federal water law

## PART II—RECLAMATION WATER SETTLEMENTS FUND

- Sec 10501 Reclamation Water Settlements Fund

## PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

- Sec 10601 Purposes

- Sec. 10602. Authorization of Navajo-Gallup Water Supply Project.
- Sec. 10603. Delivery and use of Navajo-Gallup Water Supply Project water.
- Sec. 10604. Project contracts.
- Sec. 10605. Navajo Nation Municipal Pipeline.
- Sec. 10606. Authorization of conjunctive use wells.
- Sec. 10607. San Juan River Navajo Irrigation Projects.
- Sec. 10608. Other irrigation projects.
- Sec. 10609. Authorization of appropriations.

## PART IV—NAVAJO NATION WATER RIGHTS

- Sec. 10701. Agreement.
- Sec. 10702. Trust Fund.
- Sec. 10703. Waivers and releases.
- Sec. 10704. Water rights held in trust.

## Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

- Sec. 10801. Findings.
- Sec. 10802. Purposes.
- Sec. 10803. Definitions.
- Sec. 10804. Approval, ratification, and confirmation of agreement; authorization.
- Sec. 10805. Tribal water rights.
- Sec. 10806. Duck Valley Indian Irrigation Project.
- Sec. 10807. Development and Maintenance Funds.
- Sec. 10808. Tribal waiver and release of claims.
- Sec. 10809. Miscellaneous.

## TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

- Sec. 11001. Reauthorization of the National Geologic Mapping Act of 1992.
- Sec. 11002. New Mexico water resources study.

## TITLE XII—OCEANS

## Subtitle A—Ocean Exploration

## PART I—EXPLORATION

- Sec. 12001. Purpose.
- Sec. 12002. Program established.
- Sec. 12003. Powers and duties of the Administrator.
- Sec. 12004. Ocean exploration and undersea research technology and infrastructure task force.
- Sec. 12005. Ocean Exploration Advisory Board.
- Sec. 12006. Authorization of appropriations.

## PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

- Sec. 12101. Short title.
- Sec. 12102. Program established.
- Sec. 12103. Powers of program director.
- Sec. 12104. Administrative structure.
- Sec. 12105. Research, exploration, education, and technology programs.
- Sec. 12106. Competitiveness.
- Sec. 12107. Authorization of appropriations.

## Subtitle B—Ocean and Coastal Mapping Integration Act

- Sec. 12201. Short title.
- Sec. 12202. Establishment of program.
- Sec. 12203. Interagency committee on ocean and coastal mapping.
- Sec. 12204. Biannual reports.
- Sec. 12205. Plan.
- Sec. 12206. Effect on other laws.
- Sec. 12207. Authorization of appropriations.
- Sec. 12208. Definitions.

## Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

- Sec. 12301. Short title.
- Sec. 12302. Purposes.
- Sec. 12303. Definitions.
- Sec. 12304. Integrated coastal and ocean observing system.
- Sec. 12305. Interagency financing and agreements.
- Sec. 12306. Application with other laws.

- Sec. 12307. Report to Congress.
- Sec. 12308. Public-private use policy.
- Sec. 12309. Independent cost estimate.
- Sec. 12310. Intent of Congress.
- Sec. 12311. Authorization of appropriations.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

- Sec. 12401. Short title.
- Sec. 12402. Purposes.
- Sec. 12403. Definitions.
- Sec. 12404. Interagency subcommittee.
- Sec. 12405. Strategic research plan.
- Sec. 12406. NOAA ocean acidification activities.
- Sec. 12407. NSF ocean acidification activities.
- Sec. 12408. NASA ocean acidification activities.
- Sec. 12409. Authorization of appropriations.

Subtitle E—Coastal and Estuarine Land Conservation Program

- Sec. 12501. Short title.
- Sec. 12502. Authorization of Coastal and Estuarine Land Conservation Program.

TITLE XIII—MISCELLANEOUS

- Sec. 13001. Management and distribution of North Dakota trust funds.
- Sec. 13002. Amendments to the Fisheries Restoration and Irrigation Mitigation Act of 2000.
- Sec. 13003. Amendments to the Alaska Natural Gas Pipeline Act.
- Sec. 13004. Additional Assistant Secretary for Department of Energy.
- Sec. 13005. Lovelace Respiratory Research Institute.
- Sec. 13006. Authorization of appropriations for National Tropical Botanical Garden.

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

- Sec. 14001. Short title.

Subtitle A—Paralysis Research

- Sec. 14101. Activities of the National Institutes of Health with respect to research on paralysis.

Subtitle B—Paralysis Rehabilitation Research and Care

- Sec. 14201. Activities of the National Institutes of Health with respect to research with implications for enhancing daily function for persons with paralysis.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

- Sec. 14301. Programs to improve quality of life for persons with paralysis and other physical disabilities.

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

- Sec. 15101. Laboratory and support space, Edgewater, Maryland.
- Sec. 15102. Laboratory space, Gamboa, Panama.
- Sec. 15103. Construction of greenhouse facility.

**TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM**

**Subtitle A—Wild Monongahela Wilderness**

**SEC. 1001. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.**

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wilderness and as either a new component of the National Wilderness Preservation System or as an addition

16 USC 1132 note.



in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.”; and

(3) in section 810(a)(1), in the first sentence, by striking “any fiscal year” and inserting “any fiscal year, to remain available until expended”.

→ **SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.**

Section 3(b)(2) of Public Law 99-647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking “shall be the the” and inserting “shall be the”; and

(2) by striking “Directors from Massachusetts and Rhode Island;” and inserting “Directors from Massachusetts and Rhode Island, ex officio, or their delegates;”.

### Subtitle D—Effect of Title

→ **SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.**

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

## TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

### Subtitle A—Feasibility Studies

**SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.**

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section \$3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

**SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.**

(a) DEFINITIONS.—In this section:

(1) APPRAISAL REPORT.—The term “appraisal report” means the appraisal report concerning the augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) PRINCIPLES AND GUIDELINES.—The term “principles and guidelines” means the report entitled “Economic and Environmental Principles and Guidelines for Water and Related Land



(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there is authorized to be appropriated \$25,000,000 for each of fiscal years 2008 through 2011.

## **TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION**

20 USC 50 note. **SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.**

(a) **AUTHORITY TO DESIGN AND CONSTRUCT.**—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

20 USC 50 note. **SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.**

(a) **AUTHORITY TO CONSTRUCT.**—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

Maryland.  
20 USC 50 note. **SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.**

(a) **IN GENERAL.**—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$12,000,000 to carry out this section. Such sums shall remain available until expended.

Approved March 30, 2009.

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**LEGISLATIVE HISTORY—H.R. 146:**

**CONGRESSIONAL RECORD**, Vol. 155 (2009):

Mar. 2, 3, considered and passed House.

Mar. 17-19, considered and passed Senate, amended.

Mar. 25, House concurred in Senate amendments.

**DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS** (2009):

Mar. 30, Presidential remarks and statement.



of meager means, coming from low-income families but very bright, very capable, have received these Byrd scholarships which got them through college

Senator BYRD has also been outspoken in challenging the current administration for failing to keep its commitments under the No Child Left Behind Act. To the last fiscal year, No Child Left Behind has been underfunded since 2002, when it first came into existence. It has been underfunded by over \$70 billion.

Think what that would mean for our local school systems in America had we kept our commitment to funding No Child Left Behind. But I will tell you this: It would have been a lot worse if Senator BYRD had not been here on our Appropriations Committee, either as chairman or ranking member, sponsoring the key amendments to boost the funding above what the Bush administration had proposed.

Senator BYRD is a great student of literature, and I am sure he knows "The Canterbury Tales"—probably a lot of it by heart, as he knows a lot of things by heart, by memory. Describing the Clerk of Oxford, Chaucer might just as well have been describing ROBERT C. BYRD. Here is what Chaucer said about the Clerk of Oxford:

Filled with moral virtue was his speech,  
And gladly would he learn and gladly teach.

Madam President, Senator BYRD is a great Senator, a great American, a great friend. He has both written our Nation's history and left his mark on it.

It has been an honor to serve both in the Senate and on his Committee of Appropriations with Senator BYRD for the last 24 years. The good people of Iowa have now reelected me, so I will be here for another term. I look forward to serving with Senator BYRD in this body and on the Appropriations Committee for many years to come.

So today on this historic anniversary, we honor his service, we express our respect and our love for this very remarkable Senator, ROBERT C. BYRD, from the great State of West Virginia.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER: The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE): Without objection, it is so ordered.

that, to the best of my knowledge and belief, the Omnibus Public Land Management Act of 2009 does not contain any limited tax benefits, limited tariff benefits, or congressionally directed spending items, as those terms are defined in rule XLIV.

Rule XLIV broadly defines the term "congressionally directed spending item" to include "a provision included primarily at the request of a Senator authorizing a specific amount of discretionary budget authority for expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process."

The Omnibus Public Land Management Act of 2009 is a collection of over 150 public land bills that were reported from the Committee on Energy and Natural Resources during the 110th Congress, for which we have not been able to get unanimous consent to take up and pass during the 110th Congress. I have included them in the Omnibus Public Land Management Act of 2009 to facilitate their early consideration in the new Congress, and not "primarily at the request of a Senator."

Nevertheless, even though no Senator has specifically requested me to include a congressionally directed spending item in the Omnibus Public Land Management Act of 2009, in the interest of furthering the transparency and accountability of the legislative process, I have posted on the Web site of the Committee on Energy and Natural Resources a complete list of all provisions in the Omnibus Public Land Management Act of 2009 that authorize a specific amount of spending authority that is targeted to a specific State or locality, other than through a statutory or administrative formula-driven or competitive award process. The list includes the name of the principal sponsors of the Senate bills in the 110th Congress that have been incorporated in the Omnibus Public Land Management Act.

In addition, I have added several other non-public-land measures from the 110th Congress at the request of the majority leader. Most of these provisions were included in the Advancing America's Priorities Act—S. 3297—in the 110th Congress. They include the Christopher and Dana Reeve Paralysis Act, subtitle B of title I of S. 3297, four parts of subtitle B, relating to oceans, of title V of S. 3297, and title VII of S. 3297, relating to the authorization of a greenhouse facility for the Smithsonian Institution. These provisions were determined not to constitute "congressionally directed spending items" in the Advancing America's Priorities Act. See 153 Cong. Rec. S7509-7510, July 26, 2008.

In addition, I have added the Coastal and Estuarine Land Conservation Program Act, H.R. 1907 in the 110th Con-

gress, and the Smithsonian Institution Facilities Authorization Act of 2008, H.R. 6627 in the 110th Congress, at the request of the majority leader. The grant program established under Coastal and Estuarine Land Conservation Program Act, section 12507 in the Omnibus Public Land Management Act, does not constitute a congressionally directed spending item because the funds are to be allocated through a competitive grant process. The authorizations in the Smithsonian Institution Facilities Authorization Act, sections 15101 and 15102 of the Omnibus Public Land Management Act, do not appear to constitute congressionally directed spending items because they were requested by the Board of Regents of the Smithsonian Institution, and because they originated in the House of Representatives, where the committees of jurisdiction determined they did not constitute congressional earmarks. See H. Rept. 110-842, part 1, at 5, 2008, Committee on House Administration, and H. Rept. 110-282, part 2, at 4, 2008, Committee on Transportation and Infrastructure.

Finally, I have added the Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act, H.R. 5293 in the 110th Congress, at the request of the majority leader. This act ratifies a water rights settlement among the Shoshone-Paiute Tribes of the Duck Valley Reservation, individual water users, and the State of Nevada. Section 8 of H.R. 5293, section 10807 of the Omnibus Public Land Management Act, creates two trust funds to settle the legal claims of the Shoshone-Paiute Tribes against the United States for compromising tribal water rights and failing to maintain the Duck Valley Indian Irrigation Project. They do not appear to constitute congressionally directed spending items because they were included to settle pending legal claims rather than "primarily at the request of a Senator," and because they originated in the House of Representatives, where the committee of jurisdiction determined that they did not constitute congressional earmarks. See H. Rept. 110-815 at 11, 2008, Committee on Natural Resources.

I ask unanimous consent that the list be printed in the RECORD.

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

THE OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009—S. 22

Provisions in the Omnibus Public Land Management Act of 2009 authorizing appropriations in a specific amount for expenditure with or to an entity or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process.

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009 RULE XLIV COMPLIANCE

Mr. BINGAMAN: Mr. President, pursuant to rule XLIV of the Standing Rules of the Senate, I hereby certify

| Section  | Program or entity                                      | State   | Principal sponsor of Senate bill in 110th Cong (or re quester) |
|----------|--|---------|--|
| 2501(b)  | Rio Puerco Watershed                                   | NM      | Bingaman/Domenici  |
| 7101(c)  | Keweenaw National Historical Park                      | MI      | Levin  |
| 7111     | Women s Rights National Historical Park                | NY      | Clinton  |
| 7405(g)  | St. Augustine Commemoration Commission                 | FL      | Martinez/Nelson  |
| 8001(h)  | Sangre de Cristo National Heritage Area                | CO      | Salazar/Allard   |
| 8002(h)  | Cache La Poudre National Heritage Area                 | CO      | Allard/Salazar   |
| 8003(h)  | South Park National Heritage Area                      | CO      | Salazar  |
| 8004(h)  | Northern Plains National Heritage Area                 | ND      | Dorgan/Conrad  |
| 8005(h)  | Baltimore National Heritage Area                       | MD      | Mikulskis/Cardin   |
| 8006(i)  | Freedom's Way National Heritage Area                   | MA & NH | Kerry  |
| 8007(h)  | Mississippi Hills National Heritage Area               | MS      | Cochran  |
| 8008(h)  | Mississippi Delta National Heritage Area               | MS      | Cochran  |
| 8009(i)  | Muscle Shoals National Heritage Area                   | AL      | none   |
| 8010(h)  | Kenai Mountains—Turnagain Arm NHA                      | AK      | Murkowski  |
| 8201(c)  | Quinebaug & Shetucket Nat. Heritage Corridor           | CN      | Dodd   |
| 9001(c)  | Snake Boise & Payette River Systems Study              | ID      | Craig  |
| 9002(b)  | Sierra Vista Subwatershed Study                        | AZ      | Kyl/McCain   |
| 9003(c)  | San Diego Intertie Study                               | CA      | none   |
| 9101(c)  | Tumalo Irrigation Project                              | OR      | Smith/Wyden  |
| 9102(d)  | Madera Water Supply Project                            | CA      | Feinstein  |
| 9103(e)  | Eastern New Mexico Rural Water Project                 | NM      | Bingaman/Domenici  |
| 9105(b)  | Jackson Gulch Rehabilitation Project                   | CO      | Salazar/Allard   |
| 9106(g)  | Rio Grande Pueblos                                     | NM      | Bingaman   |
| 9108(i)  | Santa Margarita River                                  | CA      | none   |
| 9109(a)  | Elsinore Valley Municipal Water District               | CA      | none   |
| 9110(a)  | North Bay Water Reuse Authority                        | CA      | Feinstein/Boxer  |
| 9111(a)  | Prado Basin Treatment Project                          | CA      | Feinstein  |
| 9112(b)  | Bunker Hill Groundwater Basin                          | CA      | Feinstein  |
| 9114(a)  | Yucaipa Valley Water District                          | CA      | none   |
| 9301(3)  | San Gabriel Basin Restoration Fund                     | CA      | none   |
| 10009    | San Joaquin Restoration Settlement                     | CA      | Feinstein/Boxer  |
| 10203    | Friant Division Improvements                           | CA      | Feinstein/Boxer  |
| 10501    | Reclamation Water Settlement Funds                     | NM      | Bingaman/Domenici  |
| 10609    | (a) Navajo-Gallup Water Supply Project                 | NM      | Bingaman/Domenici  |
| 10609(b) | San Juan Conjunctive Use Wells                         | NM      | Bingaman/Domenici  |
| 10609(c) | San Juan River Irrigation Projects                     | NM      | Bingaman/Domenici  |
| 10609(d) | Other Irrigation Projects                              | NM      | Bingaman/Domenici  |
| 10702(f) | Navajo Nation Water Trust Fund                         | NM      | Bingaman/Domenici  |
| 10807(b) | Duck Valley Development Fund                           | NV      | Reid/Ensign  |
| 10807(c) | Duck Valley Maintenance Fund                           | NV      | Reid/Ensign  |
| 12107    | National Institute for Undersea Science and Technology | MS      | Reid (Cochran)   |
| 13006    | National Tropical Botanical Garden                     | HI      | Akaka  |
| 15101    | Smithsonian Institution Mathias Laboratory             | MD      | Leahy (Dodd)   |
| 15102    | Smithsonian Institution Panama Laboratory              | Panama  | Leahy (Dodd)   |
| 15103    | Smithsonian Institution greenhouse                     | MD      | Reid (Leahy/Dodd)  |

**IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES**

Mr CRAPO Mr President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

Thank you for your newsletter regarding the current problem of gasoline prices. I am a widow living on Social Security income. My car is a 1981 Volvo. Driving my car has almost come to a standstill. I drive only for necessities. I feel like a bear hibernating over the winter. The idea of buying a new car with better mileage is out of the question for me.

As to the things our Nation should be doing—these include drilling for oil wherever available, using oil shale, developing nuclear power, windmills, biofuels. Using corn for ethanol is the craziest idea of all. The com-

modities market is hitting new highs almost daily. With the floods in Iowa, we cannot afford to use corn for oil. The animals that need corn for food are affecting our prices in the grocery store. Get rid of regulations that cause energy companies to take years to develop energy or cause no action because of the red tape of government.

Blaming the oil companies for so-called obscene profits is nonsense. Taxes on gasoline are more than profits per gallon of gas that the oil companies collect. Exxon has even said that they are closing some stations because of non profit. It is sad that many do not understand the basics of economics.

The American public has spoken. Stop listening to the environmentalists. Because there has been no foresight, we are suffering now for the lack of action by those in the past who we elected to represent us. Both parties are responsible, but blaming does not get the job done.

It is embarrassing to read that France has developed their nuclear power while we just sit and talk about it. It is sad knowing that foreign countries are acquiring leases to drill for oil in our backyard, while we just sit and watch what is going on in the Gulf of Mexico and grumble about it. It is humiliating to hear those who say we are becoming a third world nation. Americans are known for their innovation.

Gasoline prices are affecting food prices, small businesses and the cost of all goods and services. Independent truckers are suffering. We rely on them for delivery of our food and goods to market. If their numbers decrease because of their cost of doing business, it will cause an additional increase in prices or possibly the disappearance of some goods. I do not think we want that to happen to our food supplies.

The time has come to act. Now is the time. We must not waste time. The public is begging for some common sense to solve these problems. Egos must be ignored lest we suffer more. Corporate America knows how to solve these problems. Do not hinder them any more with government red tape.

LAVERGNE, Hayden

Our family lives about 30 miles from Idaho Falls where we do most of our business. My daughter and I also drive about 32 miles each way to our places of work so we are impacted every day. Our best guess is that we are spending about \$400 per month more now than we did when gas was \$2 per gallon. So far our response has been to curtail vacation traveling and reduce other unnecessary purchases.

Solutions (in order of preference)

1 Pursue increased domestic oil drilling including off-shore and ANWR and encourage construction of more refineries. I believe environmental concerns have been greatly exaggerated and need to be evaluated based on their cost effectiveness relative to their impact on the cost of living versus risk to our quality of life.

2 Pursue alternative energy sources only as far they are cost-effective. If bio-fuels need to be subsidized in order to maintain production, they are obviously not cost-effective.

3 Pursue nuclear power generation (we are 20 years behind). There is also potential for hydrogen as a by-product that could be used as an alternative to gasoline. I have doubts about wind generation as a cost-effective alternative energy source, and I personally do not care for it as adverse effect on the natural beauty of Idaho's landscapes.

4 Pursue improved coal-fired electrical generation. I also have serious concerns regarding the apparent race to reduce CO2 emissions at any cost when there is so little real evidence that proves a correlation with global warming (also unverified).

5 Encourage more mass transit systems in our larger cities and offer incentives for their use. I was in San Diego, California last week and the traffic was absolutely mind-boggling.

6 Encourage better individual planning and carpooling across the nation. There are way too many of us making unnecessary trips to the store and letting our kids drive to school every day when we have buses making the same trip, but I suppose this will



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

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WASHINGTON, FRIDAY, JANUARY 9, 2009

No. 4

## Senate

The Senate met at 10 a m and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island

### PRAYER

The Chaplain, Dr Barry C Black, offered the following prayer

Let us pray

Almighty God, who has made and preserved us as a nation, guide our lawmakers through this day by Your higher wisdom Take from them all that stains their lives or keeps them from intimacy with You Lead them to a fresh dedication to serve and to choose the harder right In the living of their days, may faith replace fear, truth conquer falsehood, justice triumph over greed, love prevail over hate, and peace abide with all humanity

We pray in the Redeemer's Name Amen

### PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER The clerk will please read a communication to the Senate from the President pro tempore (Mr BYRD)

The legislative clerk read the following letter

U S SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 9, 2009

To the Senate

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair

ROBERT C BYRD,  
President pro tempore

Mr WHITEHOUSE thereupon assumed the chair as Acting President pro tempore

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore The majority leader is recognized

### SCHEDULE

Mr REID Mr President, following the remarks, if there be any, from the leaders, there will be a period of morning business, with Senators allowed to speak for up to 10 minutes each

### MEASURES PLACED ON THE CALENDAR—S 181 AND S 182

Mr REID Mr President, it is my understanding there are two bills at the desk due for a second reading

The ACTING PRESIDENT pro tempore The clerk will report the bills by title

The legislative clerk read as follows

A bill (S 181) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes

A bill (S 182) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes

Mr REID Mr President, I object to any further proceedings with respect to these bills en bloc

The ACTING PRESIDENT pro tempore Objection is heard

The bills will be placed on the calendar

Mr REID I suggest the absence of a quorum

The ACTING PRESIDENT pro tempore The clerk will call the roll

The assistant legislative clerk proceeded to call the roll

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

The ACTING PRESIDENT pro tempore Without objection, it is so ordered

### DESIGNATING CERTAIN LAND COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MOTION TO PROCEED

Mr REID Mr President, I will now ask that we move to S 22, order No 13 I move we proceed to S 22

The ACTING PRESIDENT pro tempore The motion is pending

Mr REID Mr President, I suggest the absence of a quorum

The ACTING PRESIDENT pro tempore The clerk will call the roll

The legislative clerk proceeded to call the roll

Mr DORGAN I ask unanimous consent that the order for the quorum call be rescinded

The ACTING PRESIDENT pro tempore Without objection, it is so ordered

Mr DORGAN I ask unanimous consent to speak in morning business for up to 40 minutes

The ACTING PRESIDENT pro tempore Without objection, it is so ordered

### ECONOMIC STIMULUS

Mr DORGAN Mr President, we have learned this morning that the unemployment rate has gone to 7.2 percent Percentages don't mean much to a household in which one spouse comes home and says Honey, I lost my job We have seen now more than 25 million people lose their jobs in the last 12 months We face a very severe and deep financial crisis There is no question

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor



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when you consider that during that 5 years, the plaintiff can diligently be preparing a lawsuit while the defendant is ignorant about the very grievance itself, perhaps, and memories and records fade

So I think it is important, as we go into this bill, that it be characterized as the Trojan horse that it is. This is just the beginning. If you eliminate the statute of limitations in employment discrimination claims, why not eliminate the statute of limitations in other claims: medical malpractice, any other business disputes, and the like? It is just not fair, and it is not right. We should not allow this bill to be represented as a blow for women's equality and women's rights because it simply is much broader and has much more of a broader implication than that.

I am convinced this bill is actually a solution in search of a problem because it is worth noting that in fiscal year 2007, a total of 82,000-plus people timely filed complaints of employment discrimination with the EEOC. It is important to ask what prevented Ms. Ledbetter from doing exactly the same thing, from filing her complaint at the time she knew that perhaps she had a grievance that could be presented to the employer.

So I thank you, Mr. President, for the opportunity to speak briefly on the bill. Assuming cloture is adopted, I hope we will be taking up Senator HUTCHISON's alternative, which I think strikes the fair balance for which I would hope we would all strive, protecting the rights of both those who are victims of discrimination and the companies that have to defend against those claims.

Mr. President, I yield the floor.

**CONCLUSION OF MORNING BUSINESS**

The ACTING PRESIDENT pro tempore: Morning business is closed.

**DESIGNATING CERTAIN LAND AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM**

The ACTING PRESIDENT pro tempore: Under the previous order, the Senate shall resume consideration of S 22, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Pending.

Reid amendment No 15, to change the enactment date.

Reid amendment No 16 (to Reid amendment No 15), of a perfecting nature.

Motion to commit the bill to the Committee on Energy and Natural Resources, with instructions to report back forthwith,

with Reid amendment No 17, to change the enactment date.

Reid amendment No 18 (to the instructions of the motion to commit), of a perfecting nature.

Reid amendment No 19 (to Reid amendment No 18), of a perfecting nature.

The ACTING PRESIDENT pro tempore: Under the previous order—the majority leader is recognized.

Mr. REID: I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore: The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore: Without objection, it is so ordered.

Under the previous order, there shall be 10 minutes of debate equally divided and controlled between the Senator from New Mexico, Mr. BINGAMAN, and the Senator from Oklahoma, Mr. COBURN, or their designees.

The Senator from New Mexico: Mr. BINGAMAN: Mr. President, as I understand it, we now have 10 minutes equally divided to complete debate on S 22, and then there will be a vote on passage. Is that correct?

The ACTING PRESIDENT pro tempore: The Senator is correct.

Mr. BINGAMAN: Mr. President, in just a few minutes, the Senate will vote on S 22, the Omnibus Public Land Management Act. The vote will culminate years of work on more than 160 bills that are included in this package and represents a major achievement for the protection of our Nation's natural, cultural, and historic resources. Taken collectively, I believe the package represents the most significant conservation legislation passed by the Senate in many years.

In addition, it will finally resolve three very important, very complex water rights settlements in three different States ending, literally, decades of litigation and controversy.

**AMENDMENTS NOS 23 AND 24, EN BLOC**

Before concluding, I wish to take care of a few administrative matters. The unanimous consent agreement for the bill today allows for the adoption of managers' amendments if they have been cleared by the managers and leaders on both sides. We have two such amendments which are at the desk. I understand they have been cleared by all my colleagues. These amendments make a number of technical, clerical, and clarifying corrections.

At this time I ask unanimous consent to call up those two amendments and have them considered and adopted en bloc, as provided for in the unanimous consent agreement.

The ACTING PRESIDENT pro tempore: Without objection, it is so ordered.

Under the previous order, the pending amendments are withdrawn.

The clerk will report the managers' amendments en bloc.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Ms. MURKOWSKI, proposes amendments en bloc numbered 23 and 24.

Mr. BINGAMAN: Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER (Mrs. MCCASKILL): Without objection, it is so ordered.

The amendments are as follows:

**AMENDMENT NO 23**

On page 976, strike lines 8 through 25.  
On page 977, line 1, strike "(6)" and insert "(5)".

On page 977, line 3, insert "and" after "interactions."

On page 977, line 4, strike "(7)" and insert "(6)".

On page 977, line 5, strike "(6)" and insert "(5)".

On page 977, line 8, strike "scales," and insert "scales."

On page 977, strike lines 9 through 17.  
On page 1275, strike lines 3 through 6.

**AMENDMENT NO 24**

Beginning on page 305, strike line 9 and all that follows through page 349, line 21.

On page 526, line 2, strike "2" and insert "5".

On page 526 line 7, strike "5" and insert "2".

On page 974, line 19 insert "the Secretary of the Army, acting through" before "the Chief".

On page 1188, line 19 strike "or" and insert "of".

Beginning on page 1271, strike line 3 and all that follows through page 1273, line 22, and insert the following:

**Section 107(a)**

The PRESIDING OFFICER: Without objection, the amendments are agreed to.

The amendments (Nos 23 and 24) were agreed to.

**COLORADO RIVER BASIN**

Mr. BINGAMAN: Madam President, the Senate is now considering the Omnibus Public Land Management Act of 2009, S 22, a bill that contains a number of important water resource initiatives. Given the ongoing need to work closely with the states on water resource issues, I believe it important as chairman of the Energy and Natural Resources Committee for myself, and the new ranking member of the Committee, to acknowledge the hard work of representatives from the Colorado River Basin States of New Mexico, Colorado, Utah, Wyoming, Arizona, Nevada, and California, in reaching agreement regarding certain provisions in title X, subtitle B of S 22, which contains the Northwestern New Mexico Rural Water Projects Act, hereafter referred to as the "Act".

On August 27, 2008, the Governors' representatives on Colorado River Operations sent a letter to me and Senator DOMENICI, then the ranking member of the committee, requesting certain modifications to the Northwestern New Mexico Rural Water Projects Act. These modifications, which were subsequently incorporated, reflect the joint

S. 22 would protect over 2 million acres of land by designating it as wilderness, making it the largest expansion of the National Wilderness Preservation System in almost 15 years.

The new and expanded wilderness areas established by this bill would span nine States and include such treasures as: Pictured Rocks National Lakeshore in Michigan; Monongahela National Forest in West Virginia; Oregon's Mount Hood; Idaho's Owyhee canyons; the Sierra Nevada Mountains of California; the Rocky Mountain National Park in Colorado; Zion National Park in Utah; as well as wilderness-quality lands in Virginia and New Mexico.

S. 22 would also protect more than 1,000 miles of free-flowing rivers by adding them to the National Wild and Scenic Rivers System. It would add thousands of new miles of trails to the National Trails System, expand the National Park System, and establish new National Conservation Areas.

The Omnibus Public Land Management Act would create new National Heritage Areas and authorize additions to the National Park System to preserve historical sites, including the creation of the Abraham Lincoln Birthplace National Historic Park in Kentucky.

The package also contains critical measures to responsibly manage our Nation's water resources, including a provision to assess the impact of climate change on our national water supply, authorizations to repair water infrastructure, and the resolution of important water settlements in the West.

Other key provisions include the establishment of a 26-million-acre National Landscape Conservation System and protecting more than 1 million acres of Wyoming's Bridger-Teton National Forest from oil and gas development.

In its waning days, the current administration went forward with a controversial oil and gas lease sale in Utah that included wilderness quality lands near several national parks. This sale highlights the need for Congress to come together and protect our public lands and precious natural resources for future generations.

I support this package to protect our wilderness areas and preserve the country's natural resources.

Mr. BINGAMAN. Madam President, this package would not have been possible without the dedicated work of the majority leader over the past several months. I wish to particularly thank him for his commitment to calling up this bill early in this Congress and proceeding with it. I wish to also acknowledge the excellent work and energy of the Natural Resources Committee's new ranking minority member Ms. MURKOWSKI. We have been able to work together to develop a truly bipartisan combination of bills which is reflected in the broad support for this package. Of course, I wish to acknowledge the

role of Senator Domenici, who was the ranking member in the prior Congress. For his hard work that also is reflected in this legislation.

I wish to also recognize the work of three of our subcommittee chairmen and ranking members: Senators AKAKI and BURR on the National Parks Subcommittee, Senators WYDEN and BARRASSO from the Public Lands and Forests Subcommittee, Senator JOHNSON and Senator CORKER of the Water and Power Subcommittee. Most of the hearings for the bills in this package were held in those subcommittees. These Senators laid much of the groundwork for today's vote. Of course, I wish to recognize Chairman RAHALL of the House Natural Resources Committee for all his work and the work of his staff to resolve any differences that could have existed with the other body.

We have had superb staff work in developing this legislation. Let me particularly mention David Brooks, Kara Finkler and, of course, our staff director, Bob Simon, as well as Sam Fowler, the counsel for our Energy and Natural Resources staff; also, Mike Connor, who worked very hard on many of the water provisions contained in the legislation; Scott Miller, who worked on many of the forest-related sections of this legislation. I know Senator MURKOWSKI and, prior to her, Senator Domenici, also had excellent staff work on the Republican side, which resulted in this legislation coming together in a bipartisan fashion.

So I will put a more complete statement acknowledging the great work of members of our committee staff in the RECORD and elaborate on that as the day proceeds, but I do wish to mention them now.

Madam President, I see my colleague from Oklahoma is here to speak. How much time remains on the two sides? I know he has 5 minutes. Is there any time remaining on our side?

The PRESIDING OFFICER. There is no time remaining on the majority side.

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, in thinking about where we are today, I asked myself what the average Oklahoman would ask of me about this bill, or the average person from Wyoming or California.

As I think about it, we have a bill that has 45 blatant earmarks in it. It is not a new day in Washington. Despite arguments to the contrary, we are going to significantly alter our access to millions of barrels of oil and trillions of cubic feet of natural gas by what we are doing. We are going to create a further imbalance. We have almost 107 million acres of wilderness area. We are going to add another 2.2 million acres to that today. We are going to trample on property rights as we haven't in decades, both directly and indirectly. I asked myself: Why are we doing it? I believe we are doing it

because we are thinking in the very short term. I also believe we are doing it because we pride ourselves in the parochial benefits that we can return to our States at the expense of the best judgment in terms of decisionmaking for our future.

As has been noted on this floor, there are many of these bills that I don't approve that don't have an impact, that aren't earmarks, that aren't going to take property rights away, that aren't going to limit our access to available oil and natural gas, proven reserves, but nevertheless we are going to do those things today, and there are going to be 20 or 25 votes against it. That doesn't mean the people who are promoting this are any more genuine or sincere than I am, but I think what it does mean is we have a short-term, myopic-focused leadership in the Congress that does not weigh properly the benefits of pleasing the parochial interests at the expense of our future.

So I have fought very hard for many months to try to make sure a majority of these bills don't become law—not because I am opposed to wilderness or heritage areas but because I am for constitutional right of property ownership, because I know the more and more we take away from our ability to fill the gap as we transition to alternative energy, the more money we are going to fund to those people who would like to see us nonexistent.

It is a privilege to serve in this body. It is a privilege to serve with gentlemen such as the Senator from New Mexico, the chairman of this committee, and to benefit from his integrity and his demeanor and cooperation, but it is also a disappointment that, in my line of thinking, when you talk with the average American, we shouldn't be doing anything to take away property rights. We should be doing everything to assure ourselves increased access to energy in the future. We should, for sure, eliminate this blatant, corrupt process of earmarking, not because it is corrupt in terms of at this time or at that time; it is corrupt because it ignores the future and the costs and the lack of priority about how we should be spending what are going to be very limited resources in the future.

So I thank my colleagues for giving me the opportunity to attempt to put forward what I think are important principles.

I yield the floor.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. REID. Madam President, I had a conversation with the distinguished

Republican leader, and based on that conversation, I am going to propound the following unanimous consent request

I ask unanimous consent that immediately following the vote on the motion to invoke cloture on the motion to proceed to S 181, regardless of the outcome, the Senate proceed to the consideration of calendar No 16, S J. Res 5, the disapproval resolution relating to Emergency Economic Stabilization Act, and that the vote on passage of the joint resolution occur at 4 30 p m, notwithstanding rule XII, paragraph 4, that the time be divided as provided for under the statute, that at 2 p m the consideration and debate be interrupted for the swearing in of Senator-appointee BURRIS and that the time utilized be charged against the majority, and that at 4 30 p m today, the Senate proceed to vote on the joint resolution, with no further intervening action or debate

The PRESIDING OFFICER Without objection, it is so ordered

Mr REID Madam President, I ask unanimous consent that prior to the second vote on cloture, there be 4 minutes equally divided and controlled between Senators MIKULSKI and ENZI or their designees, and that the second vote in the sequence be 10 minutes in duration

I suggest this is the so-called Lilly Ledbetter legislation about which we have been talking

The PRESIDING OFFICER Without objection, it is so ordered

Under the previous order, the question is on the engrossment and third reading of the bill, as amended

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

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

The PRESIDING OFFICER Is there a sufficient second?

There appears to be a sufficient second

The question is, Shall the bill, S 22, as amended, pass?

The clerk will call the roll

The assistant legislative clerk called the roll

Mr DURBIN I announce that the Senator from Delaware (Mr BIDEN), the Senator from Ohio (Mr BROWN), and the Senator from Massachusetts (Mr KENNEDY) are necessarily absent

Mr KYL The following Senator is necessarily absent the Senator from Kentucky (Mr BUNNING)

Further, if present and voting, the Senator from Kentucky (Mr BUNNING) would have voted "nay"

The result was announced—yeas 73, nays 21, as follows

[Rollcall Vote No 3 Leg ]

YEAS—73

|           |          |           |
|-----------|----------|-----------|
| Akaka     | Bennett  | Cardin    |
| Alexander | Bingaman | Carpenter |
| Barrasso  | Bond     | Casey     |
| Baucus    | Boxer    | Chilton   |
| Bayh      | Byrd     | Cochran   |
| Begich    | Cantwell | Collins   |

|           |             |             |
|-----------|-------------|-------------|
| Conrad    | Lautenberg  | Rockefeller |
| Corker    | Leahy       | Salazar     |
| Crapo     | Levin       | Sanders     |
| Dodd      | Lieberman   | Schumer     |
| Dorgan    | Lincoln     | Shaheen     |
| Durbin    | Lugar       | Snowe       |
| Enzi      | Martinez    | Specter     |
| Feingold  | McCaskill   | Stabenow    |
| Feinstein | Menendez    | Tester      |
| Gregg     | Merkley     | Udall (CO)  |
| Hagan     | Mikulski    | Udall (NM)  |
| Harkin    | Murkowski   | Voinovich   |
| Hatch     | Murray      | Warner      |
| Inouye    | Nelson (FL) | Webb        |
| Johnson   | Nelson (NE) | Whitehouse  |
| Kerry     | Pryor       | Wicker      |
| Klobuchar | Reed        | Wyden       |
| Kohl      | Reid        |             |
| Landrieu  | Risch       |             |

NAYS—21

|           |           |           |
|-----------|-----------|-----------|
| Brownback | Graham    | McCain    |
| Burr      | Grassley  | McConnell |
| Chambliss | Hutchison | Roberts   |
| Coburn    | Inhofe    | Sessions  |
| Cornyn    | Isakson   | Shelby    |
| DeMint    | Johanns   | Thune     |
| Ensign    | Kyl       | Vitter    |

NOT VOTING—4

|       |         |
|-------|---------|
| Biden | Bunning |
| Brown | Kennedy |

The bill (S 22), as amended, was passed, as follows

S 22

*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 "Omnibus Public Land Management Act of 2009"

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

Sec 1 Short title, table of contents

#### TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

##### Subtitle A—Wild Monongahela Wilderness

Sec 1001 Designation of wilderness, Monongahela National Forest, West Virginia

Sec 1002 Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest

Sec 1003 Monongahela National Forest boundary confirmation

Sec 1004 Enhanced Trail Opportunities

##### Subtitle B—Virginia Ridge and Valley Wilderness

Sec 1101 Definitions

Sec 1102 Designation of additional National Forest System land in Jefferson National Forest, Virginia, as wilderness or a wilderness study area

Sec 1103 Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia

Sec 1104 Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia

Sec 1105 Trail plan and development

Sec 1106 Maps and boundary descriptions

Sec 1107 Effective date

##### Subtitle C—Mt Hood Wilderness, Oregon

Sec 1201 Definitions

Sec 1202 Designation of wilderness areas

Sec 1203 Designation of streams for wild and scenic river protection in the Mount Hood area

Sec 1204 Mount Hood National Recreation Area

Sec 1205 Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek

Sec 1206 Land exchanges

Sec 1207 Tribal provisions, planning and studies

##### Subtitle D—Copper Salmon Wilderness, Oregon

Sec 1301 Designation of the Copper Salmon Wilderness

Sec 1302 Wild and Scenic River Designations, Elk River, Oregon

Sec 1303 Protection of tribal rights

##### Subtitle E—Cascade-Siskiyou National Monument, Oregon

Sec 1401 Definitions

Sec 1402 Voluntary grazing lease donation program

Sec 1403 Box R Ranch land exchange

Sec 1404 Deerfield land exchange

Sec 1405 Soda Mountain Wilderness

Sec 1406 Effect

##### Subtitle F—Owyhee Public Land Management

Sec 1501 Definitions

Sec 1502 Owyhee Science Review and Conservation Center

Sec 1503 Wilderness areas

Sec 1504 Designation of wild and scenic rivers

Sec 1505 Land identified for disposal

Sec 1506 Tribal cultural resources

Sec 1507 Recreational travel management plans

Sec 1508 Authorization of appropriations

##### Subtitle G—Sabinoso Wilderness, New Mexico

Sec 1601 Definitions

Sec 1602 Designation of the Sabinoso Wilderness

##### Subtitle H—Pictured Rocks National Lakeshore Wilderness

Sec 1651 Definitions

Sec 1652 Designation of Beaver Basin Wilderness

Sec 1653 Administration

Sec 1654 Effect

##### Subtitle I—Oregon Badlands Wilderness

Sec 1701 Definitions

Sec 1702 Oregon Badlands Wilderness

Sec 1703 Release

Sec 1704 Land exchanges

Sec 1705 Protection of tribal treaty rights

##### Subtitle J—Spring Basin Wilderness, Oregon

Sec 1751 Definitions

Sec 1752 Spring Basin Wilderness

Sec 1753 Release

Sec 1754 Land exchanges

Sec 1755 Protection of tribal treaty rights

##### Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

Sec 1801 Definitions

Sec 1802 Designation of wilderness areas

Sec 1803 Administration of wilderness areas

Sec 1804 Release of wilderness study areas

Sec 1805 Designation of wild and scenic rivers

Sec 1806 Bridgeport Winter Recreation Area

Sec 1807 Management of area within Humboldt-Toiyabe National Forest

Sec 1808 Ancient Bristlecone Pine Forest

##### Subtitle L—Riverside County Wilderness, California

Sec 1851 Wilderness designation

Sec 1852 Wild and scenic river designations, Riverside County, California

Sec 1853 Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument

##### Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

Sec 1901 Definitions

Sec 1902 Designation of wilderness areas

Sec 1903 Administration of wilderness areas

Sec 1904 Authorization of appropriations

will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX

Record votes on postponed questions will be taken later

□ 1030

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

Mr RAHALL Mr Speaker, I move to suspend the rules and pass the Senate bill (S 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes, as amended

The Clerk read the title of the Senate bill

The text of the Senate bill, as amended, is as follows

S 22

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

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Sec 1754 Land exchanges

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Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

Sec 1901 Definitions

Sec 1902 Designation of wilderness areas

Sec 1903 Administration of wilderness areas

Sec 1904 Authorization of appropriations

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

Sec 1951 Definitions

Sec 1952 Rocky Mountain National Park Wilderness, Colorado

Sec 1953 Grand River Ditch and Colorado-Big Thompson projects

Sec 1954 East Shore Trail Area

Sec 1955 National forest area boundary adjustments

Sec 1956 Authority to lease Leiffer tract Subtitle O—Washington County, Utah

Sec 1971 Definitions

Sec 1972 Wilderness areas

Sec 1973 Zion National Park wilderness

Sec 1974 Red Cliffs National Conservation Area

Sec 1975 Beaver Dam Wash National Conservation Area

Sec 1976 Zion National Park wild and scenic river designation

Sec 1977 Washington County comprehensive travel and transportation management plan

Sec 1978 Land disposal and acquisition

Sec 1979 Management of priority biological areas

Sec 1980 Public purpose conveyances

Sec 1981 Conveyance of Dixie National Forest land

Sec 1982 Transfer of land into trust for Shivwits Band of Paiute Indians

Sec 1983 Authorization of appropriations

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

Sec 2001 Definitions

Sec 2002 Establishment of the National Landscape Conservation System

Sec 2003 Authorization of appropriations

Subtitle B—Prehistoric Trackways National Monument

Sec 2101 Findings

Sec 2102 Definitions

Sec 2103 Establishment

Sec 2104 Administration

Sec 2105 Authorization of appropriations

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

Sec 2201 Definitions

Sec 2202 Establishment of the Fort Stanton-Snowy River Cave National Conservation Area

Sec 2203 Management of the Conservation Area

Sec 2204 Authorization of appropriations

Subtitle D—Snake River Birds of Prey National Conservation Area

Sec 2301 Snake River Birds of Prey National Conservation Area

Subtitle E—Dominguez-Escalante National Conservation Area

Sec 2401 Definitions

Sec 2402 Dominguez-Escalante National Conservation Area

Sec 2403 Dominguez Canyon Wilderness Area

Sec 2404 Maps and legal descriptions

Sec 2405 Management of Conservation Area and Wilderness

Sec 2406 Management plan

Sec 2407 Advisory council

Sec 2408 Authorization of appropriations

Subtitle F—Rio Puerco Watershed Management Program

Sec 2501 Rio Puerco Watershed Management Program

Subtitle G—Land Conveyances and Exchanges

Sec 2601 Carson City, Nevada, land conveyances

(b) CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA —

(1) IN GENERAL —The Director may make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded through such grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) RESEARCH —Each consortium under paragraph (1)—

(A) may conduct basic, translational, and clinical paralysis research,

(B) may focus on advancing treatments and developing therapies in paralysis research,

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke,

(D) may facilitate and enhance the dissemination of clinical and scientific findings, and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA, REPORTS —The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication among members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA —Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) PUBLIC INPUT —The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

**Subtitle B—Paralysis Rehabilitation Research and Care**

**SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.**

(a) IN GENERAL —The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) RESEARCH —A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility,

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications,

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies,

(D) developing improved assistive technology to improve function and independence, and

(E) understanding whole body system responses to physical impairments, disabili-

ties, and societal and functional limitations, and

(2) replicate the findings of network members or other researchers for scientific and translation purposes.

