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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. WOMACK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 31, 2012.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

FAILED POLICY IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, again, I try to get to the floor once a week to talk about our failed policy in Afghanistan.

Last Thursday, an article in Politico reminded us of the difficulty of trying to change a culture like Afghanistan. It is nearly impossible. For centuries, outside influences have been trying, but we are never going to be able to change the belief systems and culture of the Middle East.

The Politico article stated that parts of Afghanistan were stuck in the 14th century. We are supporting a corrupt country and a culture where it is commonplace for grown men to have sexual relations with young boys. The American taxpayer should be outraged to know that their tax dollars are going to support this kind of practice.

Yesterday, The Washington Post published an article, titled, ''U.S. Construction Projects in Afghanistan Challenged by Inspector General's Report.'' While discussing the fact that projects implemented in Afghanistan by Americans will not be possible for the Afghans to sustain once the United States leaves, the question for policymakers in Washington is whether the massive influx of American spending in Afghanistan is actually making the problem worse.

One such project to provide electricity requires purchasing diesel fuel to run the generators enough to power about 2,500 Afghan homes or small businesses and is projected to cost the United States' taxpayers about $220 million through 2013.

Mr. Speaker, it is just billions and billions and billions going to Afghanistan and very little accountability, and yet we are cutting programs for the American people. To me, it makes no sense at all.

Mr. Speaker, again I brought a poster down. This is a new one that I purchased myself. There is a little girl holding her mother's arm. The mother is being escorted by an Army officer, and the little girl is looking at the caisson that is carrying her father. Her father is under an American flag. The father was killed in Afghanistan for America.

I would say to this family: You should be very proud of your father.

I would say to Congress: Why can't you understand that you've got a failed policy in Afghanistan, and these young men and women are dying?

These young men and women are losing their legs and arms, and yet we keep sending $10 billion a month to a corrupt leader where they have the practice of adult men making love with boys over there in Afghanistan. I just don't understand the Congress, to be honest with you.

Mr. Speaker, as you and many know, I have Camp Lejeune Marine Base in my district. In the last 10 days, three marines have been killed in Afghanistan. I salute their families and thank them for the gift of that loved one.

How many more young men and women have to die in Afghanistan? How many more taxpayer dollars have to go to prop up a corrupt leader? Afghanistan will not survive under Karzai. The Taliban will eventually take over.

Mr. Speaker, before closing, as I always do, first I would like to ask the American people to contact their Member of Congress and say bring our troops home now, at least no later than 2014, and stop spending our taxpayers' money when you can't even account for what it is being spent for in Afghanistan, and start spending it right here in America to rebuild our roads, schools, and infrastructure.

So on behalf of this little girl and her mom, and all of the families who've given loved ones dying for freedom in Afghanistan, I will close this way:

God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. God, in your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. God, please bless the House and Senate that we will do what is right in God's eyes for the people of today and the people of tomorrow. And I ask God to please bless the President of the United States, to give him wisdom, courage, and strength to do what's right for God's people here. And three times I will say, God, please, God, please, God, please continue to bless America.

REPRODUCTIVE HEALTH FOR WOMEN OF THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

Ms. NORTON. Mr. Speaker, sometimes schoolyard bullies pick on the wrong kid. Anti-choice forces thought they had found a cheap way to make a large point against the right of women in our country to reproductive health and choice by picking on the District of Columbia. Pick a fight with the District of Columbia—after all, the District of Columbia doesn't have a vote even if the bill is about only the District of Columbia. But in the process, they picked a fight with the women of the United States because this is still a pro-choice Nation.

Now, they didn't want to get women worked up in an election year, but they wanted a Federal imprimatur, a Federal label, so they thought that they could get the House to pass the bill that's coming to the floor today on suspension that women in the District of Columbia are not entitled to an abortion after 20 weeks. Mind you, everywhere else in the United States that right still would exist.

And while they're at it, they say, let's penalize women by allowing an injunction against an abortion by these women by, any health care provider who has had anything to do with the woman any time in her life—I guess the elementary school nurse could come in to seek an injunction. And, of course, penalize doctors—2 years in jail and a fine are possible. No health exception for the woman no matter her health nor fetal abnormality, rape or incest exceptions.

One of my constituents, Professor Christy Zink, had an abortion at 21 weeks, the earliest time her physicians would discover that she was carrying a fetus with half a brain. Had it been born alive, it would have had constant seizures. She would have had to carry that fetus to term.

Sometimes, bullies pick the wrong fight. Anti-choice forces have threatened the leadership here, particularly Republicans, saying they are going to score the vote. All that did was to bring out the really big boys and girls—Planned Parenthood and NARAL Pro-Choice America—who are going to score the bill as well.

They've been too clever by two-thirds. It'll take two-thirds to pass this bill. I'm hoping they won't get that kind of supermajority.

This is not the typical anti-home-rule bill that holds everyone else harmless except for D.C. residents and the D.C. government. This bill is a key element in a State-by-State campaign that seeks first to undermine and then to eliminate reproductive choice and health care for women across the United States.

They've miscalculated. They have reinvigorated the pro-choice movement, just as they did when they infiltrated Susan G. Komen for the Cure and forced Komen, which later reversed itself to stop giving to Planned Parenthood, just as they did when they failed to defund Planned Parenthood, just as they did when they caused a furor by women with the attack on contraceptives in health insurance policies.

□ 1210

Now women see this fight against reproductive choice for what it is, because it has ended with the constitutional right to abortion. Anti-choice Republicans have abandoned their own principles. If they feel so deeply, how could they introduce a bill that would affect only women and only fetuses in the District of Columbia?

The Supreme Court decided 39 years ago that a woman is entitled to an abortion. That's a constitutional right. It's not a constitutional right everywhere except the Nation's Capital. The differences in our country on choice are great, but they are differences we all must respect. And the Supreme Court has settled those differences with Roe v. Wade, which says pre-viability, that is a decision between a woman and her doctor. After viability, of course, there are some things that can be done, but the health and life of the mother always have to be protected.

This bill stretches beyond penalties doctors in our country would receive, and penalties on women, and it is the kind of bill that sends a message to women: this is not a House that is protecting your reproductive health. If this bill passes, it will cause the kind of uproar that we have not seen in almost 40 years.

FREE TRADE WITH EGYPT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

Mr. DREIER. Mr. Speaker, nearly three decades ago, one of my great heroes, Ronald Reagan, famously said:

> In all of the arsenals of the world, no weapon is so powerful as the will and moral courage of free men and women.

For the last year and a half, no development on the world stage has drawn greater interest or sparked more passionate debate than the upheaval in the Arab world. What started in Tunisia in December of 2010 has spread throughout North Africa and the Middle East, leaving virtually no Arab nation untouched.