(c) COORDINATION OF CLINICAL TRIALS NETWORKS, REPORTS —The Director may, as appropriate, provide for the coordination of information among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

**Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities**

**SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.**

(a) IN GENERAL —The Secretary of Health and Human Services (in this subtitle referred to as the "Secretary") may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES —Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention,

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities,

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions, and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique, and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education,

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use,

(C) education and awareness programs for health care providers,

(D) prevention of secondary complications,

(E) home- and community-based interventions,

(F) coordinating services and removing barriers that prevent full participation and integration into the community, and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS —The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and

other research on paralysis and other disabling conditions,

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4),

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations,

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs,

(E) providing education and training opportunities and programs for health professionals and allied caregivers, and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public,

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers,

(C) testing model intervention programs to improve health and quality of life, and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES —The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS —For the purpose of carrying out this section, there is authorized to be appropriated \$25,000,000 for each of fiscal years 2008 through 2011.

**TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION**

**SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.**

(a) AUTHORITY TO DESIGN AND CONSTRUCT —The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) AUTHORIZATION OF APPROPRIATIONS —There is authorized to be appropriated to carry out this section a total of \$41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

**SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.**

(a) AUTHORITY TO CONSTRUCT —The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) AUTHORIZATION OF APPROPRIATIONS —There is authorized to be appropriated to carry out this section a total of \$14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

**SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY**

(a) IN GENERAL —The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) AUTHORIZATION OF APPROPRIATIONS —There is authorized to be appropriated \$12,000,000 to carry out this section. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, in a speech given in the fall of 1964, as the War in Vietnam intensified, President Lyndon Johnson quoted Scripture from the Book of Matthew which says that the floods came, but the house did not fall because it was founded upon rock.

President Johnson then said the following, "The house of America is founded upon our land, and if we keep that whole, then the storm can rage, but the house will stand forever.

Once again we find ourselves as a Nation seeking shelter from the storm; the storm of two wars, the storm of economic collapse. But like President Johnson, we remain convinced that no matter what adversity we may be facing, if we are faithful stewards of our land, our house will stand forever.

The legislation before us today, S. 22, the Omnibus Public Land Management Act of 2009, will keep America's land whole. The bill contains more than 160 individual measures, including new wilderness designations, new wild and scenic rivers, new hiking trails, heritage areas, water projects, and historic preservation initiatives.

Taken as a whole, this omnibus bill is the most important piece of conservation legislation we will consider this year and perhaps this Congress. Some have argued, and will argue today, no doubt, that the challenges we face mean that we should not spend time considering environmental legislation. They dismiss the package before us as "feel good" legislation. Well, I think the American people could use some feel good legislation right now. They could use legislation that protects our pristine public lands, the clear running streams and rivers, the wide open spaces, and the unique history that make this Nation great.

When the headlines read that banks are failing and companies are folding, they could use some headlines announcing that our national parks are still beautiful, our national battlefields are still sacred, and our rivers are still wild and scenic.

When the headlines read that America's status as an economic superpower is in doubt, they could use some headlines announcing that our status as a conservation superpower has never been stronger.

The package before us is exactly what the American people want, and it is exactly what our public lands need.

In my own case, I'm enormously proud of the fact that included in this package is the Wild Monongahela Act, which will designate more than 37 acres of wilderness in my home State of West Virginia.

It should be noted that we are amending S. 22 today to insert language making it absolutely clear that this bill will not affect existing State authority to regulate hunting, fishing, and trapping on the lands in this package. The amendment also makes clear that nothing in S. 22 will affect these activities. My colleagues should know that this provision was negotiated with the National Rifle Association and has the NRA's full support.

Opponents of this bill fail to grasp the deep and abiding love the American people have for their land. They fail to understand the power of our wide-open spaces and magnificent vistas, the power of those magnificent vistas to inspire our generation and renew our spirit. It's that kind of inspiration and that kind of renewal that are always valuable, but when times are tough, they are priceless.

We should approve S. 22 today, not in spite of the challenges we face but because of them. These storms will pass and the house of America will be standing because we have kept our land whole.

I urge passage of S. 22.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Washington. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HASTINGS of Washington. Mr. Speaker, just to clarify, I have a series here of questions I would like to ask under parliamentary inquiry, and that does not count against my time; is that correct?

The SPEAKER pro tempore. The gentleman has yet to be recognized for debate. It will not count against his time.

Mr. HASTINGS of Washington. Thank you, Mr. Speaker.

Mr. Speaker, just to be clear, as we are considering S. 22, has the gentleman from West Virginia made a motion to amend S. 22?

The SPEAKER pro tempore. The gentleman is correct.

Mr. HASTINGS of Washington. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Washington. Mr. Speaker, is this motion by the Democrat bill manager the only way that this bill may be amended under suspension of the rules?

The SPEAKER pro tempore. The motion is permitted to specify whatever text might be proposed for passage by the House. The motion is debatable for 40 minutes and not subject to amendment, not even with unanimous consent.

Mr. HASTINGS of Washington. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Washington. Mr. Speaker, just to clarify, then, under suspension of the rules, no other Member except the Democrat bill manager may offer amendments or text directly to S. 22 to change any other provisions of the bill which have not been considered by the House or which have substantive issues like cutting off recreational opportunities, reducing border security, locking up energy sources, or high costs?

The SPEAKER pro tempore. The motion is debatable for 40 minutes and is not subject to amendment, not even by unanimous consent.

Mr. HASTINGS of Washington. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Washington. Mr. Speaker, if S. 22 had been considered under an open rule, would any Member with a germane amendment be able to offer that amendment?

The SPEAKER pro tempore. The Chair cannot speculate or respond to hypothetical questions.

Mr. HASTINGS of Washington. I think I know the answer, but further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may ask.

Mr. HASTINGS of Washington. Mr. Speaker, could the Rules Committee have issued a rule to allow Members from both sides of the aisle to offer amendments to strike objectionable provisions or restore House-passed language which was not included by the Senate?

The SPEAKER pro tempore. The Chair cannot speculate or respond to hypothetical questions.

Mr. HASTINGS of Washington. I suspected that would be your response, Mr. Speaker.

Mr. Speaker, I yield myself 4 minutes.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I oppose this motion to consider the Senate Omnibus Lands bill by suspending the rules of the House.

Let us be very clear about what's happening on the House floor this morning. For weeks and months, Democrat leaders in the Senate and the House, and outside special interest groups, have repeatedly insisted that the House must pass this massive Senate bill without changing a single word or it will be doomed to Senate purgatory and no further action will be taken. This was the justification given for why every Member of this House should be blocked from offering their ideas and amendments to improve or change this 1,200-page bill. Yet this morning, as I have just confirmed with the Speaker through the parliamentary inquiry, Democrat leaders are using the special suspension process to

amend the Senate bill and simultaneously block other Members from offering an amendment

The Senate's Rubicon of not changing one word has now been crossed S 22 has been amended If we change one part of the bill, then this House deserves the opportunity to consider it in an open and fair manner Instead, the Democrat leaders are shutting down everyone from offering amendments, including Democrats who have publicly been outspoken about wanting to remove entire provisions from S 22 I urge these Democrats and all House Members to oppose this bill under suspension and demand a fair and open process of debate

The suspension process, Mr Speaker, should be reserved for noncontroversial bills with little or no cost to the taxpayers Yet, this Senate Omnibus Lands bill costs over \$10 billion and consists of over 170 bills folded into a 1,200-page monster piece of legislation Mr Speaker, this is an extreme abuse of the process for considering bills under suspension of the rules

Under suspension of the rules, the House has only 40 minutes to debate the bill With over 170 bills in this omnibus package, that allows just seven seconds—seven seconds—to debate each bill And of these 170 plus bills, 100 of them have never been passed by the House Any notion that this is just a package of bills already passed by the House is absolutely false

Now, I know that for some Members there may be a page or two in this 1,200-page bill that does something positive for their district In fact, three separate pieces of legislation, Mr Speaker, that I authored were attached to this package But I am more concerned about the other bills that have not been closely examined or been debated by the House

This massive bill was assembled behind closed doors with the purpose of creating a package that tries to force individual Members to vote for it in order to get their own bill passed despite broad policy differences that will have serious and harmful impacts Members of the House should consider this bill in its entirety and what it does for our country

This bill contains 19 provisions to block American-made energy production, locking away hundreds of millions of barrels of oil and trillions of cubic feet of natural gas Under this bill, our country becomes less secure, and we must rely on foreign imports of energy to fuel our vehicles and run our businesses

When the Federal Government shuts down energy production in America, we are sending good-paying jobs overseas Over 3 million acres of land will be locked up from possible energy production, and new jobs won't be created when Americans desperately need them in these times With our economy reeling, and thousands of Americans losing jobs every week, this is a poisonous policy that makes it tougher and more

expensive to get America's economy back on track

This bill also bans recreational access to millions of acres of public lands despite proponents' claims that it will do otherwise Lands that citizens currently use for enjoyment will be barricaded from recreational vehicle use Riding a bicycle won't even be allowed

The SPEAKER pro tempore The time of the gentleman has expired

Mr HASTINGS of Washington I yield myself an additional 30 seconds

Mr Speaker, this bill costs \$10 billion at a time when taxpayers and the economy simply can't afford it Our National Parks Service system can't even keep existing priorities open and in working order

With the maintenance backlog of \$9 billion on existing lands, Congress should not be passing a \$10 billion bill to buy more lands to make the problem worse This bill makes it more difficult for the Border Patrol and other law enforcement agencies to secure the southern border And this bill makes criminals and potential felons out of children who want to collect fossils on Federal lands

Mr Speaker, I could go on much longer, but I only have 20 minutes for debate

The SPEAKER pro tempore The time of the gentleman has expired

Mr HASTINGS of Washington Mr Speaker, I yield myself an additional 15 seconds

And we are considering a package of over 170 bills, with just seven seconds to debate each bill's cost

So I urge my colleagues, Mr Speaker, to oppose passage of this bill under suspension of the rules and insist on the ability to consider under an open process that allows for amendments

Mr Speaker, I oppose this motion to consider the Senate Omnibus Lands bill by suspending the rules of the House

Let us be very clear about what's happening on the House Floor this morning For weeks and months, Democrat leaders in the Senate and the House, and outside special interest groups, have repeatedly insisted that the House must pass this massive Senate bill without changing a single word or it will be doomed to Senate purgatory and no further action will be taken

This was the justification given for why every Representative in this House should be blocked from offering their ideas and amendments to improve or change this over 1,200 page bill

Yet this morning, Democrat Leaders are using the special suspension process to amend the Senate bill and simultaneously block every other Representative from offering an amendment

The Senate's rubicon of not changing one word has now been crossed S 22 has been amended So then why isn't the House allowed to consider additional amendments except the one approved by Democrat leaders If we change one part of the bill, then this House deserves the opportunity to consider it in an open and fair manner Instead, Democrat leaders are shutting down everyone from offering amendments, including Democrats

who've been publicly outspoken about wanting to remove entire provisions from S 22 that they strongly oppose I urge these Democrats and all House Members to oppose this bill under suspension and demand a fair, open process of debate on this bill in the House

The suspension process is reserved for noncontroversial bills with little cost to the taxpayer Indeed, other bills on suspension today include supporting the goals of International Woman's Day, urging the President to designate 2009 as the Year of the Military Family, and supporting the designation of Pi Day Yet, this Senate Omnibus Lands Bill costs over 10 billion dollars, and consists of over 170 individual bills being amassed into a 1,200 page monster piece of legislation This is an extreme abuse of the process for considering bills under suspension of House rules

Under suspension of the rules, the House has only 40 minutes to debate the bill I've been recognized for 20 of those minutes With over 170 bills in this Omnibus, that allows just 7 seconds 7 seconds to debate each bill

And of these 170 plus bills, some 100 of them have never been passed by the House Any notion that this is just a packaging of bills already passed by the House is absolutely false

I recognize what I have just spoken about is inside baseball, legislative process arguments, yet it is important for the American public to understand the heavy-fisted manner in which this House is being run It's also important for all Representatives to understand that this bill has now been amended and that we should have the opportunity to consider other changes to it

For every Member of the House, there may be a page or two in this 1,200 page bill that does something positive in your district In fact, three separate pieces of legislation that I authored were attached to this package However, I am more concerned about the other bills that have not been closely examined or debated by the House This massive bill was written behind-closed-doors with the purpose of creating a package that tries to force individual Members to vote for it in order to get their own small bill passed despite broad policies that will have a serious and harmful impact Members of the House should consider this bill in its entirety and what it does to our country

It contains 19 provisions to block American-made energy production, locking away hundreds of millions of barrels of oil and trillions of cubic feet of natural gas Under this bill, our country becomes less secure as we must rely on foreign imports of energy to fuel our vehicles and run our businesses When the federal government shuts down energy production here in America, we're sending good-paying jobs overseas Over 3 million acres of land will be locked up from possible energy production and new jobs won't be created when Americans desperately need them With our economy reeling and thousands of Americans losing jobs every week, this is a poisonous policy that makes it tougher and more expensive to get America's economy back on track

This bill bans recreational access to millions of acres of public lands despite proponents' claims that it will protect vast new land areas for the appreciation of Americans Lands that citizens currently use for enjoyment will be barricaded from recreational vehicle use

Riding a bicycle won't even be allowed. The harm to American's outdoor enjoyment is so outrageous that even ESPN has covered it.

This bill costs \$10 billion at a time when taxpayers and our economy simply can't afford it. Our National Parks System can't even keep existing properties open and in working order. With a maintenance backlog of 9 billion dollars on existing lands, Congress should not be passing a \$10 billion bill to buy more land and make the problem worse.

This bill makes it more difficult for the Border Patrol and other law enforcement to secure our southern border by restricting vehicle access onto specific lands. This bill would make criminals and potential felons out of children and others who collect fossils on federal lands.

Mr. Speaker, I could go on much longer, but we have only 20 minutes for debate and we're considering a package of over 170 bills, so we have just 7 seconds to debate each bill's cost and effect upon domestic energy production, American jobs, recreation access to public lands and border security. I urge my colleagues to oppose passage of this bill under suspension of the rules and insist on the ability to consider it under a fair, open process that allows for amendments.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. To respond to the gentleman, over 70 bills in this omnibus land package were considered by our Committee on Natural Resources and passed out of the House of Representatives. Some 20 more were reviewed by our committee during the last session of Congress when the gentleman from Washington was on a leave of absence from our committee.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona, the subcommittee Chair of our National Parks Subcommittee, a gentleman who has been very instrumental in crafting this legislation and does so much for our national parks, Mr. GRIJALVA.

Mr. GRIJALVA. Thank you, Chairman RAHALL.

S 22 will likely be the most important piece of conservation legislation we consider this year, and perhaps this Congress.

After too many years, during which the condition of our national parks, forests, and wildlife refuges were totally ignored, after too many years where clean and abundant water, clean air, healthy trees and healthy wildlife were not priorities, S 22 is a long overdue recommitment to the protection and the preservation of our natural and cultural resources that make this Nation truly great.

Contrary to stated cost estimates, CBO has stated this package is budget neutral. And according to just about every environmental, outdoor recreation, sportsmen's and historic preservation group, it's the best thing they've seen in a long, long time.

I am particularly proud of the inclusion of my legislation, the National Landscape Conservation System within the Bureau of Land Management NLCS was created administratively a

decade ago. It covers approximately 26 million acres—about 10 percent of the land administered by the Bureau of Land Management—including National Scenic and Historic Trails, national conservation areas, national monuments, wilderness areas, wild and Scenic Rivers, and wilderness study areas managed by BLM. These individual units make up the National Landscape Conservation System. They are unique and ruggedly beautiful areas with truly nationally significant resources.

Mr. Speaker, the opponents of this bill seem to be concerned that it will somehow change or alter current management of these lands. This is simply not true, and it's obvious if you read the text of the legislation.

After almost a decade of success, it's time for Congress to put its stamp of approval on this system by formally authorizing NLCS. That authorization, combined with the important wilderness, wild and scenic river trails, and other designations in this package will begin the process of restoring the American people's faith in our ability to serve as good stewards of the incredible natural and cultural resources which make this Nation blessed.

□ 1045

Mr. HASTINGS of Washington. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. SMITH).

(Mr. SMITH of Texas asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, first of all, I thank the ranking member and gentleman from Washington for yielding, and I ask unanimous consent to have my statement made as a part of the RECORD as well as an exchange of letters between Chairman CONYERS and Chairman RAHALL.

This Public Land bill includes a provision that falls squarely within the jurisdiction of the House Judiciary Committee. Subtitle D of title six of the bill imposes both civil fines and criminal penalties for the excavation and removal of fossils and other archeological items from federal lands.

It also includes provisions relating to forfeiture and judicial review and enforcement of administrative fines—all within the purview of the Judiciary Committee.

Unfortunately, the Judiciary Committee was not given an opportunity to review or amend this language before consideration of S 22 on the House floor today.

This provision incorporates the Paleontological Resources Preservation Act, which was introduced in the 110th Congress. Judiciary Chairman CONYERS and I raised questions about this language in the last Congress. Staff from the House Resources Committee worked with our staff to try to address these concerns.

Subtitle D employs several approaches to regulate the removal of fossils from federal lands, including criminal penalties. Certainly, the removal or destruction of fossils is inappropriate and should be deterred. But in its haste to solve this problem, the Senate concluded that a term of imprisonment is the answer.

Subtitle D makes it a felony punishable by up to five years in prison to remove fossils from federal lands.

Even more troubling is that this crime could apply to a person who unintentionally removes a fossil or artifact from federal land, that is, who has no knowledge that the item may be a fossil or artifact. So someone could pick up what they thought was an interesting pebble and face five years in prison. I hope no Member thinks that is appropriate.

These and other issues demonstrate the importance of proper deliberation and review of criminal statutes by the Judiciary Committee before bills reach the House floor.

Chairman CONYERS and Chairman RAHALL have committed to working with me on bipartisan legislation to promptly address the various defects in the criminal penalty language, and I appreciate their support. It is our hope that this legislation will move quickly through the committee process and be considered on the House floor under suspension of the rules.

We must ensure that any criminal penalties imposed for the removal of fossils or artifacts from federal lands are directed at actual criminals and do not include the unintentional acts of law-abiding citizens who visit our national parks and forests each year.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, February 5, 2009.

Hon. NICK RAHALL,  
Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: I am writing regarding S 22, the Omnibus Public Land Management Act of 2009, which has been received in the House after passing the Senate.

Subtitle D of title VI of that bill is a measure based on H.R. 554 from the 110th Congress, the Paleontological Resources Preservation Act, containing significant provisions within the Rule X jurisdiction of the Judiciary Committee, including criminal penalties, judicial review and enforcement of administrative fines, use of civil and criminal fines and forfeiture. The Judiciary Committee received an extended referral of H.R. 554 in the 110th Congress, and our two committees had extensive discussions about refining the bill in important respects.

While I understand and support the decision, in light of the difficulty in passing S 22 in the Senate, to attempt to pass it in the House without amendment to ensure it reaches the President, I regret that we will be unable to make appropriate refinements to the provisions in the Judiciary Committee's jurisdiction before the bill becomes law. I appreciate your willingness to work with me to make these refinements as soon as practicable in subsequent legislation.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this matter, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,  
Chairman

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, February 5, 2009.

Hon. JOHN CONYERS,  
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning the paleontological resource provisions of Subtitle D of Title VI of S 22 that fall within the jurisdiction of the Committee on the Judiciary. I appreciate



your understanding of the need to consider S 22 in the House without amendment so as to ensure its enactment in a timely manner I recognize the interest of your committee in these specific provisions and will work with you to make any necessary and appropriate refinements in subsequent legislation

This letter, as well as your letter, will be entered into the Congressional Record during consideration of S 22 on the House floor Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees

With warm regards, I am  
Sincerely,

NICK J RAHALL II,  
Chairman, Committee on Natural Resource

Mr HASTINGS of Washington Mr Speaker, I am pleased to yield 1½ minutes to the gentleman from California (Mr NUNES)

Mr NUNES Mr Speaker, this bill contains a provision called the San Joaquin River Settlement It's a poison pill that targets my constituents If you vote for this bill today, you vote to end agriculture in the San Joaquin Valley This bill simply dries up 300,000 acres of farm ground We already have 16 percent unemployment in my district This bill ensures 20 percent

I thought this Congress wanted to create jobs Do radical environmentalists really possess the power to force Congress to choose dead fish over living communities? How could this possibly be in the best interest of our country during these economic times? Spending \$21 million per fish to recover a Mystic Salmon run is completely irresponsible Citizens Against Government Waste and the National Taxpayers Union have labeled this "The Billion Dollar Fish Fry"

Mr Speaker, if you like tumbleweeds, dry dirt, bankrupt farmers, communities without water, and people without jobs, you're going to love this bill If you believe that the most basic rule of government is to provide water to the people, you must vote "no" It's hard to imagine a more flawed approach than the one this Congress has taken today Greed, dishonesty, and the vain hope of relief from lawsuits seem to be the primary motivation for passage of this bill

Mr Speaker, I urge my colleagues to vote "no" on this disastrous piece of legislation

Mr RAHALL Mr Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr ALTMIRE)

Mr BAIRD Will the gentleman yield?

Mr Speaker, the prior gentleman described greed, dishonesty, and some other thing as a motivation for the bill Would the Speaker please remind the gentleman that questioning motivation is not acceptable?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore The Chair will remind all Members to address the Chair and refrain from improper personal remarks

Mr RAHALL Mr Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr ALTMIRE), who has been

very instrumental in crafting additional language in this bill

Mr ALTMIRE Mr Speaker, I rise today in support of my amendment to the public lands bill S 22 I commend my colleagues in both the House and the Senate for their efforts to advance the over 150 largely noncontroversial bills that are included in the underlying legislation

This bill preserves key components of America's natural heritage for generations to come However, as passed by the Senate, this bill did not do enough to protect the rights of our Nation's sportsmen For this reason I worked to include in this bill language to rectify that oversight I am pleased that the House has added my amendment to the public lands bill we're considering today because unless Congress includes the specific protections my amendment adds to this bill, efforts to regulate or limit hunting, fishing, or trapping could potentially move forward in the future

Last year I offered an amendment to protect the rights of sportsmen on nearly 27 million acres of public lands within the National Landscape Conservation System It passed the House 416-5 and is maintained within Title II of today's bill Today we simply extend those same protections to two other sections of the bill rivers and trails in title V and heritage areas in title VIII This ensures that nothing in these sections of the bill shall regulate hunting, fishing, and trapping or limit their access to these public lands

My amendment is straightforward and simple It's supported by the NRA, and with its inclusion, I urge my colleagues, especially supporters of the second amendment, to vote in favor of this public lands bill today

Mr HASTINGS of Washington Mr Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr CULBERSON)

Mr CULBERSON Mr Speaker, here again on this House floor a 1,294-page bill has been dropped onto the American people with no committee hearing, not even a Rules Committee hearing, spending \$10 billion

\* \* \*

Mr RAHALL Mr Speaker, I ask that the gentleman's words be taken down

The SPEAKER pro tempore The Clerk will report the words

Mr CULBERSON Mr Speaker, I ask unanimous consent to withdraw my remarks

The SPEAKER pro tempore Is there objection to the request of the gentleman from Texas?

There was no objection

Mr CULBERSON Mr Speaker, it is important, however, that this House of Representatives represent the people and do so in a way that does not demonstrate contempt for the opinion of the people A 1,294-page bill, Mr Speaker, has been dropped on the floor without regard for committee hearings, without regard for transparency, with-

out regard to the promise that this leadership made to be the most transparent, open, and accountable Congress in the history of the United States, spending \$10 billion that our children do not have That is a complete violation of all the promises made by this leadership to the people

And look at the bill that they're passing This piece of legislation will make a criminal out of every tourist traveling to the western United States who makes the mistake of picking up a rock and throwing it in their trunk Grandma and Grandpa are going to be thrown in jail And read from the bill if you don't believe me If you don't have a permit, if you're not a qualified paleontologist, and you pick up a rock and throw it in the car, if you alter a rock on federally owned land in most of the western States and throw it in the car, it is 5 years in prison, Page 526 of the bill, 5 years in prison for putting a rock in your trunk You will have the vehicle confiscated

Turn to Page 531 "All vehicles and equipment shall be subject to civil forfeiture" So ladies and gentlemen of the Congress, if you vote for this bill, you're voting to subject your constituents to be thrown in jail Grandma and Grandpa with the grandkids traveling in the western States, if they pick up a rock and throw it in the car, 5 years in jail, thousands of dollars in fines, and the Winnebago is going to be confiscated This is dead wrong

Mr RAHALL Mr Speaker, I think previous colloquies or language at least put into this debate by the gentleman from Texas (Mr SMITH) made it very clear that it is not the intent of the sponsors of this legislation to see innocent civilians collecting fossils on public lands go to jail That's not the intent, and it's been made very clear both in the legislation and already in this debate thus far

Mr Speaker, I yield for the purpose of making a unanimous consent to the distinguished gentleman of our Energy and Minerals Subcommittee, the gentleman from California (Mr COSTA)

(Mr COSTA asked and was given permission to revise and extend his remarks)

Mr COSTA I thank the gentleman for yielding

Mr Speaker, I rise today in support of two important pieces of legislation that I have sponsored and that are now included in the natural resources bill that we have received from the Senate, S 22

SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

The first, the San Joaquin River Restoration Settlement Act, will bring to a close 18 years of litigation between the Natural Resources Defense Council, the Front Water Users Authority, the U S Department of the Interior and others Representatives CARDOZA, MCNERNEY and RADANOVICH joined me as co-sponsors of this legislation This bill is similar to the one that we introduced in the waning days of the 109th Congress, and reintroduced at the beginning of the 110th Congress as HR 24 The bill approves, authorizes and helps fund an historic Settlement on the San Joaquin River in California

However, the bill we are introducing today does reflect a few significant changes resulting from discussions among the numerous Settling Parties and various "Third Parties" in the San Joaquin Valley of California. During the past year the parties to the settlement and these affected third parties, such as the San Joaquin River Exchange Contractors, have agreed to certain changes to the legislation to make the measure PAYGO neutral and to enhance implementation of the settlement's "Water Management Goal" to reduce or avoid adverse water supply impacts to Friant Division long-term water contractors. The legislation that we are voting on today incorporates these changes, which are supported by the State of California and major water agencies on the San Joaquin River and its tributaries. The Bush Administration also supported this legislation.

This bill will approve a settlement that seeks to restore California's second longest river, the San Joaquin, while maintaining a stable water supply for the farmers who have made the San Joaquin Valley the richest agricultural area in the world.

The Settlement has two co-equal goals to restore and maintain fish populations in the San Joaquin River, including a self-sustaining salmon fishery, and to avoid or reduce adverse water supply impacts to long-term Friant water contractors. Consistent with the terms of the Settlement, we expect that both of these goals will be pursued with equal diligence by the federal agencies.

The bill also authorizes \$1 million for the California Water Institute at California State University, Fresno, for the creation of an Integrated Regional Water Management Plan for the Central Valley. The plan will serve as a guide for those in the study area to use to address and solve long-term water needs in a sustainable and equitable manner.

This legislation is crucial. Without this consensus resolution, the parties will continue the fight, resulting in a court-imposed judgment. It is widely recognized that an outcome imposed by a court is likely to be worse for everyone on all counts: more costly, riskier for the farmers, and less beneficial for the environment.

The Settlement provides a framework that the affected interests can accept. As a result, this legislation has enjoyed the strong support of the Bush Administration, California Governor Schwarzenegger's Administration, the environmental and fishing communities and numerous California farmers and water districts, including the Friant Water Users Authority and its member districts that have been part of the litigation.

When the Federal Court approved the Settlement in late October, 2006, Secretary of the Interior Dirk Kempthorne praised the Settlement for launching "one of the largest environmental restoration projects in California's history." The Secretary further observed that "This Settlement closes a long chapter of conflict and uncertainty in California's San Joaquin Valley and open[s] a new chapter of environmental restoration and water supply certainty for the farmers and their communities."

I share the former Secretary's support for this agreement, and it is my honor to join with Representatives CARDOZA, MCNERNEY and RADANOVICH, as well as Senators FEINSTEIN and BOXER who have previously introduced and supported this legislation to authorize and

help fund the San Joaquin River Restoration Settlement.

For almost two years we have worked with the parties to the settlement, affected third party agencies and the State of California to ensure that the legislation complies with congressional PAYGO rules.

In November of 2007, the House Natural Resources Committee favorably reported a revised version of the bill (H.R. 4074) that included amendments conditionally agreed to by the parties that allow most Friant Division contractors to accelerate repayment of their construction cost obligation to the Treasury. In May of 2008, the Senate Energy and Natural Resources Committee favorably reported the Senate companion measure (S. 27) with provisions that further refined the accelerated repayment concept and addressed third party concerns about its implementation. These changes, included in the bill we introduce today, both increase the amount of up-front funding available for the settlement and decrease the bill's PAYGO "score" by \$88 million, according to the Congressional Budget Office. In exchange for agreeing to early repayment of their construction obligation, Friant water agencies will be able to convert their 25-year water service contracts to permanent repayment contracts, so-called "9D contracts" under federal Reclamation Law.

I note that the Bureau of Reclamation and the Friant Water Users Authority on behalf of its members have had very specific discussions on how the repayment amounts will be calculated in accordance with this legislation, memorialized in a letter dated February 20, 2009, from Mr. Donald Glaser, Regional Director of the Bureau of Reclamation for the Mid-Pacific Region. I request that Mr. Glaser's letter be inserted in the RECORD.

U S DEPARTMENT OF THE INTERIOR,  
BUREAU OF RECLAMATION,  
Sacramento, CA, February 20, 2009

Mr. RONALD JACOBSMA,  
General Manager, Friant Water Users Authority,  
Lindsay, CA

Subject: Financing Provisions of the San Joaquin River Restoration Settlement Act.

DEAR MR. JACOBSMA: As you are aware, amendments were made early in 2008 to the proposed San Joaquin River Restoration Settlement Act (Act) in an effort to reduce the "PAYGO" score of the Act. One of the amendments made in the Act would authorize and direct the Secretary of the Interior to convert certain Friant Division, Hidden Unit, and Buchanan Unit irrigation contractors' water service contracts to water repayment contracts, subject to certain provisions. The Act was recently passed by the Senate as Title X, Subtitle A, Part 1, of S. 22, and we expect the House of Representatives to consider it shortly. As you know, staff from the Bureau of Reclamation and the Friant Water Users Authority have had technical discussions concerning the financing provisions of the bill. This letter and enclosures set forth our understanding of how the financing provisions will be implemented if the conversion sections of the Act, found in Section 10010, are in their current form upon enactment, if those provisions of the bill are modified before enactment, we will of course need to reevaluate whether the information in this letter and enclosures is still accurate.

Enclosed is a summary of each of the financing provisions in Section 10010 related to the contract conversion and our understanding of how they would be implemented by Reclamation (Enclosure 1). Also, enclosed are two specific examples to demonstrate

how the financial calculations for this conversion and related funding would work given a number of specific assumptions (Enclosure 2). Enclosure 2 consists of a description of the assumptions used and a spreadsheet for each of the examples.

If there are any problems with the information provided in the enclosures, please contact Jason Phillips as soon as possible to discuss and resolve.

Sincerely,

DONALD R. GLASER,  
Regional Director

These new contracts will be administered as repayment contracts consistent with federal Reclamation Law, including the Acts of August 4, 1939 (ch. 418, 53 Stat. 1187) and July 2, 1956 (ch. 492, 70 Stat. 483). The later Act, among other things, provides in part that the contractors shall have a first right "to a stated share or quantity of the project's available water supply and a permanent right to such share or quantity upon completion of payment." It is my understanding that, except as specifically provided in this legislation, the operative provisions of such repayment contracts will be substantially similar to the existing water service contracts.

The bill also provides in Section 10010(c)(1) that, consistent with Section 213(a) of the Reclamation Reform Act of 1982, the ownership and full-cost pricing provisions of federal Reclamation Law no longer will apply to the individual Friant Contractors upon repayment of their capital obligations. A question has arisen as to whether these Reclamation Law limitations would apply to water delivered under such a repayment contract after full repayment of capital, where a Friant contractor also had a contract for another supply under a water service contract, such as the Cross Valley Canal contract. It is my understanding that the Department of the Interior and Friant contractors concur that in such a situation, the acre-limitation and full-cost pricing provisions would not apply to water delivered from Central Valley Project facilities for which the capital costs had been fully paid, but would apply to water delivered from Project facilities for which the capital costs had not been repaid, such as water from the Cross Valley Canal contracts.

The Senate Committee amendments also included new provisions to enhance the water management efforts of affected Friant water districts. These provisions are contained in Part III of Title X, Subpart A, of the legislation before the House today. These changes were developed by the parties to the settlement at my request and the request of Mr. CARDOZA and Mr. RADANOVICH to ensure that the Friant districts have the best opportunity to mitigate water supply impacts resulting from the Settlement.

Specifically, the legislation now includes new authority to provide improvements to Friant Division facilities, including restoring capacity in canals, reverse flow pump-back facilities, and financial assistance for local water banking and groundwater recharge projects, all for the purpose of reducing or avoiding impacts on Friant Division contractors resulting from additional River flows called for by the Settlement and this Legislation.

In addition, with respect to Part III authorizing financial assistance for local projects for water banking and groundwater storage, recovery and conveyance, the bill authorizes the

Bureau of Reclamation to share up to 50 percent of the cost of such projects. It is my understanding that in administering other cost-sharing programs, the Bureau typically provides the maximum cost sharing authorized unless the applicant requests less.

Near the end of the 110th Congress, parties to the Settlement and affected third parties came to agreement on additional provisions that would greatly facilitate passage of the bill by making it fully PAYGO-neutral.

The legislation we are introducing today includes substantial funding, including direct spending on settlement implementation during the first ten year period of \$88 million gained by early repayment of Friant's construction obligation, and substantial additional funding authorized for annual appropriation until 2019, after which it then becomes available for direct spending again. This additional funding is generated by continuing payments from Friant water users and will become directly available to continue implementing the settlement by 2019 if it has not already been appropriated for that purpose before then.

In 2006, California voters showed their support for the settlement by approving Propositions 84 and 1E, which will help pay for the Settlement, with the State of California now committing at least \$200 million toward the Settlement costs during the next 10 years. When State-committed funding, direct spending authorized by the bill, and highly reliable funding from water users are added together, there is at least \$380–390 million available for implementing the Settlement over the next 10 years, with additional dollars possible from additional federal appropriations.

It is my understanding that Senator FEINSTEIN intends to work during the 111th Congress to find a suitable offset that will allow restoration of all of the direct spending envisioned by the settlement without waiting until 2019, and I will do whatever I can to aid in those efforts.

Today's legislation continues to include substantial protections for other water districts in California who were not party to the original settlement negotiations. These other water contractors will be able to avoid all but the smallest water impacts as a result of the settlement, except on a voluntary basis.

The bill we are introducing today contains several new provisions to strengthen these third-party protections in light of the changes made to address PAYGO. These include safeguards to ensure that the San Joaquin River Exchange Contractors and other third parties will not face increased costs or regulatory burdens as a result of the PAYGO changes.

This agreement would not have been possible without the participation of a remarkably broad group of agencies, stakeholders and legislators, reaching far beyond the settling parties. The Department of the Interior, the State of California, the Friant Water Users Authority, the Natural Resources Defense Council on behalf of 13 other environmental organizations and countless other stakeholders came together and spent countless hours with legislators in Washington to ensure that we found a solution that the large majority of those affected could support.

I urge my colleagues in the House to approve this legislation and provide the Administration the authorization it needs to fully carry out the restoration, water management and other actions called for under the settlement.

SEQUOIA AND KINGS CANYON NATIONAL PARKS  
WILDERNESS

I also rise today in support of the Sequoia and Kings Canyon National Parks Wilderness designation.

This provision adds about 85,000 acres of wilderness in the Sequoia and Kings Canyon National Parks in California. About 45,000 acres of the wilderness created by this bill will be incorporated into the currently existing Sequoia-Kings Canyon Wilderness area. The other 40,000 acres will comprise a new wilderness area, which will be named after former Congressman John Krebs.

John Krebs served two-terms in Congress, from 1975 to 1979, representing California's San Joaquin Valley and the central Sierra Nevada mountains that include Sequoia and Kings Canyon National Parks. He was born in Berlin in 1926 and immigrated to the United States in 1946. He graduated from the University of California and later US's Hastings College of Law. He had lived in Fresno, California since 1958 and prior to being elected to Congress was active in local government, including serving a term on the Fresno County Board of Supervisors.

I had the great privilege of working in John Krebs' first congressional campaign and joining him during his first term in Washington. It was through his efforts that Congress first provided federal wilderness designation for the Mineral King area.

The wilderness areas designated by this Act include some spectacular areas within the Sequoia and Kings Canyon National Parks. The Redwood Canyon area contains Redwood Mountain Grove, the largest stand of Giant Sequoia within the parks. The Redwood Canyon area also includes over 75 known caves, including the longest cave in California with over 21 miles of surveyed passage.

This bill is obviously very important to me—both for preserving these natural areas for future generations, as well as for honoring my former boss—and I urge my House colleagues to approve S 22 so this measure can become law.

Mr RAHALL, Mr Speaker, I yield 2 minutes to the distinguished gentleman from California, our subcommittee Chair of our Water and Power Subcommittee, Mrs GRACE NAPOLITANO.

Mrs NAPOLITANO, Mr Speaker, allow me to speak in support of Senate bill 22, the Omnibus Public Land Management Act of 2009, within which are 30 separate authorizations for the Bureau of Reclamation and the United States Geological Survey.

The 30 bills include and highlight the changing Western water environment. The bill authorizes conservation, water-use efficiencies, water recycling projects, addresses aging infrastructure issues, and allows for the feasibility study of many much-needed water projects.

Our Subcommittee on Water and Power heard most of these bills. Some were Senate bills, and were approved by unanimously by both sides. Seven California title XVI water recycling authorizations and two groundwater recharge authorizations are included in this bill. When completed, these projects will produce 500,000 acre-feet

of reclaimed reuse water and added storage capacity. There are many areas of drought in the western States, including in my home State of California, which is now facing its third unprecedented drought year. Title XVI projects would allow for communities to expand their local water resources and lessen their reliance on unreliable imported water supplies.

Finally, this legislation will ratify two tribal water right settlements in Nevada and New Mexico and set a funding mechanism for many other settlements across the West. Most importantly, S 22 will resolve many years of litigation and bring "peace in the valley" through a sustainable water supply for tribal and nontribal communities.

I might add this was on a bipartisan basis out of my committee at all times.

Mr HASTINGS of Washington, Mr Speaker, I am pleased to yield 1 minute to the gentleman from Georgia (Mr BROUN), a member of the committee.

Mr BROUN of Georgia, John Locke, the great political philosopher, stated that "the preservation of property is the reason for which men enter into society" and that "no government hath the right to take their property, or any part of it, without their own consent, for this would be in effect to leave them no property at all."

Our Nation is facing an economic crisis. Yet Democrats are forcing this Chamber to rush through the omnibus, or should I say ominous, lands bill today that will increase government spending by as much as \$10 billion and permanently lock up tens of millions of acres of the people's land.

The Federal Government already owns over 650 million acres of land that it can't take care of. The National Park Service alone faces a backlog of \$9 million worth of projects that need to be funded. If S 22 were to pass, there will be more wilderness acres in the United States than the total amount of developed land. It is a huge attack on people's rights and especially property rights.

The SPEAKER pro tempore: The time of the gentleman has expired.

Mr HASTINGS of Washington, Mr Speaker, I yield the gentleman an additional 15 seconds.

Mr BROUN of Georgia, it is not the role of the Federal Government to hoard massive amounts of land, and I urge my colleagues to vote "no" on S 22.

Mr RAHALL, Mr Speaker, I yield 1 minute to the gentleman from California, Mr MIKE THOMPSON.

Mr THOMPSON of California, I thank the chairman for all the good work he's done on this bill and ask that we enter into a colloquy on this bill on the Trinity River.

Mr Chairman, as you know, the Trinity River is the largest tributary to the Klamath River and is key to helping restore salmon and steelhead stocks along the entire Pacific coast. The Federal Government

has a responsibility to the Hoopa Valley Indian Tribe and to the sport and commercial fishers to restore the fisheries of this great and important river I respectfully request the chairman's cooperation in working with the new administration and the Appropriations Committee to help secure the adequate funding needed to restore the Trinity River to ameliorate any lost costs associated with the implementation of the San Joaquin River Settlement that is within this bill

Mr RAHALL Will the gentleman yield?

Mr THOMPSON of California Yes

Mr RAHALL I am mindful and remain committed to progress in implementing and funding the December 19, 2000, Trinity River restoration record of decision Restoring the fishery resources of the Trinity River is important for the Hoopa Valley Indian Tribe, commercial and recreational fishing families along the coasts of California and Oregon I agree to work with the gentleman from California in this regard

Mr THOMPSON of California Thank you very much

□ 1100

Mr HASTINGS of Washington Mr Speaker, I am pleased to yield 5 minutes to a very valuable member of the Natural Resources Committee, the gentleman from Utah (Mr BISHOP)

Mr BISHOP of Utah Mr Speaker, when I was teaching government, I taught my kids that a suspension was one of those noncontroversial bills for which it could be brought to the floor with a limited amount of debate and no opportunity for amendments

We have, today, a suspension that is over 177 different measures, over half of which have never been discussed in either a House or the floor committee meeting till this morning Twenty-three were never discussed in any committee hearing over in the Senate When the true costs are extrapolated out over the time of the authorization, it will be close to \$8 billion to \$10 billion And 37 times the description of provisions in this bill were called controversial, but that's okay, this is a suspension

It doesn't matter that this bill has been criticized by the American Motorcyclists Association for taking millions of acres of land out of use for millions of people who want to use recreation, or been criticized by the US Chamber of Commerce Even ESPN criticized this particular bill That's okay, though, this is still a suspension

We have been told that there is a \$9 billion backlog in needs in the national parks In the stimulus bill, apparently \$2 billion was put in there to meet the needs of the national parks, and now we exacerbate the problem with another 8 to \$10 billion in this particular bill

This is the visitors' center in the Dinosaur National Monument in Utah This is a brilliant place to go They

have been able to take away part of the mountains so a kid can go in there and actually see within the mountainside the fossils that are still there and see what scientists say is the beginning and be able to put them together Unfortunately, no one has been able to access this building for the last 10 years because we don't have enough money to fix this building, which has been condemned

Rather than fixing these types of buildings, within the bowels of this bill is a \$34 million earmark to create a new national park in Paterson, New Jersey, which will protect such natural wonders as a condominium, a butterfly garden and a microbrewery This is a park that was not requested by the National Park Service or not recommended by the National Park Service Nonetheless, we are putting \$34 million into that while these structures that we currently have in our national park system go vacant That's okay This is still a supplemental

We will spend \$110 million on heritage areas Eleven lucky heritage areas will get Federal money to assist them in economic development and tourism development If you don't happen to live in one of those lucky eleven areas, you will be losing tourists and losing economic development and having the wonderful opportunity to have your taxes pay for that approach

In rough economic times like we have, this is brilliant policy by us That's okay, it's still a suspension Falls River in Massachusetts will have the lower Taunton declared a wild and scenic river

The Wild and Scenic River Act was there to protect areas from development By law or statute, you cannot have anything other than a needful building within a mile of the bank of a wild and scenic river

Now, the last time that we were here, I went off, probably in excess, about showing ugly pictures in Falls River, Massachusetts I shouldn't have done it It's actually a very pretty community The sponsors of the bill actually came back and showed pretty pictures of Falls River, Massachusetts

The point is, it doesn't matter whether there are ugly pictures or pretty pictures, doesn't matter whether you think it's a cynical effort to stop production of some port or whether you believe the spin that this is for economic development Regardless of whether you take any of those stands, all of those are not the purpose of a wild and scenic river

This is Falls River, Massachusetts These are not needful buildings within a half-mile of the bank Regardless of how you look at that particular issue, it violates the spirit and the letter of the Wild and Scenic River Act And it violates more than that, because it simply says the rule of law can be put apart that any time a majority comes on this floor and decides to vote for an issue that can now replace the standard of which we decide to deal with

We have a problem with the great obstacles to our border control and border security Within the bowels of this bill is another bill that will make it more difficult for border security, even on bicycles, to try and patrol Federal lands Those are problems within this structure, and we are told that it's still a suspension

We have about 12 Members, I counted, on the floor, engaging in this debate Soon there will be 400 more coming through these doors without having heard the discussion, without having heard the debate and thinking this is nothing more than a suspension We do need regular order

Now, I want it very clear not only do I not own monkeys, but Mr RAHALL is not to blame for this Chairman RAHALL has done a perfect job on the House Even in the bad bills he has brought forward, he at least went through regular order This is a by-product of the Senate This is a product of the Senate, and the Senate should be ashamed to try and compile 177 different bills into one omnibus package And we should be ashamed of actually debating it as a suspension

Mr RAHALL Mr Speaker, unlike the omnibus lands packages of the past by Republican Congresses that were jammed down our throats at the last minute, this bill has been around for well over a year in our committee To have the bill described as being jammed down their throats at this point, the gentleman from Utah has been in quite a few battles with this bill, so he must know a lot about it

I yield 1 minute to the gentleman from California, the distinguished chairman of our Education and Labor Committee, Mr GEORGE MILLER

Mr GEORGE MILLER of California I thank the gentleman for yielding and for bringing this legislation to the floor I particularly want to strongly support those items for title 16 of the Reclamation Act for water recycling and reuse The projects in this bill are very good projects that are not in my district They are all over the State in the southwest that have been authorized, but it's most important, as we enter again the third year of this drought, with continued stress put on all of the water systems throughout the West and the Southwest, that we get into recycling and reuse, this will allow communities to take control of their water resources to be more efficient in the use of them It allows us to develop, just in this legislation alone, that these projects go forward and there is money in the stimulus for this There was money in the appropriations bill for this

We are seeing a savings of about half a million to a million acre feet of water in the West That's real water It's valuable water, and we have the ability to reuse it

I want to thank the gentleman for this legislation and the subcommittee Chair, Mrs NAPOLITANO, a champion of water recycling and reuse And I would

be remiss if I didn't mention the fact that this bill also protects the beautiful Passaic Falls in Paterson, New Jersey

Mr HASTINGS of Washington Mr Speaker, how much time on both sides remains?

The SPEAKER pro tempore The gentleman from Washington has 5½ minutes and the gentleman from West Virginia has 7¾ minutes

Mr HASTINGS of Washington Mr Speaker, I am pleased to yield 2 minutes to the gentledady from Wyoming (Mrs LUMMIS), a new member of the committee

Mrs LUMMIS Mr Speaker, this is a very important issue to me

I rise to oppose Senate 22, the Omnibus Public Land Management Act in the suspension, but my decision to oppose this was not an easy one, because two of the individual bills in this omnibus measure were introduced in honor of a dear friend of mine, one of the truest Western statesmen to have ever served in the United States Congress I speak, of course, of the late Senator Craig Thomas, who was also a Member of this body, a tireless advocate and protector of those values that continue to shape Wyoming and its people

Wyoming is a State blessed with unparalleled natural resources, from spectacular mountain ranges and wide open plains to the vast mineral deposits that lie beneath them In Wyoming, we find balance regarding how those very resources are managed The bill we are considering today fails in achieving that have balance

While our economy reels and the Federal deficit reaches record highs, this bill places an additional \$10 billion burden on the taxpayers in Wyoming and across the Nation These are not dollars being spent to ease economic woes or create jobs, these are dollars being spent in large part to restrict access to our public lands, to limit responsible energy production in the West and to codify the vague and ill-conceived National Landscape Conservation System

Supporters of this 1,200-page massive omnibus package will tell you that most of the bills it is comprised of are largely noncontroversial In some cases they are correct, but in many cases they are not

Nearly 100 of the bills wrapped into this measure were never considered by the full House, let alone by those of us who were freshmen Absolutely no amendments are allowed to be offered today

As such, I am afforded no opportunity to work with the people of my State to address the specific local concerns regarding the Wyoming portion of this package

The SPEAKER pro tempore The time of the gentlewoman has expired

Mr HASTINGS of Washington I yield the gentledady an additional 15 seconds

Mrs LUMMIS In today's vote we are asked to choose all or nothing I know, Mr Speaker, the House can do better Our public lands deserve better

Mr RAHALL Mr Speaker, I yield 1 minute to a very valued new member of our committee, Mr MARTIN HEINRICH, the gentleman from New Mexico

(Mr HEINRICH asked and was given permission to revise and extend his remarks)

Mr HEINRICH Mr Speaker, as a New Mexican, I rise today in strong support of this public lands package This bill represents years of work by local citizens, sportsmen, and conservationists from around the Nation

I know this firsthand For years before I was elected to this body I worked with sportsmen and conservationists to add the Sabinoso Wilderness to the National Wilderness Preservation System

It was 3 years ago this month that then-Congressman and now Senator TOM UDALL, myself and the staff of the New Mexico BLM office spent a long day exploring this beautiful and rugged area on horseback The Sabinoso is a stunning piece of New Mexico, characterized by high mesas, deep canyons and abundant wildlife

In New Mexico alone, this package will designate the Sabinoso Wilderness, protect one of the most unique and beautiful cave systems in the world and protect an area rich with dinosaur tracks In addition, it authorizes critical investments in water infrastructure and efficiency for the pueblos of the Rio Grande Valley

Mr HASTINGS of Washington Mr Speaker, I think we are kind of out of balance here

I will reserve the balance of my time Mr RAHALL Mr Speaker, I yield 1 minute to the gentleman from Connecticut, Mr CHRIS MURPHY

Mr MURPHY of Connecticut I thank the chairman for his work on this bill, and let me give yet another example of the good work that has been put into this bill

For years there have been hundreds of volunteers and land conservationists from throughout Connecticut, New Hampshire and Massachusetts who put their time into preserving and upkeeping the Triple M Trail, the Metacomet Monadnock Mattabesett Trail For years they have asked for a Federal partnership to work along with them to preserve this incredibly important resource for the more than 2 million people throughout the northeast who live within 10 miles of what we refer to as the Triple M Trail

This 220-mile trail goes from southern New Hampshire's southern border all the way down to Long Island Sound and provides limitless opportunities for hikers and bikers and nature enthusiasts throughout the Northeast This legislation, giving Federal designation to this trail, is going to provide, I think, a very important lasting partnership between the Federal Government, private landowners and local conservation groups to preserve this for generations to come, and I urge passage of this legislation

Mr HASTINGS of Washington Mr Speaker, could I inquire of my friend

from West Virginia how many speakers he has

Mr RAHALL If the gentleman will yield, I have four speakers, and it is my intention to conclude the debate

Mr HASTINGS of Washington I will reserve my time

Mr RAHALL Mr Speaker, I yield 1 minute to the gentleman from Washington, Mr BRIAN BAIRD

Mr BAIRD Title XII of S 22 contains four important ocean bills, including the Federal Ocean Acidification Research and Monitoring Act For those who are unfamiliar with it, what this bill deals with is one of the grave threats of carbon buildup in the atmosphere and in the oceans

Briefly, 25 percent of the carbon that is emitted is dissolved in the ocean That makes the water more acidic, more acidic water creates difficulties for shellfish acquiring the minerals they need, and that applies to everything from phytoplankton to oysters, crabs, et cetera It is a grave threat to the Nation and to the environment of the planet, and this bill is a major step forward in addressing this critical need

I applaud this bill not only for this portion of the ocean element, but three other critical pieces of legislation to better understand our ocean, and urge its passage

Mr RAHALL Mr Speaker, I yield 1 minute to the gentleman from Virginia, Mr TOM PERRIELLO

Mr PERRIELLO Mr Speaker, I rise in support of the Omnibus Public Land Management Act, as amended by the gentleman from Pennsylvania

As an Eagle Scout, the outdoor experiences I enjoyed helped shape my character and my commitment to public service All future generations should have the same opportunity to enjoy our natural heritage that I had growing up in the shadow of the Blue Ridge Mountains

As amended, this act protects our outdoors and also our freedoms Sportsmen are some of our strongest conservationists, and their ability to enjoy our natural heritage must be preserved I am happy that language has been added to ensure that no provision will be used to limit access to public lands for hunting and fishing

I hope this Chamber will continue to do all in its power to defend the freedom of our sportsmen and all Americans, be it their right to access public lands or their individual right to bear arms Theodore Roosevelt once said, "The farther one gets into the wilderness, the greater is the attraction of its lonely freedom"

The experience of the outdoors leads sportsmen, scouts, seniors, outdoorsmen and all Americans to understand the true meaning of freedom

□ 1115

Mr HASTINGS of Washington I will reserve

Mr RAHALL How much time does the gentleman from Washington have, and what are his intentions to use it?

The SPEAKER pro tempore The gentleman from Washington has 3¼ minutes

Mr HASTINGS of Washington And I have two speakers, including me

Mr RAHALL I reserve the balance of my time

Mr HASTINGS of Washington Mr Speaker, can I inquire of my friend how many speakers he has left?

Mr RAHALL Two

Mr HASTINGS of Washington Including you?

Mr RAHALL Not including me

Mr HASTINGS of Washington Why don't I reserve my time, and we'll be even

Mr RAHALL All right Then I will yield 1 minute to the gentleman from Virginia, Mr GERALD CONNOLLY

Mr CONNOLLY of Virginia I want to thank the distinguished chairman for his work on this very important bill I also want to recognize my distinguished colleague, RICK BOUCHER of Virginia, for his extraordinary leadership on the Virginia Ridge and Valley Act, which is part of the Omnibus Public Land Management Act

Virginia Ridge and Valley will permanently protect 43,000 acres of Jefferson National Forest as Wilderness, and it will also protect an additional 12,000 acres by creating two new National Scenic Areas

These Wilderness and National Scenic Areas protect old-growth forests in the headwaters of some of the most ecologically sensitive rivers in Virginia, the Clinch and the Holston

I congratulate the work of the committee, the distinguished chairman, and my colleague, Mr RICK BOUCHER, and I urge passage of the legislation

Mr HASTINGS of Washington Mr Speaker, I am pleased to yield 1 minute to a new member of the Natural Resources Committee, the gentleman from Utah (Mr CHAFFETZ)

Mr CHAFFETZ Thank you More than 160 titles are wrapped into more than 1,200 pages in this bill Seventy-five of these titles in the House and 23 in the Senate have never been considered, introduced, or debated We need openness, transparency, and debate on all bills, and this lands bill falls far short

This bill takes roughly 8 trillion cubic feet of natural gas and 300 million barrels of oil out of production in Wyoming At a time when we must strive for energy independence, and people need jobs, this is not a time to further lock up our resources

This bill is also filled with pork \$3 5 million to celebrate the anniversary of St Augustine, Florida, \$250,000 dollars to decide—just to decide—how to designate Alexander Hamilton's boyhood home

From making a child a Federal criminal for picking up a fossil, to locking up our public lands, to a lack of proper debate, I urge my colleagues to join me in voting "no" on this bill

Mr RAHALL Mr Speaker, I yield 1 minute to a distinguished Member and

a valued member of our Committee on Natural Resources, the gentleman from New Jersey (Mr HOLT)

Mr HOLT Mr Speaker, I thank the chairman, and I commend him for his good work on this legislation, which would preserve important pieces of America's natural, cultural, and historical resources for future generations Others have spoken today about valuable parts of this bill I'd like to address that In New Jersey, this bill would preserve our heritage as one of the leaders of the Industrial Revolution by creating the Paterson Great Falls National Historic Park and the Edison National Historic Park

Paterson Great Falls will protect and preserve a striking natural resource, the Great Falls, along with cultural and historical sites that tell the stories of our Founders, America's economic rise, and the African American experience Edison National Historic Park will ensure that future generations have an opportunity to visit the home and laboratory of one of New Jersey's most celebrated and influential citizens and one of America's most prominent inventors, Thomas Edison

I'd like to commend my colleagues from New Jersey, Representatives PASCRELL and PAYNE, for their hard work on these issues, and I'd also like to commend Representative HINCHY for his work on the Washington Rochambeau Trail in this bill The trail will help link many of the sites in New Jersey's Crossroads of the American Revolution These sites are of great importance to the residents of central New Jersey, and I urge my colleagues to support it

Mr HASTINGS of Washington Once again, Mr Speaker, I understand that I am ready to close on my side If the gentleman from West Virginia is prepared to close after I speak, I will go ahead

Mr RAHALL I am prepared to close  
Mr HASTINGS of Washington I yield myself the balance of my time, Mr Speaker

Mr Speaker, I just want to make a point There's some reference here to the NRA and what their position is on this bill I just want to say that there was a letter passed to all Members that NRA has no position on this bill They are neutral

Mr Speaker, because under suspension of the rules Members cannot offer amendments directly to S 22, so, Mr Speaker, may I ask the gentleman from West Virginia to yield for the purpose of an amendment to his motion to strike the provisions of S 22 which can criminalize rock-collecting on Federal lands?

Mr RAHALL Simple, simple answer No

Mr HASTINGS of Washington Mr Speaker, let me try another one There are several issues here May I ask the gentleman from West Virginia to yield to me for the purpose of an amendment to his motion to guarantee that S 22 will not prohibit or delay energy devel-

opment on millions of acres of Federal lands affected by this bill?

Mr RAHALL That is not the case The answer is no

Mr HASTINGS of Washington The gentleman won't yield Mr Speaker, I will try one more time

May I ask the gentleman from West Virginia to yield to me for the purpose of an amendment to his motion to guarantee that S 22 will not prohibit recreational access for all Americans to the millions of acres of Federal lands affected by this bill?

Mr RAHALL The question is not in order, Mr Speaker

Mr HASTINGS of Washington Mr Speaker, how much time do I have left?

The SPEAKER pro tempore The gentleman has 1¼ minutes

Mr HASTINGS of Washington Mr Speaker, I just want to point out that this is an extraordinary process Suspension of the rules for bills are generally for noncontroversial issues This is a \$10 billion authorization bill, and it was amended It was amended But nobody else, including those that I referenced here earlier, had an opportunity to come to the floor and offer their amendment in their way to try to perfect this bill

So, I am urging my colleagues to vote "no" on this bill When it's defeated under suspension of the rules, the majority can take this back to Rules, have an open rule so we can debate this process, I think, in a very reasonable way

Because, keep in mind, Mr Speaker, we were told, "No amendments on this bill or the Senate will take it down to their purgatory" That didn't happen So, with that, Mr Speaker, I yield back my time and urge a "no" vote

Mr RAHALL How much time, Mr Speaker?

The SPEAKER pro tempore Two minutes

Mr RAHALL Mr Speaker, much has been said about the cost of this legislation I think it's important to note that CBO estimates that enacting S 22 would have no effect on revenues and no net effect on direct spending over the 2009 to 2018 period, which is the time period relevant to enforcing the pay-as-you-go rules under the current budget resolution So, this legislation is PAYGO-compliant PAYGO rules do apply here, something the Republicans never followed when they were in power

This is an authorization process and, as most Members know, there's a difference between authorization and appropriation If Members oppose certain projects in this bill, then the case is to take this to the Appropriations Committee, where those concerns can be properly aired

The bill contains numerous provisions related to non-Federal matching funds in order to maximize public benefit while minimizing Federal expenditures, an important point that has not yet been made in the pending legislation

So, as I conclude, Mr Speaker, let me say, as I said in the beginning, this bill is important, especially in today's troubled economic times. We find more and more families where both breadwinners have to find jobs in order to make ends meet. That means that quality time spent at home is rare, and the quantity of time in which families can spend together is even more rare today. Whenever there is time found together, it must be quality time, and that quality time can be found in our National Parks and our public lands and our heritage areas and our historically preserved areas, in our open spaces.

And that's what this legislation is about. It's a family values issue. Providing hardworking American families today time to spend quality time and quantity time is rare, to spend quality time together in our open spaces, recognizing the vast heritage and important heritage and proud heritage of this great land that we call America. That is what this legislation is all about, and I urge my colleagues to vote "yes."

Mr STUPAK: Mr Speaker, I am troubled by the manner in which this bill, S 22, the Omnibus Public Lands Act, was brought to the House floor with no opportunity to amend and little input from members of this chamber.

We are all aware of the challenges in moving legislation, particularly this legislation, through the Senate. But that does not mean we should defer to the judgment of 99 Senators and let the voices of the 435 members of the House and their constituents go unheard.

There are a lot of good things in this bill. For example, I am pleased S 22 includes stand alone legislation I have introduced, H R 488, to decrease the matching funds requirement and authorize additional appropriations for Keweenaw National Historical Park in Michigan. Another provision in the bill would support the North Country National Scenic Trail, which snakes more than a thousand miles across my state.

Despite the inclusion of these provisions, this could be a stronger bill with input from the House. There is no better example of this than the one amendment that was allowed, that offered by Mr ALTMIRE. His amendment protects access to public lands for recreational activities otherwise allowed by law or regulation, including hunting, fishing and trapping and clarifies states' authority to manage fish and wildlife populations.

I have drafted an amendment, which due to the way this bill was brought to the floor I was unable to offer, to strip a provision designating 11,739 acres at Pictured Rocks National Lakeshore as the Beaver Basin Wilderness Area. The proposed wilderness designation is located entirely in my congressional district and lacks the support of the local city and county governments. This issue deserved debate and consideration by the House before pushing through this public lands bill.

Quickly adding S 22 to the suspension calendar and effectively blocking input and changes is not appropriate regular order. Ultimately, the good things in this bill outweigh my frustrations over the process so I will support final passage. But I urge you, Mr Speaker, to restore regular order to the House floor.

Mr PAYNE: Mr Speaker, I would like to ask my colleagues to join me today to pass S 22, the Omnibus Public Land Management Act. This bill is a compilation of over 160 bills intended to protect millions of acres of wilderness and miles of national wild and scenic rivers. It will also establish three new national park units, four new national trails and more. The Lifetime Innovations of Thomas Edison (LITE) Act, which is part of the omnibus legislation, honors the life and accomplishments of New Jersey's own Thomas Edison.

The Lifetime Innovations of Thomas Edison Act (LITE) Act is a testament to Edison whose impact is still being felt today. Congress, in 1928, honored Edison with the Congressional Gold Medal for the "development and application of inventions that have revolutionized civilization in the last century." In 1997, Life magazine named Edison "Man of the Millennium" in recognition of his inventions that have transformed modern society, including the incandescent light bulb, the motion picture camera, and the phonograph. The LITE Act will preserve the intellectual and physical accomplishments of Thomas Edison by commemorating his lifetime achievements, re-designating the Edison National Historic Site, located in West Orange, NJ, my Congressional district, as a National Historic Park, and authorizing appropriations to support the site.

The Edison site is actually comprised of two separate sites—Edison's home of 45 years (known as Glenmont) and his laboratory complex. The Edison site houses over five million pages of documents, over 400,000 artifacts, approximately 35,000 sound recordings, and over 10,000 books from Edison's personal library. Like this priceless collection of documents and artifacts, Edison's laboratory complex and home are also historical treasures. With buildings dating back to 1887, the laboratory complex was one of America's first research and development facilities, and is where Edison earned over half of his 1,093 patents. Moreover, Mr Edison's gravesite is located on the grounds of his beloved Glenmont, a twenty-nine room home built in 1880 that contains original furnishings and other family items.

The LITE Act is critical to efforts to protect the Thomas Edison National Historic Site. The Edison site has enormous historical significance for America and for the world, and is badly in need of restoration. The need for major infrastructure improvements at the Edison site has been documented as early as 1972. Additionally, the site was listed, in 1992, by the National Trust for Historic Preservation as one of the nation's most "endangered historic places." The laboratory complex is currently closed to the public because of an extensive restoration effort. It is estimated that the first phase of the restoration effort will conclude this April and that the laboratory complex will open for public preview some time this summer. Renovations at Glenmont have been completed and the site is open to the public and fully functioning. Plans also exist for a second phase of the restoration project. Currently, National Park Service (NPS) staff are housed in historic buildings under less than ideal circumstances. The second phase will focus on getting NPS staff out of the historic buildings and into office space that better supports their critical mission of preserving Edison's historical legacy.

When the Edison site was fully operational, approximately 95,000 people visited the site

each year. It is estimated that the number of visitors will nearly triple when the first phase of the restoration project is completed. The LITE Act would ensure this commitment by re-designating the Edison site as a "national historical park" (consistent with National Park Service guidelines) and authorizing appropriations for restoration work. These measures will preserve Thomas Edison's historical legacy, enhance the educational experience of visitors to the site, and hopefully, encourage more private funding for restoration projects.

Although private benefactors—most notably the Edison Preservation Foundation—have generously donated significant resources to restore the site, the federal government's long-term commitment to the site is critical to its longevity and educational mission. This legislation recognizes Thomas Edison's numerous contributions to American society and preserves the Edison National Historic Site as a leading educational, scientific and cultural center.

S 22, the Omnibus Public Land Management Act of 2009 is a sweeping piece of legislation that will conserve millions of acres of America's splendor for future generations. The Lifetime Innovations of Thomas Edison Act is a small component of the bill but will provide great educational and entertainment opportunities for the people of New Jersey and others who will visit this historic gem. I respectfully urge my colleagues to support this important legislation.

Mrs CAPPAS: Mr Speaker, I rise today to express my support for S 22, the Omnibus Public Land Management Act of 2009.

I want to thank Chairman RAHALL for his leadership during the previous Congress to move this important legislation forward. While we were unable to vote on this package last year, it is time that we pass these bills.

This legislation is a bipartisan package of more than 160 individual bills and incorporates a wide range of public lands, water resources, and ocean and coastal protection measures that impact various regions of our Nation. All of the bills included in the package have been thoroughly reviewed and approved by the House or favorably reported by the Senate committee of jurisdiction during the 110th Congress.

Today, I wish to highlight four bills in the omnibus package that I sponsored during the 111th Congress.

First, the Coastal and Estuarine Land Conservation Program Act.

This legislation codifies and strengthens an existing NOAA program—the Coastal and Estuarine Land Conservation Program or CELCP—that awards grants to coastal states to protect environmentally sensitive lands.

As someone who represents over 200 miles of California's coastline, I'm well aware of the pressures of urbanization and pollution along our nation's coasts. These activities threaten to impair our watersheds, impact wildlife habitat and cause damage to the fragile coastal ecology.

Coastal land protection partnership programs, like CELCP, can help our Nation meet these growing challenges.

For example, in my congressional district I've worked collaboratively with environmental groups, willing sellers, and the State to conserve lands and waters around Morro Bay, on the Gaviota Coast, and near the Piedras Blancas Light Station.

These projects have offered numerous benefits to local communities by preserving water quality, natural areas for wildlife and birds, and outdoor recreation opportunities—thereby protecting for the future the very things we love about the coasts.

Although the program has been in existence for six years, it has yet to be formally authorized. This legislation seeks to do just that. It expands the federal/state partnership program explicitly for conservation of coastal lands.

Under this program, coastal states can compete for matching funds to acquire land or easements to protect coastal areas that have considerable conservation, recreation, ecological, historical or aesthetic values threatened by development or conversion.

It will not only improve the quality of coastal areas and the marine life they support, but also sustain surrounding communities and their way of life.

I would also like to acknowledge the work of former Congressman Jim Saxton. Mr. Saxton introduced this legislation in the 109th and 110th Congresses. His longstanding commitment to passage of this legislation will ensure the protection of the important coastal habitat and provide for increased recreational opportunities throughout his home state of New Jersey.

The Omnibus Public Land Management Act also includes my Integrated Coastal and Ocean Observation System Act.

This legislation seeks to establish a national ocean and coastal observing, monitoring and forecasting system to gather real-time data on the marine environment, to refine and enhance predictive capabilities, and to provide other benefits, such as improved fisheries management and safer navigation.

To safeguard our coastal communities and nation, we must invest in the integration and enhancement of our coastal and ocean observing systems.

The devastation caused by tsunamis, hurricanes, and other coastal storms demonstrates the critical need for better observation and warning systems to provide timely detection, assessment and warnings to millions of people living in coastal regions around the world.

The U.S. Commission on Ocean Policy, the Pew Oceans Commission, and many government ocean advisory groups have called for the establishment of a national integrated coastal and ocean observing system as the answer to this challenge.

Specifically, the National Integrated Coastal and Ocean Observing System Act would formally authorize the President to develop and operate a genuine national coastal and ocean observing system to measure, track, explain, and predict events related to climate change, natural climate variability, and interactions between the oceans and atmosphere, including the Great Lakes, promote basic and applied science research, and institutionalize coordinated public outreach, education, and training.

Importantly, this system will build on recent advances in technology and data management to fully integrate and enhance the nation's existing regional observing assets, like the Southern and Central and Northern California Ocean Observing Systems, which operate off California's coastline. These systems have proven invaluable in understanding and managing our ocean and coastal resources.

I would also like to commend our former colleague from Maine, Congressman Tom

Allen, for championing this legislation in the 110th Congress. Congressman Allen worked tirelessly to enact this important legislation in the last session, and he deserves a tremendous amount of credit when this measure is signed into law.

S. 22 also includes my City of Oxnard Water Recycling and Desalination Act.

This bill authorizes a proposed regional water resources project—the Groundwater Recovery Enhancement and Treatment or GREAT Program—located in my congressional district.

Many communities today are faced with the difficult task of providing reliable and safe water to their customers. The City of Oxnard is no exception.

Oxnard is one of California's fastest growing cities and is facing an ever-growing crisis: it's running out of affordable water.

The water needs for the city's agricultural and industrial base, together with its growing population, have exceeded its local water resources. As a result, over 50 percent of its water has to be imported from outside sources. However, through a series of local, state and federal restrictions, the amount of imported water available to the city is shrinking, while the cost of that water is rising.

Recognizing these challenges, Oxnard developed the GREAT Program to address its long-term water needs.

The GREAT Program elements include a new regional groundwater desalination facility to serve potable water customers in Oxnard and adjacent communities, a recycled water system to serve agricultural water users and provide added protection against seawater intrusion and saltwater contamination, and a wetlands restoration and enhancement component that efficiently reuses the brine discharges from both the groundwater desalination and recycled water treatment facilities.

Implementation of the GREAT Program will provide many significant regional benefits.

First, the new desalination project will serve ratepayers in Oxnard and adjacent communities, guaranteeing sufficient water supplies for the area.

Second, Oxnard's current water infrastructure delivers approximately 30 million gallons of treated wastewater per day to an ocean outfall. The GREAT Program will utilize the resource currently wasted to the ocean and treat it so that it can be reused by the agricultural water users in the area.

During the non-growing season, it will inject the resource into the ground to serve as a barrier against seawater intrusion and saltwater contamination. To alleviate severely depressed groundwater levels, this component also pumps groundwater into the aquifer to enhance groundwater recharge.

Finally, the brine produced as a by-product of the desalination and recycling plants will provide a year-round supply of nutrient-rich water to the existing wetlands at Ormond Beach.

I commend Oxnard for finding innovative and effective ways of extending water supplies in the West. In my view, the City of Oxnard Water Recycling and Desalination Act supports one such creative solution.

It will reduce the consumption of groundwater for agricultural and industrial purposes, cut imported water delivery requirements, and improve local reliability of high quality water deliveries.

Finally, the package includes my Goleta Water Distribution System Conveyance Act.

This bill authorizes the title transfer of a federally owned water distribution system in my congressional district from the Bureau of Reclamation to the Goleta Water District.

The purpose of the legislation is to simplify the operation and maintenance of the District's water distribution system and eliminate unnecessary paperwork and consultation between the District and the Bureau.

The Goleta Water District has operated and maintained the facilities proposed for transfer since the 1950s. They have worked through all requirements of the Bureau's title transfer process, including public meetings, fulfillment of their repayment obligations, completion of an environmental assessment, and compliance with all other applicable laws.

The only step remaining to complete the process is an act of Congress enabling the Secretary of the Interior to transfer title.

It is important to note that the proposed transfer would apply only to lands and facilities associated with the District and would not affect the District's existing water service contract with the Santa Barbara County Water Agency, nor the Federal government receipts from water deliveries under the contract.

In addition, the proposed transfer does not envision any new physical modification or expansion of the service infrastructure.

I'm pleased the Bureau supported my legislation, which will allow the Bureau to focus its limited resources where they are needed most.

In my view, this is an example of local problem-solving at its best. I commend the staff of the water district and the Bureau for their efforts to reach this agreement. I know that they have been working on this for several years now.

In closing, Mr. Speaker, all of these bills could not have been accomplished without the strong support and hard work and dedication of the House Leadership and Chairman RAHALL, and I thank them for successfully moving these priorities in my congressional district.

I urge all of my colleagues to support the Omnibus Public Land Management Act of 2009.

Mr. MINNICK: Mr. Speaker, I rise today in support of the Public Lands Management Act.

Teddy Roosevelt once spoke of his fondness for the out of doors when he said, "there are no words that can tell the hidden spirit of the wilderness, that can reveal its mystery, its melancholy, and its charm."

This legislation contains a protection for a number of America's public lands and in particular, for a treasured place back in my home of Idaho called the Owyhee Canyonlands.

Last summer, I had the privilege of spending a week floating the river which created the area this bill will protect. We saw redband trout in the pristine rapids, camped along the lush river banks, climbed up the rocky canyon walls to see bighorn sheep, and stood at the top looking at a rich desert plateau of sage grouse, antelope and bald eagles.

When passed, this bill will permanently protect as wilderness 517,000 beautiful acres in the southwestern corner of my home state's landscape and would provide wild and scenic status to nearly 315 miles of rivers. It will also guarantee that the ranching families who have protected this land for generations will continue on, with their grazing rights protected.

None of that would be possible without the hard work of my friend and colleague in the



Senate, MIKE CRAPO, who fostered a collaborative process of ranchers, public officials, community leaders and conservationists to preserve our cherished Owyhees

Many of these provisions in this bill have been waiting on Congressional action for years and are supported by Members from across the political spectrum I urge you to join us today in supporting this historic legislation

Mr ISSA Mr Speaker within the gigantic omnibus lands bill that is on the floor today are two authorizations for water projects that will greatly benefit my Congressional District and much of Southern California I did not ask that the Santa Margarita Conjunctive Use Project and the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects be rolled into this 1,200, plus-page bill Each of these projects had enough merit to pass the House on their own and could have just as easily passed the Senate They are worthy projects that will help to address the water shortage that Southern California continues to experience

The first authorization, for the Santa Margarita Conjunctive Use Project, directs the Bureau of Reclamation to construct a project for the benefit of the Fallbrook Public Utilities District and the United States Marine Corps base at Camp Pendleton consisting of enhanced recharge in the groundwater basins using natural and enhanced river flows All of the project rights-of-way are already held A feasibility study and joint EIS/EIR is under preparation by the Bureau of Reclamation

The project sets aside and preserves valuable riparian and upland habitats of the last free flowing river in California, using a portion of the 1,300 acres originally purchased for a dam and reservoir It would improve and partially privatize the water supply to USMC Base Camp Pendleton, which will receive better quality water in quantities sufficient to meet water needs up to its ultimate planned utilization

This legislation also provides a final resolution to litigation that began over forty years ago In 1966, the U S District Court directed the Department of the Interior to provide a "physical solution" to the division of water of the Santa Margarita River as set forth in a stipulated judgment Previous legislative efforts to authorize a two dam project on the river were not successful The conjunctive use project utilizes advances in water treatment technology, making it possible to comply with the court's directive at less than half the cost of the two dam project and without environmental degradation

Finally, this project provides a safe, drought and earthquake proof water supply of as much as 18,000 acre feet of water per year, enough for 35,000 families, for Camp Pendleton and Fallbrook The project yield will be split with 60% for Camp Pendleton and 40% for Fallbrook

This is a good project and deserves to be authorized

The second authorization, the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects, Amends the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior, in cooperation with the Elsinore

Valley Municipal Water District, California, to participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the water district

This project is needed to provide additional water resources for agricultural and residential areas in Riverside County In the wake of additional water limitations from the Colorado River and the Sacramento Delta this authorization creates an additional local water resource that gives the district better options

Ms DELAURO Mr Speaker, we have an obligation to our communities and to generations that follow, to preserve our nation's scenic beauty, wildlife, and outdoor recreation The Grand Canyon, Yellowstone, Acadia, and the Blue Ridge Mountains are just a few of our country's natural treasures admired around the world Yet there are many more, so critical to our natural heritage and to our basic well-being

The Omnibus Public Land Management Act of 2009 (S-22) will save many of those other special places and sustain America's unique greatness as a nation of unparalleled natural treasures One of the many important achievements of this package of 160 public lands bills is Congressional designation of 86 Wild & Scenic rivers in Arizona, California, Idaho, Massachusetts, Oregon, Utah, Vermont, and Wyoming From our own experience in Connecticut we know the special value of a Wild & Scenic river designation

Take for example our Eightmile River Wild and Scenic River designation signed into law last May, championed by my colleague JOE COURTNEY An unprecedented level of protection has now been produced for one of New England's outstanding river systems, and Wild & Scenic designation was the catalyst for getting it done In CT like New England we are many separate towns with our own identities and agendas Getting towns to work together on regional issues is very tough But the Wild & Scenic process brought the watershed towns together and they worked hard for several years With the support of the designation process, they scientifically identified the river system's outstanding resource values such as its high "Water Quality" and diversity of "Unique Species" They built community awareness of the river's importance and community involvement in the Wild and Scenic process The commitment to protect the river was widespread among citizens and made official through overwhelming town votes for designation Today, thousands of acres have been conserved and a long term management plan for the entire Watershed developed and adopted Now, through its Wild and Scenic designation, the Eightmile has a federal partner and special federal protection It is a model of communities taking strong action together to realize a common vision It is also a model of how small amounts of federal funding can help inspire local action and leverage substantial non-federal resources

I am so pleased to see Congress taking action through the Omnibus Public Land Management Act of 2009 to realize our common desire to keep America the beautiful As Wild and Scenic designation is a great asset for our state, this bill will help create many more invaluable assets for our entire country

Mr RAHALL Mr Speaker, I submit for inclusion in the RECORD the following exchange

of letters between the Judiciary and Natural Resources Committees regarding a certain jurisdictional aspect of S 22

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, February 5, 2009

Hon NICK RAHALL,  
Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC  
DEAR CHAIRMAN RAHALL I am writing regarding S 22, the Omnibus Public Land Management Act of 2009, which has been received in the House after passing the Senate

Subtitle D of title VI of that bill is a measure based on H R 554 from the 110th Congress, the Paleontological Resources Preservation Act, containing significant provisions within the Rule X jurisdiction of the Judiciary Committee, including criminal penalties, judicial review and enforcement of administrative fines, use of civil and criminal fines, and forfeiture The Judiciary Committee received an extended referral of H R 554 in the 110th Congress, and our two committees had extensive discussions about refining the bill in important respects

While I understand and support the decision, in light of the difficulty in passing S 22 in the Senate, to attempt to pass it in the House without amendment to ensure it reaches the President, I regret that we will be unable to make appropriate refinements to the provisions in the Judiciary Committee's jurisdiction before the bill becomes law I appreciate your willingness to work with me to make these refinements as soon as practicable in subsequent legislation

I would appreciate your including this letter in the CONGRESSIONAL RECORD during consideration of the bill on the House floor Thank you for your attention to this matter, and for the cooperative relationship between our two committees

Sincerely,

JOHN CONYERS, Jr.,  
Chairman

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, February 5, 2009

Hon JOHN CONYERS,  
Chairman, Committee on the Judiciary, Rayburn HOB, Washington, DC

DEAR MR CHAIRMAN Thank you for your letter concerning the paleontological resource provisions of Subtitle D of Title VI of S 22 that fall within the jurisdiction of the Committee on the Judiciary I appreciate your understanding of the need to consider S 22 in the House without amendment so as to ensure its enactment in a timely manner I recognize the interest of your committee in these specific provisions and will work with you to make any necessary and appropriate refinements in subsequent legislation

This letter, as well as your letter, will be entered into the CONGRESSIONAL RECORD during consideration of S 22 on the House floor Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees

With warm regards, I am

Sincerely,

NICK J RAHALL, II,  
Chairman

Mr LANGEVIN Mr Speaker, I rise in strong support of S 22, the Omnibus Public Land Management Act of 2009 Not only does this measure combine 71 bills already passed by the House of Representatives that improve forest health, facilitate better land management and protect water resources, it contains a bill that is long overdue for the President's signature—The Christopher and Dana Reeve Paralysis Act

In the beginning of the 108th Congress, I joined a number of my colleagues in announcing the introduction of this critical piece of legislation. On that spring day in 2003, we were joined by Christopher Reeve. Each of us who had the privilege of working with Chris knows that his voice was strong and his perseverance was limitless. He worked tirelessly to raise awareness of spinal cord injuries and bring science closer to a cure. I would like to take this opportunity to recall what he said to us on that day six years ago.