Tunisia ousted a dictator and elected a constituent assembly, which is drafting a new constitution. Libya fought a civil war, rid itself of its dictator, and held elections. In both cases, particularly in Libya, blood was shed, but it has so far not been in vain, as real hope for democracy and an improved quality of life prevails.

Other countries, such as Morocco and Jordan, have seen more modest changes, but in the same direction—toward greater openness. Elsewhere in the Arab world, this unprecedented chain of events has thus far taken a far more tragic path. The Syrian people are suffering immeasurably for their efforts to unseat a regime that has proven itself eager to take innocent lives in brutal fashion.

In countries like Bahrain, the violence has been more limited, but no less tragic. Even in those nations where regimes stifle public discourse, we know that the autocrats are watching. They are mindful of Reagan's lesson that the will of the people cannot be suppressed indefinitely.

Of all the nations where this movement has unfolded, none holds greater sway over the future of the region than Egypt. Since the stunning fall of Mubarak in February of last year, Egypt has held parliamentary and presidential elections. Both sets of elections swept the Muslim Brotherhood to office, setting up a power struggle between the Brotherhood's leadership, the secularists, and the military council. Knowing of the harsh and deeply troubling rhetoric the Brotherhood has used over the years, many Americans rightly ask the question, can we work with the newly elected leadership in Egypt?

Should we continue to provide support to this government and the Egyptian people? What exactly does the Brotherhood stand for, and how will they lead? Mr. Speaker, these are important questions. To answer them, we have to go beyond the reactionary and reductionist assumptions that are often made. I've spent a great deal of time in Egypt, meeting with staunch secularists to Salafists and everyone in between, including leaders and members of the Muslim Brotherhood. What I have found is a vast movement that is far from monolithic. It is made up of moderates and hard-liners, reformers and the old guard, and great internal differences exist.

One thing, however, that has unified them is their public statements of support for the Camp David peace accords for human rights, including women's rights, as well as religious freedom, all of which are prerequisites to meet their quest to get their economy back on track through tourism and international investment. I've joined with a Democratic colleague in introducing a resolution calling for a free trade agreement with Egypt to help achieve just that.

Ultimately, we will judge them not by their words, as Secretary Clinton has just said in a piece, but by their actions. But the mere fact that these public statements have been made says a great deal about the stark difference between the nature of an underground movement, which the Muslim Brotherhood was, and an elected government. Now that the Brotherhood has at least taken some of the responsibility of righting the economy and providing opportunity for 85 million Egyptians, it will face enormous pressure to pursue a

reform agenda, engage appropriately with the West and eschew regional conflict.

In the meantime, Mr. Speaker, we as Americans have a responsibility to live up to our own ideals. How can we preach democracy, yet shun the free and fair choices of Egyptians? Of course, we cannot be naive. We have to recognize that democracy is about more than just elections, but also about protecting minority rights and building institutions that outlast the individuals who occupy them.

But we also have to recognize that supporting only democracies around the world that produce our own preferred results is the height of hypocrisy. On a more practical level, compromising our own values would only strengthen the hands of anti-Western fundamentalists. Refusing to engage with the Muslim Brotherhood would simply achieve a self-fulfilling prophecy by giving rise to extremists over reformists and moderates.

No country following decades of authoritarian rule can make a full transition to a thriving, stable, peaceful and prosperous democracy quickly and painlessly. Even with the most optimistic of outlooks, the Egyptian people will struggle for years to come to throw off the shackles of the past and create the kind of future for which we all strive. We have been working at this for 236 years, Mr. Speaker, and we still haven't gotten it exactly right.

We have a responsibility, as longtime Egyptian allies and as champions of democracy around the globe, to stand with them in this process, encouraging continued reform and providing our support for the development of real democracy in the Arab world's most populous nation.

HONORING AMERICA'S VETERANS AND CARING FOR CAMP LEJEUNE FAMILIES ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. MILLER) for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, I rise in support of the Honoring America's Veterans and Caring for Camp Lejeune Families Act, which the House will consider later today, especially title I, the Janey Ensminger Act.

Title I and a similar House bill honor a 9-year-old girl who died from childhood leukemia, most likely because she was exposed to contaminated drinking water at Camp Lejeune, North Carolina, when her mother was pregnant with her.

And by honoring Janey Ensminger, we honor those Americans who have shown remarkable determination to make their government do the right thing. They have struggled for more than a decade to learn exactly what chemicals were in the drinking water at Camp Lejeune, water that perhaps a million marines and their families were exposed to over a 30-year period, to learn the health effects of exposure to the contaminated drinking water, and to seek justice for those harmed.

They took on their own government, including the Marine Corps they had served and to which they are still loyal, but which has been shamefully reluctant to accept responsibility for the water contamination.

Janey's father, Jerry Ensminger, is a retired marine who lived with his family on base at Camp Lejeune for a time. Jerry watched his daughter become ill from leukemia, struggle with the disease, and eventually lose the struggle. Years after he watched his daughter die, Jerry learned of the water contamination at Camp Lejeune and has not rested since.

I first met Jerry 4 years ago when he testified powerfully on the Science and Technology Committee's Subcommittee on Investigations and Oversight, which I then chaired. Jerry worked shoulder to shoulder with others, including Tom Townsend, Mike Partain, Jim Fontella, the Byron family and William Hill against long odds.

□ 1220

The Janey Ensminger Act is the result of their remarkable efforts. They were always faithful to the cause of justice for those harmed by the contaminated drinking water.

The Janey Ensminger Act will require the VA to provide medical coverage for certain illnesses to veterans who served at Camp Lejeune between 1957 and 1987, and to their families. The VA will be the ''payer of last resort.'' Justice requires no less for the people harmed by the water contamination at Camp Lejeune.

The harm will never be fully made right. The bill will not help Janey or her father. But the Janey Ensminger Act acknowledges responsibility and provides needed treatment for many others.

The marines who have championed this legislation served our democracy when they wore our Nation's uniform, and they served our democracy by their determination to obtain justice for the people harmed by the toxic drinking water at Camp Lejeune.

THE POLITICS OF FAIRNESS—I.E., THE POLITICS OF FAVORITISM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, we have heard a lot about fairness from the President lately. Perhaps his Chicago advisers think that if he distracts, divides, and creates envy all in the name of so-called ''fairness,'' Americans will ignore their thin wallets and stacked up bills. But the people are smarter than back-room government policycrats.

If the President is reelected in January, he will have inherited a weak economy from his predecessor—himself. Then who will he blame? The President was elected to solve problems, not place blame and make excuses for failure.

Like most Americans, I want the administration to succeed, but the evidence is not on the administration's side. With unemployment higher than 8 percent for 41 months—even higher for recent college graduates at above 50 percent—and our deficit above $15 trillion, there isn't much of a record to stand on.

So we are involved in a new Madison Avenue campaign diversion called ''Remake America'' to make America ''fair.'' Of course, fairness is in the eyes of the beholder, and it means different things to different folks; but it certainly sounds good at first glance.

Mr. Speaker, let's look at this idea. The politics of ''fairness'' are used when politicians want you to ignore their record and then claim that some people just haven't been treated fairly. This is a mere diversion from failed policy, failed ideas. When you look at the record, you'll see that this administration's definition of ''fairness'' really means ''favoritism.''

There is no fairness in crony capitalism. That is favoritism. There is no fairness in a perpetual bailout culture where the omnipotent government deems some too big to fail and others too small to succeed. That is favoritism. There is no fairness in forcing Americans to fork over money to pay for failed pet endeavors like Solyndra. That is favoritism. There is no fairness in an unaccountable government that constantly takes money from the working people and squanders it in a failed stimulus—or two. That is favoritism. And there is no fairness in enforcing some laws while proudly ignoring other laws. That is favoritism.

What this ''fairness'' debate—or the politics of favoritism—achieves is a systematic desire by government to create animosity—animosity towards those who have or are just trying to achieve some success. It also creates animosity toward government from those who built it on their own without being a member of the government's favored class.

This debate degrades the American Dream because it removes the equality of opportunity and creates a class of favorites—the class of government ''friends.''

There is no equality or fairness in forced equal outcomes. Since some people are more successful than others, to paraphrase Lincoln, the government, which cannot make everyone rich, is trying to accomplish what it can do—make everyone poor and dependent on the government for success. This is fairness? I think not.

Instead of encouraging individuals to succeed on their own, this administration tells citizens that they need the government. In fact, according to The Wall Street Journal, almost 50 percent of the population lives in a household where at least one member receives a government benefit.

Bad policies have forced more Americans to grow dependent on government. The President wants to, in his own words, remake America. Remake it into what? A Nation where the government is running roughshod over our lives and our liberty? A country where no one is allowed to succeed unless the government gives permission? No thanks. I thought we threw that idea away when we left the regime of King George III.

America doesn't need to be remade into a Third World country totally oppressed by a government that wants America to be another European nanny state where special favoritism is given to government's special friends.

We need to return to what our country was founded on: the pursuit of opportunity or, as Jefferson said it, the right of life, liberty and the pursuit of happiness.

The American Dream—a dream that can come true with individualism and hard work and without a government that punishes ambition, creativity, and success while rewarding failure—all in the name of fairness.

The politics of favoritism, under the guise of ''fairness,'' is not the America we need. Mr. Speaker, the America I know doesn't need to be remade into the politics of favoritism.

And that's just the way it is.

HONORING THE LIFE OF WILLIS EDWARDS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. BASS) for 5 minutes.

Ms. BASS of California. Mr. Speaker, I rise today to honor the life of a friend and a remarkable individual from Los Angeles, Willis Edwards.

For the past 40 years, Mr. Edwards tirelessly advocated for civil and political rights and worked to ensure that positive images of African Americans were seen by the American public.

Throughout his life, Willis Edwards was known for his strength of conviction and passion for the promotion of the African American community. After working for the Robert Kennedy Presidential campaign in college and earning a Bronze Star in the U.S. Army during the Vietnam war, Edwards helped to elect the first African American mayor of Los Angeles, Tom Bradley, and served as the youngest-ever city commissioner on his Social Services Commission.

Mr. Edwards continued his career of service as the director of black student services at the University of Southern California, where he helped future generations of students discover their passion.

In 1982, Mr. Edwards was elected president of the Beverly Hills-Hollywood branch of the NAACP. Under his leadership, the branch fought to improve the image and gain more jobs for African Americans in front of and behind the scenes in Hollywood. As president in 1986, he helped to nationally televise the NAACP Image Awards, which continues today as a highly regarded entertainment event.

Mr. Edwards never shied away from controversial subjects or issues. After his diagnosis with AIDS, he used his position on the national board of the NAACP to publicly discuss the impact of HIV/AIDS in the African American community, and he organized the NAACP's participation in World AIDS Day. Despite his health challenges, Mr. Edwards continued to support his friends and communities.

Until Rosa Parks's death in 2002, Mr. Edwards was a friend and confidant of the civil rights legend. He helped to promote her legacy by escorting her to the 1998 Oscar ceremony and worked alongside former Congresswoman Julia Carson for Parks to receive the Congressional Medal of Honor. Upon her death, Edwards arranged for her to lie in state here in the Capitol rotunda.

Mr. Speaker, I am proud to have called Willis Edwards a friend and a mentor. He has left an indelible mark on Los Angeles, and his dedication to California and national politics will never be forgotten. It is a great honor to recognize his life here on the floor today. His spirit and vision will truly be missed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 28 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear God, we give You thanks for giving us another day.

As the Members of this people's House return, grant them the generosity to serve You as You deserve; to give of their industry and not count the cost; to fight for their convictions and not heed the political wounds; to toil and not seek for rest; to labor and not ask for reward except for knowing that, in being their best selves, they do Your will.

And, dear God, on this day, we ask Your blessing upon the family of Tim Harroun. Grant them peace and consolation as they mourn the loss of their mother.

May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

REGULATORY REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. The President's policies have failed and are making the economy worse.

Since President Obama took office, we've seen a 52 percent increase in completed regulations deemed ''economically significant,'' which means they cost the economy at least $100 million a year. We can't create a fair system for job creators when the government keeps changing the rules. We can't help the job seeker by punishing the job creator with more government red tape.

How can someone who believes that small business owners didn't even build their own businesses understand the effects of red tape? He can't.

That is why House Republicans passed the Red Tape Reduction and Small Business Job Creation Act—a combination of pro-growth bills aimed at cutting red tape to make it easier for small businesses to create more jobs. In order to grow more jobs for the American people, we need to shrink the amount of red tape coming from Washington.

TAX RATES

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, in exactly 5-months' time, the tax rates for every tax filer in this country will go up in the event of the so-called ''fiscal cliff,'' which most mainstream economists believe would push our country back into a double-dip recession.

There is hope, however.

Last week, the U.S. Senate passed a measure which protects the incomes of every tax filer up to $250,000 and allows rates for incomes above that point to

return to the Clinton-era rates. This is a plan which will protect 98 percent of the tax filers in this country from any tax increase. It will help balance the budget and will give confidence to the financial markets, which are terrified of the inability of this town to get its business done.