"I am honored and humbled to have my name associated with such a powerful piece of legislation. The passage of this bill will send an unprecedented message—the issues of research, rehabilitation and quality of life are paramount to improving the lives of those living with disabilities."

These words ring true today—and I know that the spirit and force behind them are more powerful than ever as we prepare to pass a bill that will truly make a difference in the advancement of paralysis research. This legislation will authorize funding for the National Institutes of Health (NIH) to expand and coordinate NIH activities on paralysis research to prevent redundancies and accelerate discovery of better treatments and cures. It will also establish a grant program in the Department of Health and Human Services for activities related to paralysis, including establishing registries and disseminating information.

Mr. Speaker, as a lawmaker eager to preserve our public lands, as well as find new treatments and cures for paralysis, I urge my colleagues to vote in favor of S 22 and support its final passage.

Mr. WOLF: Mr. Speaker, I will vote today for S 22 because I have been an advocate of initiatives like many that are authorized in this package that protect our nation's historical, cultural, and scenic heritage. Several provisions in this bill will specifically help to preserve areas in my district and throughout the state of Virginia.

I have cosponsored and voted for the Civil War Battlefield Preservation Act, which is included in this package and provides grants to assist with the purchase of important Civil War sites that have not yet been protected. This program has helped preserve many sites in my district, rich in Civil War heritage. Most recently, the purchase of the site of the Battle of Third Winchester is contingent on receiving grant funding from this program.

Other initiatives that will preserve important sites in Virginia that are included in this package are the Virginia Ridge and Valley Act, the Northern Neck National Heritage Area Study Act and the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act.

While I agree in general with the intent of programs included in this package, I also have concerns regarding some of its provisions. There is language included in the bill that would prohibit natural resource development on about 1.2 million acres in Wyoming. According to the Bureau of Land Management, this provision would permanently take 8.8 trillion cubic feet of natural gas and 300 million barrels of oil out of production. I believe that it is irresponsible to put restrictions on domestic energy production. Environmentally friendly domestic energy production should be considered as part of a comprehensive energy plan to help stabilize the cost of gasoline and reduce U.S. dependence on foreign oil.

I also maintain that long-term, permanent energy policy must be developed through clean, alternative and renewable energy resources to fuel our cars and light our homes and businesses. Solar power, wind power, clean coal technology, nuclear power, the hydrogen economy, new energy transmission technology, hybrid vehicle development, biofuels—every option must be on the table for investment and development to secure our nation's energy needs for the 21st century. But we cannot close the door to domestic energy production.

Mr. BRADY of Pennsylvania: Mr. Speaker, as chairman of the Committee on House Administration, I urge passage of S 22, which contains three important projects to advance the mission of the Smithsonian Institution.

This legislation would authorize the design and construction of laboratory and support space for the Mathias Laboratory at the Smithsonian Environmental Research Center (SERC) in Edgewater, Maryland, authorize construction of laboratory space to accommodate the terrestrial research program at the Smithsonian Tropical Research Institute (STRI) in Gamboa, Panama, and authorize construction of a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian. The diverse nature of these projects is a good example of the unique role that the Smithsonian plays in advancing our knowledge of the natural world.

The Committee on House Administration and the Committee on Transportation and Infrastructure reported legislation last year approving Smithsonian construction projects, which subsequently passed the House without controversy. This omnibus legislation, S 22, is the clearest and quickest way to ensure enactment of these important initiatives.

Mr. RAHALL: I yield back the balance of my time.

The SPEAKER pro tempore: The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the Senate bill, S 22, as amended.

The question was taken.

The SPEAKER pro tempore: In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore: Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SUPPORTING DESIGNATION OF PI DAY

Mr. DAVIS of Tennessee: Mr. Speaker, I move to suspend the rules and agree to the resolution (H Res 224) supporting the designation of Pi Day, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H RES 224

Whereas the Greek letter (Pi) is the symbol for the ratio of the circumference of a circle to its diameter,

Whereas the ratio Pi is an irrational number, which will continue infinitely without repeating, and has been calculated to over one trillion digits,

Whereas Pi is a recurring constant that has been studied throughout history and is central in mathematics as well as science and engineering,

Whereas mathematics and science are a critical part of our children's education, and children who perform better in math and science have higher graduation and college attendance rates,

Whereas aptitude in mathematics, science, and engineering is essential for a knowledge-based society,

Whereas, according to the 2007 Trends in International Mathematics and Science Study (TIMSS) survey done by the National Center for Education Statistics, American children in the 4th and 8th grade were outperformed by students in other countries including Taiwan, Singapore, Russia, England, South Korea, Latvia, and Japan,

Whereas since 1995 the United States has shown only minimal improvement in math and science test scores,

Whereas by the 8th grade, American males outperform females on the science portion of the TIMSS survey, especially in Biology, Physics, and Earth Science, and the lowest American scores in math and science are found in minority and impoverished school districts,

Whereas America needs to reinforce mathematics and science education for all students in order to better prepare our children for the future and in order to compete in a 21st Century economy,

Whereas the National Science Foundation has been driving innovation in math and science education at all levels from elementary through graduate education since its creation 59 years ago,

Whereas mathematics and science can be a fun and interesting part of a child's education and learning about Pi can be an engaging way to teach children about geometry and attract them to study science and mathematics, and

Whereas Pi can be approximated as 3.14, and thus March 14, 2009, is an appropriate day for "National Pi Day" Now, therefore, be it

*Resolved* That the House of Representatives—

(1) supports the designation of a "Pi Day" and its celebration around the world,

(2) recognizes the continuing importance of National Science Foundation's math and science education programs, and

(3) encourages schools and educators to observe the day with appropriate activities that teach students about Pi and engage them about the study of mathematics.

The SPEAKER pro tempore: Pursuant to the rule, the gentleman from Tennessee (Mr. DAVIS) and the gentleman from Georgia (Mr. BROWN) each will control 20 minutes.

#### GENERAL LEAVE

Mr. DAVIS of Tennessee: Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Resolution 224, the resolution now under consideration.

The SPEAKER pro tempore: Is there objection to the request of the gentleman from Tennessee?

Tauscher Taylor Teague Terry Thompson (CA) Thompson (MS) Thompson (PA) Thornberry Tiahrt Tiber Tierney Titus Tonko Towns Tsongas

NOT VOTING—10

Alexander Bright Buyer Hall (NY) Kosmas Maloney McCarthy (NY) Miller, Gary Radanovich Schock

□ 1231

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

→ OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 22, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the Senate bill, S. 22, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 282, nays 144, not voting 6, as follows:

[Roll No. 117]

YEAS—282

Abercrombie Ackerman Adler (NJ) Altmire Andrews Arcuri Baca Baird Baldwin Barrow Bean Becerra Berkley Berman Berry Bishop (GA) Bishop (NY) Blumenauer Bocciare Bono Mack Boswell Boucher Boyd Brady (PA) Braley (IA) Brown, Corrine Butterfield Capito Capps Capuano Cardoza Carnahan Carney Carson (IN) Castle Castor (FL) Chandler Childers Clarke Clay Cleaver Clyburn Cohen Connolly (VA) Fortenberry Cooper Costa Costello Courtney Crowley Cuellar Cummings Dahlkemper Grayson Davis (CA) Davis (IL) Davis (TN) DeFazio DeGette Delahunt DeLauro Dent Dicks Dingell Duggett Donnelly (IN) Doyle Dreier Edwards (MD) Edwards (TX) Ehlers Ellison Ellsworth Engel Eshoo Etheridge Farr Fattah Finer Fortenberry Foster Frank (MA) Frelinghuysen Fudge Gerlach Giffords Gonzalez Gordon (TN) Grayson Green, Al Green, Gene Griffith Grijalva Gutierrez Halvorson Hare Harman Hastings (FL) Heinrich Hereth Sandlin Higgins Hill Himes Hinchey Hinojosa Hirono Hodes

Holden Holt Honda Hoyer Inslee Israel Jackson (IL) Jackson-Lee (TX) Johnson (GA) Johnson (IL) Johnson, E B Jones Kagen Kanjorski Kaptur Kennedy Kildee Kilpatrick (MI) Kilroy Kind Kirk Kirkpatrick (AZ) Kissell Klein (FL) Kratochvil Kucinich Lance Langevin Larsen (WA) Larson (CT) LaTourrette Lee (CA) Levin Lewis (CA) Lewis (GA) Lipinski LoBiondo Loeb sack Lofgren, Zoe Lowey Lujan Lynch Maffei Maloney Markey (CO) Markey (MA) Massa Matheson Matsui McCarthy (NY) McCollum McDermott McGovern McIntyre McKeon McMahan Mc Nerney Meek (FL) Welch Westmoreland Wexler Whitfield Wilson (OH) Wilson (SC) Wittman Wolf Woolsey Wu Yarmuth Young (AK) Young (FL) Meeks (NY) Melancon Michaud Miller (MD) Miller (NC) Miller, George Minnick Mitchell Mollohan Moore (KS) Moore (WI) Moran (VA) Murphy (CT) Murphy, Patrick Murtha Nadler (NY) Napolitano Neal (MA) Nye Oberstar Obey Oliver Ortiz Pallone Pascarell Pastor (AZ) Paulsen Payne Pelosi Perlmutter Perriello Peters Petri Pingree (ME) Platts Polis (CO) Pomeroy Price (NC) Rahall Rangel Reichert Reyes Richardson Rodriguez Ros-Lehtinen Ross Rothman (NJ) Roybal-Allard Ruppertsberger Rush Ryan (OH) Salazar Sanchez, Linda T Sanchez, Loretta Sarbanes Schakowsky Schauer Schiff Schrader Schwartz Scott (GA) Scott (VA) Serrano Sestak Shea-Porter Sherman Shuler Simpson Sires Skelton Slaughter Smith (NJ) Smith (WA) Snyder Space Speier Spratt Stark Stupak Sutton Tanner Tauscher Taylor Teague Thompson (CA) Thompson (MS) Tierney Titus Tonko Towns Tsongas Turner Upton Van Hollen Velazquez Visclosky Walden Walz Wasserman Schultz Waters Watson Watt Waxman Weiner

Posey Price (GA) Putnam Rehberg Roe (TN) Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Rooney Roskam Royce Ryan (WI) Scalise Schmidt Schock Sensenbrenner Sessions Shadegg Shimkus Shuster Smith (NE) Smith (TX) Souder Stearns Sullivan Terry Thompson (PA) Thornberry Tiahrt Tiber Westmoreland Wilson (SC)

NOT VOTING—6

Alexander Bright Hall (NY) Kosmas Miller, Gary Radanovich

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore (Mr. HOLDEN) (during the vote). There are 2 minutes remaining in this vote.

□ 1238

Mr. DAVIS of Tennessee changed his vote from "nay" to "yea."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 38.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 38.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 0, not voting 14, as follows:

[Roll No. 118]

AYES—417

Aderholt Akin Austria Bachmann Bachus Barrett (SC) Bartlett Barton (TX) Biggert Bilbray Biharakis Bishop (UT) Blackburn Blunt Boehner Bonner Boozman Boren Boustany Brady (TX) Brown (GA) Brown (SC) Brown-Waite, Ginny Buchanan Burgess Burton (IN) Buyer Calvert Camp Cantor Cao Carter Cassidy Chaffetz Coble Coffman (CO) Cole Conaway Crenshaw Culberson Davis (KY) Deal (GA) Diaz-Balart, L. Diaz-Balart, M Duncan Emerson Fallon Flake Fleming Forbes Fox Franks (AZ) Galleghy Garrett (NJ) Gingrey (GA) Gohmert Goodlatte Granger Graves Guthrie Hall (TX) Harper Hastings (WA) Heller Hensarling Heger Hoekstra Hunter Inghs Issa Jenkins Johnson, Sam Jordan (OH) King (IA) King (NY) Kingston Kline (MN) Lamborn Latham Latta Lee (NY) Linder Lucas Luetkemeyer Lummis Lungren, Daniel E Mack Manzullo Marchant Marshall McCarthy (CA) McCaul McClintock McCotter McHenry McHugh McMorris Rodgers Mica Miller (FL) Moran (KS) Murphy, Tim Myrick Neugebauer Nunes Olson Paul Pence Peterson Pitts Poe (TX) Abercrombie Ackerman Aderholt Adler (NJ) Akin Altmire Andrews Arcuri Austria Baca Bachmann Bachus Baird Baldwin Barret (SC) Barrow Bartlett Barton (TX) Bean Becerra Berkley Berman Berry Biggert Bilbray Biharakis Bishop (GA) Bishop (NY) Bishop (UT) Blackburn Blumenauer Blunt Bocciare Boehner Bonner Bono Mack Boozman Boren Boswell Boucher Boustany Boyd Brady (PA) Brady (TX) Brown, Corrine Brown (GA) Brown (SC) Brown, Corrine Brown-Waite, Ginny Buchanan Burgess Burton (IN) Butterfield Buyer Camp Calvert Campbell Cantor Cao Caputo Cardoza Carnahan Carney Carson (IN) Carter Cassidy Castor (FL) Chaffetz Chandler Childers Clarke Clay Buchanan Burgess Burton (IN) Butterfield Buyer Camp Calvert Campbell Cantor Cao Caputo Cardoza Carnahan Carney Childers Clarke Clay

rainy-day fund grew from 14 cents to over \$1 billion And we put \$200 million aside to take care of any Medicaid problem we would have

Mr President, I know we can turn things around again We really can But we need to stop the spending spree and start making tough decisions on this tax and entitlement reform Why don't we work together to get America back on track? Let's work together to systemically deal with each of the problems, challenges, and opportunities we have in America, so we are filled with the same hope and optimism of Ronald Reagan I got to know Ronald Reagan He was quite a guy, quite a President He always had a positive attitude, and he said

I know that for America, there will always be a bright dawn ahead

Mr President, the glass is not half empty, the glass is half full If all of us work together, we can turn this thing around

I yield the floor

Mr President, I suggest the absence of a quorum

The PRESIDING OFFICER The clerk will call the roll

The legislative clerk proceeded to call the roll

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

The PRESIDING OFFICER Without objection, it is so ordered

→ REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—MOTION TO PROCEED

Mr REID Mr President, I move to proceed to Calendar No 27, H R 146

The PRESIDING OFFICER The motion is debatable

#### CLOTURE MOTION

Mr REID Mr President, I send a cloture motion to the desk

The PRESIDING OFFICER The cloture motion having been filed pursuant

to rule XXII, the clerk will report the motion

The legislative clerk read as follows

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No 27, H R 146, the Revolutionary War and War of 1812 Battlefield Protection Act

Harry Reid, Patty Murray, Benjamin L Cardin, Kay R Hagan, Byron L Dorgan, Richard Durbin, Carl Levin, Jeanne Shaheen, John F Kerry, Frank R Lautenberg, Jeff Bingaman, Roland W Burris, Robert Menendez, Amy Klobuchar, Jim Webb, Jack Reed, Bill Nelson

Mr REID Mr President, I ask unanimous consent that the mandatory quorum be waived

The PRESIDING OFFICER Without objection, it is so ordered

Mr REID Mr President, I ask unanimous consent that the vote on the motion to invoke cloture occur at 5 30 Monday, March 16, further, that if cloture is invoked, then the postcloture time count as if cloture had been invoked at 10 a m on Monday, March 16, and that during any recess or adjournment period, postcloture time continue to run

The PRESIDING OFFICER Without objection, it is so ordered

#### ORDERS FOR MONDAY, MARCH 16, 2009

Mr REID Mr President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p m Monday, March 16, that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, that the Senate proceed to period of morning business until 3 p m, with Senators permitted

to speak therein for up to 10 minutes each, that following morning business, the Senate resume consideration of the motion to proceed to H R 146, the legislative vehicle for the omnibus lands bill

The PRESIDING OFFICER Without objection, it is so ordered

#### PROGRAM

Mr REID Mr President, the next rollcall vote will occur on Monday at 5 30 p m This vote will be on the motion to invoke cloture on the motion to proceed to H R 146

#### ADJOURNMENT UNTIL MONDAY, MARCH 16, 2009, AT 2 P M

Mr REID Mr President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order

There being no objection, the Senate, at 6 58 p m, adjourned until Monday, March 16, 2009, at 2 p m

#### NOMINATIONS

Executive nominations received by the Senate

##### DEPARTMENT OF THE INTERIOR

THOMAS L STRICKLAND OF COLORADO TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE VICE R LYLE LAVERTY

##### DEPARTMENT OF DEFENSE

ALEXANDER VERSHBOW OF THE DISTRICT OF COLUMBIA TO BE AN ASSISTANT SECRETARY OF DEFENSE VICE MARY BETH LONG RESIGNED

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, March 12, 2009

##### DEPARTMENT OF JUSTICE

DAVID W OGDEN OF VIRGINIA TO BE DEPUTY ATTORNEY GENERAL  
THOMAS JOHN PERRELLI OF VIRGINIA TO BE ASSOCIATE ATTORNEY GENERAL

a more responsible way, in a more public way, in a bankruptcy court before a Federal judge who took testimony under oath and could put people in jail who deserve to go to jail

I conclude with this This spectacular spasm should be a vivid warning to the danger of arrogance by those would-be masters of the universe You are not as smart as you think you are Market forces ultimately control in the real world Nothing comes from nothing Debts must be paid

Secretaries Paulson and Geithner remind me of a man in an airplane off the gulf coast throwing out dry ice in an attempt to prevent a hurricane Do you remember that? Or of Mr Ludd in England taking a sledgehammer to the weaving looms of England to stop the Industrial Revolution I have seen the force of real hurricanes We are now seeing the force of a financial hurricane, and a lot of people are getting hurt

But there is good news, really there is Hurricanes do pass We will recover The greatest danger, though, is that in this time of trouble, our Government, in a burst of overreach, will permanently damage the great heritage of free enterprise, ordered liberty, and limited Government that has made this the freest, most productive economy in the history of the world Why would we want to be lecturing France on how to conduct an economy by telling them they should be a bigger, more oppressive government than they already are?

I will certainly meet my colleagues in a bipartisan effort to work to mitigate the economic and emotional pain we are now suffering But if bipartisanship means acquiescing in the wildest of economic chimeras that we have recently followed, count me out If it means changing the legal and economic order that, through ups and downs, has formed the moral basis of the American dream and served us so well, count me out

Oh, we are told by our leaders—and Mr Geithner said this at the Budget Committee hearing when I asked him a few days ago—we would never want to do that We are committed to the American heritage of economic order, he said But one writer noted that at a time of rapid erosion of a nation's classical values, the leaders are most vociferous in proclaiming their adherence to them

Count me a skeptic I am watching what is being done, not what is being said For me and for those who love liberty, limited Government, and free enterprise, these actions that are occurring today are troubling and frightening indeed

I yield the floor, and I suggest the absence of a quorum

The ACTING PRESIDENT pro tempore The clerk will call the roll

The legislative clerk proceeded to call the roll

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

The PRESIDING OFFICER (Mrs HAGAN) Without objection, it is so ordered

Mr BINGAMAN What is the business before the Senate?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER Morning business is closed

#### ★ ★ ——— ★ ★ REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—MOTION TO PROCEED

The PRESIDING OFFICER Under the previous order, the Senate will resume consideration of the motion to proceed to H R 146, which the clerk will report

The bill clerk read as follows

A motion to proceed to H R 146, an act to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes

The PRESIDING OFFICER The Senator from New Mexico is recognized

Mr BINGAMAN Madam President, earlier this year, the Senate passed S 22, which is the Omnibus Public Lands Management Act, a collection of over 160 bills primarily from the Committee on Energy and Natural Resources After a week of debate, the Senate passed S 22 by a vote of 73 to 21 That vote occurred on January 15

Unfortunately, the House of Representatives has not yet passed S 22 In an effort to facilitate consideration of this package of bills in the other body, it is my hope that we will be able to attach the omnibus lands package to another bill that has already passed the House of Representatives and send it back where, hopefully, it can be quickly approved

As the first step of this process this afternoon, the Senate will vote on whether to invoke cloture on the motion to proceed to H R 146, which is the Revolutionary War and War of 1812 Battlefield Protection Act If cloture is invoked on the motion to proceed to that bill, and once we are on that bill, it is my intention to offer a substitute amendment that will essentially substitute the text of S 22 as passed by the Senate

In addition to making a few technical corrections to the previously passed bill text, the amendment incorporates one change that was not in the underlying Senate bill when it was previously passed

Following Senate passage of S 22, I understand that some Members in the House of Representatives expressed concern that the portion of the bill pertaining to Wild and Scenic Rivers and National Trails and National Heritage Areas might somehow be construed to limit access for authorized hunting, fishing, and trapping activities While I

am confident the Senate bill in no way restricts those activities, in an attempt to make this completely clear, the substitute amendment I will propose to offer, if we are able to do that, adds a provision in title V which covers Wild and Scenic Rivers and National Trails language designations The new language states that

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation including hunting, fishing, or trapping

Furthermore

Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping

The amendment adds similar language in title VIII, which is the title designating National Heritage Areas I would like to thank Senator MURKOWSKI, who is the ranking member on the Energy Committee with me in this Congress, and also Senator CRAPO, for their assistance with this provision

With this clarification, I believe all interested parties now agree that the bill is clear that access for recreational hunting, fishing, and trapping is not affected by the river, trail, or heritage area designations

As we noted before, the Omnibus Public Land Management Act is collectively one of the most significant conservation bills to be considered by the Senate in this past decade It will result in the addition of over 2 million new acres of the National Wilderness Preservation System It will designate three new units to the National Park System, and it enlarges the boundaries of several existing parks It creates a new national monument and three new national conservation areas It adds over 1,000 new miles to the National Wild and Scenic Rivers System and over 2,800 miles of new trails that will be part of the National Trails System It establishes in law the Bureau of Land Management's National Landscape Conservation System that protects over 12 million acres of the Wyoming Range

In addition, the Omnibus Public Land Management Act authorizes numerous land exchanges and conveyances to help local communities throughout the West It includes the Forest Landscape Restoration Act, which will help undertake collaborative landscape-scale restoration projects to help reduce both future fire risk and fire-associated costs It incorporates over 30 bills which will help address critical water resource needs at both the national and local level It authorizes several studies to help communities better understand their local water supplies and the best way to meet future water needs, and it includes several authorizations for local and regional water projects that enhance water use efficiencies, address water infrastructure needs, and help provide sustainable water supplies to rural communities

Finally, the bill will ratify three important water settlements—settlements in California, Nevada, and New Mexico. These settlements will resolve literally decades of litigation between the affected States, Indian tribes, agricultural and municipal water users, and environmental interests.

The previous vote on S 22 was 73 Senators voting to pass the bill—evidence of the strong bipartisan support for this package. Invoking cloture this afternoon on the motion to proceed to H R 146 is the first step necessary to move the Omnibus Public Land Management Act toward enactment into law.

In closing, I would like to, of course, thank our majority leader, Senator REID, for his continued commitment to pass this bill. I urge my colleagues to support invoking cloture on the motion to proceed when we have that vote at 5:30 today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER: The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida: I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Florida: I ask unanimous consent to speak as in morning business.

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

Mr. NELSON of Florida: Madam President, every time I see you sitting in the presiding chair, I can't help but think how proud your uncle, the late senior Senator from Florida and the late former Governor of Florida, Lawton Chiles—your uncle, since your mom was Lawton's sister—how proud he would be and what an enormously wonderful contribution and addition you are to the Senate. Thank you for the recognition.

It is with a heavy heart that I have to speak on this continuing saga of Wall Street, the continuing saga that the executives of big corporations in this country—and I am not talking about all corporations but a limited number of corporations with high-flying executives who, in the midst of us trying to work out this economic devastation we are in, do not understand that what they do and what they say, whether it is reality, has perception to it. As a result, they have angered a lot of people.

A lot of that anger, that disbelief, that "oh my" moment comes when you hear about what we heard over the weekend about AIG, American Insurance Group, one of the largest insurance companies in the world, which got into trouble. Last fall, we were presented with what in effect became an \$85 billion bailout. I will never forget, as the new Secretary of the Treasury was coming through the confirmation

process and the members of the Finance Committee had a chance to talk to him, I asked him: Why did we let Lehman Brothers go down and yet we propped up AIG? The answer was that AIG was too big, the hole was too big, that it would have had too many ramifications across the global marketplace to let it go down, whereas contrasted with Lehman Brothers, the financial hole was too big that it just simply could not be repaired.

Originally, they were talking about \$40 or \$50 billion to bail out AIG. Then it became \$85 billion. If we had known that \$85 billion, when we first agreed to let this happen last fall, if we had known that was going to go in taxpayer money to upwards of \$170 billion, and if we had known that money was going to prop up other financial institutions to which they had an economic obligation, many of those financial institutions across the world, would we have done it? Well, I doubt we would have because \$85 billion was big enough, but now closing in on \$170 billion of taxpayer money, I don't think we would have agreed to that. I sure don't think we would have agreed if we knew that money was going to—now get this—almost \$13 billion to Goldman Sachs, to a French financial company almost \$12 billion, Societe Generale, almost \$12 billion—all of this taxpayer money—to Deutsche Bank of Germany, \$8.5 billion to Barclays, Merrill Lynch, which eventually bit the dust, \$6.8 billion, Bank of America, which is in deep trouble right now, \$5.2 billion, in deep trouble because they acquired Merrill Lynch, UBS, \$5 billion—the list goes on through DNP, HSBC, Citigroup, Calyon, Dresdner Kleinwort, Wachovia, ING, Morgan Stanley, and Bank of Montreal.

That is American taxpayers' hard-earned money that was going to pay off those insurance policies called credit default swaps that were a kind of guarantee, a derivative that if they made a wrong bet, they would be protected by that insurance company. And lo and behold, that insurance company, the full weight and credit and finances of the United States Government—re the American taxpayer—is going in, you can't say it with any other word, to bail out these companies.

Would we, the Senate, had we known \$170 billion was going to bail out AIG, and of that money what I just listed was going to these corporations around the globe, half of which are foreign corporations? I don't think we would.

Is it any wonder people are upset? Is it any wonder the President of the United States has just had a press conference today saying he wants the Secretary of the Treasury to go back to find out what they can do to stop those bonuses from being paid or to get them back if they have already been paid? And, oh, by the way, why did AIG, last fall, when it made all of these payments, refuse to identify the individual financial institutions it was giving the money to? It all the more adds insult

to injury. No wonder people are so mad and upset.

Now, I just came from a townhall meeting in Ocoee, FL. It is little town west of Orlando. A lot of the towns' city councils, mayors in that region of west Orange County—the Chamber of Commerce—all came today. I can tell you, this was on their mind. But they want to know something more. They want to know what has happened to old-fashioned right and wrong? What has happened to old-fashioned ethics?

When this Senator went to high school, we did not have ethics classes. It now seems we have to teach ethics classes, not only in our elementary and secondary schools, but all the way in our universities now. What is it that has gotten our leadership so askew they cannot get beyond their own blinders to see what they are doing and how it is affecting everybody else?

Now, it is no—I was going to say it is no secret, but it is not a secret, it is just a fact that I have had the privilege of being a public servant virtually all of my adult life. When I was a kid growing up, that was one of the highest callings for a person. I am starting to see some of that rekindled in young people now. But, my goodness, when they hear about all of this stuff—banks and bankers are public servants. They are entrusted with the people's money, to use it and invest it wisely, and then to be accountable for what happens to it. We elected officials are not the only public servants. There are public servants in every walk of life. If you are a teacher, if you are a doctor, a nurse—whatever your field—you are a public servant, and you owe a responsibility and accountability to the society and the country that has given you the opportunities you have. That seems to be going out of control.

We read another story a couple days ago. Bank of America bit off something they could not chew, which was Merrill Lynch. They said they were duped. Merrill Lynch gave a whole bunch of bonuses. The CEO of Bank of America, which bought Merrill Lynch, said he told them not to, and yet they did anyway. Well, since when did the captain of the ship not control the ship?

And, oh, by the way, are the CEOs of these institutions that are receiving taxpayer money not reading the papers? Did they not hear about the backlash as to the three executives of the Detroit Big Three automakers when they came to testify for a bailout of Federal taxpayer money, and they all came in their private jets? There was so much scorn and derision. They could have, of course, gotten on one of the three jets. They seemed to learn the lessons, so the next time they came to Congress asking for a bailout again, they drove their own vehicles.

Well, what happened to the CEO of Bank of America, who has taken \$45 billion of taxpayer money? Of course, he is a busy man and very talented, but

The PRESIDING OFFICER The clerk will call the roll

The legislative clerk proceeded to call the roll

Mr CORNYN Madam President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER (Mrs GILLIBRAND) Without objection, it is so ordered

Mr CORNYN Madam President, I ask unanimous consent to speak for up to 10 minutes

The PRESIDING OFFICER Is there objection?

Mr WYDEN Madam President, I ask unanimous consent to speak after Senator CORNYN

The PRESIDING OFFICER Is there an objection to the request as modified?

Mr CORNYN No

The PRESIDING OFFICER Without objection, it is so ordered

The Senator from Texas is recognized

#### AIG

Mr CORNYN Madam President, I rise to speak about the public's outrage over the revelations that senior executives at AIG have received bailout bonuses This company received \$173 billion in taxpayer money, including tens of billions of dollars through the Troubled Asset Relief Program The American people do deserve to know where their money is going

I confess that last year I supported the first round of TARP money based on the representation from what I thought were the smartest people in the country that it was absolutely necessary to unfreeze the frozen credit markets in our country But I did not support additional money for the TARP funding when it was requested—the second tranche, so to speak—because the accountability and the transparency we were promised by the Treasury Department the first time around never materialized We were told this money was necessary to prevent a crisis in our country Now, we do have a crisis, but that crisis is a crisis of confidence in this administration and in the leaders of this Congress

The American people have legitimate and urgent questions about these bailout bonuses, and these questions demand answers First of all, they want to know how this happened A lot of people are pointing fingers over these bailout bonuses, and right now there is a lot we do not know

I appreciate the fact that President Obama said You know what, people are trying to find fault I accept the blame

I appreciate the gesture, but that is simply not good enough We do not know when the administration became aware of these bonuses Secretary Geithner says he learned of the bonuses last Tuesday President Obama said he learned about them on Thursday Yet the Federal Reserve Bank of New York

says it notified Treasury in February And Edward Liddy, the CEO of AIG, testified that everyone knew about these bonuses for months and that he and Secretary Geithner spoke about the bailout bonuses 2 weeks ago What is clear is that the administration should have known about these bonuses a lot earlier and they should have taken action before they sent AIG another \$30 billion this month

We also know how these bailout bonuses got legal protection in the stimulus bill I voted against the stimulus bill for reasons too numerous to mention here Yet the bill that passed out of this Chamber had two amendments that addressed bailout bonuses One amendment, sponsored by Senator WYDEN and Senator SNOWE, would have taxed these bonuses, another, sponsored by Senator DODD, the Senator from Connecticut, would have banned the bailout bonuses altogether These amendments were in the bill that passed out of the Senate, but something happened in the conference The Snowe-Wyden amendment disappeared completely and the Dodd amendment was changed so that it grandfathered in all the bailout bonuses in place on or before February 11 No one admits to knowing how this happened None of the conferees admit to knowing There have been conflicting reports about who knew what when But the American people need to know who protected these bailout bonuses in a law that was signed by President Obama—one among those who claim outrage at the revelation that now these bonuses are going to be received He signed the law into effect that actually protected these bonuses in the stimulus plan

The American people deserve to know who proposed these changes in the stimulus bill, who knew about these changes, and who approved these changes The American people deserve to know who is responsible and how they intend to fix this problem and get the bailout bonus money back in a constitutional and legal way

How do we assure this does not happen again? As those responsible scramble to come up with an explanation, we must also understand what we must do to ensure this type of thing never happens again I would like to offer a few suggestions

First, Congress needs to stop passing bills without reading them, finding out what is in them, and preparing for their implementation During the transition, the then-incoming administration said they didn't want to waste a crisis, and Congress complied Yet their leadership has taught us a different lesson Treating everything like a crisis actually leads to waste

Second, it is clear the administration needs to get its team in place Better oversight by the Treasury Department could have avoided this problem Yet, as Paul Volcker observed, Secretary Geithner "is sitting there without a deputy, without any under secretaries, with no assistant secretary responsible

in substantive areas at a time of obviously very severe crisis" I appreciate that President Obama has completed his March Madness tournament bracket Yet the organization chart for this administration still has far too many open slots

Third, the President needs to shelve his plans to grow the size of Government His plans to raise more taxes can wait until the administration proves they can be good stewards of the tax dollars we are already spending His plans to nationalize health care, energy, and education can also wait until he addresses the problem of toxic assets in our financial system and gets our economy moving again

Fourth, the President needs to fulfill his pledge to promote transparency and accountability and bipartisanship in Washington—something I agree with The President won the support of the American people because he promised to be a different kind of leader Yet we see that the more things change, the more they seem to be the same here in Washington Lack of transparency in Congress helped protect these bailout bonuses in law—passed by the Senate without my vote and signed by the President of the United States Lack of accountability at the other end of Pennsylvania Avenue speeded this money out the door

If the President's efforts at bipartisanship had been substantive—more than photo ops and press releases—then we might have delivered a better stimulus bill and not squandered the trust of the American people

I yield the floor

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER Morning business is closed

#### REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT

The PRESIDING OFFICER Under the previous order, the Senate will resume consideration of H R 146, which the clerk will report by title

The legislative clerk read as follows

A bill (H R 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes

Pending

Bingaman amendment No 684, in the nature of a substitute

Coburn amendment No 682 (to amendment No 684), to protect scientists and visitors to Federal lands from unfair penalties for collecting insignificant rocks

Coburn amendment No 677 (to amendment No 684), to require Federal agencies to determine on an annual basis the quantity of land that is owned by each Federal agency and the cost to taxpayers of the ownership of the land

Coburn amendment No 683 (to amendment No 684), to prohibit funding for congressional earmarks for wasteful and parochial pork projects

The PRESIDING OFFICER The Senator from Oregon is recognized

Mr WYDEN Madam President, I rise today to urge colleagues to support Chairman BINGAMAN on the upcoming amendments and to speak in favor of this extraordinarily important public lands package

This legislation would designate over 2 million acres of our great country as wilderness, surpassing the wilderness acreage designated by the last three sessions combined The wilderness protected in this bill spans nine States, including my home State of Oregon In addition, it adds close to 1,100 miles to the National Wild and Scenic Rivers System in seven States—again including Oregon

It is going to allow for much needed upgrades to national trails, monuments, national conservation areas, oceans, the National Landscape Conservation System, forest landscape restoration, and water resources Most significantly, the bills contained in this legislation would serve to protect our public lands from encroachment and preserve them for future generations to cherish and enjoy

The legislation includes provisions that are very near and dear to our country but especially to Oregonians It includes the Lewis and Clark Mount Hood Wilderness Act of 2007, the Copper Salmon Wilderness Act, the Cascade-Siskiyou National Monument Voluntary and Equitable Grazing Conflict Resolution Act, the Oregon Badlands Wilderness Act of 2008, and the Spring Basin Wilderness Act of 2008

Today, I also wish to say that it is important to protect these special places because it will also be good for our economy to go forward with this legislation This is legislation that is important to do whether we are in good times or in bad times—whether the economy is weak or strong Because the nation's public lands of course, have enduring benefits, benefits we are going to pass on to our children long after these challenging days become a footnote in our country's history So protecting public lands is a smart thing to do, and it is especially important given the significant economic benefits you will see generated by this legislation And there are many that know, this is also a smart thing to be doing in a recession because our public lands—accessible to all for free or for a small fee—are where America's families turn for affordable recreation And that recreation in turn, fuels the economy in many communities that rely on our nation's public lands

Appreciating the outdoors is not just a passion for Oregonians and the people of our country, it is also an economic engine, which is more urgently needed than ever in these challenging economic times It is certainly an economic engine in my State, where the unemployment rate is over 10 percent

So passing this legislation isn't just the right thing to do morally—it is the right thing to do economically

In these times, folks have been losing their jobs They do not know where their next job is going to come from The fact is, there are significant economic benefits through recreation generated by this legislation The Outdoor Industry Association, which closely tracks American's use of the outdoors and all the economic engine that encourages, has found recently that American's participation in outdoor activities increased in 2007 to 50 percent

They found that the national active outdoor recreation economy contributes \$730 billion annually to our Nation's economy, it supports nearly 6.5 million jobs, it generates \$49 billion in annual national tax revenue, and produces almost \$300 billion annually in retail sales and services across the country In Oregon, it contributes more than \$5.8 billion annually to Oregon's economy

So outdoor recreation, what this legislation is going to promote, is a huge economic bonanza for our Nation I can tell you, because colleagues have asked about Oregon, one of the national treasures this bill would protect, Mt Hood, has had a banner skiing season The Forest Service estimates visitation to the Mt Hood National Forest is more than 2 million visitors a year, making it one of the most popular in our country

Some other areas that we protect in this bill, the Badlands and Spring Basin are near Central Oregon—a region that has a well-earned reputation as a hub for diverse outdoor recreation They are also on Bureau of Land Management Lands, "BLM" The BLM estimated that in Oregon alone, BLM lands had 8.3 million recreation visits Those visits brought people, jobs and investment to the surrounding towns

The same is true in the other two areas this legislation would protect—the Cascade Siskiyou National Monument, where we would create a new 23,000 acre Soda Mountain Wilderness and Copper Salmon, where fishermen from all over the country journey to fish in one of the last intact watersheds on the southwestern Oregon Coast

A number of Senators have worked hard to make this legislation possible I wish to thank them And certainly Michele Miranda in our office, Mary Gautreaux, and my chief of staff, Josh Kardon, who has tried for years and years to bring together community leaders, all deserve special credit

We have gems in this legislation that are going to make for recreational industry meccas I hope that all colleagues will support Chairman BINGAMAN when the amendments come up and ultimately support this legislation We ought to pass this legislation It is time to do it for millions of Americans and for future generations enjoying these great treasures, and we ought to do it because this legislation will also help stoke the economic engine for our country

I know colleagues are waiting too I wish to thank Chairman BINGAMAN for this opportunity to speak I urge all colleagues to support Chairman BINGAMAN with respect to these amendments and get this bill passed in the Senate today

Mr BINGAMAN Madam President, how much time remains in opposition to this first amendment?

The PRESIDING OFFICER There is 10 minutes remaining The Senator from New Mexico has 4 minutes and the Senator from Oklahoma has 10 minutes

Mr BINGAMAN Let me take 2 of the 4 minutes because I know my colleague from Alaska was hoping to speak also If she arrives, I will yield that time to her If she does not, I will reclaim it

Mr MARTINEZ Madam President, I was under the impression that I would be allowed to speak in opposition to amendment No 683 as well

The PRESIDING OFFICER That amendment is not the first amendment to be voted on

Mr COBURN Madam President, since I am controlling the remaining 10 minutes, I would be happy to yield to the Senator from Florida 2 minutes of that time

Mr MARTINEZ I understand it is not the first amendment Will there be an opportunity to speak in opposition to the amendment prior to that vote?

The PRESIDING OFFICER There will be 4 minutes of debate evenly divided

Mr MARTINEZ If I might suggest, through the chair, that the Senator from New Mexico go on and take his time I will yield time to the Senator from Florida

#### AMENDMENT NO 677

Mr BINGAMAN Madam President, let me go ahead and briefly describe my reasons for urging we not support this first amendment This first amendment is an amendment Senator COBURN offered and is very nearly identical to an amendment he offered to the Consolidated Natural Resources Act of 2008 That was the package of public land bills the House sent us that year

Most of the Senate voted against the amendment I hope they will again The amendment required the Director of the Office of Management and Budget to post an annual report on the Internet detailing a great deal of information about lands owned by the Government buildings, structures on those lands, extensive information on which are used, which are not used, the cost of operation of those lands, and those structures estimated backlog for maintenance of various structures of the agencies

The issue the Senator is trying to get at was dealt with in the previous administration, when President Bush issued Executive Order 13327 Therein, he set up the Federal Real Property Council, a Federal real property council, that has, as its job, tracking asset management, inventory of assets, setting up systems to do that, working



under the auspices of the General Services Administration, the Government Accountability Office or the General Services Administration

I believe that is a much better thought-through way to proceed with this. The cost of this amendment would be fairly extensive. We do not have an exact estimate, but we have been told there are 1.2 billion pieces of real property or real property assets worldwide, over 636 million acres of land we are talking about here, that would have to be inventoried and reported on in an updated fashion every year. So this is an extensive undertaking.