We should act on the Senate's plan. The House Republican leadership has a choice: let's compromise; let's get something done; let's help the economy—or let's push this country into brinksmanship, which for the last year and a half has been the trademark of the 112th Congress.

We can do better as the House of Representatives. Let's pass the Senate measure. Let's provide some confidence for the American people and for the U.S. economy to grow.

THREATENING CONGRESS DOES NOT SOLVE THE ISSUE OF SEQUESTRATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in a recent opinion piece submitted to Politico, Jeffrey Zients, the Acting Director for the Office of Management and Budget, wrote:

> As President Barack Obama has said many times, the sequester wasn't meant to be implemented. It was designed to cut so deep that just threatening them would force Congress to meet and agree on a big, balanced package of deficit reduction.

If the President actually believed the Budget Control Act would destroy jobs and threaten our national security, why did he sign the legislation into law? Additionally, if he believed the proposed cuts would frighten Members of Congress, why has he remained silent on this issue?

House Republicans have acted and passed bipartisan legislation several times replacing the sequester with responsible reforms as well as calling for more government transparency to stop the destruction of 200,000 jobs in Virginia alone.

I urge the President to support this bill in order to promote peace through strength.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

20TH ANNIVERSARY OF VIETBAO DAILY NEWS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize and celebrate the achievements of VietBao Daily News. They are celebrating their 20th anniversary in the Vietnamese American community. For 20 years, VietBao Daily News has served its readers with comprehensive news, current affairs, as well as information from the broader community and from Vietnam.

VietBao Daily News is also a venue for the Vietnamese people to preserve the Vietnamese language and cultural values through the Writing on America Award initiative. This is a writing competition that they hold every year that allows the Vietnamese American community to write short stories about their experiences, whether their experiences are those of coming over from Vietnam or of their experiences here. They judge it. They have winners. Then they make a compilation of these written stories. It's for the archives. It's for the future. It's for their community to understand where they come from. It's also for the broader American community to understand.

So I would like to congratulate all of the winners and the participants of the 2012 Writing on America and Teen Writing awards for submitting so many incredible stories, some of which I have had the opportunity to read. Again, congratulations to your staff and for your dedication towards the community on this 20th anniversary.

PROVIDING A ONE-YEAR EXTENSION FOR MEDICARE PHYSICIAN PAYMENT RATES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, as a physician and now as a legislator, I, frankly, do not understand the way our government continues to treat those who care for America's patients.

Earlier this month, I introduced legislation, H.R. 6142, to provide a 1-year extension for Medicare physician payment rates. This allows patients to continue to have access to their physicians in the next year.

Look, this is no mystery. We all know the last patch is going to expire on December 31. We all know that before December 31 of this year that somehow we'll cobble together and provide another patch. Why not do that now? Why make them wait until the deadline? They can't plan. They can't grow their practices. They can't expand because they don't know what their government is going to do to them.

Further compounding the problem this year is the specter of sequestration that occurs on January 1. No matter how you slice it, it's another 2 percent cut on top of the 27 to 29 percent cut they are already going to get under the SGR.

Let's do the right thing. We could pass this bill under suspension this afternoon. We could provide our Nation's physicians the stability and the certainty that they need to continue to see the patients we've asked them to serve.

□ 1410

SAIPAN SOUTHERN HIGH SCHOOL MANTA RAY CONCERT BAND

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, here's a story to make us all cheer: 46 high school musicians from America's smallest insular area raise a quarter of a million dollars to go to London and perform during the Olympics where they win a silver medal.

This is the story of the Saipan Southern High School Manta Ray Concert Band, who played their hearts out at the London Celebration Music Festival this week in Central Hall Westminster. We are all cheering in the Northern Mariana Islands because the Manta Rays represent us all.

We're the only U.S. insular area that did not send athletes to London. We sent our student musicians, and they came away with silver. It took bake sales, rummage sales, garage sales, a bowling tournament, tree plantings, car washes, a radio telethon, lunches, and raffles. It took business, government, civic organizations, and individual donors all chipping in because these kids dared us to dream.

Ten years ago, there was no high school band in our islands. Most families could not afford to buy an instrument. Today, through the faith, effort, and determination of the students, we're all inspired, confirming the belief that there is no better investment than in our children.

Congratulations, Manta Rays.

RUSSIA AND THE WORLD TRADE ORGANIZATION

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, August 22 is a very important date.

The reason I say that is that August 22 is the date that Russia will become a member of the World Trade Organization. It's a done deal. Both Houses of the Russian Parliament have passed it, and it's been agreed to.

I point to this day because there are many who believe that as we look at a vote on permanent normal trade relations with Russia that will be on the horizon—we're not going to be able to do it this week; I hope we will do it shortly after we come back in September—there are some who believe that we are playing a role in getting Russia into the World Trade Organization. That is not the case.

All we're saying, Mr. Speaker, is that since Russia is already going to be a member as of August 22 of the World Trade Organization, we want to make sure that U.S. workers and U.S. businesses will have the opportunity to have access to the 140 million consumers in Russia.

Mr. Speaker, it's important for us to note the question is not whether or not Russia will be a member of the WTO, because I believe that our access will play a role in undermining the policies of Vladimir Putin. The question is: Are we going to get our Western values into Russia? We need to say ''yes.''

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chair of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 26, 2012.

Hon. JOHN BOEHNER,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: On July 26, 2012, pursuant to section 3307 of Title 40, United States Code, the Committee on Transportation and Infrastructure met in open session to consider resolutions to authorize 12 lease prospectuses included in the General Services Administration's (GSA) FY2011 and FY2012 Capital Investment and Leasing Programs (CILP) and one resolution to authorize the exercise of a purchase option on currently leased space for $14 million below fair market value.

Our Committee continues to work to cut waste and the cost of federal property and leases. The resolutions approved by the Committee will save the taxpayer $10.3 million annually or $178 million over the terms of the leases. These resolutions ensure savings through lower rents, shrinking the space requirements of agencies, avoidance of holdover penalties, and efficiencies created through consolidation. In addition, the Committee has included space utilization requirements in each of the resolutions to ensure agencies are held to appropriate utilization rates.

I have enclosed copies of the resolutions adopted by the Committee on Transportation and Infrastructure on July 26, 2012.

Sincerely,

JOHN L. MICA,
Chairman.

Enclosures

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF ENERGY, NATIONAL NUCLEAR SECURITY ADMINISTRATION, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 89,000 rentable square feet of space for the Department of Energy, National Nuclear Security Administration, currently located at 955 L'Enfant Plaza North, SW, Washington, D.C. at a proposed total annual cost of $4,361,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 202 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 202 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF ENERGY
NATIONAL NUCLEAR SECURITY ADMINISTRATION
WASHINGTON, DC

Prospectus Number: PDC-04-WA11

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 89,000 rentable square feet (rsf) for the Department of Energy (DOE) National Nuclear Security Administration (NNSA), currently located at 955 L'Enfant Plaza North, SW, Washington, DC.

Description

Occupants:	DOE-NNSA
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue, and Southwest Waterfront
Lease Type:	Replacement
Justification:	Expiring Lease (7/31/2012)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	89,000
Current Total Annual Cost:	$2,790,890
Proposed Total Annual Cost:[1]	$4,361,000
Maximum Proposed Rental Rate[2]:	$49.00

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2012 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF ENERGY
NATIONAL NUCLEAR SECURITY ADMINISTRATION
WASHINGTON, DC

Prospectus Number: PDC-04-WA11

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 10, 2010

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

November 2009

Housing Plan
Department of Energy
National Nuclear Security Administration

PDC-04-WA11
Washington, DC

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
955 L'Enfant Plaza	250	250	68,348	-	5,530	73,878						
Proposed Lease							264	264	68,348	-	5,530	73,878
Total	250	250	68,348	-	5,530	73,878	264	264	68,348	-	5,530	73,878

	Current	Proposed
Utilization Rate	213	202

Current UR excludes 15,037 USF of office support space
Proposed UR excludes 15,037 USF of office support space

Special Space	USF
Conference	1,968
Copy Center	1,356
Food Service	324
LAN	558
Security	1,324
Total	5,530

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 292,173 rentable square feet of space, including 7 parking spaces, for the Department of Justice, Office of Justice Programs (OJP), currently located at 800 K Street, NW and 810 7th Street, NW, Washington, D.C., at a proposed total annual cost of $14,316,477 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 128 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 128 square feet or higher per person.

Provided that, the 1,242 personnel identified in the Housing Plan contained in the prospectus are consolidated into the 292,173 rentable square feet of space authorized in this resolution.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
WASHINGTON, DC

Prospectus Number: PDC-06-WA11

Project Summary

The General Services Administration (GSA) proposes a replacement lease(s) of up to 375,000 rentable square feet (rsf) for the Department of Justice, Office of Justice Programs (OJP), located at 800 K Street, NW and 810 7th Street, NW in Washington DC.

The proposed lease(s) includes expansion space that is based on the average growth rates of OJP in the preceding decade, and the need for shared space. Within the past seven years, OJP has experienced a 31% growth in employees/contractors due to an increased workload. OJP is expected to hire an additional 63 full time employees by 2011. The expansion space will accommodate the current demand and future growth while alleviating the overcrowding.

Acquisition Strategy

In order to maximize flexibility in acquiring space to house OJP elements, GSA may issue a single, multiple award lease solicitation that will allow offerors to provide blocks of space able to meet these requirements in whole or in part.

Description

Occupants:	OJP
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue, and Southwest Waterfront)
Lease Type:	Replacement/Expansion
Justification:	Expiring Leases: 10/31/2011 and 8/31/2013
Expansion Space:	57,000 rsf
Number of Parking Spaces: [1]	7 Official Government Vehicles
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years

[1] DOJ's security requirements may necessitate control of the parking at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
WASHINGTON, DC

Prospectus Number: PDC-06-WA11

Maximum Rentable Square Feet:	375,000 rsf
Current Total Annual Cost:	$11,923,460
Proposed Total Annual Cost:[2]	$18,375,000
Maximum Proposed Rental Rate:[3]	$49.00 per rsf

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
WASHINGTON, DC

Prospectus Number: PDC-06-WA11

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

June 2010

Housing Plan
Department of Justice
Office Of Justice Programs

Prospectus Number PDC-06-WA11

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
810 7th Street, NW	889	889	174,449	2,010	33,406	209,865						
800 K Street NW	290	290	45,318	550	9,143	55,011						
		-				-						
Proposed Lease		-					1,242	1,242	260,913	5,024	46,286	312,223
Total	1,179	1,179	219,767	2,560	42,549	264,876	1,242	1,242	260,913	5,024	46,286	312,223

	Current	Proposed
Utilization Rate	145	164

Current UR excludes 48,349 USF of Office for support space
Proposed UR excludes 57,401 USF of office for support space

Special Space	USF
Conference	18,406
ADP	2,900
File Room	11,700
Break Rooms	5,000
Health Unit	900
Showers/Locke	500
SCIF	180
Training	1,500
Security	1,000
Copy Rooms	4,200
Total	46,286

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

COMMITTEE RESOLUTION

LEASE—FEDERAL BUREAU OF INVESTIGATIONS, ATLANTA, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease consolidation of up to 191,156 rentable square feet of space, including 343 structured and 60 surface parking spaces, for the Federal Bureau of Investigation in Atlanta, GA, at a proposed total annual cost of $5,925,836 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 105 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 105 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS - LEASE
FEDERAL BUREAU OF INVESTIGATION
ATLANTA, GA

Prospectus Number: PGA-01-AT11
Congressional District: 04

Project Summary

The General Services Administration (GSA) proposes a lease consolidation with expansion of up to 263,000 rentable square feet (rsf) with 343 structured and 60 surface parking spaces for the Federal Bureau of Investigation (FBI) in Atlanta, GA.

The FBI has undergone a fundamental shift in programs and functions to meet the needs of the global war on terrorism and other high priority missions. It is transforming its field offices into facilities that enhance collaboration, stimulate communication, enable long-term flexibility, and use resources in a more sustainable manner. The expanded FBI intelligence mission requires secure space to support connectivity and communications at the Top Secret level.

The Atlanta Field Office covers a variety of highly visible programs to include international and domestic terrorism, Safe Streets, Mortgage Fraud, Gangs, Auto Cargo, Crimes Against Children, Public Corruption and Human Trafficking. Atlanta is the regional hub for information technology as well as the Special Weapons, Tactics and Evidence Response Teams. All of these programs require collaboration with other law enforcement and intelligence partners. The Atlanta field office currently occupies space which results in inefficient, non-collaborative, and compartmentalized work environments that hinder successful investigations. Expansion for the Atlanta Field Office is required to meet the needs of the joint terrorism task forces and the field intelligence group. It will allow creation of large open spaces to foster synergy, increased productivity, and collaboration within the FBI and with their intelligence and law enforcement partners in these efforts.

The FBI is currently located under leases at 2635 Century Parkway, 3301 Buckeye Road in Atlanta, GA and warehouse space at 6544 Warren Drive in Norcross, GA. None of these locations have any significant setback or perimeter security or meets the current Interagency Security Criteria for a Level IV agency. In addition, the current facility cannot provide the expansion space necessary to support all of the required programs and operational responsibilities of the Atlanta Field Office. A new consolidated location will provide the FBI with sufficient space to meets its current and future requirements, and allow for full compliance with the ISC guideline.