Madam President, how much time remains on my side?

The PRESIDING OFFICER: The Senator from New Mexico has 1 minute remaining.

Mr. BINGAMAN: I withhold my time until the Senator from Alaska can have a chance to get her thoughts together.

The PRESIDING OFFICER: The Senator from Oklahoma is recognized.

Mr. COBURN: Madam President, I yield 3 minutes to the Senator from Florida.

AMENDMENT NO. 683

Mr. MARTINEZ: I thank the Senator from Oklahoma for yielding.

I rise in opposition to his very amendment, which shows why I often find myself in agreement with the Senator from Oklahoma, because of his kind nature to allow me to do this in opposition to his very amendment.

While I often find myself in agreement with him, in this instance I must depart and not concur. The amendment is not well founded. It is trying to strike the authorization for the St. Augustine 450th Commemoration Commission Act. This is a commemoration of 450 years of the first European settlement on the North American Continent, the first in the continental United States.

St. Augustine was founded by the Spanish a full 50 years before Jamestown. We created, in the year 2000, a commission to commemorate that event, the 400th anniversary of Jamestown. Likewise, this one is identically patterned to that. It is the same thing. But here is the significance and importance of it: Our Hispanic heritage in this country, which necessarily is of more and more importance to many of us, is something we ought to recognize and celebrate.

How many young Hispanic children do not have the heritage or the foundational heritage to understand their culture and their proud heritage, and how many of them would benefit by understanding that this celebration is about them? It is about their heritage and their heritage in this very country of ours.

It is the oldest permanent settlement in the United States, St. Augustine, FL. It is the birthplace of Christianity. It is in St. Augustine, FL, that the first Christian Catholic mass took place. It is the first blending of cul-

tures. It was a place that was at times Spanish, it was then English, it was then French. It has Native American influence as well as African-American influences as well. The first free Black settlement in North America was in St. Augustine.

Nearly a century before the founding of Jamestown, Spanish explorer Juan Ponce de Leon landed on the coast of St. Augustine looking for the fabled Fountain of Youth, but instead he founded a colony known as La Florida.

Because of St. Augustine's location along strategic trade routes, Spain constructed the Castillo de San Marco in 1672 to protect the capital of La Florida from the French and the British interests. That castle, which was later rebuilt, still stands today and is a terrific tourist attraction.

Florida is not only going to celebrate this for Florida's sake, but this is a national celebration. There are over 70 million visitors to our State of Florida every year. Many of them will find their way to St. Augustine, and, of course, countless others throughout and around our country will celebrate this anniversary by seeing the celebrations on television and in other ways.

It is an important linkage to our Hispanic heritage, and so I urge my colleagues to vote in opposition to this amendment and support the bill.

I yield the floor.

The PRESIDING OFFICER: The Senator from Oklahoma.

Mr. COBURN: Madam President, I wish to rebut some of what the Senator from New Mexico said in terms of the real property reform.

What you heard in his statements is a profound admission that we do not have the information right now. We do not have it. We have over 650 million acres of land, we have over 21,000 empty buildings now that we know of. That is just a guess.

How, in a time when we are going to run a \$2.2 trillion deficit this year, can we say we do not want the tools to manage the real property in this country? The Executive Order has not done it. It was basically about buildings, Federal buildings.

I worked with the OMB on that 3 years ago to set that up. Much to the avail, we now know we have the 21,000 buildings, but the Senate continues to block any real property reform so we cannot get some of the \$18 billion we are wasting every year on those 21,000 buildings. We cannot get any of them sold, we cannot dispose of any of them, we cannot even raze any of the ones that need to be razed.

The very fact that we would oppose having the information we need to make real decisions, frugal financial decisions with America's taxpayer dollars, at a time when we are in an economic malaise, and have a deficit that is going to be \$6,000 to \$7,000 per every individual in this country is amazing to me.

This requires 1 year of hard work and requires very little work anyway after

that. So it is not an onerous task. But even if it were an onerous task, the thing we ought to be doing is getting the information with which to make good management decisions, which we continue to not want to have, so it can be an excuse so we can do what we want to do without knowing what the facts are.

Nobody would run any organization without trying to know about their assets. Yet we are going to refuse to list out and know what we own, where it is, where we are behind, what needs to get fixed, and what does not need to get fixed.

Common sense would dictate that if, in fact, you have a large number of assets and a limited budget, and it is going to get more limited as the years progress given the tremendous borrowing, the tremendous taxing that is getting ready to come about in this country, common sense would suggest we know what we are doing and that we have the information with which to make good decisions.

To defeat this amendment says we want to continue to go on blindly, we do not want to have the information at our fingertips with which to make good, informed decisions about where to put taxpayer dollars. The very fact that the GAO now says we have between a \$13 and \$19 billion backlog just on structures in national parks and that the Department of the Interior is so far behind and is growing about \$400 million every 6 months in terms of its backlog and for us to not know what is there and what should be prioritized to me is the height of foolishness.

So we can defeat this amendment, and we can continue to go on blindly, making poor decisions because we are not making them within the perspective of the complete knowledge of what we own, what is important, and what should be prioritized. The Senate continues to refuse to prioritize its spending. The whole purpose behind this amendment is to give us the knowledge with which to make those decisions. But our political nature tells us we want an excuse so we do not have to make those good decisions. We do not want to have the information.

Consequently, we put the credit card in, we spend money not wisely, not fiscally responsibly, and we charge it to our grandkids. At some point in time it has to stop. Now, it is probably not going to stop with this amendment. But you would not run your personal household this way. If you had your own business, you would never run it this way. You would never want your city government to not know what it owned and what its backlogs were, you would have an accounting.

States do not do that. But we do that, and we do it at our own convenience, which I think is a shame. It belies our responsibility to future generations. It also belies the fact that we need the capability to make the tough choices. Not having this information means we will continue to make

choices that are politically expedient but are policy poor and policy foolish.

So I understand—actually I do not understand. Let me correct that. I do not understand why somebody would not want this information, and why—even though it is hard to get the first year, why we would not want it.

Now, 100 percent of the Senators agreed we ought to have the Federal Financial and Transparency Act where we put online where we are spending the money, 100 percent of us. We thought that was a good deal. Here is another step toward transparency we can make that will give us information, give the American people the information to judge us.

If we are going to put X money on a certain project, they ought to be able to see it in relationship to everything else we are doing. We are going to refuse to do that. I don't understand why. I don't have a clue to understand why we would not want factual information with which to make priority decisions in terms of the Department of Interior and in terms of national parks and forestland. It belies any sense of reality and any connection with common sense that we would refuse to do that.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I do not disagree with my colleague from Oklahoma that we should, as the Federal Government, know more about our assets, know more about our land and buildings, what it costs to manage and maintain them, to operate these properties. It is a reasonable request. Where he is going with this is something we should be working together to develop and perhaps refine the concept of what he is asking for through a free-standing bill. My concern with the amendment, as it is now, is that we have to make sure as we gain this information, we have a way to protect it. Right now it would be the Office of Management and Budget that has sole responsibility for making decisions in terms of military intelligence, Department of Energy facilities, and what gets included within public reports. That concerns me and, therefore, I will be objecting to the amendment.

AMENDMENT NO. 677

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote on amendment No. 677 offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Oklahoma.

Mr. COBURN. Let me answer my colleague. There is an exception in this bill for anything of national intelligence or confidence, that it should not be related to the general public. It is already in there. So there is no problem where we would expose things we should not. It has been covered in the amendment. If Members truly believe we need to have the information, they need to be voting for the amendment.

This is a wise approach to give us information we need to make cogent decisions.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I yield myself 1 minute.

Let me speak on that one issue. I think my colleague from Alaska is correct, this does involve a change in current law. It says that the decision as to what affects national security will be made by OMB for purposes of this inventory and display. It will not be made by agencies such as the Department of Defense, CIA, Department of Energy, and others that currently make those decisions. That is a mistake. It also specifies that items can be left out for national security reasons. The Executive order made clear that items could also be left out or should be left out if they involved foreign policy issues or safety issues for the public.

The amendment is not consistent with what I believe we ought to be doing in this area. I urge colleagues to oppose it.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. To follow up with the Senator from New Mexico, we do recognize there is political sensitivity when we are asking for information regarding the military, our intelligence and security information. We want to make sure there are protections there. The Senator from Oklahoma is correct that there is that provision in the bill. But what it does is, it gives the Office of Management and Budget the authority to make the determination as to what will be included in this public report. I would be far more comfortable if it were the Department of Defense that made that determination, not the Office of Management and Budget. Again, the Senator from Oklahoma is correct in pushing us to look to make sure that we know where our assets are and how much it costs to operate and maintain and manage them. We should be looking to that in the future.

I will be opposing the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, that argument rings hollow. The two of you sitting right there have the power to amend and change this and fix it with what your concerns are. It hasn't been offered once. You say you are for it. You have the power to change it to meet what you think are problems with the amendment. Yet there has been no offer to do that. That says one of two things: Either you don't want us to have this information or you are claiming a false claim that there is a defect with the amendment. You have every ability to change this, offer an amendment, modify it with my consent to meet your needs, but it has never been offered. The real fact is, we don't want the information. We can't man-

age 650-plus million acres; we can't manage millions of facilities without the information. We are going to sit here in the dark of night and continue to throw darts, missing the dart board all the time with what we do when we don't have this information.

I yield back the balance of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. BINGAMAN. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

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

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—58

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Feinstein  | Murray      |
| Alexander | Gillibrand | Nelson (FL) |
| Baucus    | Hagan      | Nelson (NE) |
| Bayh      | Harkin     | Pryor       |
| Begich    | Inouye     | Reed        |
| Bennet    | Johnson    | Reid        |
| Bingaman  | Kaufman    | Rockefeller |
| Boxer     | Kerry      | Sanders     |
| Brown     | Kohl       | Schumer     |
| Burr      | Landrieu   | Shaheen     |
| Byrd      | Lautenberg | Stabenow    |
| Cantwell  | Leahy      | Tester      |
| Cardin    | Levin      | Udall (CO)  |
| Carper    | Lieberman  | Udall (NM)  |
| Casey     | Lincoln    | Warner      |
| Conrad    | Martinez   | Webb        |
| Dodd      | Menendez   | Whitehouse  |
| Dorgan    | Merkley    | Wyden       |
| Durbin    | Mikulski   |             |
| Feingold  | Murkowski  |             |

NAYS—39

|           |           |           |
|-----------|-----------|-----------|
| Barrasso  | DeMint    | McCain    |
| Bennett   | Ensign    | McCaskill |
| Bond      | Enzi      | McConnell |
| Brownback | Graham    | Risch     |
| Bunning   | Grassley  | Roberts   |
| Burr      | Gregg     | Sessions  |
| Chambliss | Hatch     | Shelby    |
| Coburn    | Hutchison | Snowe     |
| Cochran   | Inhofe    | Specter   |
| Collins   | Isakson   | Thune     |
| Corker    | Johanns   | Vitter    |
| Cornyn    | Kyl       | Voinovich |
| Crapo     | Lugar     | Wicker    |

NOT VOTING—2

Kennedy Klobuchar

The motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 682

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote on amendment No. 682 offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, this amendment No. 682 is one I have advised the Senator from Oklahoma is acceptable to Senators on this side of the aisle.

Let me briefly describe what it does. It would modify the underlying provisions of the substitute amendment dealing with the protection of fossil resources on Federal land by making three changes. First, the underlying bill says the Secretary of the Interior or the Secretary of Agriculture may allow casual collecting of common fossils without a permit for personal use. That is consistent with the management policies of the Federal land in question. The Coburn amendment says it requires that the two Secretaries allow that casual collecting for personal use. Secondly, the Coburn amendment would remove a provision that would have authorized agencies under some circumstances to acquire new lands. Finally, the amendment removes a provision in the underlying bill that would have authorized forfeiture of any vehicle or equipment used by someone illegally removing fossil resources.

I think all three of these changes improve the bill and I support the amendment. I believe we can act on this with a voice vote, but I will leave it to the Senator from Oklahoma to make his statement.

Mr. COBURN. Madam President, the chairman is correct. I will gladly accept a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 682) was agreed to.

AMENDMENT NO. 683

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote on amendment No. 683 offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time?

Mr. BINGAMAN. Madam President, we yield 2 minutes in opposition to this amendment to Senator FEINSTEIN from California.

Mrs. FEINSTEIN. Madam President, I thank the manager of the bill.

The Coburn amendment would destroy a court-approved settlement of an 18-year legal battle involving the release of water from the Friant Dam, from which 15,000 farmers get their water over the restoration of salmon in the San Joaquin Valley. The agreement is agreed upon by the Governor of California, the Department of the Interior, the Bureau of Reclamation, the water contractors. It has a broad consensus. The reason is because the belief is—and my belief is—that the Federal Government has lost the case and, therefore, the judge would order a huge release of water from this dam which would provide a lack of certainty for

the farmers and would not provide for the salmon restoration.

The distinguished Senator from Oklahoma has argued against the settlement agreement—court approved—by saying its goal is 500 fish. Its goal is not 500 fish; it is 30,000. It is to restore a historic salmon fishery.

Secondly, under the settlement, the State of California relieves the Federal Government of a number of payments: \$200 million from the State, and the water contractors pick up another \$200 million, equaling \$400 million, which the Federal Government would have had to have paid.

So this is a court settlement. It should stand. It is the right thing. I urge a no vote on the Coburn amendment.

Mr. KYL. Madam President, I rise in support of the Coburn amendment because it would eliminate the authorizations for a number of questionable projects. Given the exploding Federal budget deficits, we ought to forgo the millions of taxpayer dollars for such things as the 450th birthday celebration for St. Augustine, FL; a study to determine whether Alexander Hamilton's boyhood estate in St. Croix, Virgin Islands, should be designated as a new part of the National Park System; the maintenance of tropical botanical gardens in Hawaii and Florida; and a shipwreck exploration program. These authorizations are not urgent, have a tenuous Federal nexus, and could divert scarce Federal funds from more important safety and health programs.

Because the amendment eliminates authorizations for such programs, I am compelled to support it even though it would also eliminate a relatively more credible provision in the bill relating to the San Joaquin River Restoration Settlement Act.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I won't spend the time to refute all of what the distinguished Senator from California said, other than to note that in 1924 the salmon were gone from that river; before any of the water canals or anything else was built. We are going to spend \$30,000 a fish based on the 300,000 salmon.

More importantly, this amendment talks about five total different earmarks in this bill. My office had a conversation with the mayor of St. Augustine, FL, this morning. Here are his words: I am really worried about the fiscal nature of this country. I am really worried that we are in real trouble, but I still want my money.

Well, the way a republic dies is when the constituency learns they can vote themselves money from the public Treasury regardless of what the overall financial situation of the country is. These are the main earmarks in this bill. The President has said he doesn't want a bill full of earmarks. This strips them all out. We can either do what the American people want—we can act fiscally responsibly—or we can con-

tinue the age-old process of putting our positions ahead of those of the constituents we represent.

With that, I yield the floor and ask for the yeas and nays.

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

Mr. BINGAMAN. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

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

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—70

|           |             |             |
|-----------|-------------|-------------|
| Akaka     | Gillibrand  | Nelson (NE) |
| Alexander | Gregg       | Pryor       |
| Baucus    | Hagan       | Reed        |
| Begich    | Harkin      | Reid        |
| Bennet    | Hatch       | Risch       |
| Bennett   | Inouye      | Rockefeller |
| Bingaman  | Johnson     | Sanders     |
| Bond      | Kaufman     | Schumer     |
| Boxer     | Kerry       | Shaheen     |
| Brown     | Kohl        | Shelby      |
| Burr      | Landreau    | Snowe       |
| Byrd      | Lautenberg  | Specter     |
| Cantwell  | Leahy       | Stabenow    |
| Cardin    | Levin       | Tester      |
| Carper    | Lieberman   | Udall (CO)  |
| Casey     | Lincoln     | Udall (NM)  |
| Cochran   | Martinez    | Voinovich   |
| Collins   | McCaskill   | Warner      |
| Conrad    | Menendez    | Webb        |
| Crapo     | Merkley     | Whitehouse  |
| Dodd      | Mikulski    | Wicker      |
| Dorgan    | Murkowski   | Wyden       |
| Durbin    | Murray      |             |
| Feinstein | Nelson (FL) |             |

NAYS—27

|           |           |           |
|-----------|-----------|-----------|
| Barrasso  | DeMint    | Johanns   |
| Bayh      | Ensign    | Kyl       |
| Brownback | Enzi      | Lugar     |
| Bunning   | Feingold  | McCain    |
| Burr      | Graham    | McConnell |
| Chambliss | Grassley  | Roberts   |
| Coburn    | Hutchison | Sessions  |
| Corker    | Inhofe    | Thune     |
| Cornyn    | Isakson   | Vitter    |

NOT VOTING—2

|         |           |
|---------|-----------|
| Kennedy | Klobuchar |
|---------|-----------|

The motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there is now 30 minutes of debate on the bill, equally divided between the Senator from New Mexico and the Senator from Alaska.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, let me take 5 of the 15 minutes we have. If you will advise me when that time is used.

In just a few minutes, the Senate will vote on final passage of H.R. 146, the Omnibus Public Lands Act. I believe our actions this week will make it

more likely that the House of Representatives will be able to consider and approve the Senate amendments expeditiously

Today's vote will culminate many years of work on more than 160 bills that are included in this package and represents a major achievement for the protection of our Nation's cultural, natural, and historic resources. As I have observed before, when you take all of these bills together, I believe they represent the most significant conservation legislation passed by the Senate, at least in the last 15 years.

In addition, the bill will finally resolve three very important and complex water rights settlements in three different States and literally decades of litigation and controversy about that water. The wilderness and other conservation areas designated in the bill represent years and years of efforts by local citizens, through countless public meetings, in an effort to find a way to protect some of the most important scenic areas in their States, while balancing wilderness designations against other uses. In my opinion, the sponsors of these provisions have gone to great lengths to find that balance.

Some contend that the wilderness, national parks, wild and scenic rivers, and other conservation designations will frustrate our Nation's ability to develop new domestic energy supplies. I strongly disagree. We have gone to great lengths to assess the energy potential of the new areas, and in almost all cases the Bureau of Land Management has concluded that the wilderness areas do not have significant energy development potential.

The Energy and Natural Resources Committee, which I am privileged to chair and of which Senator MURKOWSKI is ranking member, is assembling a comprehensive energy bill. We hope to bring it to the Senate floor for consideration soon. That bill will provide an opportunity to promote programs to expand the development of domestic energy resources.

I believe the question of whether we should protect our Nation's natural and cultural heritage or instead develop our energy and other resources is a false choice. They are mutually exclusive goals. We can accomplish them both.

A former Senator from my State, who also chaired the then-Interior Committee in the Senate, once said the following:

Wilderness is an anchor to windward. Knowing it is there, we can also know that we are still a rich Nation, tending our resources as we should—not a people in despair searching every last nook and cranny of our land for a board of lumber, a barrel of oil, a blade of grass, or a tank of water.

Let me also indicate that there are many provisions in this bill that are of particular importance to my State: the Navajo Nation Indian Water Rights Settlement, the Eastern New Mexico Rural Water Project, the Rio Grande Pueblo Irrigation Infrastructure legis-

lation, the SECURE Water Act, which has national implications but is important to my State as well, Prehistoric Trackways National Monument, Fort Stanton-Snowy River Cave National Conservation Area, Sabinoso Wilderness, which Senator UDALL has spearheaded, Rio Puerco Watershed Act, and also the Forest Landscape Restoration Act.

This bill will have a far-reaching and positive impact on New Mexico's precious and scarce water resources. The most significant provision is the settlement of the Navajo Nation's water rights claims in the San Juan River basin.

This settlement will avoid conflicts, risks, and costs that would be borne by the Navajo Nation, individual water users, municipalities, the State of New Mexico, and the Federal Government if the Navajo claims were litigated in full. Instead, defining the Navajo Nation's water rights by agreement will improve water management in the basin and ensure that future water demands can be addressed through an efficient administrative process.

Most important, however, is that the settlement will provide a sustainable water supply to Navajo communities in the eastern portion of the Navajo Reservation. Currently, 40 percent of the population on the reservation—approximately 70,000 people—must haul water for use in their homes. This situation has resulted in serious health, education, and economic consequences for the Navajo people. This legislation will begin to address these issues, as well as the United States' obligations to the Navajo Nation.

On the opposite side of the State, several communities are facing an uncertain water future due to falling levels of groundwater in the Ogallala aquifer. To address this problem, the bill authorizes the Bureau of Reclamation to help develop the Eastern New Mexico Rural Water System. This project will use an available water supply in Ute Reservoir to provide communities in eastern New Mexico with a renewable water supply and the long-term security that is critical to the region's future. As a measure of its importance, the State of New Mexico already has provided about \$8 million to develop the project. Enacting this legislation will help communities in Curry and Roosevelt Counties secure the water needed to sustain current economic activity and support future development in the region.

In the heart of New Mexico is the Rio Grande. Over the past decade, there have been many conflicts over this magnificent, but limited resource. Conserving water and improving inefficient infrastructure has been a key factor in minimizing these conflicts. Unfortunately, Native Americans residing in the Rio Grande basin have not benefited greatly from these improvements. This bill will change that situation by directing the Bureau of Reclamation to work with the Rio Grande Pueblos to

assess irrigation infrastructure and initiate projects to rehabilitate and repair such infrastructure on Pueblo lands.

By focusing Federal resources and expertise on this problem now, the Federal Government, as part of its trust responsibility, will help prevent further deterioration of Pueblo irrigation systems and avoid additional rehabilitation costs in the future. The Pueblos will benefit markedly from increased agricultural productivity, increased water conservation, and safer facilities. More importantly, however, these improvements will help the Pueblos to sustain their historical way of life, both economically and culturally. Finally, the overall health of the Rio Grande basin will likely benefit through increased efficiency in water use.

The final water provision I want to mention is one that will benefit New Mexico and many other States. The SECURE Water Act is based on the view that effectively addressing water issues requires a better understanding of the resource, and increasing the efficiency of its use. For that reason, the bill seeks to strengthen the national streamflow program, improve ground water monitoring efforts, enhance our understanding of water uses and availability, and provide grants to implement water conservation and efficiency projects.

It also will improve our understanding of the impacts of climate change on water and ensure that adaptation strategies are formulated and implemented. This is particularly important in New Mexico, where one recent study by researchers at the University of New Mexico and New Mexico State predicts that surface water in the Rio Grande basin could decline by as much as 12 percent by 2030 and 33 percent by 2080.

New Mexico will also benefit from a number of important public land provisions, including the designation of a new national monument.

The Prehistoric Trackways National Monument in Doña Ana County, New Mexico, will protect a remarkable "megatracksite" of 290 million-year-old fossils. This site of worldwide scientific significance has preserved the trackways of some of the earliest creatures to make their way out of the ocean, which will help fill in the gaps left from studying only their fossilized bones.

Las Cruces resident Jerry MacDonald first brought the find to light in 1988, and thanks to a more recent discovery by MacDonald, we now know that the National Monument also will protect a well-preserved 290 million-year-old petrified forest where three new species of trees already have been discovered. The local curation of these specimens should provide unique scientific and educational opportunities for the surrounding community and visitors to the region.

The Fort Stanton-Snowy River Cave National Conservation Area in Lincoln

County, NM, will permanently protect the cave system, including a passageway containing a more than 4-mile-long continuous calcite-crystal river bed, a unique formation that is believed to be the longest one of its kind in the world.

While exploration of this cave began centuries ago, it was not until 2001 that volunteers with the Fort Stanton Cave Study Group discovered the Snowy River passageway, which defied their wildest expectations. This discovery already has yielded valuable scientific research in hydrology, geology, and microbiology, the last of which may even have applications in interplanetary exploration. We will be proud to include the Fort Stanton-Snowy River Cave on New Mexico's prestigious list of world-class sites.

The bill also includes legislation spearheaded by Senator TOM UDALL—the designation of the 16,000-acre Sabinoso Wilderness in San Miguel County, NM. The Sabinoso Wilderness will protect a rugged and beautiful landscape that provides important wildlife habitat and represents an important watershed to our State.

New Mexico is the home of the first congressionally designated wilderness area, and the Sabinoso Wilderness represents a well-deserved addition to the National Wilderness Preservation System. I hope our efforts to permanently protect this area will ensure that future generations can enjoy this outstanding public resource.

This bill also will reauthorize the Rio Puerco Watershed Act, which formalized the Rio Puerco Management Committee in New Mexico. The committee has become one of the most effective collaborative land management efforts in the Southwest. And for more than 10 years, it has helped facilitate the restoration of the highly degraded Río Puerco Watershed, the largest tributary to the Rio Grande. There is much more work to be done to restore this watershed, and this legislation will assist the committee in that effort.

Title IV of the bill—the Forest Landscape Restoration Act—holds great promise for our fire-dependant forests and communities in New Mexico and across the country. Wildfire activity and suppression costs have grown dramatically in recent years. The affects of global warming are increasingly impacting forest and watershed health. And communities across the country are struggling economically.

This legislation will establish a program to select and fund collaborative landscape-scale forest restoration projects that will improve forest health, reduce wildfire management costs, and benefit local economies. The positive response that we have seen from Members of Congress, State and local officials, and communities across the country speaks to the importance of these issues and the promise of this approach. I hope we can quickly provide funding to implement the legislation, as we cannot afford to wait to begin this critical work.

It is past time for us to enact these measures to provide water to our communities, to protect our natural wonders, and to restore our natural resources. Many New Mexicans have worked for years to see these provisions enacted into law, and I am pleased the Senate is taking the important steps toward achieving that goal.

I yield the remainder of my time to the Senator from Alaska.

The PRESIDING OFFICER: The Senator from Alaska is recognized.

Ms. MURKOWSKI: Madam President, as we conclude the debate on this public lands package, I think it is important to remind colleagues of perhaps a few facts—a little bit of the history as to how we got here.

As the chairman of the Energy Committee indicated, this omnibus public lands package consists of 160 bills and what they represent in terms of the legislation and efforts of communities, of individuals, of groups, of legislators, to come to a point where they may finally be seeing a resolution on the issues they have been working on, and I think it is important to put this into context.

One of the measures in this public lands package that relates to my State is an issue we have been working on—a land exchange—for almost two decades now in an effort to try to resolve it. Through a great deal of compromise with agencies, with public interest groups, and with policymakers, we have legislation that we believe works.

My colleague from Utah, Senator BENNETT, has been working on a provision that he, too, acknowledges has been over 10 years in the making. My colleague, Senator CRAPO, from Idaho, has been working on legislation that has been 8 years in the process. We on the Energy Committee have been working with Members to try to advance good projects and legislation that work in their respective States.

Our public lands States are a little different from what we see on the East Coast. When you have 60 percent of the land in your State owned by the Federal Government, oftentimes just getting a transaction approved requires an act of Congress. So what we have today in this package, big as it is, is a culmination of countless years of work by lawmakers in this body. It is time that we advance many of these very important measures.

This bill is a very bipartisan measure. It is, as I say, 160 bills, but there are both Republican sponsors and Democratic sponsors. It is the work of a lot of compromise on both sides. All but a handful of these bills within the Energy Committee's jurisdiction were ordered reported by the committee on a unanimous voice vote.

We need to recognize that this is not the work of the 111th Congress. It is not even the work of the 110th. It was before that. This is carryover work in an attempt to take care of a lot of unfinished business.

I am optimistic that this bill will pass both this body and the other body.

and be finally signed into law. I am also optimistic that the 111th Congress can then make a fresh start with public lands legislation and perhaps find a better way to reach consensus on these types of bills. I hope the process for consideration of this package today is a harbinger of the future.

The package we have contains language that the House had sought to add to clarify that access to recreation, including hunting, fishing, and trapping, would not be limited by land designations in this bill. This language was bipartisan and bicameral, and the support truly is there.

The amendments Senator COBURN brought before this body—six serious, relevant amendments—while I have not agreed with the specifics of some of those amendments we have considered, I do take the issues and the concerns raised by them very seriously. I always have and will continue to commit to continue to do so in the Committee on Energy and Natural Resources, as we look to legislation in the future, whether it is the issue of prioritization or acknowledging an inventory of what we own, what we are required to operate and maintain is something that is worthwhile to pursue.

Some of the issues that were raised—for instance, that of eminent domain, locking up our Nation's energy resources—these are issues that are clearly legitimate. But I suggest a broad-brush or one-size-fits-all prohibition does not work in the real world.

The bills in this package were carefully evaluated for these and so very many concerns as they went through the committee. The Energy Committee is very concerned. Our focus is on access to our Nation's energy resources. There was that consideration made bill by bill.

The last comment I wish to make is, it has been suggested that somehow or another this lands package is a Federal land grab. In fact, the bill actually transfers over 23,000 acres of Federal land into the private or State sectors through conveyance, exchange or sale. In most instances, the Federal Government is giving more land into private hands than they are getting or the exchanges are of equal acres or equal value.

Again, I will not suggest the process we have gone through has been the easiest. It is difficult when you have the number of bills we have and issues that are contentious and that require a great deal of effort and compromise. But the product before this body today is one where I would agree with our chairman of the Energy Committee, it does help to protect our country's great assets, it does allow for better enhancements of our public lands, and I think it is worthy of consideration by this full body. I encourage its support.

I yield the floor.

Mr. LEVIN: Madam President, today's vote will mark the second time in 2 months the Senate has passed the Omnibus Public Land Management

Act. On January 15, the Senate passed a similar bill, which encompasses over 150 bills related to our Nation's natural, historic, and recreational resources. While I am pleased the Senate will again pass this legislation, I am disappointed this widely supported bill has required nearly 2 weeks of Senate floor time during a time of severe economic crisis.

The omnibus public land bill includes four provisions I authored that will directly benefit Michigan by preserving precious natural resources and improving our parks and trails.

First, the bill would authorize the Federal Government to purchase land from willing sellers for the North Country National Scenic Trail, the nation's longest hiking trail, 1,000 miles of which traverse through Michigan. This trail also runs through New York, Pennsylvania, Ohio, Wisconsin, Minnesota, and New York, with a total length of 4,650 miles. For the majority of the other national scenic and historic trails, the Federal Government has land acquisition authority, but for no good reason this authority has not been available for the North Country Trail. Willing sellers, in many cases public-spirited citizens, should have the right to sell easements or even portions of their land to the Federal Government should they choose to do so and if it is in the national interest. In addition to important trail linkages, with willing seller authority, sections of the current trail could be moved from roads where hikers and other trail users are unsafe. I have been working on this willing seller legislation for nearly 10 years, and I am pleased that it is going to be approved by the Senate again today.

Second, the omnibus public lands bill also includes legislation I sponsored last Congress to improve the Keweenaw National Historical Park, located in Michigan's Upper Peninsula. Established in 1992, this unique park, with nearly 20 independently operated heritage sites, preserves and interprets the incredible story of copper mining and production in Michigan's Keweenaw Peninsula that powered the Industrial Revolution. This legislation would enable the park to better carry out its statutory mission to preserve and bring to life the vibrant history of Michigan's "copper country." Specifically, the legislation would change the onerous matching requirement for federal funds from a 4:1 ratio to a 1:1 ratio, which is typical for most other Park System units that require a non-federal funding match. The legislation would also increase the authorized level of funds to be appropriated for the park to enable the preservation, restoration, and interpretation of the numerous historical properties within the park boundaries. Finally, the legislation would eliminate an overly restrictive prohibition on the Department of the Interior from acquiring certain lands. Making these changes would improve the visitors' experience, preserve

important historic resources, and help with economic revitalization of the Keweenaw Peninsula.

Third, the bill provides important protections for about 16 percent of the land—or 12,000 acres—within the Pictured Rocks National Lakeshore, located in Michigan's Upper Peninsula along the south shore of majestic Lake Superior. This wilderness legislation, which I introduced during the last Congress, provides natural resource protection while also ensuring that recreational opportunities and access are maintained. The wilderness designation was proposed by the Park Service after 5 years of careful planning and extensive public consultation. As a result of that open process, the final wilderness designation was changed from the initial proposal to respond to many of the concerns expressed by citizens. For example, the access roads to the lakes and campground are not included in the wilderness designation, so vehicles would still have access to this popular recreation area. Also, motor boats would still be able to access the Lake Superior shoreline, as the wilderness area does not include the Lake Superior surface water. In addition, boats using electric motors would still be allowed on Little Beaver and Beaver Lakes within the wilderness area. Since 1981, the Beaver Basin area has been managed as a backcountry and wilderness area, and this wilderness designation would ensure that the valuable habitat and pristine natural features of the region remain the treasure and peaceful sanctuary they are today.

Finally, the omnibus lands legislation contains a bill that I sponsored in the Senate last year as a companion to Representative JOHN DINGELL's legislation in the U.S. House of Representatives that would designate land on which the battles of the River Raisin were fought, during the War of 1812, as a unit of the National Park System. This land, in Monroe County and Wayne County, MI, includes sites related to a significant set of battles in an area that was once considered part of the "Northwest," a key strategic front in the War of 1812. By designating this land as a unit of the National Park System, the public will have an opportunity to learn about these battlefield sites. While horrific actions took place at the River Raisin, these events prompted a rallying cry that became a turning point in the War of 1812, which is often called America's "Second War of Independence." I look forward to this legislation becoming law in time for the national celebration that will take place on the 200th anniversary of the War of 1812.

I am hopeful the House will also pass this legislation and the President will sign it into law so that we can wrap up one of the major pieces of unfinished business from the last Congress, which will benefit Michigan and the Nation by improving the preservation of and access to important natural, historic, and recreational resources.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New Mexico.

Mr. BINGAMAN. Madam President, before the Senator from Oklahoma has the final say, which he certainly should, let me say there are a great many people, excellent staff working for the Democratic side of the Energy and Natural Resources Committee and staff working for Senator MURKOWSKI on the Republican side of the committee who deserve great credit. We enumerated those staff when we dealt with this legislation 2 months ago, and we will do so again in the RECORD. Let me particularly indicate David Brooks here with me and Kara Finkler as the two who have done the most to make this possible. Without their good work, this would not be legislation coming up for final consideration.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, just to add to the comments of Senator BINGAMAN, it is appropriate that we acknowledge our staff. I appreciate him doing so. I thank those who worked on the Republican side as well. But I also wish to acknowledge some of the Members on our side who have been very dogged in an effort to reach final compromise on this legislation.

Senator CRAPO from Idaho has been diligent in his efforts, working alongside Senator BENNETT from Utah and Senator KYL. I appreciate their efforts in getting us to where we are today.

Mr. BINGAMAN. Madam President, let me add two additional individuals to the list of folks I particularly mentioned by name. Mike Connor, who is responsible for all the water rights legislation contained in the legislation in the Secure Water Act, I note for my colleagues that he has been named just today as the President's choice to be head of the Bureau of Reclamation, which I think is a great thing for the country; and Scott Miller, who worked very hard on the forest issues involved with this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I have just a few observations before we start the vote. This has been a long process on this bill. I appreciate the pain and patience of the chairman of the committee. He has been a gentleman to work with all the time in our discussions.

I also note for the Senate that over 70 of these bills could have gone by unanimous consent, but because we chose to have a procedure where up until now, over the last 2 years, no amendments were ever allowed to be offered on any of these bills—none; it was never an option—we have taken approximately 7 weeks on something we could have done in 2 weeks if we had an open amendment process like the Senate is supposed to. We find ourselves ping-ponging between the House and the Senate because we want to avoid the very purpose for which we

are here, which is open debate and amendment.

It should be a lesson to us. The American people win when there is a debate. They lose when we use unanimous consent to pass something that is controversial. To say it is not, the average we got on our amendments was 31 votes. That is almost a third of the Senate. So to say we should pass legislation by unanimous consent when a third of the Senate does not agree, I would say there is a great lesson for us and that is, let's open up, let's have a debate, let's put a short period of time on it, and let's not have to use procedures to try to, in fact, get a debate for the American people.

I will also say, in looking at this bill, what have we done? There are a lot of good provisions in this bill. I am not opposed to half of this bill. Half of this bill I am adamantly opposed to.

I was thinking, as we recognize the Republican and Democratic staff, who is representing truly the American people rather than parochial interests and what staff worked on that? We went through this. We rejected transparency for the American people. We rejected the ability to know what we have and how to deal with it and how to manage it. We have said no by a vote of this body that we are not going to do that; we like the darkness, the lack of accountability, the lack of transparency that goes to the American people. We rejected eliminating earmarks. Every appropriator voted against that amendment, even though the President says and the American people say that is not the way they want to do business. But we rejected it.

We have rejected significant amounts of potential renewable energy. Ninety percent of all geothermal, potential renewable clean energy, is put at risk by what we are doing. I know that is disputable, but our own Secretary of the Interior this week said we should not put the cart before the horse. We should have good planning on where we are going with transmission lines, the grids, and everything else, so we can take advantage of solar, wind, and geothermal. But yet we have rejected that.

We have rejected prioritizing the needs of our national parks. That is what the Senate has done this week. We said: No, we are not going to do that, if we want to do something new, even though we have between \$12 billion and \$19 billion worth of backlogs, as the Government Accountability Office said we have significant health and safety risks for our employees and the American public who visit our parks—we rejected that. We said: No, we should not take care of what we have now before we start something new. We have done exactly the opposite of what the average American would be doing with their own assets.

The other thing we have done is we have taken a large amount of oil and natural gas and said you can never touch it again. Let me emphasize why. Of the 80 wilderness bills my colleagues

put in this legislation, 35 of them, under the Wilderness Study Area they said they never should be put into the wilderness, and my colleagues put them in the wilderness anyway.

The whole project of having the Wilderness Study Area is to use the study to determine if an area should be wilderness. Not counting Colorado and Utah, my colleagues put 448,000 acres into wilderness that the study says should never go into wilderness area because they have significant oil and gas and other energy.

We rejected the process by which we do it because parochial interests have trumped the national energy needs of this country, and that does not count Colorado and Utah. Utah has a significant area. So probably well over 35 percent of all the land my colleagues have taken away and said forever we are never going to touch, we are never going to utilize the natural resources that this country could utilize when we are sending \$400 billion a year overseas for carbon-based energy which we are going to do for the next 20 years no matter what, you have taken it away. You said never.

As I said earlier, you have taken clean renewables. We don't know what the percentage is but a significant percentage of geothermal for sure. A bill is going to be introduced that is going to take several hundred thousand acres out of the California desert by the Senator from California which is prime land for solar. It is getting ready to be introduced so that can never be touched.

We have to have energy, and we are ignoring assets that we have. We are putting into wilderness area assets that have significant energy. We are ignoring the process under which we said we would make those determinations. When well over 35 of the 80 were recommended they not be put into wilderness area, what are the American people to think? Where is the common sense to say maybe we ought to plan for the future? Maybe we ought to look and say: If we are going to go to a renewable portfolio totally of energy in this country, how long is it going to take us to get there and what do we need in between now and then to do that?

We are not making good long-term decisions with this bill. We are handcapping ourselves, and we are telling the Middle East: Go ahead and jack it up because we are going to limit our options with which we can balance energy needs in this country by what we are doing in this bill.

Finally, we have said in this bill eminent domain is going to be utilized. We say we are not going to do it, but we certainly said: American landowner, if we are there and if we decide we want to do something, we are going to keep it.

The fact is, one of the most painful things that occurs to an American citizen in this country is your land, without your permission, even though you

are paid an equitable price for it, is taken from you. We said that is fine. We rejected that. Thirty-five Senators voted to not reject it but 60-some voted to reject it.

Let me summarize. We like our earmarks. We don't want to think long term on energy. We reject policies that say we should not put land into the wilderness area, but we do it anyway. We have taken away our ability to handle the next energy crisis, which is coming. We have told the American people we are going to keep eminent domain and, by the way, it doesn't matter if you own property, we will take it if we need it.

Besides all that, we have now more land area in wilderness in this country than we have developed land. There is 108 million acres now in wilderness in this country and only 106 million acres of developed land. When do we have enough? When do we stop tying our arm behind our back in terms of energy, whether it is renewable or carbon based? When do we do that? Is it wise and prudent to say we should not leave all options on the table for our energy needs for the future, whether it is green energy or traditional energy? Why would we send that signal to the rest of the world? And why would we do that to the American taxpayers?

What is going to happen on energy prices in this country is natural gas is going to double in the next 2 years, and it is going to double for a couple of reasons. One is because they cannot afford to drill for it right now at \$4. No. 2, we are taking a large swath, 13 million cubic feet, one area you have isolated, enough to run this country for 2½ years. It is proven, we know it is there, it is easy to get out, we don't have to do a whole lot more drilling, but you can't have it. We have taken 300 million barrels of oil in that same area and said: America, you can't have it. We know its there, its not hard to get out, but you can't have it. And that is just in one of the ranges we are setting off to the side and not making available to the American public to lower their energy costs, to balance the supply-and-demand imbalance we will see in the future.

It is important that this bill was put together by combining what individuals wanted for their States. I know some of these land and water rights issues are complicated. I know the exchanges are hard, and I know protecting things in the right way is important. I know it is to the Senator from Idaho, the Senator from Alaska, and the Senator from New Mexico. But when does the overall best benefit for the American people start trumping things around here instead of what we want parochially?

I think we have two diseases. I think we have attention deficit disorder in the Senate to what the real problems are, so I think we need to be in a 12-step program to correct that. Then I think we have hyperparochialism in the sense that what is most important

is what is important in my State, be danged what happens to the rest of the country

Our country is failing in a lot of areas now, and most of it is our fault. But what we will ultimately fail on is when we start thinking more about individual States than the best long-term benefit for the country. This bill is a classic example where we put parochial interests ahead of the long-term interests of the country.