GSA is proposing a new lease in an existing single tenant facility within the established delineated area. A comprehensive survey revealed that no existing federal space exists that could fulfill this requirement.

GSA PBS

PROSPECTUS - LEASE
FEDERAL BUREAU OF INVESTIGATION
ATLANTA, GA

Prospectus Number: PGA-01-AT11
Congressional District: 04

Description

Occupants:	FBI
Delineated Area:	CBD, and the Interstate 85 North – Interstate 285, NE arc corridor
Lease Type:	Consolidation/Expansion
Justification:	Expiring leases; 1/31/12, 6/30/11, 8/15/11, expanded mission and increased security standards.
Number of Parking Spaces:	403 (343 structured and 60 surface)
Expansion Space:	84,000 RSF
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	263,000
Current Total Annual Cost:	$3,505,416
Proposed Total Annual Cost[1]:	$8,153,000
Maximum Proposed Rental Rate[2]:	$31.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2012 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
FEDERAL BUREAU OF INVESTIGATION
ATLANTA, GA

Prospectus Number: PGA-01-AT11
Congressional District: 04

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
2635 Century Pkwy Atlanta GA	448	448	55,848	16,754	39,093	111,695	0	0	0	0	0	0
3301 Buckeye Rd, Atlanta GA	48	48	12,595	6,800	1,020	20,415						
6544 Warren Dr Norcross GA	0	0		22,848		22,848						
New Lease	0	0	0	0	0	0	645	645	119,512	42,250	66,160	227,922
Total:	496	496	68,443	46,402	40,113	154,958	645	645	119,512	42,250	66,160	227,922

	Current	Proposed
Utilization		
Rate	108	145

Current UR excludes 15,057 USF of office support space
Proposed UR excludes 26,293 USF of office support space

Special Space	
Restrooms	1,220
Health Unit	790
Physical Fitness	4,000
Conference / Training	10,760
Workbench	1,700
Vehicle Bays	18,030
Gun Vault	400
Shredder Room	500
Mail	850
Mug and Fingerprint	250
Breakroom	2,300
Evidence / Photo	1,700
ADP	21,920
Emergency Generator	500
Visitor Screening	500
Loading Dock	740
Total:	**66,160**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF DEFENSE, DEFENSE SECURITY COOPERATION AGENCY, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrasfructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 87,000 rentable square feet of space, including 5 parking spaces, for the Department of Defense, Defense Security Cooperation Agency currently located at Crystal Gateway North, 201 12th Street South formerly recorded as 1111 Jefferson Davis Highway, Arlington, VA, at a proposed total annual cost of $3,306,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 141 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 141 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
DEFENSE SECURITY COOPERATION AGENCY
NORTHERN VIRGINIA

Prospectus Number: PVA-06-WA11
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 100,000 rentable square feet (rsf) and 5 inside parking spaces for the Department of Defense (DoD) Defense Security Cooperation Agency (DSCA) currently located at Crystal Gateway North, 201 12th Street South formerly recorded as 1111 Jefferson Davis Highway, Arlington, VA.

DSCA is currently collocated with several other DoD components at Crystal Gateway North. DoD is housed in approximately 205,000 rsf under two separate leases for 71,465 rsf and 133,292 rsf. DSCA occupies approximately one quarter of this space and the balance is occupied by DoD components that are required by the Base Realignment and Closure Act to relocate to DoD owned space by September 2011. GSA submitted lease prospectus PVA-02-WA08 on August 1, 2007 to extend the 133,292 rsf lease, which expired June 5, 2009, for three years. The 71,465 rsf lease was below the prospectus threshold and was extended separately. To mitigate vacant space within these leases, DSCA will remain at Crystal Gateway North during the extensions and will synchronize its move to a replacement leased location with the relocation of the remaining DoD components to DoD owned locations.

DSCA personnel are currently scattered throughout Gateway North Building with employees and supervisors offices located in different suites on different floors. This housing arrangement is disruptive to employee productivity because the space is not contiguous and does not promote a cohesive working environment. The new location will provide DSCA with contiguous space in one building.

DSCA anticipates an additional increase in personnel of approximately 11 percent by 2011 and also requires additional space. Moreover, DSCA requires onsite conference and training space at their proposed location to accommodate large meeting/training sessions. DSCA's current practice of renting offsite conference space is problematic because it is costly, requires disruptive travel between the office and the meeting location, and is not equipped to accommodate sensitive/classified meetings.

The current leased location is not compliant with DoD Minimum Anti-Terrorism Standards for Buildings effective for all leases that expire in FY 2007 and beyond. These requirements include but are not limited to: progressive collapse, DoD full building occupancy, 82 foot setback from the curb, and control of underground parking. GSA will solicit for a facility that is compliant with the DoD Minimum Antiterrorism Standards for Buildings.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
DEFENSE SECURITY COOPERATION AGENCY
NORTHERN VIRGINIA

Prospectus Number: PVA-06-WA11
Congressional District: 8

Description

Occupants:	DOD
Delineated Area:	Northern Virginia
Lease Type:	Consolidation/Expansion
Justification:	Expiring leases (6/05/12 & 3/13/14) DoD Anti-Terrorism Standards
Expansion Space:	47,162 rsf
Number of Parking Spaces[1]:	5 Inside (official government vehicles)
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	100,000
Current Total Annual Cost:	$1,580,000
Proposed Total Annual Cost[2]:	$3,800,000
Maximum Proposed Rental Rate[3]:	$38.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA will encourage offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] The Department of Defense security requirements may necessitate control of the parking garage at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2012 and may be escalated by 1.70 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
DEFENSE SECURITY COOPERATION AGENCY
NORTHERN VIRGINIA

Prospectus Number: PVA-06-WA11
Congressional District: 8

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

June 2010

Housing Plan
Department of Defense
Defense Security Cooperation Agency

Arlington, VA
PVA-06-WA11

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Crvtal Gateway North	270	270	44,082	-	-	**44,082**						
New Lease							300	300	63,804	4,001	15,623	**83,428**
Total	**270**	**270**	**44,082**	-	-	**44,082**	**300**	**300**	**63,804**	**4,001**	15,623	**83,428**

	Current	Proposed
Utilization		
Rate	127	166

Current UR excludes 9,698 USF of Office for support space
Proposed UR excludes 14,037 USF of office for support space

Special Space	USF
ADP	3,506
Food Service	2,082
Conf./Training	7,824
Copy Room	529
Library	765
Mail/Security	588
Private Toilet	94
SCIF	235
Total	**15,623**

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

COMMITTEE RESOLUTION

LEASE—GENERAL SERVICES ADMINISTRATION, PHILADELPHIA, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 172,000 rentable square feet of space and 49 parking spaces for the General Services Administration, currently located in the Strawbridge's Building at 20 North Eighth Street in Philadelphia, PA at a proposed total annual cost of $5,848,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 107 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 107 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROSPECTUS - LEASE
GENERAL SERVICES ADMINISTRATION
PHILADELPHIA, PA

Prospectus Number: PPA-01-PH11
Congressional District: 1, 2

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 231,000 rentable square feet (rsf) and 49 parking spaces for the GSA regional office. GSA is currently located in the Strawbridge's Building at 20 North Eighth Street in Philadelphia, PA.

Throughout the term of the existing lease, GSA's regional office experienced an unanticipated growth in personnel of approximately 30 percent due in large part to an increase in workload and organizational changes. GSA has accommodated the increased personnel without increasing the amount of space under the current lease. This prospectus proposes an increase of approximately 33,000 rsf to house GSA's current personnel and to accommodate GSA's Federal Acquisition Service (FAS) workload realignment of employees from Crystal City, VA to Philadelphia.

Description

Occupants:	GSA
Delineated Area:	Central Business District
Lease Type:	Replacement with expansion
Justification:	Expiring Lease 12/15/12
Number of Parking Spaces:	49 structured
Expansion Space:	33,000 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	231,000
Current Total Annual Cost:	$4,064,372
Proposed Total Annual Cost[1]:	$7,854,000
Maximum Proposed Rental Rate[2]:	$34.00 per rentable square foot

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2]This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
GENERAL SERVICES ADMINISTRATION
PHILADELPHIA, PA

Prospectus Number: PPA-01-PH11
Congressional District: 1, 2

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
THE STRAWBRIDGE'S BUILDING												
General Services Administration	642	642	115,521	2,367	20,648	138,536						
General Services Administration *	50	50	20,000			20,000						
NEW LEASE												
General Services Administration							763	763	148,428	6,391	29,963	184,782
Total:	692	692	135,521	2,367	20,648	158,536	763	763	148,428	6,391	29,963	184,782

* Lease to Accommodate Additional FAS Personnel relocating from Crystal City

	Current	Proposed
Utilization		
Rate	153	152

Current UR excludes 29,815 USF of office support space
Proposed UR excludes 32,659 USF of office support space

Special Space	
Restroom	575
Physical Fitness	2,500
Conference	13,895
ADP	2,280
Food Service	4,513
High Density File	6,200
Total:	29,963

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

COMMITTEE RESOLUTION

LEASE—BUREAU OF PUBLIC DEBT, PARKERSBURG, WV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a superseding lease of up to 284,209 rentable square feet of space and 10 parking spaces for the Bureau of Public Debt, currently located at 200 Third Street in Parkersburg, WV at a proposed total annual cost of $5,527,865 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 179 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 179 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
BUREAU OF PUBLIC DEBT
PARKERSBURG, WV

Prospectus Number: PWV-01-PA11
Congressional District: 01

Project Summary

The General Services Administration (GSA) proposes a superseding lease of up to 284,209 rentable square feet (rsf) and 10 parking spaces for the Bureau of Public Debt (BPD). The BPD facility is currently located at 200 Third Street in Parkersburg, WV.

The current lease at this facility, which houses over 1,000 employees, is set to expire on October 14, 2014. A superseding lease will enable the lessor to undertake building system upgrades prior to the expiration of the current lease including much needed improvements to the electrical system distribution and capacity within the building. Additional improvements include the replacement of several key building systems to make the building more energy efficient. The proposed improvements will result in a cost savings for the government since this lease is net of utilities.

The proposed rental rate is structured such that the government will continue to pay the current lease rate through the end of the original lease term, upon which the rental rate will increase to the maximum proposed rental rate of this prospectus, and will remain at this rate, excluding operating cost escalations, until the expiration of the superseding lease.

GSA PBS

PROSPECTUS – LEASE
BUREAU OF PUBLIC DEBT
PARKERSBURG, WV

Prospectus Number: PWV-01-PA11
Congressional District: 01

Description

Occupants:	Bureau of Public Debt
Delineated Area:	200 Third Street Parkersburg, WV
Lease Type:	Superseding
Justification:	Continuing need
Number of Parking Spaces:	10 surface
Expansion Space:	0 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	284,209
Current Total Annual Cost[1]:	$2,460,088
Proposed Total Annual Cost[2]:	$5,527,865
Maximum Proposed Rental Rate[3]:	$19.45 per rentable square foot

Justification

The BPD's facility at 200 Third Street was constructed in 1974 for the BPD and has been 100 percent occupied by the agency since its construction. The facility is located one block west of the BPD's 320 Avery Street building, a recently constructed leased facility, which is also 100 percent occupied by BPD. The BPD employees at both downtown buildings collaborate on a daily basis, thereby increasing the inherent value of locating these facilities in close proximity. Additionally, BPD occupies 2 leased facilities within the surrounding communities, a recently constructed warehouse facility and the Contingency and Alternate Processing Site (CAPS) facility located nearby in Mineral Wells, West Virginia. All of these buildings are considered long term requirements of the BPD, and represent the only BPD facilities, controlled by GSA, located outside of Washington, D.C.

Due to the size of this continuing requirement there are no buildings available in the Parkersburg area that could accommodate the entire requirement. Additionally, it far exceeds the total amount of vacant space within the Parkersburg market making it difficult to satisfy a substantial portion of the requirement in multiple locations.

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[1] Current total annual cost until October 2014.
[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs. Includes operating costs paid directly by the Government.
[3] This estimate is for fiscal year 2015, the projected commencement of the new rental rate, and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
BUREAU OF PUBLIC DEBT
PARKERSBURG, WV

Prospectus Number: PWV-01-PA11
Congressional District: 01

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed the minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to undertake improvements and enter into a superseding lease at the existing BDP facility.

- Approval of this prospectus will also constitute authority, in the event GSA is unable to secure a lease agreement with the incumbent lessor, to conduct a competitive procurement for an alternate facility(s) in the City of Parkersburg, WV for the same maximum rentable square footage, rentable rate and lease term included in this prospectus.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010 .