I worry about the grandchildren of this country. This is an \$11 billion bill with \$900 million in mandatory spending. When we have all these things we need to do that are a much higher priority, we are going to do this now. I am disappointed in us because we don't think long term, that we think short term. It is beneath the oath we take when we continue to do this. I want to be proud of what we do, and I want us to be above the influence of any short-term, any parochial, or any political decision.

The people in this body know me, that I go after Republican projects as much as Democrats. I go on the basis of what I think is in the best long-term interest. That is not to say my colleagues don't too, but as a collective body we have not been doing that. And we are not going to fix the real problem in our country, which is the economy. It is amazing to me that we are spending time on this bill instead of fixing the economic problems of this country, that we are sitting here and we have spent a total of 7 weeks in the last 3 or 4 months on this bill rather than working on the real problems and the real needs of this country.

The long-term future of our country is at great risk today, and I am not just talking economically. When we choose to protect home—i.e. State or city or earmark—at the expense of the long-term interest of our country, we won't last. What has made this country great throughout its years is we have had leaders who have said: "The heck with my position. What is best for the country should come first."

The irony of that—and it is really paradoxical—is, when people see that, we restore confidence. When they see the opposite of that, they lose confidence in us. And we ought to be about restoring the American people's confidence. They are rattled today. They are rattled over the economy. They are rattled over their confidence in us, and we ought to be about restoring that. I don't think this bill does that.

I appreciate the patience of my colleagues. I have great respect for you. I know your sincere desires. But I truly think we need some coaxing to get our eye back on the ball.

Madam President, I yield the floor—I understand we will not vote until 12:20—and I suggest the absence of a quorum.

The PRESIDING OFFICER: The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN: Madam President, I am informed the time to vote has arrived, and I yield back any time that remains on our side.

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

Under the previous order, all time having expired, the substitute amendment, as amended, is agreed to.

The question is on the engrossment of the amendment, as amended, and third reading of the bill.

The amendment, as amended, was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time. Mr. THUNE: Madam President, I ask for the yeas and nays.

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

The bill having been read the third time, the question is, Shall it pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN: I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

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

The result was announced—yeas 77, nays 20, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—77

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Enzi       | Murray      |
| Alexander | Feingold   | Nelson (FL) |
| Barrasso  | Feinstein  | Nelson (NE) |
| Baucus    | Gillibrand | Pryor       |
| Bayh      | Gregg      | Reed        |
| Begich    | Hagan      | Reid        |
| Bennet    | Harkin     | Risch       |
| Bennett   | Hatch      | Roberts     |
| Bingaman  | Inouye     | Rockefeller |
| Bond      | Johnson    | Sanders     |
| Boxer     | Kaufman    | Schumer     |
| Brown     | Kerry      | Shaheen     |
| Burr      | Kohl       | Shelby      |
| Byrd      | Landrau    | Snowe       |
| Cantwell  | Lautenberg | Specter     |
| Cardin    | Leahy      | Stabenow    |
| Carper    | Levin      | Tester      |
| Casey     | Lieberman  | Udall (CO)  |
| Cochran   | Lincoln    | Udall (NM)  |
| Collins   | Lugar      | Voinovich   |
| Conrad    | Martinez   | Warner      |
| Corker    | McCaskill  | Webb        |
| Crapo     | Menendez   | Whitehouse  |
| Dodd      | Merkley    | Wicker      |
| Dorgan    | Mikulski   | Wyden       |
| Durbin    | Murkowski  |             |

NAYS—20

|           |           |           |
|-----------|-----------|-----------|
| Brownback | Ensign    | Kyl       |
| Bunning   | Graham    | McCain    |
| Burr      | Grassley  | McConnell |
| Chambliss | Hutchison | Sessions  |
| Coburn    | Inhofe    | Thune     |
| Cornyn    | Isakson   | Vitter    |
| DeMint    | Johanns   |           |

NOT VOTING—2

Kennedy Klobuchar

The bill (H. R. 146), as amended, was passed, as follows:

H. R. 146

Resolved, That the bill from the House of Representatives (H. R. 146) entitled "An Act to establish a battlefield acquisition grant

program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes", do pass with the following amendments:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE, TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Omnibus Public Land Management Act of 2009".

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

Sec. 1. Short title, table of contents.

**TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM**

**Subtitle A—Wild Monongahela Wilderness**

Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.

Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.

Sec. 1003. Monongahela National Forest boundary confirmation.

Sec. 1004. Enhanced Trail Opportunities. **Subtitle B—Virginia Ridge and Valley Wilderness**

Sec. 1101. Definitions.

Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest as wilderness or a wilderness study area.

Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.

Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.

Sec. 1105. Trail plan and development.

Sec. 1106. Maps and boundary descriptions.

Sec. 1107. Effective date.

**Subtitle C—Mt. Hood Wilderness, Oregon**

Sec. 1201. Definitions.

Sec. 1202. Designation of wilderness areas.

Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.

Sec. 1204. Mount Hood National Recreation Area.

Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.

Sec. 1206. Land exchanges.

Sec. 1207. Tribal provisions, planning and studies.

**Subtitle D—Copper Salmon Wilderness, Oregon**

Sec. 1301. Designation of the Copper Salmon Wilderness.

Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.

Sec. 1303. Protection of tribal rights.

**Subtitle E—Cascade-Siskiyou National Monument, Oregon**

Sec. 1401. Definitions.

Sec. 1402. Voluntary grazing lease donation program.

Sec. 1403. Box R Ranch land exchange.

Sec. 1404. Deerfield land exchange.

Sec. 1405. Soda Mountain Wilderness.

Sec. 1406. Effect.

**Subtitle F—Owyhee Public Land Management**

Sec. 1501. Definitions.

Sec. 1502. Owyhee Science Review and Conservation Center.

Sec. 1503. Wilderness areas.

Sec. 1504. Designation of wild and scenic rivers.

Sec. 1505. Land identified for disposal.

Sec. 1506. Tribal cultural resources.

Sec. 1507. Recreational travel management plans.

Sec. 1508. Authorization of appropriations.



A motion to reconsider was laid on the table.

Stated for:

Mr. PRICE of Georgia. Mr. Speaker, on roll-call No. 152, had I been present, I would have voted "yea."

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 280, I move to take from the Speaker's table the bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes, with the Senate amendments thereto, and I have a motion at the desk.

The SPEAKER pro tempore (Mr. SALAZAR). The Clerk will report the title of the bill, designate the Senate amendments and designate the motion.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE—This Act may be cited as the "Omnibus Public Land Management Act of 2009"

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

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Sec. 1003. Monongahela National Forest boundary confirmation.

Sec. 1004. Enhanced Trail Opportunities

Subtitle B—Virginia Ridge and Valley Wilderness

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Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.

Sec. 1105. Trail plan and development.

Sec. 1106. Maps and boundary descriptions.

Sec. 1107. Effective date.

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Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.

Sec. 1204. Mount Hood National Recreation Area.

Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.

Sec. 1206. Land exchanges.

Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

Sec. 1301. Designation of the Copper Salmon Wilderness.

Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.

Sec. 1303. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

Sec. 1401. Definitions.

Sec. 1402. Voluntary grazing lease donation program.

Sec. 1403. Box R Ranch land exchange.

Sec. 1404. Deerfield land exchange.

Sec. 1405. Soda Mountain Wilderness.

Sec. 1406. Effect.

Subtitle F—Owyhee Public Land Management

Sec. 1501. Definitions

Sec. 1502. Owyhee Science Review and Conservation Center.

Sec. 1503. Wilderness areas.

Sec. 1504. Designation of wild and scenic rivers.

Sec. 1505. Land identified for disposal.

Sec. 1506. Tribal cultural resources.

Sec. 1507. Recreational travel management plans.

Sec. 1508. Authorization of appropriations.

Subtitle G—Sabinoso Wilderness, New Mexico

Sec. 1601. Definitions.

Sec. 1602. Designation of the Sabinoso Wilderness.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

Sec. 1651. Definitions.

Sec. 1652. Designation of Beaver Basin Wilderness.

Sec. 1653. Administration.

Sec. 1654. Effect.

Subtitle I—Oregon Badlands Wilderness

Sec. 1701. Definitions.

Sec. 1702. Oregon Badlands Wilderness.

Sec. 1703. Release

Sec. 1704. Land exchanges.

Sec. 1705. Protection of tribal treaty rights.

Subtitle J—Spring Basin Wilderness, Oregon

Sec. 1751. Definitions.

Sec. 1752. Spring Basin Wilderness.

Sec. 1753. Release.

Sec. 1754. Land exchanges.

Sec. 1755. Protection of tribal treaty rights.

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

Sec. 1801. Definitions.

Sec. 1802. Designation of wilderness areas.

Sec. 1803. Administration of wilderness areas.

Sec. 1804. Release of wilderness study areas.

Sec. 1805. Designation of wild and scenic rivers.

Sec. 1806. Bridgeport Winter Recreation Area.

Sec. 1807. Management of area within Humboldt-Toiyabe National Forest

Sec. 1808. Ancient Brstlecone Pine Forest.

Subtitle L—Riverside County Wilderness, California

Sec. 1851. Wilderness designation.

Sec. 1852. Wild and scenic river designations, Riverside County, California.

Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

Sec. 1901. Definitions.

Sec. 1902. Designation of wilderness areas.

Sec. 1903. Administration of wilderness areas

Sec. 1904. Authorization of appropriations.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

Sec. 1951. Definitions.

Sec. 1952. Rocky Mountain National Park Wilderness, Colorado.

Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.

Sec. 1954. East Shore Trail Area.

Sec. 1955. National forest area boundary adjustments.

Sec. 1956. Authority to lease Leffer tract.

Subtitle O—Washington County, Utah

Sec. 1971. Definitions.

Sec. 1972. Wilderness areas.

Sec. 1973. Zion National Park wilderness.

Sec. 1974. Red Cliffs National Conservation Area.

Sec. 1975. Beaver Dam Wash National Conservation Area.

Sec. 1976. Zion National Park wild and scenic river designation.

Sec. 1977. Washington County comprehensive travel and transportation management plan.

Sec. 1978. Land disposal and acquisition.

Sec. 1979. Management of priority biological areas.

Sec. 1980. Public purpose conveyances.

Sec. 1981. Conveyance of Dixie National Forest land.

Sec. 1982. Transfer of land into trust for Shvuwts Band of Paiute Indians.

Sec. 1983. Authorization of appropriations

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

Sec. 2001. Definitions.

Sec. 2002. Establishment of the National Landscape Conservation System.

Sec. 2003. Authorization of appropriations

Subtitle B—Prehistoric Trackways National Monument

Sec. 2101. Findings.

Sec. 2102. Definitions.

Sec. 2103. Establishment.

Sec. 2104. Administration.

Sec. 2105. Authorization of appropriations.

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

Sec. 2201. Definitions.

Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.

Sec. 2203. Management of the Conservation Area.

Sec. 2204. Authorization of appropriations

Subtitle D—Snake River Birds of Prey National Conservation Area

Sec. 2301. Snake River Birds of Prey National Conservation Area.

Subtitle E—Dominguez-Escalante National Conservation Area

Sec. 2401. Definitions

Sec. 2402. Dominguez-Escalante National Conservation Area.

Sec. 2403. Dominguez Canyon Wilderness Area

Sec. 2404. Maps and legal descriptions.

Sec. 2405. Management of Conservation Area and Wilderness

Sec. 2406. Management plan.

Sec. 2407. Advisory council.

Sec. 2408. Authorization of appropriations.

Subtitle F—Rio Puerco Watershed Management Program

Sec. 2501. Rio Puerco Watershed Management Program.

Subtitle G—Land Conveyances and Exchanges

Sec. 2601. Carson City, Nevada, land conveyances.

Sec. 2602. Southern Nevada limited transition area conveyance.

Sec. 2603. Nevada Cancer Institute land conveyance.

Sec. 2604. Turnabout Ranch land conveyance, Utah.

(4) ORGANIZATION OF CONSORTIA—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director

(c) PUBLIC INPUT—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities

**Subtitle B—Paralysis Rehabilitation Research and Care**

**SEC 14201 ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS**

(a) IN GENERAL—The Director pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders or stroke, or any combination of such conditions

(b) RESEARCH—A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern including—

(A) improving functional mobility,  
(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications,

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies,

(D) developing improved assistive technology to improve function and independence, and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations, and

(2) replicate the findings of network members or other researchers for scientific and translation purposes

(c) COORDINATION OF CLINICAL TRIALS NETWORKS, REPORTS—The Director may, as appropriate, provide for the coordination of information among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director

**Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities**

**SEC 14301 PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES**

(a) IN GENERAL—The Secretary of Health and Human Services (in this subtitle referred to as the "Secretary") may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts

(b) CERTAIN ACTIVITIES—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the

State-based Disability and Health Program of the Centers for Disease Control and Prevention,

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities,

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions, and

(4) the replication and translation of best practices and the sharing of information across States as well as the development of comprehensive, unique and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education,

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use,

(C) education and awareness programs for health care providers,

(D) prevention of secondary complications,

(E) home- and community-based interventions,

(F) coordinating services and removing barriers that prevent full participation and integration into the community, and

(G) recognizing the unique needs of underserved populations

(c) GRANTS—The Secretary may award grants in accordance with the following

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions,

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4)

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations,

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs,

(E) providing education and training opportunities and programs for health professionals and allied caregivers, and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers,

(C) testing model intervention programs to improve health and quality of life, and

(D) coordinating existing services with State-based disability and health programs

(d) COORDINATION OF ACTIVITIES—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services

(e) AUTHORIZATION OF APPROPRIATIONS—For the purpose of carrying out this section, there is authorized to be appropriated \$25,000,000 for each of fiscal years 2008 through 2011

**TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION**

**SEC 15101 LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND**

(a) AUTHORITY TO DESIGN AND CONSTRUCT—The Board of Regents of the Smithsonian Insti-

tution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland

(b) AUTHORIZATION OF APPROPRIATIONS—There is authorized to be appropriated to carry out this section a total of \$41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended

**SEC 15102 LABORATORY SPACE, GAMBOA, PANAMA**

(a) AUTHORITY TO CONSTRUCT—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama

(b) AUTHORIZATION OF APPROPRIATIONS—There is authorized to be appropriated to carry out this section a total of \$14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended

**SEC 15103 CONSTRUCTION OF GREENHOUSE FACILITY**

(a) IN GENERAL—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution

(b) AUTHORIZATION OF APPROPRIATIONS—There is authorized to be appropriated \$12,000,000 to carry out this section. Such sums shall remain available until expended

Amend the title so as to read "An Act to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes"

**MOTION OFFERED BY MR RAHALL**

The text of the motion is as follows

Mr Rahall moves that the House concur in the amendments of the Senate

The SPEAKER pro tempore Pursuant to House Resolution 280, the motion shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on Natural Resources

The gentleman from West Virginia (Mr RAHALL) and the gentleman from Washington (Mr HASTINGS) each will control 30 minutes

The Chair recognizes the gentleman from West Virginia

**GENERAL LEAVE**

Mr RAHALL Mr Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the matter under consideration

The SPEAKER pro tempore Is there objection to the request of the gentleman from West Virginia?

There was no objection

Mr RAHALL Mr Speaker, I yield myself such time as I may consume

Mr Speaker, the road leading us here today has been a long one and it has contained a few twists and turns along the way. As my colleagues are well aware, a series of procedural hurdles in both the House and the Senate has delayed enactment of this legislation. It would truly be a shame, however, to allow those difficulties to overshadow just how important this bill is

The Omnibus Public Lands Management Act of 2009 is landmark legislation. It combines measures that will strengthen the National Park System, restore our national forests, preserve our Wild and Scenic Rivers, protect our sacred battlefields, and restore balance to the management of our public lands.

After nearly a decade during which our parks were taken for granted and our rangelands were scarred by a spider web of roads and well pads—after nearly a decade during which responsible stewardship was abandoned—this omnibus package represents a new dawn. A new dawn for America's heritage and America's values.

□ 1230

It will preserve pristine wilderness, such as in my home State of West Virginia, protect our national monuments and conservation areas, conserve our free-flowing rivers, establish new park units, guarantee abundant clean water for thousands of families, and more.

At a time when so much of the news is bad, when so much about our future seems uncertain, enactment of this public lands bill will serve as a reminder that our Nation is truly blessed, and that, no matter what happens, if we pass those blessings on to our children, our Nation will survive and endure.

One advantage of having considered this package before is that we have heard all the arguments. We have heard all the arguments against it, and we know that they have been proven wrong.

For example, we were told that this package costs a great deal of money. The Congressional Budget Office has made it clear, it does not. We were told that this is a big Federal land grab, but Members now understand that this package contains no condemnation nor taking of land of any kind. We were told this package contained a provision that would put children in jail for collecting fossils. We know now that only large commercial companies who take public resources and sell them for private profit will be penalized.

The truth is, this package of bills will make small but meaningful improvements in the quality of life for millions of Americans across our great country. The arguments made by opponents are petty by comparison. That is why an overwhelming and bipartisan majority of 77 members of the other body and 282 Members of this House have already voted for this bill.

We have all heard the saying: That which does not kill us makes us stronger. Attempts to kill this important package have failed, making our commitment to getting it enacted that much stronger.

The road leading us here has indeed had some twists and turns, but today we arrive at the end. I urge my colleagues to support H R 146 and, finally, send this bill to the President for his signature.

I reserve the balance of my time.

Mr HASTINGS of Washington: Mr Speaker, I yield myself such time as I may consume.

Mr Speaker, this bill has gone through quite a process. And although this bill contains several meritorious separate pieces of legislation, and three parts of this omnibus bill are mine, I might add, the negatives in this bill and the failure to consider it under regular order of any kind of open, inclusive process outweigh any reason, in my mind, to go forward.

By now, it is well known that Republicans have tried to amend this bill to restore needed House provisions, to remove egregious provisions, and add protections for Americans' second amendment rights.

If we had been allowed to offer these amendments, we might have produced legislation almost all Members of the House could support, however, we have been blocked at every opportunity from participating in this process.

This package is largely a product of closed-door deal-making. It is designed to ensure that just enough congressional districts receive something to induce support for very controversial measures that underwent no public hearing.

The Democrat leadership likes to argue that the full House has acted on more than 70 provisions in this bill. What they don't say is that at least 100 provisions have not been considered by the full House.

Mr Speaker, this may look familiar to some people. It is a large, large bill. Of that, only this amount has been considered by the House. It seems like we haven't learned from what past experience has taught us about trying to put massive bills through the House without having somewhat of an open process.

Every motion, procedure, and action of this body has been used to deny the House Republicans any meaningful participation in this bill. The House's failure to study these 100 provisions will have serious consequences, in my view, for an ailing economy.

Before the House rejected this package under suspension of the rules, our friends on the other side of the aisle argued that this bill is just what America needs in difficult times. Well, it seems to me the discussion in this new Congress has been around the economy and the need for American jobs. And I think that we can all agree that Americans need jobs. Although H R 146 might create a few jobs, these jobs will be mostly limited to bureaucrats putting up "Do Not Enter and No Access" signs all over America's public lands. And these few jobs will be far outnumbered by the jobs that would be killed by this bill.

Are our memories so short that we have forgotten the energy crisis of just last summer and the role that it played in the economic downturn that we experienced in the second half of last year? Evidently, the Democrat leadership's answer to this is to close off energy-rich public lands forever.

This package contains 19 provisions to block American-made energy production, locking away hundreds of millions of barrels of oil and trillions of cubic feet of natural gas. More than 3 million acres of public land are permanently locked away from energy development. Now, these are public lands, in a time when our economy is slowing, in a time when we need to try to get the economy going, and no sector could be better. I think than the energy sector, especially the American energy sector, yet, this bill goes the opposite way of what I just cited.

It is ironic, while Democrat leaders accuse industry of stockpiling Federal oil and gas leases, the truth is that the Federal Government, through the actions of the Democrat majority in this Congress, is stockpiling lands to block energy production.

H R 146 has many other problems. It could—and I say "could"—result in a ban on the use of vehicles and other technology to patrol the U S border. It bans recreational access to millions of acres of public lands. Even worse, it denies those dependent on wheelchairs, including disabled veterans, from fully enjoying public lands like everyone else. It fails to address a Federal judge's decision of only last week, when we could have acted on this, that overturned the Bush administration's regulations to protect second amendment rights in parks and wildlife refuges. In other words, to make consistent our laws on public lands. H R 146 even hurts civil liberties. It could mean jail time and asset forfeiture for several innocent actions by Americans.

Yesterday, we received a letter from a coalition of civil rights groups, including the American Civil Liberties Union, the Competitive Enterprise Institute, the National Association of Criminal Defense Lawyers, and others, who have grave concerns. And I will quote, "The bill creates many new Federal crimes using language that is so broad that the provisions could cover innocent human error."

These organizations also say, and, again, I am quoting, "Above all, we are concerned that a bill containing new Federal crimes, fines and imprisonment and forfeiture provisions may come to the House floor without first being marked up by the House Judiciary Committee."

Mr Speaker, this bill was not even marked up by the House Natural Resources Committee. This bill was not marked up by any committee in the House. This is a bill that came over, again, over 1,100 pages, from the Senate. So this wasn't even marked up, and it has these provisions in it.

I just have to ask you, Mr Speaker, does this sound familiar? None of the several committees with jurisdiction over this bill had any hearing on the troubling provisions within this bill.

So, Mr Speaker, that is not how the people's House ought to work. This House is the House wherein no Member has ever served that was not elected. It

is the closest to the people. And when we have concerns, then let's debate those concerns, and let's have a vote. And I understand how that works. We have three buttons, but I generally only press two, yes and no, and, whoever has the most votes prevails. But we have been denied even that basic opportunity in the people's House on this bill.

The amendments I offered, for example, last night in the Rules Committee that were rejected, all on a party-line vote, I might add, were bills that only address the most egregious parts. We had a discussion with some of the members of the Rules Committee where they were talking about some of the provisions they worked on were carefully crafted. In fact, the distinguished chairman mentioned that. And I totally agree, I know there are provisions that have been crafted. But for those provisions in the bill that have some dissension, some difference of opinion, then let's discuss that, and then we can have a vote and whichever side prevails, prevails. That is the way the people's House ought to work. But, once again, that process is being denied with this huge bill that is slightly larger, I think, than the stimulus bill, if you want to make some sort of a comparison. But here we are again, today, going through that same procedure.

So with that, Mr. Speaker, while there are three provisions in this bill that I have worked several Congresses on, I have to say that this bill on the whole is not worthy of my support, and I urge my colleagues to vote "no."

I reserve the balance of my time.

Mr. RAHALL: Mr. Speaker, I am happy to yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE) who has helped us craft some language in the bill that is supported by the National Rifle Association.

Mr. ALTMIRE: I thank the gentleman, and I rise today in support of the public lands bill which includes my amendment to protect the rights of our Nation's sportsmen. The language that I worked to include in today's bill is a hard-fought victory for sportsmen and the preservation of their access to public lands.

Within the three main sections of this bill, those related to the National landscape conservation system, rivers, and trails, and heritage areas, protections are included to ensure sportsmen are able to hunt, fish, and trap on millions of acres of public lands. These protections and my amendment are strongly supported by the National Rifle Association.

And as an unwavering supporter of the second amendment, I share the concerns of Mr. HASTINGS, Mr. BISHOP, and others, about the recent district court decision limiting the ability of citizens to carry concealed weapons in national parks. However, that decision does not in any way relate to my amendment, and it certainly doesn't create a loophole. I agree that the right-to-carry issue is vitally impor-

tant, but it is a separate issue based on a court ruling that took place after this bill was finalized. I look forward to working closely with Mr. HASTINGS and Mr. BISHOP to address this important issue through a more appropriate legislative vehicle.

Today's action by the House protects the rights of our Nation's sportsmen and their ability to hunt, fish, and trap on millions of acres of public land. The language that I worked to include makes it clear that the fundamental rights are protected, and I ask my colleagues to support this bill.

Mr. HASTINGS of Washington: Mr. Speaker, before I yield to the gentleman from California, I yield myself 15 seconds to simply say that the NRA does not endorse this bill. The NRA endorsed the gentleman's amendment that he offered 2 weeks ago, but it does not endorse this bill.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATION ACTION,

Fairfax, VA, March 10, 2009

HON. NANCY PELOSI, Speaker, House of Representatives, H-232, The Capitol, Washington, DC

HON. JOHN BOEHNER, Republican Leader, House of Representatives, H-204, The Capitol, Washington, DC

DEAR SPEAKER PELOSI AND LEADER BOEHNER, on behalf of the National Rifle Association, I am writing to express our support for the Altmire amendment to S 22, the Omnibus Public Land Management Act of 2009. The Altmire amendment would ensure that the provisions of S 22 will not be used to close lands that are currently open to hunting, fishing, trapping, target shooting and other forms of traditional recreation. In addition, the amendment clarifies that the states retain the authority to manage resident fish and wildlife.

Encroaching development and the increasing population demand for open space has resulted in the closure of federal lands that were once open to traditional forms of recreation, such as hunting and target shooting. Whether it is the closure of a trail that served as the access point for a generations-old hunting camp or the closure of large areas to target shooting, the sportsman's way of life has been under attack. There are those who would exacerbate this situation by attempting to use land designations to further close federal lands to sportsmen. This is why the Altmire amendment is necessary.

The Altmire amendment has already been applied to the National Landscape Conservation System Act within S 22. It is critical to extend this protection for sportsmen to other areas of the bill, specifically Titles V and VIII pertaining to Rivers and Trails and National Heritage Areas, respectively. This is precisely what the Altmire amendment would do.

While the NRA takes no position on S 22 as a whole, the meaningful protections provided by the Altmire amendment are critical to preserve access for sportsmen and the authority of the states to manage resident wildlife populations. For these reasons, we support its inclusion in S 22.

Should you have any questions or need additional information, please do not hesitate to contact me directly at (202) 651-2560.

Sincerely,

CHRIS W. COX,  
Executive Director NRA-ILA

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Cali-

fornia (Mr. McCLINTOCK), a new Member, and a new member of the Resources Committee.

Mr. McCLINTOCK: I thank the gentleman for yielding.

Mr. Speaker, Abraham Lincoln once told of a farmer who said, "I ain't greedy for land. All I want is what is next to mine." I think our Federal Government is starting to resemble that farmer.

H.R. 146 is a massive land grab that would literally put more land in the United States into wilderness designation than we currently have actually developed from coast to coast. That pretty much means no human activities other than walking through it—as long as you don't touch anything. So I have to ask a question, when is enough enough?

The Federal Government already owns nearly 650 million acres of land. That is 30 percent of the entire land area of the United States. It owns 45 percent of my home State of California. Now, compare that to the District of Columbia, Washington, D.C., the Federal Capital, the home to every agency in our vast Federal bureaucracy. The Federal Government owns only 25 percent of the District of Columbia.

The bill is estimated to cost about \$10 billion, not only to pay for this land grab but for all of the other bells and whistles that are attached to it. That includes congressional earmarks like \$3.5 million to celebrate the birthday of St. Augustine, Florida, and \$250,000 to decide—to decide—what we are going to do with Alexander Hamilton's boyhood home in the Virgin Islands.

Now, \$1 billion of the \$10 billion of this bill is for salmon population restoration on the San Joaquin River in California, with the stated objective of establishing a population of at least 500 salmon.

□ 1245

Five hundred salmon. One billion dollars.

Mr. Speaker, that comes to \$2 million per fish. And that is without accounting for all of the costs that will be incurred by central valley farmers as water that is already in critically short supply is diverted to this project.

Overall, this bill spends \$10 billion of people's earnings. In real world numbers, that means about \$130 from an average family of four through their taxes. I'm afraid that the mega-spending by this administration has begun to desensitize us to figures that are under \$1 trillion. But let's try to put this \$10 billion in perspective. The National Park Service reports a maintenance backlog of \$9 billion on the land we already own. So, we can't take care of the land we already have, but we are going to spend \$10 billion on acquiring additional land that we can't take care of.

This bill withdraws 3 million acres of land from energy leasing. Just from reserves that we know about, that is

going to cost the American economy 330 million barrels of oil and 9 trillion cubic feet of natural gas in Wyoming alone

I was particularly struck by a provision that allows the Federal Government to condemn private property where fossils are found. So if you find a fossil in your backyard, Mother and Father America, be very careful. You will be well advised to keep it a secret. Under this bill, such a discovery could cost you your property.

This bill also means new restrictions on BLM lands. Now these public lands currently contribute to our Nation's economy by providing multiple uses such as farming, ranching, timber harvesting and offroad vehicle recreation, all for the broader public good. I have an awful lot of land in my district that is under Federal jurisdiction and under BLM management, and the constant complaints that I get from the public are not that there is too much access to public lands, but that there is too little access and too many restrictions to those lands. This bill codifies the National Landscape Conservation System, which means less public access and more restrictions on the public's use of the public's land.

So I ask again, when is enough enough? The preservation of public land is not an end in itself. It is a means to an end, that end being the public good. And the public good is not served by the mindless and endless acquisition of property at the expense of the sustainable use of our natural resources, the responsible stewardship of our public lands and the freedom and property rights of our citizens.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATIVE ACTION,

Fairfax, VA, March 10, 2009

Hon NANCY PELOSI,  
Speaker, House of Representatives, Washington, DC

Hon JOHN BOEHNER,  
Republican Leader, House of Representatives, Washington DC

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the National Rifle Association, I am writing to express our support for the Altmire amendment to S 22 the Omnibus Public Land Management Act of 2009. The Altmire amendment would ensure that the provisions of S 22 will not be used to close lands that are currently open to hunting, fishing, trapping, target shooting and other forms of traditional recreation. In addition, the amendment clarifies that the states retain the authority to manage resident fish and wildlife.

Encroaching development and the increasing population demand for open space has resulted the closure of federal lands that were once open to traditional forms of recreation, such as hunting and target shooting. Whether it is the closure of a trail that served as the access point for a generations-old hunting camp or the closure of large areas to target shooting, the sportsman's way of life has been under attack. There are those who would exacerbate this situation by attempting to use land designations to further close federal lands to sportsmen. This is why the Altmire amendment is necessary.

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Sincerely,

CHRIS W COX,  
Executive Director, NRA-ILA

Mr RAHALL: Mr Speaker, I am forced to yield myself 30 seconds to respond to the total inaccuracies just stated by the gentleman.

First of all, the fossil collection measure in this bill applies only to public lands, no private lands whatsoever. And if the gentleman had heard my opening statement or even seen what the Senate passed, he would recognize—that the other body passed—he would recognize that the casual collector of fossils is exempt from this legislation. It only applies to those who are in the professional collection of fossils on public lands once again.

In regard to the locking away of land from oil and gas developments, what you are going to keep hearing throughout today from the other side is that old mantra “drill, baby, drill” that we are hearing over and over and again, and they just don't get it anymore.

I am glad to yield 2 minutes to the gentleman from New Jersey (Mr PASCRELL).

Mr PASCRELL: Mr Speaker, I proudly rise today in strong support of H R 146, a bipartisan piece of legislation that will do wonders for conservation and historic preservation across the United States. If one, Mr Speaker, were to add up all the hours that were devoted to each part of this legislation in the House and the Senate, it would minimize basically what I just heard from the other side, over 100 hours of debate on these bills separately. And now we are bringing them together in one omnibus public land management bill.

This bill includes the Paterson Great Falls National Park Act. It was originally introduced in the 109th Congress and passed the House in October of 2007, like many of these other bills that are part of this omnibus bill, which is a bipartisan piece of legislation.

As a lifelong Paterson resident and the city's former mayor, I have fought for many years to bring recognition to the site that has played such a seminal role in American history. Alexander Hamilton knew what he was doing, because it became the gateway to industry in this country so that immigrants could come here, go to work and build the greatest country in the world.

With a National Park designation, the Great Falls will be transformed

into an attraction for visitors and Patersonians alike that could lead to the economic revitalization of Paterson, joining together of public and private investment. Isn't that what we are here for?

As soon as President Obama signs this bill into law, Federal resources will be leveraged to revitalize the Great Falls area, refurbish the beautiful historic mill buildings, maintain and protect the waterfalls, and create a living reminder of our Nation's rich industrial history. I'm proud and thankful that Congress and the President fully recognize the vision of Hamilton, the design of L'Enfant, and the cultural and historic landmarks that have shaped America's history.

The SPEAKER pro tempore (Mr ALTMIRE): The time of the gentleman has expired.

Mr RAHALL: I yield the gentleman 30 additional seconds.

Mr PASCRELL: After this bill is signed into law, I would be honored to have my colleagues visit the Great Falls where they can all see firsthand the value that urban parks bring to the National Park System and to the local communities.

I want to thank Speaker PELOSI, Chairman RAHALL and Chairman GRIJALVA for bringing this bill to the floor. I urge my colleagues to vote “yes.”

I think, Mr Chairman, when we are involved more in substance rather than process, we get a lot done in the House of Representatives.

Mr HASTINGS of Washington: Mr Speaker, how much time remains on both sides?

The SPEAKER pro tempore: The gentleman has 16¼ minutes. The gentleman from West Virginia has 22½ minutes remaining.

Mr HASTINGS of Washington: Mr Speaker, I am pleased to yield 3½ minutes to the gentleman from Georgia, a member of the Natural Resources Committee, Mr BROWN.

Mr BROWN of Georgia: As Members of Congress, we have taken an oath to uphold the U.S. Constitution. Today's vote on the omnibus lands bill is a vote on the right to own private property and on the second amendment right of law-abiding citizens to have and use firearms. The fifth amendment concludes with these words: “nor be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation.”

Our Nation is facing an economic crisis today. Yet Democrats are forcing this Chamber to rush through a bill that will increase government spending by as much as \$10 billion. The Federal Government already owns over 650 million acres of land that they can't take care of. The National Park Service alone faces a backlog of \$9 billion worth of projects that need to be funded.

If S 22 passes, there will be more wilderness areas in the United States than

the total developed land, 109-plus million acres versus 108.1 million acres. We should not be permanently locking up tens of millions of acres of the people's land.

The second amendment rights of law-abiding citizens to have firearms and use firearms are also in danger today. The second amendment to the U.S. Constitution declares that "a well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Last week, Democratic leaders in the House and the Senate added the Altmire amendment to the omnibus lands bill to prevent the Federal Government from banning hunting and fishing on certain types of Federal land.

At the time this amendment was added, the right of Americans to carry concealed firearms on park lands and wildlife refuges, in accordance with State law, was already recognized in Federal regulations. However, last Thursday, a U.S. District Court judge single-handedly decided to block this right. And it was an unconstitutional decision by this judge. Now there is a giant hole in the current Altmire language, and Congress should fix it. Congress must not allow one Federal judge to single-handedly deny Americans their second amendment rights on Federal lands.

My colleagues Mr. HASTINGS and Mr. BISHOP introduced an amendment to this bill that would write into law the very protections struck down by this one Federal judge. Unfortunately, Democratic leadership would not allow a vote on this amendment that would repair the massive void in the current Altmire language. The omnibus lands bill was the best place to fix what this one Federal judge in Washington, D.C., has done, but we won't even be allowed a vote today.

It is not the role of the Federal Government to hoard massive amounts of land. And it is not the role to take away law-abiding citizens' second amendment rights.

Protect the fifth amendment. Protect the second amendment. Vote "no" on S. 22.

Mr. RAHALL: Mr. Speaker, many Members on the minority side have been helping us with this legislation. I now am pleased to recognize one such Member, the gentleman from California (Mr. MCKEON), for 2 minutes.

Mr. MCKEON: Mr. Speaker, I thank the chairman for the time and for his leadership in bringing this important bill to the floor.

I rise in strong support of the omnibus lands bill, which includes my legislation, the Eastern Sierra and Northern San Gabriel Mountains Wild Heritage Act, about which I'm going to speak. I have the great privilege of representing one of the most rugged and beautiful areas of the country, including the vast Eastern Sierras of California represented in a few of the pictures that I have here.

My district is also one of the largest in the country, with over 95 percent of the land in Mono and Inyo Counties owned and managed by the Federal Government. We need land for recreation, hunting and fishing. We need land for mining. We need some land protected as wilderness. But, most importantly, we need commonsense, locally driven solutions to land use.

This legislation is a product of countless hours of community involvement between Senator BOXER and I working together with virtually every local stakeholder, county official, local sportsman and recreational advocate, BLM and Forest Service. We also presented the legislation directly to the public through county hearings.

Specifically, this legislation would designate over 470,000 acres of wilderness in the Eastern Sierras of Mono and Inyo Counties and the San Gabriel Mountains north of Los Angeles. While many of these areas are already successfully protected from many destructive human activities by the management plans of the Forest Service and BLM, I feel strongly that these areas should have a higher level of protection.

In addition, my legislation strikes that important land use balance and releases over 50,000 acres of Wilderness Study Areas from further consideration as wilderness. Finally, my legislation creates the first ever dedicated winter recreation area, 11,000 acres for snowmobile use which will bring much-needed tourism to the community of Bridgeport in northern Mono County.

This is a locally driven, practical solution to the many land uses in my district. This isn't Congress telling my district how to manage our land. This is my community, my constituents asking Congress to approve a land use compromise developed and vetted back home in California.

I strongly urge a "yes" vote.

Mr. HASTINGS of Washington: Mr. Speaker, the last time I inquired about time there was a disparity. So I think I will reserve my time until we catch up.

Mr. RAHALL: Mr. Speaker, I am glad to yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR), who has been very instrumental in crafting this legislation.

Mr. SALAZAR: I would like to thank Chairman RAHALL and Chairman GRIJALVA for all their hard work on this Omnibus Public Lands Management Act. The public lands package includes five bills critical to my district in western and southern Colorado, and we have been working on this ever since day one that I got here to Congress.

The Jackson Gulch project supplies water to the town of Mancos, the Mancos Water Conservancy District, the Mancos Rural Water Company, and it is the sole supplier of municipal water for Mesa Verde National Park. The project provides irrigation water for over 13,000 acres.

The Baca Wildlife Refuge Management Act will amend the Great Sand Dunes National Park and Preservation Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge.

This legislation defines the purpose of the refuge "to restore, enhance, and maintain wetlands, upland, riparian and other habitats for native wildlife, plant and fish species in the San Luis Valley."

The Sangre de Cristo National Heritage Area will designate a national heritage area in Conejos, Costilla and Alamosa Counties. It will bring deserved attention to the rich culture, heritage and landscape of the San Luis Valley.

The Arkansas Valley Conduit will establish a 65 percent Federal cost share for the construction of the conduit, a proposed 130-mile water delivery system from Pueblo Dam to communities throughout the Arkansas River Valley. Generations of people in southeast Colorado have waited long enough for clean and safe drinking water.

The Dominguez-Escalante National Conservation Area will conserve water and land resources in approximately 210,000 acres of federally owned land on the Uncompahgre Plateau in lands in Montrose, Delta and Mesa Counties.

□ 1300

Mr. Speaker, this is actually one of the proudest days of my legislative career. I worked side by side with my younger brother, the now Secretary of the Interior, when he was in the Senate, Ken Salazar, for the past 4 years to make these efforts a reality. This will help protect Colorado's land, water, and natural beauty for generations to come. I want to thank the chairman once again and thank you, Mr. Speaker.

Mr. HASTINGS of Washington: Mr. Speaker, once again can I inquire of the time on both sides?

The SPEAKER pro tempore: The gentleman from Washington has 13½ minutes. The gentleman from West Virginia has 18½ minutes remaining.

Mr. HASTINGS of Washington: Mr. Speaker, I will reserve my time again so we can equalize the time.

Mr. RAHALL: Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from Oregon (Mr. WU), who has been very helpful to us as well on this legislation.

Mr. WU: Thank you, Mr. Chairman.

Mr. Speaker, I rise today to express my strong support for H.R. 146, The Omnibus Public Land Management Act of 2009. This legislation includes many important provisions that will protect and preserve America's public land heritage. It is a compilation of bills that enjoys broad bipartisan support in both Chambers of Congress, and I hope that the majority of the House will see fit to pass this omnibus legislation today.

Included in this package are several bills that highlight my home State of Oregon's scenic and ecological diversity, including the salmon-producing

Coast Range waters of the Elk River in southeastern Oregon, the high desert badlands near Bend, the prairies overlooking the John Day River in central Oregon, and the high alpine forests of the Siskiyou

One provision of particular importance to me adds additional land protections within the Columbia River Gorge, which I and many other Oregonians consider the crown jewel of Oregon's natural heritage. The Gorge Face wilderness additions reflect the continued commitment of this Congress to keep this remarkable area safe from inappropriate development.

I would also like to voice my support for the provisions that will protect nearly 127,000 acres around Mount Hood and almost 80 miles on nine free-flowing stretches of river, as well as create a 34,550-acre National Recreation Area. Mount Hood is one of the enduring symbols of Oregon's love of the outdoors, and this bill is an important signal to future generations that we wish to continue providing opportunities to enjoy all that nature has to give.

In these tough economic times, the protection of these natural spaces also supports Oregon's economy. Oregon's vibrant outdoor recreation industry supplies 73,000 jobs, and it injects almost \$6 billion annually into Oregon's economy.

Mr. Speaker, I would like to reiterate my strong support for H.R. 146.

Mr. RAHALL: Mr. Speaker, I am very happy to yield now to the gentleman from Arizona, the chairman of our Parks Subcommittee, who has undergone this tortuous path with us all the way, the gentleman from Arizona, the Park Subcommittee Chair, Mr. GRIJALVA, 3 minutes.

Mr. GRIJALVA: Mr. Speaker, I think to some extent we need to set the record straight about this legislation. We need to be clear that this bill is about conservation and preservation of our public lands. It's about improving our water supplies in the West. It's about improving the health of our forests and creating economic opportunities for rural communities.

This legislation will also establish a new national park unit, conserve wild and scenic rivers, protect historic American battlefields where brave patriots fought and died for this Nation, and establish miles of new hiking trails and much, much more.

Bills in this package will give families places to enjoy, to enjoy outdoor recreation, it will preserve our history so the children can learn the story of America on field trips. It will protect rivers for boaters and anglers so they can enjoy it themselves.

H.R. 146 is wildly popular, both among a large bipartisan majority of the Members of Congress and among the American people. In fact, this package is so popular that those that oppose new parks, those who think protecting rivers and trails is not a good use of our time, are placed in a very difficult position. They have no choice

but to try to insert issues in this debate that simply don't belong in this debate.

This is not about guns. The Court ruling that has become the crucible of discussion with this legislation regarding the second amendment, that ruling, and let me quote from it, from the judge's order, "Because the Court finds that the final rule which was rushed by the Bush administration on their way out the door, is a product of Defendant's astoundingly flawed process, the Court holds that the Plaintiffs are highly likely to prevail on the merits of their NEPA claims. Accordingly, the Court expresses no views on the merits of any laws or regulations related to concealed weapons or firearms generally."

This was a ruling on a flawed process, on a process that ignored public input, that ignored transparency, and that's why that rule by the Bush administration was enjoined. It was not enjoined on the merits of the concealed weapon issue that time and time again is brought up as the ruling itself.

This bill is not about locking anything up or locking anybody out. I am told that during debate on the measure in the Rules Committee yesterday, opponents of this bill took more time talking about AIG than they did about parks and forests.

The truth is, this package of bills is as popular as mom, as apple pie, and I do not envy those few Members who have to come to the House floor today and manufacture reasons to oppose it. But let's be clear. These arguments are manufactured and should not be given any weight.

This legislation is good for the land, it's good for our Nation, and our children, and our grandchildren. They will all thank us later for passing this legislation.

Mr. Speaker, after a long, dark period where protection of our natural and cultural resources was ignored, today we can change that. I urge passage of H.R. 146.

Mr. HASTINGS of Washington: Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Natural Resources Committee.

Mr. GOHMERT: Mr. Speaker, there are some good provisions in this bill. There have been hearings on 70 out of 170 provisions in the House and this Congress. But our esteemed and fine chairman of the committee said the arguments against this bill, in his word, are petty.

I guess when you spend \$1.68 trillion, whatever we have spent already in the last few months, \$10 billion can seem like petty cash. You know, 10 billion here, there. I understand it can seem like petty. But that is an argument. This is \$10 billion without hearings in this House over 100 of these provisions on whether they will help the economy.

You know, we heard over and over that people are losing jobs every day. Let's do something about it. And in the

meantime, we're going to go spend \$10 billion in this bill, don't know that it will help the economy. Maybe eventually.

Well, how about the people that are out of work right now? How about the people that might be able to utilize some areas that won't be able to now for certain purposes?

Or like energy, for example. Oh, yes, has anybody noticed the price of gasoline is going up again, just like everybody expected it to go up. And it will go up more and more as we approach the summer.

And what is happening, what are we doing in this sensitive body that we have here in Congress? We are going to put more of it off limits, more of it off limits at a time when the price is going up, the economy is struggling, people are losing jobs, people are having their pay cut, people are allowing their pay to be cut so others don't lose their jobs.

And what are we going to do to help? By golly, we are going to put some more land off limits so we can't get the energy and help ourselves in this country.

I was talking to some people from China not long ago. And the way they look at things, they don't look at just, you know, 10 years, 100 years, they look way down the road. And as we have seen in this body, for example, last week, we just looked at what's popular today. Gee, let's have a 90 percent tax on bonuses that we should not have ever allowed in the first place if people had done what I asked and read the stinking bills before we rushed in and passed them. But I digress.

Sometimes we just look at 1 day. They look way down the road. And it was interesting to me, these individuals said, we know what the United States is doing. You keep putting your energy off limits, more and more of it. We know what you're doing. You're smart. You're smarter than somebody gives the United States credit for, they said, because we know what you're doing. You keep putting your energy off limits, knowing that other countries will use up all of the rest of the resources in the world, and then you'll be the only country with those resources, and you'll be able to maintain your status as the one superpower in the world because you've got all the resources. You were smart enough to hold them and wait to use them until after everybody else exhausted theirs. And I wished I could say, "You're right, we see that far down the road in this Congress." But it's not true. We keep hurting ourselves at the worst possible time.

So with this big bill here, Mr. Speaker, 100 provisions out of the 170 that didn't get a hearing in the House, we need to practice, and we can start now. I'm shocked. I'm outraged. I'm outraged and I'm shocked. I'm shocked and outraged, because once people start finding out what's in the bill, what all provisions didn't get a hearing

that could have been tweaked to avoid the outrages that will come, we'll need to have people saying this to save their jobs. Some may be comforted that the Senate has had Senators—and I don't know if Senator DODD examined all the language to make sure it was perfect, but I'm sure some Senators did. But get ready to say you're shocked and outraged.

Mr RAHALL: You forgot "drill, baby, drill."

Mr Speaker, I yield 1 minute to the gentleman from Washington (Mr BAIRD) for a colloquy.

Mr BAIRD: Mr Chairman, thank you for the opportunity to highlight the NOAA Undersea Research Program Act which is included in this bill, and establishes an important and proven system of undersea research techniques.

The language in the present legislation does not specifically mention the Aquarius Undersea Laboratory, and I would like to recognize the crucial and cutting-edge work done at Aquarius, and I want to mention for the record it is owned by NOAA. Therefore, I wish to clarify that whenever the legislation we are considering mentions the extramural centers and the National Institute for Science and Technology, it is understood that Aquarius is included.

In closing, I wish to commend the staff at Aquarius for the critical work they have done, and I wish to express my support for their continued research.

Mr RAHALL: Mr Speaker, I commend the gentleman from Washington for recognizing the scientific contributions made by Aquarius, and I thank them for supporting the provisions in the underlying legislation that will promote the development of future innovations in undersea research technologies.

Mr HASTINGS of Washington: Mr Speaker, again, to equalize the time, I will reserve my time.

Mr RAHALL: I yield 1 minute to the gentleman from New Jersey (Mr HOLT).

Mr HOLT: Mr Speaker, I thank the Chair of the Committee on Natural Resources.

This bill is the kind of bill that I love. I am especially pleased that we could preserve New Jersey's heritage as one of the leaders of the industrial revolution by giving the American public the Paterson Great Falls National Historic Park and the Edison National Historic Park. And I thank Chairman RAHALL for bringing the bill along.

When I introduced this H R 146, little did I suspect that my bill to protect the battlefields of the American Revolution and the War of 1812 would grow to 1,300 pages and attract so much attention. But I am pleased that my bill to protect the battlefields of the American Revolution and the War of 1812 has been used as a vehicle to bring this important lands bill through the legislative process. However, I regret that my language to protect the battlefields of

the American Revolution and the War of 1812 has vanished.

And so, I am here to ask the chairman of the Committee on Natural Resources if I may have his assurances that he will assist me in moving this noncontroversial legislation to protect the battlefields of the War of 1812 and the American Revolution expeditiously.

□ 1315

Mr RAHALL: Will the gentleman yield?

Mr HOLT: I will yield.

Mr RAHALL: I thank the gentleman from New Jersey for his patience and willingness to work with us, and I pledge to work with him to move H R 1694 quickly and to work towards its passage in the other body in the near future.

Mr HASTINGS of Washington: I continue to reserve the balance of my time.

Mr RAHALL: Mr Speaker, I am very honored to yield 1½ minutes to the distinguished subcommittee chair on our Committee on Natural Resources, the Chair of the Water Resources Subcommittee, the gentlewoman from California (Mrs NAPOLITANO).

Mrs NAPOLITANO: Mr Speaker, the Public Land Management Act includes 30 separate water bills that my subcommittee passed/approved with the Bureau of Reclamation, the USGS and, of course with the 17 Western States on water environment.

It authorizes conservation, water-use efficiencies and title XVI water recycling projects, addressing the aging infrastructure in the United States' 17 Western States, and allowing for the feasibility studies of many of those much needed water projects.

The West, of course, is having an unprecedented drought, and this will help not only to bring up those shovel-ready projects that will bring 500,000 acre-feet of water and thousands of jobs for the reclaimed reuse water and added storage capacity, but this will lessen a lot of the areas' reliance on costly water and unreliable sources.

We urge your vote, and hope that we will be successful in being able to get those shovel-ready projects to develop those jobs.

Mr HASTINGS of Washington: Mr Speaker, I continue to reserve the balance of my time.

Mr RAHALL: Mr Speaker, I am very honored to yield 1 minute to a new member of our committee who is from the State of New Mexico (Mr HEINRICH).

Mr HEINRICH: Mr Speaker, I certainly stand in strong support of this legislation because of its importance to the New Mexico families that I represent.

The Rio Grande has been the lifeblood of our community in New Mexico for thousands of years, and for the Pueblo of Sandia, this bill will certainly make possible much needed investments in their water infrastructure

and vital agricultural irrigation systems.

Further south along the Rio Grande, this bill will clarify ownership of Tingley Beach in Albuquerque, a historical gathering spot that has been revitalized into a popular zoo, a biopark, an aquarium, and numerous fishing ponds open to the public.

From east to west, this bill will reauthorize the Route 66 Corridor program, which is essential to preserving the historical character and vibrancy of our beloved Central Avenue in Albuquerque.

These improvements, along with protecting the incredible piece of New Mexico that is the Sabinoso Wilderness, will protect critical resources for New Mexican families. I urge all of my colleagues to support this legislation.

Mr HASTINGS of Washington: Mr Speaker, I continue to reserve the balance of my time.

The SPEAKER pro tempore: The time is equal on both sides. There are 9¼ minutes remaining for the gentleman from Washington, and there are 9½ minutes remaining for the gentleman from West Virginia.

Mr RAHALL: Mr Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Mrs DAHLKEMPER).

Mrs DAHLKEMPER: Mr Speaker, I rise today to express my strong support for H R 146, a bill that will set aside millions of acres of public wilderness and that will create more than 1,000 miles of scenic river designations. This will provide recreation for millions of Americans while supporting the communities and industries that depend upon these precious resources.

I would also like to express my support for the amendment included by my good friend and fellow Pennsylvanian (Mr ALTMIRE). In our home State of Pennsylvania, we believe that the second amendment is not only a right but a way of life. Hunting and fishing are important American outdoor traditions that have been passed down from generation to generation. Therefore, we have an obligation not only to defend our God-given right to self-defense but to protect against any encroachment on the rights of our sportsmen and -women. Therefore, I am proud to stand in support of Mr ALTMIRE's amendment, which will ensure that lands currently open to hunting, fishing, trapping, target shooting, and other forms of traditional recreation are protected.

In Congress, I will continue to stand in support of this second amendment, a fundamental right guaranteed in the Constitution. Furthermore, I will continue to oppose reductions in Federal hunting acreage, and will fight to ensure that opportunities for hunting and sport are maintained.

I urge my colleagues to vote in favor of H R 146 with the addition of Mr ALTMIRE's amendment in defense of the U S Constitution.

Mr HASTINGS of Washington: Mr Speaker, I am pleased to yield 6 minutes to the gentleman from Utah, a



member of the Natural Resources Committee (Mr BISHOP)

Mr BISHOP of Utah Mr Speaker, I suppose it is a sense of poetic irony that Mr HOLT's language was removed when you amended his bill I hope you can fix that at some time

You have a pattern of individuals coming down here, speaking of good parts to this bill There are good parts to this bill I actually have two measures in here that, I think, are good to this bill, but it doesn't cover up the fact that, within that, there are some problems in this particular bill

It does not cover up the fact that there are heritage areas when the Department of the Interior specifically asked us to wait until they could come up with rules on what heritage areas should be and how they should be constituted, because the way we are doing it right now is chaotic There are elements in here that create national parks which I will visit when they include a baseball stadium, and not until

Those national parks were actually rejected by the Park Service because they have enough of this generic portion It did not meet the standards It was expensive Even though at one time they said that they might be comfortable with it, last night, in talking to a reporter, they once again stood by that analysis of that park, especially when we have \$9 billion of needs in the rest of the National Park System that is yet to be met I reject it when, in fact, some judge includes the fact that 8 months of study and of public input is not long enough or that NEPA actually has more importance than the second amendment

I actually want to speak a little bit differently right now I want to explain to my good friends who live east of the Rocky Mountains why I feel so passionate about this particular bill

This is a map of the United States, and everything that is colored in red is owned by the Federal Government You will notice it is all concentrated in the West Even though most of our forest land is in the East, the Forest Service land is all in the West

Does this make a difference to people? In a way, I think it does because this map illustrates the difference in education

The States in red are the States that are having the most difficult time raising money to fund their own public education system As you know, there is a strong correlation between the amount of public land and the difficulty in funding education In Utah, it is a common statement We will always simply say The reason we are having such a hard time in funding education is we do not control enough of our land

If the Federal Government even paid at the lowest tax rate for the land that it owns in the State of Utah, that would be \$116 million every year That does not count government funding, it is just for the education portion—\$116 million that we would get every year

When decisions are made in the Department of the Interior that take leases off the land, that is a \$3 million cut to education in the State of Utah, not only counting the State trust lands that develop money for education but above those lands that now become sterile at the same time

The New York Times recently wrote an article in which they compared a school district in Utah and one in Wyoming, across the border The one in Wyoming is awash with money, and will get more money in the stimulus package than the district in Utah They said Well, that is simply an anomaly of the distribution formulas that we use I really don't care about the distribution formula The amount of Federal money that goes to education in Utah only rates at about 7 percent What is significant is why the State of Utah has less money to begin with, and it goes back to the issue of resources

This chart shows you the difference in teachers' salaries between the two States of Wyoming and Montana Wyoming starts their teachers at \$20,000 a year higher than Montana's Why? Because Wyoming is much more aggressive at the way they develop their resources Even though this particular bill, once again, takes resource land off the table in Wyoming, threatening them, acknowledged by the chairman who says it is not a problem, it could, indeed, be a problem, but for us in Utah, well, this is a problem that we still face

This is the State of Utah Everything that is a color is owned by the Federal Government Now, this is the problem that we simply have The problem we simply have is that two of the three most important decisions recently made by the Interior Department also affect the resources that are in Utah that we need desperately to fund our education system, but when you create more wild and scenic areas in the West, you make it much more difficult for us to fund our education system When you create more wild and scenic areas in the East, you cut into the PILT money that goes into the West, which is necessary to fund our education system

We have yet to discuss the fundamental issue of the role of Federal ownership of this land—if it is, indeed, appropriate, if it is right, if it should be more or if it should be less or if it should be balanced between the West and the East

I'm sorry for my experience in the legislature in Utah We have difficulties in Utah in being able to fund our roads and to pay for our colleges and to pay for our public education, and it goes back to this basic fact We are not just creating nice, pretty vistas again We have an ancillary harm that takes place to real kids I'm sorry, Mr Speaker My kids in Utah are more important to me than a park that is created that the National Park Service does not want It is more important to

me than a wild and scenic river that is created when it violates the standards of the Wild and Scenic River Act My kids are more important to me than heritage areas that are chaotically done because my kids' future is harmed by these decisions Even though those who create these decisions are well-intentioned and well-meaning, my kids' decisions and my kids' futures are still controlled by what Nelson Rockefeller used to say is the deadening hand of bureaucracy

I realize that this particular bill has had more procedural twists than Lombard Street, but at the same time, there are many provisions in this bill that would easily pass if they stood alone, and there are provisions in this bill that would not There is no reason we need to lump all of these things together

The SPEAKER pro tempore The time of the gentleman has expired

Mr HASTINGS of Washington I yield the gentleman an additional 30 seconds

Mr BISHOP of Utah Mr Speaker, Satchel Paige used to say, "Just throw strikes Home plate don't move"

We do not need to have this omnibus bill to go through these particular procedures, and my kids are worth fighting for They are worth fighting the provisions of this bill that would not pass if they were standing on their own That is the problem That is the problem, and that is why I am passionate

Mr RAHALL Mr Speaker, I yield 2 minutes to the gentleman from Oregon (Mr BLUMENAUER)

Mr BLUMENAUER Mr Speaker, I listened to my good friend from Utah You know, the irony is that all the lands we are talking about are already publicly owned They are not on the tax rolls They have been publicly owned since the United States first acquired them We give these states 25 percent of timber receipts, 50 percent of oil and gas, and Federal payment in lieu of taxes (PILT)

I come from one of those States where there are some serious questions about the Federal balance of resources, but I just want to say that adding the 126,000 acres and 80 miles of wild and scenic rivers has no effect on the revenue flow to our State In fact, I would be prepared to make the argument that having this certainty, having this enhanced protection, is actually going to add value It is going to protect water resources It is going to encourage tourism It is going to enhance both the environment and our economy

That is why my colleague GREG WALDEN, and I, spent 7 years on this piece of legislation We had the bipartisan support of former Republican Senator Smith and Senator WYDEN and new Senator MERKLEY We had Native Americans, environmentalists, local government, bicyclists—a wide range of people who came together—realizing this is a vision for the future

Now, Mr Chairman, you have put together a piece of legislation that goes

far beyond preserving our special places in Oregon. It is an opportunity not only to save hundreds of thousands of acres across America, but it is an opportunity to develop an approach where we can come together. This legislation is going to get broad bipartisan support, and I think it is going to show a way where we can protect more of America's special places and not disadvantage anybody economically but actually strengthen the economy, strengthen the environment and preserve these areas for generations to come.

I thank the committee for the work they have done. I look forward to this bipartisan support.

Mr. HASTINGS of Washington: Mr. Speaker, I will reserve my time. I am the last speaker on this side.

The SPEAKER pro tempore: The gentleman from Washington has 2¼ minutes. The gentleman from West Virginia has 6 minutes.

□ 1330

Mr. RAHALL: Mr. Speaker, I am very honored to yield 2 minutes to the distinguished dean of the House of Representatives, the gentleman from Michigan, my dear friend and an individual who has helped us tremendously in not only crafting this legislation but so much of the legislation that passes through the Congress, the Honorable JOHN DINGELL.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL: Mr. Speaker, I begin by thanking the great chairman of the committee, my dear friend from West Virginia, Mr. NICKY JOE RAHALL. Thank you. This is a great bill, and I rise in support of it. And I thank you for what you have done for me and my people in Monroe and Monroe County, Michigan, in setting up the River Raisin National Battlefield Park in this legislation. This is a proposal which has the strongest possible support from all of the people in the area. It will preserve a battleground from the War of 1812, which was a major engagement west of the Appalachian Mountains where the Americans suffered a devastating military defeat. Out of better than 1,000 American regulars and militia who participated in the battle, only 33 escaped death or capture.

The future President of the United States, then-General William Henry Harrison, described the loss at the River Raisin as a "national calamity."

But it went beyond this. That was the battle which became the battle cry in the War of 1812. And it is that which probably led to the saving for the United States of all of the lands west of the Appalachians and certainly the Great Lakes Basin.

The park designation is so important to my people in the local community that they will give the land necessary for this to the Park Service without any compensation or charge. And this is certainly something which is impor-

tant to us because this kind of local support is going to lead to an extraordinary relationship between the Park Service and the people in the area where volunteers will come forward to help make this park a tremendous success.

So I urge my colleagues to support this legislation. I commend and I thank my dear friend, the chairman of the committee, for his leadership, persistence and hard work. Getting this legislation to this point where it is going to the White House is an extraordinary accomplishment and shows extraordinary dedication and persistence by my dear friend, the chairman.

I want to say that this is going to be a great piece of legislation. It is a great event in the history of the country, and I am proud of my dear friend for the leadership that he has shown. I thank you, Mr. Chairman.

Mr. HASTINGS of Washington: Mr. Speaker, I will reserve my time.

Mr. RAHALL: Mr. Speaker, I am prepared to close on our side. I am our last speaker.

Mr. HASTINGS of Washington: Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in my opening remarks, I talked a bit about process, that we seem to have a pattern in this new Congress of taking up bills like this that are not fully vetted. This is just the latest example of that. I hope it is the last, but I am not holding my breath.

But I also made an observation in my opening remarks that there are enough individual bills in here to cover enough individual congressional districts that this bill will probably pass, and I suspect that it probably will.

I listened very intently to all of my friends on both sides of the aisle that spoke in favor of this bill. In every one of the projects they talked about, at least one way or the other, they suggested that there is a lot of work at home, there is a lot of vetting on that. And I totally agree.

When I went to the Rules Committee last night to try to address some of the problems I had, none of those projects that the Members on the other side talked about were what I was talking about with what I had problems with this bill. And that gets us then back to the point that we are making. On those areas where there is disagreement, in the people's House, Mr. Speaker, we should have an opportunity to discuss the differences and then have a vote and find out which side prevails. But all we heard today on debate on this was those that had good projects. I certainly don't argue with that. I mentioned I have three of them in here myself.

And so, the process, I guess, is what disturbs me more than anything else. The issue that I had a concern with was the issue of the judge's decision last week on second amendment rights. Nobody talked to defend that. The issue I had was the language that was taken

out as to homeland security environmental concerns. Nobody came down to the floor to discuss that or defend that position. I raised concerns about the interpretation of people with disabilities having access to our wilderness areas. Nobody came down to the floor to discuss that.

Those are the issues that we should have had a discussion on, not the issues that everybody agreed upon. Had we gone through normal process, that probably would have been vetted. There probably would have been a compromise worked out so that we could have resolved the issues for everybody and a bill like this truly could have passed with well-overwhelming support.

But as it is, Mr. Speaker, because it is a bill in which a lot was vetted, in which there are a lot of unanswered questions and unintended consequences—which we see is becoming a pattern in this Congress by taking up bills that don't get a lot of time to be looked at—we will probably come back and have to make some changes. In fact, I would not be surprised that there will be a bill to address the issue of the judge's decision very shortly. I bet probably there will be a bill that will clarify the border security. Well, we could have done that with this lands bill.

So, Mr. Speaker, even though I have pieces of legislation in here, I am going to urge my colleagues to vote "no" on this bill.

With that, I yield back my time.

Mr. RAHALL: Mr. Speaker, as we close this debate, to some of the gentlemen on the other side of the aisle who are expressing opposition to this measure—some rather vociferously—I would quote William Shakespeare: "Me thinks ye doth protest too much."

The Ice Age Floods National Geologic Trail, which the gentleman from Washington—my ranking member who I respect—has been working on for many years will now become a reality. And the Park City and Bountiful land exchanges, which the gentleman from Utah has been advocating for some time, will also become a reality.

The Santa Margarita River and Elsinore Valley Water projects, which the gentleman from California wants, will now become a reality. And the Chisholm-Great Western Trail study, advanced by the gentlemen from Oklahoma, will now become a reality.

Many of you are in the enviable position, I guess, of protesting against this bill—perhaps voting against it—yet still getting what you want. I guess being in the minority sometimes has its advantages.

The fact of the matter is that the pending matter has twice been approved by the Senate by overwhelming majorities, and 2 weeks ago in this body, it received 282 votes in favor and 144 opposed.

It is now time, my colleagues, for the will of the Congress to be made final on this measure. We have heard repeatedly from the malcontents, but they do

not represent the majority view The famous photographer Ansel Adams once said, "Let us leave a splendid legacy for our children Let us turn to them and say, this you inherit guard it well, for it is far more precious than money, and once destroyed, nature's beauty cannot be repurchased at any price"

That, my friends, is what this legislation is all about

From the Wild Mon wilderness in my home State of West Virginia, to the Copper Salmon Wilderness in Oregon, the Virginia Ridge and Valley Wilderness in Virginia, to the Mount Hood Wilderness also in Oregon, from the Eastern Sierra Wilderness in California, to the Trail of Tears in Tennessee, the establishment of the Taunton Wild and Scenic River in Massachusetts, to the Pacific Northwest National Scenic Trail in Washington State, to the Paterson National Historic Park in New Jersey, my friends, this is America the beautiful, of spacious skies and purple mountain majesties

This is what our great land is all about This is what we, who have a responsibility to steward and guard our public resources, have a responsibility as well to pass on to generations to come after us

My colleagues, in these trying economic times, let us today give assurances to the American people that this Nation does remain great and that we have something to celebrate, a heritage of which we can all be proud The open skies, the public wilderness, the heritage areas, the wild and scenic trails, the beautiful, open-flowing and clean rivers, let us all think about those majesties that we have in this country as we move toward final passage of this legislation and indeed turn it to where it belongs, in the heavens above

Mr PASCRELL Mr Speaker, I rise today in strong support of H R 146, the Omnibus Public Lands Act, a bipartisan piece of legislation that will do wonders for conservation and historic preservation across the United States This bill includes the Paterson Great Falls National Park Act, which I originally introduced in the 109th Congress and passed this House in October of 2007

As a lifelong Paterson resident and the city's former mayor, I have fought for many years to bring recognition to this site that has played such a seminal role in American history A National Historical Park is the only way to properly showcase the significant cultural and historic landmarks and natural beauty that the Great Falls Historic District has to offer, I am proud and thankful that the Congress will soon pass this legislation and President Obama will sign it into law

Fifteen miles west of New York City, the majestic Great Falls in Paterson, New Jersey was the second largest waterfall in colonial America No other natural landmark has played such an important role in our nation's quest for freedom and prosperity

Alexander Hamilton recognized the grandeur and unique power of the Great Falls when he founded Paterson in 1792 as America's first planned industrial city Hamilton was

committed to demonstrating the profitability of manufacturing in America rather than depending upon foreign goods As Paterson rapidly rose into a thriving industrial city, it became the living manifestation of Hamilton's prescient belief in the capitalist revolution

Development of the raceway system to harness the power of the 77-foot Great Falls, the second largest waterfall east of the Mississippi River, created one of the country's first manufacturing centers Paterson was the site of the first water-powered cotton spinning mill, and the first continuous roll paper mill It was the site of the manufacture of the Colt Revolver, the Rogers Steam Locomotive, the Wright aeronautic engines and the first practical submarine Its mills manufactured paper, cotton, and famously, silk, earning Paterson the name of "Silk City"

The National Park Service has long been aware of the importance of protecting and preserving the Great Falls district In 1969, the Great Falls was listed as a National Natural Landmark and the 117 acres surrounding them were entered on the Department of Interior's National Register as a Historic District In 1976, the Great Falls became a National Landmark Since 1988, the Interior Department has listed the district as a Priority One threatened National Historic Landmark

In a special Bicentennial speech in Paterson with the spectacular natural beauty of the Great Falls in the background, the late President Gerald R Ford said, "We can see the Great Falls as a symbol of the industrial might which helps to make America the most powerful nation in the world"

With a National Park designation, the Great Falls will be transformed into an attraction for visitors and Patersonians alike that could lead to the economic revitalization of Paterson

As soon as President Obama signs this bill into law, federal resources will be leveraged to revitalize the Great Falls area, refurbish the beautiful, historic mill buildings, maintain and protect the waterfall, and create a living reminder of our nation's rich industrial history I am proud and thankful that Congress and the President will fully recognize the vision of Hamilton, the design of L'Enfant, and the cultural and historic landmarks that have shaped America's history

After this bill is signed into law I would be honored to have my colleagues visit Paterson and tour the new Great Falls National Historic Park, where they can all see first hand the value that urban parks bring to the National Park System and to their local communities

This has been a long road we have traveled to get to this point The Great Falls National Historic Park would not be at this point without the work of many dedicated staff members who have worked on this proposal Obviously the patient staffers working under Chairman RAHALL and Chairman GRIJALVA at the Natural Resources Committee deserve our thanks and appreciation Since 2001, the many staffers from my office working towards this goal have included Mia Dell, Susan Quatrone, Caley Gray, Stephanie Krennich and Arthur Mandel On the other side of the Capitol, Arvin Ganesan with Senator LAUTENBERG and Hal Connolly with Senator MENENDEZ deserve our appreciation

And let me conclude by extending special thanks to Leonard Zax, a good friend and Paterson native, who has testified in committees, drafted support letters, brought parties

together and has basically worked tirelessly to see this bill through from concept to completion

We have a great deal of work left to do, but let us celebrate this important milestone for the City of Paterson and the preservation of the Great Falls on the Passaic River

Ms HIRONO Mr Speaker, I rise today in enthusiastic support of H R 146, the Omnibus Public Lands Management Act, which includes my Kalaupapa Memorial Act (H R 3332 in the 110th Congress, H R 410 in the 111th Congress) The Kalaupapa Memorial Act authorizes establishment of a memorial at Kalaupapa National Historical Park on the island of Molokai Hawaii, to honor the memory and sacrifices of the some 8,000 Hansen's disease patients who were forcibly relocated to the Kalaupapa peninsula between 1866 and 1969

Last August, I visited Kalaupapa and met with the mostly elderly former patients who reside there Many expressed a strong desire to see the Memorial become a reality in their lifetimes Unfortunately, that dream did not come true for two of the community's most beloved and distinguished residents

Kuulei Bell, the president of Ka 'Ohana O Kalaupapa, passed away in February 8, 2009 after a long illness Despite her illness, she continued to champion establishment of the Memorial until shortly before her death

Bernard Punika'a, who fought all his life for equality and human rights for persons with Hansen's Disease throughout the world, passed away on February 25, 2009

Today, I pay special tribute to Kuulei and Bernard in casting my vote for this bill The policy of exiling persons with the disease that was then known as leprosy began under the Kingdom of Hawaii and continued under the governments of the Republic of Hawaii, the Territory of Hawaii, and the State of Hawaii Children, mothers, and fathers were forcibly separated and sent to the isolated peninsula of Kalaupapa, which for most of its history could only be accessed by water or via a steep mule trail Children born to parents at Kalaupapa were taken away from their mothers and sent to orphanages or to other family members outside of Kalaupapa Hawaii's isolation laws for people with Hansen's disease were not repealed until 1969, even though medications to control the disease had been available since the late 1940s

While most of us know about the sacrifices of Father Damien (his statue is one of two representing Hawaii in DC), who dedicated his life to care for those exiled to Kalaupapa fewer know of the courage and sacrifices of the patients who were torn from their families and left to make a life in this isolated area It is important that their lives be remembered

Of the some 8,000 former patients buried in Kalaupapa, only some 1,300 have marked graves A memorial listing the names of those who were exiled to Kalaupapa and died there is a fitting tribute and is consistent with the primary purpose of the park, which is "to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations"

Ka 'Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park and their family members and friends, was established in August 2003 to promote the value and dignity of the more than 8,000 persons some 90

percent of whom were Native Hawaiian—who were forcibly relocated to the Kalaupapa peninsula. A central goal of Ka 'Ohana O Kalaupapa is to make certain that the lives of these individuals are honored and remembered through the establishment of a memorial or memorials within the boundaries of the park at Kalawao or Kalaupapa.

Ka 'Ohana O Kalaupapa has made a commitment to raise the funds needed to design and build the memorial and will work with the National Park Service on design and location of the memorial.

The residents of Kalaupapa and the families of those who have passed want to make sure not only that the story of Kalaupapa is told but that the patients are recognized as individuals by having the names of each of those exiled to Kalaupapa and buried there recorded for posterity. Families that have visited Kalaupapa and Kalawao searching in vain for the graves of their family members will find comfort in seeing those names recorded on a memorial.

Mrs. KIRKPATRICK of Arizona: Mr. Speaker, I rise today in support of H.R. 146, the Omnibus Public Lands Bill, in part because of the important designations it makes for areas in Arizona's First Congressional District. Among the many natural treasures that make our country beautiful, several of the most beautiful are in Greater Arizona, including the 58,000 square miles that comprise the district I represent.

One such treasure, Fossil Creek, runs along the border between Gila and Yavapai Counties, as well as between the Coconino and Tonto National Forests. The entire watershed is within National Forest land and is surrounded by Fossil Springs Wilderness and Mazatzal Wilderness areas. These fourteen miles of spring-fed water provide families with opportunities for camping, birding, hiking, horseback riding, and other recreational activities.

In addition to the remarkable beauty of the area, Fossil Creek represents a cultural treasure as well. The creek sustained the Yavapai-Apache people who have inhabited the area, and the Yavapai-Apache Nation still considers Fossil Creek sacred ancestral homeland. Ancient artifacts, ruins, and pictographs have been found on numerous locations along Fossil Creek's terraces, and undiscovered archaeological treasures surely remain.

I commend the efforts of folks in Cottonwood, Camp Verde, and Clarkdale communities to have Fossil Creek included in the Wild and Scenic River System, which will rightly highlight the beautiful and unique features of the area for generations.

Walnut Canyon National Monument is another great treasure in Northern Arizona, and this bill includes a study to help develop a long-term management plan that addresses the recreational, cultural, and natural resources in the area. The study has had the strong backing of Coconino County and the City of Flagstaff, and through their efforts we will protect the natural habitat and sacred grounds surrounding the Walnut Canyon National Monument.

Mr. Speaker, thank you for the opportunity to consider this legislation, which includes so many provisions to protect and enhance our nation's natural and cultural treasures.

Ms. HERSETH SANDLIN: Mr. Speaker, today, the House of Representatives passed H.R. 146 Omnibus Public Land Management

Act 2009. Included in this bill is the authorization of Preserve America and Save America's Treasures.

I want to take this opportunity to express my appreciation of and support for the role that State and Tribal Historic Preservation Offices play in national historic preservation efforts. In 1966, Congress passed the National Historic Preservation Act. This Act charged State Historic Preservation Offices with several responsibilities, from locating historic resources to providing technical assistance to federal agencies.

Furthermore, the National Historic Preservation Act emphasizes the need for cooperation and coordination among federal, tribal, state, and local governments as well as private organizations and individuals. In South Dakota, State and Tribal Historic Preservation Officers play a crucial part in many projects and initiatives, such as preserving significant buildings and landmarks and ensuring that Native American sacred sites are protected.

South Dakota has received a handful of grants through both the Save America's Treasures and Preserve America programs. However, the majority of our preservation funding comes from, and I expect will continue to come from, the State and Tribal Historic Preservation Programs.

While I support the Save America's Treasures and Preserve America programs, it is imperative that we also recognize the statutory responsibilities of State and Tribal Historic Preservation Offices to carry out federal historic preservation activities. In turn, I want to state my support for ensuring that State and Tribal Historic Preservation Offices have the funding and resources that they need to carry out their multifaceted missions. I anticipate that authorizing Save America's Treasures and Preserve America will complement the work conducted by State and Tribal Historic Preservation Offices across the United States.

My hope is that Congress recognizes that the Preserve America and Save America's Treasures programs are meant to supplement the baseline activities of State and Tribal Historic Preservation Offices (S/THPOs) which carry out the mandates of the National Historic Preservation Act. The work of the States and Tribes provides the necessary foundation for the supplemental assistance provided by Preserve America and Save America's Treasures grants.

Mr. GARY G. MILLER of California: Mr. Speaker, I rise today to clarify my position as it relates to H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act. I cosponsored this legislation when it was originally introduced into the House of Representatives by my friend Congressman RUSH HOLT of New Jersey, to create a grant program to generate partnerships at the State and local level, encouraging the private sector to preserve, conserve, and enhance nationally significant Revolutionary War and War of 1812 battlefields.

This bill passed by an overwhelming margin on the House floor on March 3, 2009, and was subsequently sent to the Senate. Senate leaders then removed all language the House of Representatives had voted for and replaced it with the Omnibus Public Land Management Act of 2009. The Senate proceeded to pass the legislation and send it back to the House of Representatives where we stand to vote on it today. To be clear, the language contained

in H.R. 146, the Omnibus Public Land Management Act of 2009 in no way resembles the legislation I cosponsored when I lent my name and support in favor of the Revolutionary War and War of 1812 Battlefield Protection Act.

It was not my intention or desire to be listed as a cosponsor of the Omnibus Public Land Management Act of 2009. This legislation does have several laudable provisions, including language I sponsored: H.R. 548, the Civil War Battlefield Preservation Act to preserve and protect Civil War Battlefields and H.R. 530, the Santa Ana River Water Supply Enhancement Act to increase Southern California's water supply. However, this omnibus bill taken as a whole would withdraw millions of acres of public land from energy development, increase government spending by almost \$9 billion, and add even greater restrictions to federally managed lands.

I have been a long time advocate for preservation of our nation's historic battlefields. These battlefields offer a porthole to the past. The vivid imagery of an epic conflict can remind visitors of the struggles our country has gone through to preserve the banner of liberty and justice for all. Memorializing the Civil War, Oliver Wendell Holmes said, "We have shared the incommunicable experience of war. We felt, we still feel, the passion of life to its top. In our youths, our hearts were touched by fire." By preserving this Nation's historic battlefields, we can give visitors a sense of what Mr. Holmes was talking about. Unfortunately, this legislation stripped the language to which I originally lent my support, and therefore do not wish to appear as a cosponsor of the Omnibus Public Lands Management Act of 2009.

Mr. GEORGE MILLER of California: Mr. Speaker, I rise in strong support of H.R. 146, the Omnibus Public Land Management Act of 2009. This legislation is the culmination of years of hard work, negotiation, and consensus-building, and I commend Chairman RAHALL and his subcommittee chairs, including RAÚL GRIJALVA and GRACE NAPOLITANO, and the Natural Resources Committee staff, for all of their efforts to bring this bill before us today.

The Omnibus Public Land Management Act is a compilation of many of the most important conservation measures that the Congress has considered in years, and it is supported by a diverse coalition that includes the outdoor industry, sportsmen's associations, parks and wilderness advocates, faith groups, and literally dozens of individual conservation and wildlife protection organizations from across the country.

In California, for example, this bill will protect significant stretches of federal land for future generations by enacting the California Desert and Mountain Heritage Act, the Sequoia-Kings Canyon National Park Wilderness Act, and the Eastern Sierra and Northern San Gabriel Wild Heritage Act.

But this bill is not just about protecting national treasures for future generations. It's also about taking very significant steps to resolve water conflicts. All of us who represent California and the West are very concerned about drought, and this bill provides solutions the legislation before us today resolves conflicts that have dragged on for decades, and it will bring substantial clean water supplies online. We owe it to our constituents to support this bill.

Some previous speakers have erroneously claimed that the Omnibus Public Land Management Act would harm our water supplies.

Nothing could be further from the truth. The fact of the matter is that this bill increases the clean water supply available to the American West, and it settles years of costly litigation over water. California, for example, will see seven Title XVI water recycling projects authorized by this package, in addition to two groundwater recharge projects. These projects will allow local communities across our state to produce almost half a million acre-feet of reclaimed reuse water and added storage capacity. These water provisions are environmentally sustainable and they are cost-effective, and should be supported by our state's entire congressional delegation.

Because of the widespread benefits of these Title XVI and groundwater water supply authorizations, this bill is supported by a broad coalition that includes the Association of California Water Agencies, the Metropolitan Water District of Southern California, the National Water Resources Association, and the Western Urban Water Coalition. I ask unanimous consent to include in the RECORD a letter of support sent by this coalition earlier this month to Speaker PELOSI and Minority Leader BOEHNER. These agencies and associations are supporting the Omnibus Public Land Management Act because they know that this bill represents a historic chance to meet our water challenges head-on. I strongly support continued investment in these and other alternative water supplies, and encourage the Bureau of Reclamation to move expeditiously on these projects.

The bill before us today also provides us with the remarkable opportunity to resolve nearly two decades of litigation over the restoration of the San Joaquin River in California. The San Joaquin Restoration Settlement Act is supported by the local affected water districts and the Front Water Users Authority, the environmental and fishing group plaintiffs who brought the lawsuit, and by the state and federal government. By approving H R 146, we are voting to restore water and salmon to the once-mighty San Joaquin River, as well as to authorize programs to help local farmers avoid potential negative impacts from the restoration program.

Without this legislation, the parties to the lawsuit would have no choice but to return to court, meaning wasted time and energy, a lack of certainty for both sides, and the loss of significant nonfederal funding. By passing this legislation today, we provide the funding and legal authority the Department of the Interior needs to ensure a timely and robust restoration program, which is so essential to the success of this settlement.

As many of my colleagues know, the continued shutdown of the sport and commercial salmon fisheries in our state has resulted in significant economic losses. While California must do more to restore the health of the Bay-Delta and the Sacramento River, restoring 30,000 spring run Chinook salmon to the San Joaquin River each year, as this legislation intends, will help ensure that California's salmon, and the considerable statewide economic activity that depends on healthy salmon runs, are restored and sustained for future generations.

Approving the San Joaquin River Settlement will help bring the State's second largest river back to life, improving water quality for the Bay-Delta, and it will achieve some of the goals of the 1992 Central Valley Project Im-

provement Act. Perhaps most importantly, Congress's approval of this settlement will demonstrate that environmentalists and farmers can work together with federal and state agencies to resolve California's water challenges in a way that all parties can live with. While passage of this legislation is not the final step in the restoration of the river, and although we will need to watch the agencies' implementation of the settlement carefully, this vote today is a critical step in a very long process.

For those of us who represent California and the West, it's very clear that this bill offers a significant opportunity to protect our natural resources, address serious economic problems, and resolve conflicts over water. We can't afford to miss this chance.

For all these reasons and more, I strongly urge my colleagues to support H R 146—the Omnibus Public Land Management Act of 2009.

MARCH 10, 2009

Re S 22 Omnibus Public Lands Act

Hon NANCY PELOSI,  
*House of Representatives, Capitol Building,*  
*Washington, DC*

Hon JOHN A BOEHNER,  
*House of Representatives, Capitol Building,*  
*Washington, DC*

DEAR SPEAKER PELOSI AND REPRESENTATIVE BOEHNER: The undersigned organizations urge your support for key provisions of S 22, the Omnibus Public Land Management Act of 2009 and ask that you oppose any parliamentary or procedural efforts to delay or disrupt S 22.

This legislation includes many key water provisions and authorizations for critically important water projects and water resource management programs that would help increase local water supplies. The bill could not come at a more important time as California and the southwest grapple with a multi-year drought—one of the most severe we have experienced in the last hundred years.

Additionally, S 22 authorizes the terms of two historic environmental settlement agreements, the Lower Colorado River Multiple Species Habitat Conservation Plan, and the San Joaquin River Restoration settlement agreement. The Secure Water Act, as detailed in S 2156, is also included in the Omnibus Public Land Management Act.

Your support of S 22 is imperative and we ask that you move expeditiously to help ensure that the key water provisions of S 22 including the San Joaquin River Restoration Settlement Agreement, the Lower Colorado River Multiple Species Habitat Conservation Plan can be enacted as soon as possible. Thank you for your consideration of our request which would greatly benefit all Californians.

Very truly yours,

Tim Quinn, Executive Director, Association of California Water Agencies, Donald R Kendall, General Manager, Calleguas Municipal Water District, Art Aguilar, General Manager, Central Basin Municipal Water District, Tony Pack, General Manager, Eastern Municipal Water District, Ronald E Young, General Manager, Elsinore Valley Municipal Water District, Richard Atwater, General Manager, Inland Empire Utilities Agency, John R Mundy, General Manager, Las Virgenes Municipal Water District, Jeffrey Kightlinger, General Manager, Metropolitan Water District of Southern California.

Tom Donnelly, Executive Director, National Water Resources Association,

Michael R Markus, General Manager, Orange County Water District, Matt Stone, General Manager, Rancho California Water District, Leroy Goodson, General Manager, Texas Water Conservation Association, G Wade Miller, Executive Director, Wateruse Association, Richard Nagal, General Manager, West Basin Municipal Water District, Charles L Nylander, President, Western Coalition of Arid States, Guy Martin, National Counsel, Western Urban Water Coalition.

Mr STARK: Mr Speaker, I rise today in strong support of H R 146, the Omnibus Public Land Management Act of 2009.

This long overdue legislation has been many years in the making. It will be the first major environmental bill signed into law by President Obama and it includes the largest wilderness designation of land in 15 years. The bill will designate 2.1 million acres of wildlands as federally protected wilderness, including over 735,000 acres of land in my home state of California.

In California, this bill will permanently protect half a million acres in the eastern Sierra, White Mountains, Mojave Desert, San Gabriel Mountains, San Jacinto Mountains, and Sequoia, Kings Canyon, and Joshua Tree National Parks. Over 100 miles of California's rivers will be designated as Wild and Scenic Rivers, ensuring their ecological health in the future. The legislation also includes vital provisions to restore the vitality of the San Joaquin River and its historic salmon runs.

As cities and towns across our nation continue to develop and expand, it is essential that we set aside wilderness lands and wild rivers for ecological preservation and recreational enjoyment. These wilderness areas provide us with clean air and drinking water. They are part of our national heritage and we need to ensure that they are protected for our grandchildren and our grandchildren's grandchildren to experience and appreciate.

The Omnibus Public Land Management Act of 2009 is truly historic legislation that represents a huge victory for our environment. I'm proud to support this bill and I urge my colleagues to join me in voting for it.

Mr GALLEGLY: Mr Speaker, subsection 199 of H R 146, the Omnibus Public Land Management Act of 2009, concerns two stream segments on Piru Creek located on National Forest lands in Southern California and those segments flow to and from existing hydroelectric facilities and water supply operations. Water is released from Pyramid Lake into Piru Creek for conveyance and delivery to Lake Piru for the United Water Conservation District and water is also released from Lake Piru. The amount and timing of water delivered or released may need to change to address the community's water needs and to protect the endangered Arroyo Toad.

According to a statement by the author of this subsection of the legislation, it is my understanding that this legislation is not intended to preclude or limit the State of California, the Department of Water Resources of the State of California, the United Water Conservation District, and other governmental entities from releasing water for water conservation purposes.

Mrs CAPPS: Mr Speaker, I rise today to express my support for the Senate amendments to H R 146, which incorporates the Omnibus Public Land Management Act of 2009.

I want to thank Chairman RAHALL for his leadership in bringing this legislation back to the House floor for a vote. While we were unable to vote on this package earlier this month, it is time that we pass these bills.

This legislation is a bipartisan package of more than 160 individual bills, and incorporates a wide range of public lands, water resources, and ocean and coastal protection measures that impact various regions of our Nation. All of the bills included in the package have been thoroughly reviewed and approved by the House or favorably reported by the Senate committee of jurisdiction during the 110th Congress.

Today, I wish to highlight four bills in the omnibus package that I sponsored during the 111th Congress.

First, the Coastal and Estuarine Land Conservation Program Act.

This legislation codifies and strengthens an existing NOAA program—the Coastal and Estuarine Land Conservation Program, or CELCP—that awards grants to coastal states to protect environmentally sensitive lands.

As someone who represents over 200 miles of California's coastline, I'm well aware of the pressures of urbanization and pollution along our nation's coasts. These activities threaten to impair our watersheds, impact wildlife habitat and cause damage to the fragile coastal ecology.

Coastal land protection partnership programs, like CELCP, can help our Nation meet these growing challenges.

For example, in my congressional district I've worked collaboratively with environmental groups, willing sellers, and the State to conserve lands and waters around Morro Bay, on the Gaviota Coast, and near the Piedras Blancas Light Station.

These projects have offered numerous benefits to local communities by preserving water quality, natural areas for wildlife and birds, and outdoor recreation opportunities—thereby protecting for the future the very things we love about the coasts.

Although the program has been in existence for six years, it has yet to be formally authorized. This legislation seeks to do just that: it expands the federal/state partnership program explicitly for conservation of coastal lands.

Under this program, coastal states can compete for matching funds to acquire land or easements to protect coastal areas that have considerable conservation, recreation, ecological, historical or aesthetic values threatened by development or conversion.

It will not only improve the quality of coastal areas and the marine life they support, but also sustain surrounding communities and their way of life.

I would also like to acknowledge the work of former Congressman Jim Saxton. Mr. Saxton introduced this legislation in the 109th and 110th Congresses. His longstanding commitment to passage of this legislation will ensure the protection of the important coastal habitat and provide for increased recreational opportunities throughout his home state of New Jersey.

The Omnibus Public Land Management Act also includes my Integrated Coastal and Ocean Observation System Act.

This legislation seeks to establish a national ocean and coastal observing, monitoring, and forecasting system to gather real-time data on the marine environment, to refine and en-

hance predictive capabilities, and to provide other benefits, such as improved fisheries management and safer navigation.

To safeguard our coastal communities and nation, we must invest in the integration and enhancement of our coastal and ocean observing systems.

The devastation caused by tsunamis, hurricanes, and other coastal storms demonstrates the critical need for better observation and warning systems to provide timely detection, assessment and warnings to millions of people living in coastal regions around the world.

The U.S. Commission on Ocean Policy, the Pew Oceans Commission, and many government ocean advisory groups have called for the establishment of a national integrated coastal and ocean observing system as the answer to this challenge.

Specifically, the National Integrated Coastal and Ocean Observing System Act would formally authorize the President to develop and operate a genuine national coastal and ocean observing system to measure, track, explain, and predict events related to climate change, natural climate variability, and interactions between the oceans and atmosphere, including the Great Lakes, promote basic and applied science research, and institutionalize coordinated public outreach, education, and training.

Importantly, this system will build on recent advances in technology and data management to fully integrate and enhance the nation's existing regional observing assets, like the Southern and Central and Northern California Ocean Observing Systems, which operate off California's coastline. These systems have proven invaluable in understanding and managing our ocean and coastal resources.

I would also like to commend our former colleague from Maine, Congressman Tom Allen, for championing this legislation in the 110th Congress. Congressman Allen worked tirelessly to enact this important legislation in the last session, and he deserves a tremendous amount of credit when this measure is signed into law.

This legislation also includes my City of Oxnard Water Recycling and Desalination Act.

This bill authorizes a proposed regional water resources project—the Groundwater Recovery Enhancement and Treatment, or GREAT, Program—located in my congressional district. Many communities today are faced with the difficult task of providing reliable and safe water to their customers. The City of Oxnard is no exception.

Oxnard is one of California's fastest growing cities and is facing an ever growing crisis: it's running out of affordable water.

The water needs for the city's agricultural and industrial base, together with its growing population, have exceeded its local water resources. As a result, over 50 percent of its water has to be imported from outside sources. However, through a series of local, state and federal restrictions the amount of imported water available to the city is shrinking, while the cost of that water is rising.

Recognizing these challenges, Oxnard developed the GREAT Program to address its long term water needs.

The GREAT Program elements include a new regional groundwater desalination facility to serve potable water customers in Oxnard and adjacent communities, a recycled water system to serve agricultural water users and provide added protection against seawater in-

trusion and saltwater contamination, and a wetlands restoration and enhancement component that efficiently reuses the brine discharges from both the groundwater desalination and recycled water treatment facilities.

Implementation of the GREAT Program will provide many significant regional benefits.

First, the new desalination project will serve ratepayers in Oxnard and adjacent communities, guaranteeing sufficient water supplies for the area.

Second, Oxnard's current water infrastructure delivers approximately 30 million gallons of treated wastewater per day to an ocean outfall. The GREAT Program will utilize the resource currently wasted to the ocean and treat it so that it can be reused by the agricultural water users in the area.

During the non-growing season, it will inject the resource into the ground to serve as a barrier against seawater intrusion and saltwater contamination. To alleviate severely depressed groundwater levels, this component also pumps groundwater into the aquifer to enhance groundwater recharge.

Finally, the brine produced as a by-product of the desalination and recycling plants will provide a year-round supply of nutrient-rich water to the existing wetlands at Ormond Beach.

I commend Oxnard for finding innovative and effective ways of extending water supplies in the West. In my view, the City of Oxnard Water Recycling and Desalination Act supports one such creative solution.

It will reduce the consumption of groundwater for agricultural and industrial purposes, cut imported water delivery requirements, and improve local reliability of high quality water deliveries.

Finally, the package includes my Goleta Water Distribution System Conveyance Act.

This bill authorizes the title transfer of a federally owned water distribution system in my congressional district from the Bureau of Reclamation to the Goleta Water District.

The purpose of the legislation is to simplify the operation and maintenance of the District's water distribution system and eliminate unnecessary paperwork and consultation between the District and the Bureau.

The Goleta Water District has operated and maintained the facilities proposed for transfer since the 1950s. They have worked through all requirements of the Bureau's title transfer process, including public meetings, fulfillment of their repayment obligations, completion of an environmental assessment, and compliance with all other applicable laws.

The only step remaining to complete the process is an act of Congress enabling the Secretary of the Interior to transfer title.

It is important to note that the proposed transfer would apply only to lands and facilities associated with the District and would not affect the District's existing water service contract with the Santa Barbara County Water Agency, nor the Federal government receipts from water deliveries under the contract.

In addition, the proposed transfer does not envision any new physical modification or expansion of the service infrastructure.

I'm pleased the Bureau supported my legislation, which will allow the Bureau to focus its limited resources where they are needed most.

In my view, this is an example of local problem-solving at its best. I commend the staff of

the water district and the Bureau for their efforts to reach this agreement. I know that they have been working on this for several years now.

In closing, Mr. Speaker, all of these bills could not have been accomplished without the strong support and hard work and dedication of the House Leadership and Chairman RAHALL, and I thank them for successfully moving these priorities in my congressional district.

I urge all of my colleagues to support the Omnibus Public Land Management Act of 2009 by voting for the Senate amendments to H.R. 146.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 280, the previous question is ordered.

The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on concurring in the Senate amendments will be followed by a 5-minute vote on suspending the rules and agreeing to House Resolution 273, if ordered.

The vote was taken by electronic device, and there were—yeas 285, nays 140, not voting 6, as follows:

[Roll No. 153]

YEAS—285

|                |               |                  |
|----------------|---------------|------------------|
| Abercrombie    | Clyburn       | Grayson          |
| Ackerman       | Cohen         | Green, Al        |
| Adler (NJ)     | Connolly (VA) | Green, Gene      |
| Altmire        | Conyers       | Griffith         |
| Andrews        | Cooper        | Grijalva         |
| Arcuri         | Costa         | Gutierrez        |
| Baca           | Costello      | Hall (NY)        |
| Baird          | Courtney      | Halvorson        |
| Baldwin        | Crowley       | Hare             |
| Barrow         | Cuellar       | Harman           |
| Bean           | Cummings      | Hastings (FL)    |
| Becerra        | Dahlkemper    | Heinrich         |
| Berkley        | Davis (AL)    | Herseth Sandlin  |
| Berman         | Davis (CA)    | Higgins          |
| Berry          | Davis (IL)    | Hill             |
| Bishop (GA)    | Davis (TN)    | Himes            |
| Bishop (NY)    | DeFazio       | Hinchee          |
| Blumenauer     | DeGette       | Hinojosa         |
| Bocieri        | Delahunt      | Hirono           |
| Bono Mack      | DeLauro       | Hodes            |
| Boswell        | Dent          | Holden           |
| Boucher        | Dicks         | Holt             |
| Boyd           | Dingell       | Honda            |
| Brady (PA)     | Doggett       | Hoyer            |
| Braley (IA)    | Donnelly (IN) | Inglis           |
| Bright         | Doyle         | Inslee           |
| Brown, Corrine | Driehaus      | Israel           |
| Brown-Waite,   | Edwards (MD)  | Jackson (IL)     |
| Ginny          | Edwards (TX)  | Jackson-Lee      |
| Butterfield    | Ehlers        | (TX)             |
| Capito         | Ellison       | Johnson (GA)     |
| Capps          | Ellsworth     | Johnson (IL)     |
| Capuano        | Eshoo         | Johnson, E B     |
| Cardoza        | Etheridge     | Jones            |
| Carnahan       | Farr          | Kagen            |
| Carney         | Fattah        | Kanjorski        |
| Carson (IN)    | Filner        | Kaptur           |
| Cassidy        | Fortenberry   | Kennedy          |
| Castle         | Foster        | Kildee           |
| Castor (FL)    | Frank (MA)    | Kilpatrick (MI)  |
| Chandler       | Frelinghuysen | Kilroy           |
| Childers       | Gerlach       | Kind             |
| Clarke         | Giffords      | Kirk             |
| Clay           | Gonzalez      | Kirkpatrick (AZ) |
| Cleaver        | Gordon (TN)   | Kissell          |

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| Klein (FL)      |
| Kosmas          |
| Kratovil        |
| Kucinich        |
| Lance           |
| Langevin        |
| Larsen (WA)     |
| Larson (CT)     |
| LaTourette      |
| Lee (CA)        |
| Lee (NY)        |
| Levin           |
| Lewis (GA)      |
| Lipinski        |
| LoBiondo        |
| Loeback         |
| Lofgren, Zoe    |
| Lowe            |
| Lujan           |
| Lynch           |
| Maffei          |
| Maloney         |
| Markey (CO)     |
| Markey (MA)     |
| Massa           |
| Matheson        |
| Matsui          |
| McCarthy (NY)   |
| McCollum        |
| McDermott       |
| McGovern        |
| McIntyre        |
| McKeon          |
| McMahon         |
| McNerney        |
| Meek (FL)       |
| Meeks (NY)      |
| Melancon        |
| Michaud         |
| Muller (MI)     |
| Muller (NC)     |
| Muller, George  |
| Minnick         |
| Mitchell        |
| Mollohan        |
| Moore (KS)      |
| Moore (WI)      |
| Moran (VA)      |
| Murphy (CT)     |
| Murphy, Patrick |
| Murtha          |
| Nadler (NY)     |

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| Napolitano       |
| Neal (MA)        |
| Nye              |
| Oberstar         |
| Obey             |
| Oliver           |
| Ortiz            |
| Pallone          |
| Pascarell        |
| Pastor (AZ)      |
| Paulsen          |
| Payne            |
| Perlmutter       |
| Perrillo         |
| Peters           |
| Petri            |
| Pingree (ME)     |
| Platts           |
| Polis (CO)       |
| Pomeroy          |
| Price (NC)       |
| Rahall           |
| Rangel           |
| Reichert         |
| Reyes            |
| Richardson       |
| Rodriguez        |
| Rooney           |
| Ros-Lehtinen     |
| Ross             |
| Rothman (NJ)     |
| Roybal-Allard    |
| Ruppersberger    |
| Rush             |
| Ryan (OH)        |
| Salazar          |
| Sanchez, Linda   |
| T                |
| Sanchez, Loretta |
| Sarbanes         |
| Schakowsky       |
| Schauer          |
| Schiff           |
| Schrader         |
| Schwartz         |
| Scott (GA)       |
| Scott (VA)       |
| Serrano          |
| Sestak           |
| Shea-Porter      |
| Sherman          |
| Shuler           |

NAYS—140

|                |
|----------------|
| Aderholt       |
| Akin           |
| Alexander      |
| Austria        |
| Bachmann       |
| Bachus         |
| Barrett (SC)   |
| Bartlett       |
| Barton (TX)    |
| Biggart        |
| Bilbray        |
| Bilirakis      |
| Bishop (UT)    |
| Blackburn      |
| Blunt          |
| Boehner        |
| Bonner         |
| Boozman        |
| Boren          |
| Boustany       |
| Brady (TX)     |
| Broun (GA)     |
| Brown (SC)     |
| Buchanan       |
| Burgess        |
| Burton (IN)    |
| Buyer          |
| Calvert        |
| Camp           |
| Campbell       |
| Cantor         |
| Cao            |
| Carter         |
| Chaffetz       |
| Coble          |
| Coffman (CO)   |
| Cole           |
| Conaway        |
| Crenshaw       |
| Culberson      |
| Davis (KY)     |
| Deal (GA)      |
| Diaz-Balart, L |
| Diaz-Balart, M |
| Dreier         |

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| Simpson       |
| Sires         |
| Skelton       |
| Slaughter     |
| Smith (NJ)    |
| Smith (TX)    |
| Smith (WA)    |
| Snyder        |
| Space         |
| Speier        |
| Spratt        |
| Stark         |
| Sutton        |
| Tanner        |
| Tauscher      |
| Taylor        |
| Teague        |
| Thompson (CA) |
| Thompson (MS) |
| Tierney       |
| Titus         |
| Tonko         |
| Towns         |
| Tsongas       |
| Turner        |
| Upton         |
| Van Hollen    |
| Velázquez     |
| Ross          |
| Walden        |
| Walz          |
| Wamp          |
| Wasserman     |
| Schultz       |
| Waters        |
| Watson        |
| Watt          |
| Waxman        |
| Weiner        |
| Welch         |
| Wexler        |
| Whitfield     |
| Wilson (OH)   |
| Wittman       |
| Wolf          |
| Woolsey       |
| Wu            |
| Yarmuth       |
| Young (AK)    |
| Young (FL)    |

|               |
|---------------|
| Sullivan      |
| Terry         |
| Thompson (PA) |

|            |
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| Thornberry |
| Tiahrt     |
| Tiberi     |

NOT VOTING—6

|       |
|-------|
| Engel |
| Fudge |

|              |
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| Granger      |
| Miller, Gary |

|              |
|--------------|
| Souder       |
| Westmoreland |

□ 1404

Messrs. HALL of Texas and ROYCE, and Ms. FALLIN changed their vote from "yea" to "nay."

Ms. GINNY BROWN-WAITE of Florida and Mr. MCINTYRE changed their vote from "nay" to "yea."

So the motion was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 188TH ANNIVERSARY OF GREEK INDEPENDENCE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 273.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 273.

The question was taken. The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 8, as follows:

[Roll No 154]

AYES—423

|              |                |               |
|--------------|----------------|---------------|
| Abercrombie  | Boehner        | Carson (IN)   |
| Ackerman     | Bonner         | Carter        |
| Aderholt     | Bono Mack      | Cassidy       |
| Adler (NJ)   | Boozman        | Castle        |
| Akin         | Boren          | Castor (FL)   |
| Alexander    | Boswell        | Chaffetz      |
| Altmire      | Boucher        | Chandler      |
| Andrews      | Boustany       | Childers      |
| Arcuri       | Boyd           | Clarke        |
| Austria      | Brady (PA)     | Clay          |
| Baca         | Brady (TX)     | Cleaver       |
| Bachmann     | Bralley (IA)   | Clyburn       |
| Bachus       | Bright         | Coble         |
| Baird        | Broun (GA)     | Coffman (CO)  |
| Baldwin      | Brown (SC)     | Cohen         |
| Barrett (SC) | Brown, Corrine | Cole          |
| Barrow       | Brown-Waite,   | Conaway       |
| Bartlett     | Ginny          | Connolly (VA) |
| Barton (TX)  | Buchanan       | Conyers       |
| Bean         | Burgess        | Cooper        |
| Becerra      | Burton (IN)    | Costa         |
| Berkley      | Butterfield    | Costello      |
| Berman       | Buyer          | Courtney      |
| Berry        | Calvert        | Crenshaw      |
| Biggart      | Camp           | Crowley       |
| Bilbray      | Campbell       | Cuellar       |
| Bilirakis    | Cantor         | Culberson     |
| Bishop (GA)  | Cao            | Cummings      |
| Bishop (NY)  | Capito         | Dahlkemper    |
| Bishop (UT)  | Capps          | Davis (AL)    |
| Blackburn    | Capuano        | Davis (CA)    |
| Blumenauer   | Cardoza        | Davis (IL)    |
| Blunt        | Carnahan       | Davis (KY)    |
| Bocieri      | Carney         | Davis (TN)    |

## Calendar No. 813

110TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
110-381

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### CELEBRATING AMERICA'S HERITAGE ACT

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JUNE 16, 2008.—Ordered to be printed

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Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany H.R. 1483]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1483) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Celebrating America's Heritage Act".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definition of Secretary.

#### TITLE I—DESIGNATIONS

##### Subtitle A—Muscle Shoals National Heritage Area

- Sec. 1101. Purposes.
- Sec. 1102. Definitions.
- Sec. 1103. Establishment.
- Sec. 1104. Duties and authorities of local coordinating entity.
- Sec. 1105. Management plan.
- Sec. 1106. Duties and authorities of the secretary.
- Sec. 1107. Relationship to other Federal agencies.
- Sec. 1108. Property owners and regulatory protections.
- Sec. 1109. Authorization of appropriations.
- Sec. 1110. Termination of financial assistance.



Subtitle B—Santa Cruz Valley National Heritage Area

- Sec. 1201. Purposes.
- Sec. 1202. Definitions.
- Sec. 1203. Establishment.
- Sec. 1204. Duties and authorities of local coordinating entity.
- Sec. 1205. Management plan.
- Sec. 1206. Duties and authorities of the secretary.
- Sec. 1207. Relationship to other Federal agencies.
- Sec. 1208. Property owners and regulatory protections.
- Sec. 1209. Authorization of appropriations.
- Sec. 1210. Termination of financial assistance.

TITLE II—STUDY

- Sec. 2001. Northern Neck National Heritage Area Study.

TITLE III—TECHNICAL AMENDMENTS

- Sec. 3001. Erie Canalway National Heritage Corridor technical corrections.
- Sec. 3002. John H. Chafee Blackstone River Valley National Heritage Corridor.

SEC. 3. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Interior.

TITLE I—DESIGNATIONS

Subtitle A—Muscle Shoals National Heritage Area

SEC. 1101. PURPOSES.

The purposes of this subtitle are—

- (1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;
- (2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;
- (3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;
- (4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;
- (5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and
- (6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

SEC. 1102. DEFINITIONS.

In this subtitle:

- (1) HERITAGE AREA.—The term "Heritage Area" means the Muscle Shoals National Heritage Area established by section 1103(a).
- (2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by section 1103(d).
- (3) MANAGEMENT PLAN.—The term "management plan" means the plan for the Heritage Area required under section 1104(a)(1).
- (4) MAP.—The term "map" means the map entitled "Muscle Shoals National Heritage Area", numbered T08/80,000, and dated October 2007.
- (5) STATE.—The term "State" means the State of Alabama.

SEC. 1103. ESTABLISHMENT.

- (a) IN GENERAL.—There is established the Muscle Shoals National Heritage Area in the State.
- (b) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as depicted on the map:



(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) **ADDITIONAL CONSULTATION REQUIREMENT.**—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) **DETERMINATION.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) **REPORT.**—

(A) **IN GENERAL.**—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) **REQUIREMENTS.**—

(i) **IN GENERAL.**—The report shall contain—

(I) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) **DISAPPROVAL.**—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

## **TITLE III—TECHNICAL AMENDMENTS**

### **SEC. 3001. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.**

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106-554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “27” and inserting “at least 21 members, but not more than 27”;

(ii) in paragraph (2), by striking “Environment” and inserting “Environmental”; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking “19”;

- (II) by striking subparagraph (A);
- (III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;
- (IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and
- (V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

“(C) The remaining members shall be—

“(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

“(ii) persons that are residents of, or employed within, the applicable congressional districts.”;

(B) in subsection (f), by striking “Fourteen members of the Commission” and inserting “A majority of the serving Commissioners”;

(C) in subsection (g), by striking “14 of its members” and inserting “a majority of the serving Commissioners”;

(D) in subsection (h), by striking paragraph (4) and inserting the following:

“(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and

“(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates;”;

(E) in subsection (j), by striking “10 years” and inserting “15 years”;

(2) in section 807—

(A) in subsection (e), by striking “with regard to the preparation and approval of the Canalway Plan”; and

(B) by adding at the end the following:

“(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.”; and

(3) in section 810(a)(1), in the first sentence, by striking “any fiscal year” and inserting “any fiscal year, to remain available until expended”.

**SEC. 3002. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.**

Section 3(b)(2) of Public Law 99-647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking “shall be the the” and inserting “shall be the”; and

(2) by striking “Directors from Massachusetts and Rhode Island;” and inserting “Directors from Massachusetts and Rhode Island, ex officio, or their delegates.”.

#### PURPOSE

The purposes of H.R. 1483, as ordered reported, are to establish the Muscle Shoals National Heritage Area in the State of Alabama, and the Santa Cruz Valley National Heritage Area in the State of Arizona; to authorize a study of a potential Northern Neck National Heritage Area in the Commonwealth of Virginia; and to make technical and clarifying amendments to the Erie Canalway National Heritage Corridor in the State of New York and the John H. Chafee Blackstone River Valley National Heritage Corridor in the State of Rhode Island and the Commonwealth of Massachusetts.

#### BACKGROUND AND NEED

As ordered reported, H.R. 1483 includes authorizations for two new national heritage areas, the Muscle Shoals National Heritage Area in Alabama and the Santa Cruz Valley National Heritage Corridor in Arizona. The bill also authorizes a study of the Northern Neck region in northern Virginia to determine whether the

area is appropriate for national heritage area designation, and makes technical and clarifying changes to two national heritage corridors.

The Muscle Shoals National Heritage Area would include six counties in northwestern Alabama. The area is named after the Muscle Shoals of the Tennessee River, noted for its historic navigation hazards due to treacherous shoals. The completion of the Wilson Dam in 1925 created a lake over the shoals, and the facilities were transferred to the Tennessee Valley Authority upon its establishment in 1933. As a result, Muscle Shoals is generally considered the birthplace of the TVA. The proposed heritage area also includes several antebellum homes and other examples of early American architecture, and includes many historically significant towns and cities.

The Santa Cruz Valley National Heritage Area encompasses over 3,300 square miles of the upper and middle Santa Cruz River watershed and the upper Sonoran Desert. The heritage area includes the city of Tucson and two National Park System units, Saguaro National Park and Tumacacori National Historical Park. The Juan Bautista de Anza National Historic Trail also crosses through the area. The area is home to abundant wildlife, including over 200 migratory bird species. The Santa Cruz Valley has a rich cultural heritage, and still contains 18th Century Spanish Missions. Spanish cultural traditions still play a prominent role in the area's identity.

The study of the proposed Northern Neck National Heritage Area includes a part of Virginia between the Potomac and Rappahannock Rivers. The Northern Neck of Virginia was described by George Washington as "the Garden of Virginia." The Northern Neck region was the birthplace of our first President, and of James Madison, the fourth President, and James Monroe, the fifth. The region includes the George Washington Birthplace National Monument.

#### LEGISLATIVE HISTORY

H.R. 1483, sponsored by Representative Regula, passed the House of Representatives by a vote of 291-122 on October 24, 2007. The Subcommittee on National Parks held a hearing on H.R. 1483 on April 23, 2008.

At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered H.R. 3332 favorably reported, with an amendment in the nature of a substitute.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1483, if amended as described herein.

#### COMMITTEE AMENDMENT

During the consideration of H.R. 1483, the Committee adopted an amendment in the nature of a substitute. As passed by the House of Representatives, H.R. 1483 authorized the establishment of six new National Heritage Areas, the study of one new area, and technical amendments and extensions of authorizations for several

other areas. Three of those areas, the Journey Through Hallowed Ground National Heritage Area, the Niagara Falls National Heritage Area, and the Abraham Lincoln National Heritage Area, as well as the extension of authorizations and several of the technical amendments, were also included in S. 2739, which was signed into law on May 8, 2008 (Public Law 110-229). The substitute amendment removes those provisions from H.R. 1483 that have now been signed into law. With respect to the remaining areas included in the amendment, the amendment removes the findings and makes other conforming amendments so that the authorization for the heritage areas is consistent with other heritage bills reported by the Committee. The amendment is explained in detail in the section-by-section analysis, below.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* provides the short title, the “Celebrating America’s Heritage Act”.

*Section 2* contains the table of contents.

*Section 3* defines the term “Secretary” to mean the Secretary of the Interior.

#### Title I—National Heritage Area Designations

##### Subtitle A—Muscle Shoals National Heritage Area

*Section 1101* describes the purposes of the subtitle.

*Section 1102* defines key terms used in the subtitle.

*Section 1103(a)* establishes the Muscle Shoals National Heritage Area (“heritage area”) in the State of Alabama.

Subsection (b) describes the boundaries of the heritage area as depicted on the referenced map.

Subsection (c) states that a map of the heritage area shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

Subsection (d) designates the Muscle Shoals Regional Center as the local coordinating entity for the heritage area.

*Section 1104(a)* details the duties of the local coordinating entity.

Subsection (b) lists the authorities of the local coordinating entity. The subsection authorizes the local coordinating entity to use Federal funds to prepare activities recommended in the management plan for the heritage area, pay for operational expenses, make grants and enter into cooperative agreements, hire staff, obtain funds or services from any source, and contract for goods or services.

Subsection (c) prohibits the local coordinating entity from using Federal funds made available under this Act to acquire any real property or interest therein.

*Section 1105(a)* requires the local coordinating entity to prepare and submit for review a management plan to the Secretary not later than three years after the date on which the funds are made available to carry out this Act.

Subsection (b) lists the requirements for the contents of the management plan.

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### Title III—Technical Amendments

*Section 3001* makes technical, clarifying, and conforming amendments to the Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554).

*Section 3002* makes technical, clarifying, and conforming amendments to the John H. Chafee Blackstone River Valley National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 99–647)

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

##### *H.R. 1483—Celebrating America’s Heritage Act*

H.R. 1483 would establish the Muscle Shoals National Heritage Area (NHA) in Alabama and the Santa Cruz National Heritage Area in Arizona. The legislation would designate local nonprofit organizations as management entities for the proposed NHA’s and would authorize the appropriation of \$10 million, not to exceed \$1 million annually, for financial assistance to each of the nonprofits and other eligible local entities over the next 15 years.

CBO estimates that implementing H.R. 1483 would cost \$10 million over the 2009–2013 period and an additional \$10 million after 2013. Enacting the legislation would have no effect on direct spending or revenues.

H.R. 1483 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On October 10, 2007, CBO transmitted a cost estimate for H.R. 1483 as ordered reported by the House Committee on Natural Resources on September 26, 2007. Although both versions would create the Muscle Shoals and Santa Cruz NHAs, the estimated cost of the House version is much higher than that of the Senate version because the House version would also establish several other NHAs and increase the ceiling on authorizations of appropriations for nine existing NHAs.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1483. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1483, as ordered reported.

## CONGRESSIONALLY DIRECTED SPENDING

H.R. 1483, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined by rule XLIV of the Standing Rules of the Senate.

## EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the April 23, 2008 hearing on H.R. 1483 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR,  
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on H.R. 1483, as passed by the House, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes. The committee has asked us to only address specific sections contained within Title II through VI in our testimony. We should note, however, that the Department testified on May 15, 2007, in opposition to the sections in Title I that extend the authorization for federal funding for nine established National Heritage Areas. The Department has also cited concerns or recommended the committee defer action on other provisions included in H.R. 1483.

H.R. 1483, the Celebrating America's Heritage Act as passed by the House, has six titles related to National Heritage Areas. The Department will present its position on each of the specific sections within each of the five titles as requested by the committee.

Title II, Subtitle C would establish the Muscle Shoals National Heritage Area in the counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan in northwestern Alabama, and would designate the Muscle Shoals Regional Center as the local coordinating entity responsible for developing and implementing the management plan for the heritage area. The National Park Service is in the process of conducting a feasibility study, authorized by Public Law 107-348, to determine the suitability and feasibility of establishing this region as a National Heritage Area. We expect to complete the study later this year, at which time we will provide a recommendation on the suitability and feasibility of establishing the Muscle Shoals National Heritage Area. Until the study is completed, it would be premature to state a position on its designation as contained in this subtitle, so we recommend that the committee defer action on this provision.

Title II, Subtitle D would establish the Freedom's Way National Heritage Area that includes 37 Massachusetts and 8 New Hampshire communities northwest of Boston. This is a region that substantively influenced our democratic forms of governance and the development of intellectual traditions that underpin the concepts of American

freedom, democracy, conservation, social justice, and ethnic diversity. Its natural and community resources are exceptional examples of the rural beauty of the New England landscape.

A feasibility study and addendum was completed by the proposed management entity, the Freedom's Way Heritage Association, Inc., and reviewed by the National Park Service. The study found that the area met the criteria for designation as a National Heritage Area. However, the Department recommends that the committee defer action on this area and all other proposed heritage area designations until program legislation is enacted that establishes guidelines and a process for the designation of National Heritage Areas. In summer 2006, the Administration sent to Congress a legislative proposal to establish such guidelines and a process for designation. The National Heritage Areas Partnership Act, S. 278, was introduced during the 110th Congress and it incorporated the majority of the provisions of the Administration's proposal. We look forward to continuing to work with Congress on this very important issue.

With 37 national heritage areas designated across 27 states, and more heritage area legislative proposals in the pipeline, the Administration believes it is critical at this juncture for Congress to enact National Heritage Area program legislation. This legislation would provide a much-needed framework for evaluating proposed National Heritage Areas, offering guidelines for successful planning and management, clarifying the roles and responsibilities of all parties, and standardizing timeframes and funding for designated areas. Program legislation also would clarify the expectation that heritage areas work toward self-sufficiency by outlining the necessary steps, including appropriate planning, to achieve that shared goal.

Title II, Subtitle F would establish the Santa Cruz Valley National Heritage Area in southern Arizona, managed by the Santa Cruz Valley Heritage Alliance Inc. The proposed Santa Cruz Valley National Heritage Area encompasses approximately 3,300 square miles of the upper and middle Santa Cruz River watershed and the upper Sonoran Desert. It includes two units of the National Park System, Tumacacori National Historical Park which preserves a Spanish Colonial Mission, and Saguaro National Park which protects a diverse and picturesque area of the Sonoran Desert. The Juan Baptista de Anza National Historic Trail also crosses the heritage area's boundary. Both the Bureau of Land Management and the U.S. Forest Service manage extensive land within the proposed national heritage area.

A feasibility study was completed by the Center for Desert Archaeology and reviewed by the National Park Service. The study found that the area met the criteria for designation as a national heritage area. However, the Department recommends that the committee defer action on this area and all other proposed heritage area designations



until program legislation is enacted that establishes guidelines and a process for the designation of national heritage areas.

Title III, Section 3001 would direct the Secretary of the Interior, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, to conduct a study of the suitability and feasibility of establishing the Northern Neck National Heritage Area in the Commonwealth of Virginia to evaluate if it meets the criteria for heritage area designation. The Secretary would be required to submit a report to Congress, no later than three years after funds are made available, on the findings, conclusions, and recommendations of the study. The Department supports enactment of this title, however, we believe that any funding requested should be directed first toward completing previously authorized studies.

Title IV, Section 4006 would amend the Erie Canalway National Heritage Corridor Act (Title VIII of Appendix D of Public Law 106-554) with several changes to improve the operation of the federal commission. The Department supports these amendments.

Title V, Section 5001 states that it is the sense of Congress that the Federal Government should not fund a national heritage area in perpetuity. As outlined in the Administration's legislative proposal, and as included in S. 278 as reported by the Senate Energy and Natural Resources Committee, it is our expectation that heritage areas should work toward self-sufficiency with federal funding through the National Park Service limited to a 15-year period. The Department concurs with this provision.

Title VI, Section 6001 states that all designated and future designated lands within any natural heritage area for which funding is provided under this Act shall be exclusively governed by relevant State and local laws regarding hunting, fishing, and the possession or use of a weapon, trap, or net. Relevant State and local laws already apply to lands within a national heritage area and the majority of recently designated heritage areas include a provision in the authorizing legislation that state that nothing in a heritage area's designation diminishes the authority of the State to manage fish and wildlife including the regulation of fishing and hunting within the heritage area. However, the Department is concerned that there are federal lands within national heritage areas, including units of the National Park System, that do not allow hunting, fishing, trapping, or other wildlife harvesting activities. Under Departmental regulations, the National Park Service is already required to consult with State agencies on certain fish and wildlife management actions within national park units. We would recommend that the section be amended to exempt federal lands within national heritage areas from this requirement and we recommend that the reference be changed to "national" heritage areas to reflect the correct name of these areas.

Finally, we would like to work with the committee on amending this bill to include an additional title that would make a technical amendment to the John H. Chafee Blackstone River Valley National Heritage Corridor Act (Public Law 99-647) to allow ex officio or delegates of commission members to attend commission meetings on behalf of the State officials who sit on the commission. This is a standard provision in most recently established federal commissions, but was not included in the Act establishing the John H. Chafee Blackstone River Valley National Heritage Corridor, and this oversight has hampered the work of the commission.



Mr. Chairman, that concludes my testimony and I am prepared to answer any questions that you or other members of the committee might have at this time.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 1483 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

A.

Public Law 106-554 (Approved Dec. 21, 2000)

AN ACT Making consolidated appropriations for the fiscal year ending September 30, 2001, and for other purposes

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

Section 1. (a) The provisions of the following bills of the 106th Congress are hereby enacted into law:

- (1) H.R. 5656, as introduced on December 14, 2000.
- (2) H.R. 5657, as introduced on December 14, 2000.
- (3) H.R. 5658, as introduced on December 14, 2000.
- (4) H.R. 5666, as introduced on December 15, 2000, except that the text of H.R. 5666, as so enacted, shall not include section 123 (relating to the enactment of H.R. 4904).
- (5) H.R. 5660, as introduced on December 14, 2000.
- (6) H.R. 5661, as introduced on December 14, 2000.
- (7) H.R. 5662, as introduced on December 14, 2000.
- (8) H.R. 5663, as introduced on December 14, 2000.
- (9) H.R. 5667, as introduced on December 15, 2000.

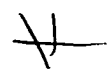
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Appendix D—H.R. 5666

\* \* \* \* \*

Division B

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of the natural, cultural, historical, recreational, and scenic resources of the Corridor, if requested by the Commission.

(c) EARLY ACTIONS.—Prior to approval of the Canalway Plan, with the approval of the Commission, the Secretary may provide technical and planning assistance for early actions that are important to the purposes of this title and that protect and preserve resources.

(d) CANALWAY PLAN IMPLEMENTATION.—Upon approval of the Canalway Plan, the Secretary is authorized to implement those activities that the Canalway Plan has identified that are the responsibility of the Secretary or agent of the Secretary to undertake in the implementation of the Canalway Plan.

(e) DETAIL.—Each fiscal year during the existence of the Commission and upon the request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties [with regard to the preparation and approval of the Canalway Plan.] Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.

\* \* \* \* \*

**SEC. 810. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—

(1) CORRIDOR.—There is authorized to be appropriated for the Corridor not more than \$1,000,000 for [any fiscal year] any fiscal year, to remain available until expended. Not more than a total of \$10,000,000 may be appropriated for the Corridor under this title.

(2) MATCHING REQUIREMENT.—Federal funding provided under this paragraph may not exceed 50 percent of the total cost of any activity carried out with such funds. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions, fairly valued.

(b) OTHER FUNDING.—In addition to the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary of the Interior such sums as are necessary for the Secretary for planning and technical assistance.

\* \* \* \* \*

**B.**

Public Law 99-647 (Approved November 10, 1986)

AN ACT To establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island

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

\* \* \* \* \*

**SEC. 3 . BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION.**

(a) **ESTABLISHMENT.**—There is hereby established a commission to be known as the Blackstone River Valley National Heritage Corridor Commission (hereafter known as the “Commission”) whose purpose shall be to assist Federal, State and local authorities in the development and implementation of an integrated resource management plan for those lands and waters as specified in section 2.

(b) **MEMBERSHIP.**—The Commission shall be composed of nineteen members appointed by the Secretary as follows:

(1) the Director of the National Park Service, ex officio, or a delegate;

(2) six individuals nominated by the Governors of Rhode Island and Massachusetts and appointed by the Secretary, who [shall be the the] shall be the Department of Environmental Management Directors from Rhode Island and Massachusetts, the State Historic Preservation Officers from Massachusetts and Rhode Island, and the Department of Economic Development [Directors from Massachusetts and Rhode Island] *Directors from Massachusetts or Rhode Island, ex officio, or their delegates;*

(3) four representatives of local government from Massachusetts and four from Rhode Island nominated by the Governor of their State and appointed by the Secretary, to represent the interests of local government; and

(4) two individuals, nominated by the Governor of Massachusetts and two individuals nominated by the Governor of Rhode Island appointed by the Secretary, to represent other interests each Governor deems appropriate. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

\* \* \* \* \*