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

June 2010

Housing Plan
Bureau of Public Debt

Parkersburg, WV
PWV-01-PA11

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
200 Third Street Building												
Bureau of Public Debt	1,009	1,009	231,138	0	16,000	**247,138**	1,009	1,009	231,138	0	16,000	**247,138**
Total:	**1,009**	**1,009**	**231,138**	**0**	**16,000**	**247,138**	**1,009**	**1,009**	**231,138**	**0**	**16,000**	**247,138**

	Current	Proposed
Utilization		
Rate	179	179

Special Space	
ADP	16,000
Total:	**16,000**

Current UR excludes 50,850 USF of office support space
Proposed UR excludes 50,850 USF of office support space

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT, PHOENIX, AZ

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a consolidation lease of up to 131,000 rentable square feet of space, including 318 parking spaces, for the Department of Homeland Security, Immigration and Customs Enforcement in Phoenix, AZ, at a proposed total annual cost of $5,305,500 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 100 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 100 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatoiy statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
PHOENIX, AZ

Prospectus Number: PAZ-01-PH12
Congressional District: 04

Project Summary

The General Services Administration (GSA) proposes a consolidation and expansion lease for up to 131,000 rentable square feet (rsf) and 318 secure parking spaces (10 structured and 308 surface) primarily for the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) in Phoenix, AZ. It is expected that the requirement will be met through existing leased space.

Directed by Congress through the Homeland Security Act of 2002 to undertake a study for consolidating the agency's real property assets, ICE investigated the feasibility of co-locating its offices. The July 2008 study, "Consolidation and Co-Location of Offices," (55 cities with an ICE presence) found that ICE's current requirements could not be met in current federally owned space and based on their co-location requirements, personnel growth, and parking needs, a leased alternative was determined to be the best solution.

The co-location will consolidate ICE's functions, provide strategic direction to better manage ICE facilities and will allow ICE to accomplish its mission: to protect the national security and uphold public safety by targeting criminal networks and terrorist organizations that seek to do harm to the United States by exploiting vulnerabilities in our immigration system, along our border, at federal facilities, and elsewhere.

ICE is currently located in several sites. A new location will provide the ICE with sufficient space to meet its current requirements and reduce redundancies in multiple locations. The proposed new lease will also allow for the co-location of DHS-Federal Protective Service (FPS) and the Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) with ICE. Through an interagency Memorandum of Understanding, ICE and EOIR, which is responsible for adjudicating immigration cases, attempt to co-locate wherever possible.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
PHOENIX, AZ

Prospectus Number: PAZ-01-PH12
Congressional District: 04

Description

Occupants:	DHS ICE; FPS, DOJ-EOIR
Delineated Area:	Expanded boundaries of the Phoenix Central Business Area. Bounded by Cactus Road to the north, Mariposa Freeway to the south, Highway 17 to the west, and Scottsdale Road to the east.
Lease Type:	Consolidation/Expansion
Justification:	The current ICE facilities cannot meet the space requirement necessary to co-locate all ICE functions. Expiring Leases: 10/31/2012; 10/31/2013; 12/31/2014
Number of Parking Spaces:	318 (10 structured and 308 surface)
Expansion Space:	54,000 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	131,000
Current Annual Cost:	$3,324,759
Proposed Total Annual Costs[1]:	$5,305,500
Maximum Proposed Rental Rate[2]:	$40.50 per rentable square foot

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2] This estimate is for fiscal year 2014 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
PHOENIX, AZ

Prospectus Number: PAZ-01-PH12
Congressional District: 04

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages landlords to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
PHOENIX, AZ

Prospectus Number: PAZ-01-PH12
Congressional District: 04

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on March 9, 2011

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
3010 N. Second Street	33	33	6,229	0	0	6,229	0	0	0	0	0	0
2035 N. Central Avenue	169	169	23,051	0	0	23,051	0	0	0	0	0	0
2020 N. Central Avenue	18	18	6,575	0	0	6,575	0	0	0	0	0	0
400 N. 5th Street	115	115	19,478	0	0	19,478	0	0	0	0	0	0
301 East Virgnia	44	44	5,715	0	0	5,715	0	0	0	0	0	0
16212 N 28th Street[1]	11	11	N/A	N/A	N/A	N/A	0	0	0	0	0	0
230 North First Street	7	7	2,878	N/A	256	3,134	0	0	0	0	0	0
New Lease												
ICE	0	0	0	0	0	0	528	528	67,325	0	26,172	93,497
EOIR	0	0	0	0	0	0	31	31	4,474	1,581	9,024	15,079
Total:	397	397	63,926	0	256	64,182	559	559	71,799	1,581	35,196	108,576

	Current	Proposed
	Utilization	
Rate	129	100

Current UR excludes 14,063 USF of office support space
Proposed UR excludes 15,796 USF of office support space

Special Space	
Laboratory	1,270
Holding Cell	3,304
Restroom	146
Physical Fitness	1,783
Conference	3,947
ADP	1,661
Courtroom	6,545
Judicial Chambers	1,593
Legal / SCIF/HSDN	4,394
Mail Rooms	563
Sallyport	2,043
Telephone Room	865
Interview Rooms	3,303
Vaults	3,584
Break Rooms	195
Total:	**35,196**

[1]These locations are outside of the GSA inventory and do not have separately identifiable space data.
[2]These locations are within the GSA inventory but ICE is utilizing space that is not specifically assigned for ICE personnel (e.g. Task Force space) and do not have separately identifiable space data.

USF ns the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT, DALLAS, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a consolidation lease of up to 195,000 rentable square feet of space, including 400 parking spaces, for the Department of Homeland Security, Immigration and Customs Enforcement in Dallas, TX, at a proposed total annual cost of $4,972,500 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessaiy, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 100 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 100 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infra structure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
DALLAS, TX

Prospectus Number:	PTX-02-DA12
Congressional District:	24, 26, 32

Project Summary

The General Services Administration (GSA) proposes a consolidation and expansion lease for 195,000 rentable square feet (rsf) and 400 secured parking spaces for the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) in Dallas, TX.

Directed by Congress through the Homeland Security Act of 2002 to undertake a study for consolidating the agency's real property assets, ICE investigated the feasibility of co-locating its offices. The July 2008 study, "Consolidation and Co-Location of Offices," (55 cities with an ICE presence) found that ICE's current requirements could not be met in current federally owned space and based on their co-location requirements, personnel growth, and parking needs, a leased alternative was determined to be the best solution.

The co-location will consolidate ICE's functions, provide strategic direction to better manage ICE facilities and will allow ICE to accomplish its mission: to protect the national security and uphold public safety by targeting criminal networks and terrorist organizations that seek to do harm to the United States by exploiting vulnerabilities in our immigration system, along our border, at federal facilities, and elsewhere. ICE is currently located in multiple owned and leased facilities.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
DALLAS, TX

Prospectus Number:	PTX-02-DA12
Congressional District:	24, 26, 32

Description

Occupants:	DHS ICE
Delineated Area:	Highway 26 to Interstate 635 on the North; Interstate 35 to Loop 12 on the East; Highway 183 on the South; and Highway 121 to Highway 26 on the West
Lease Type:	Consolidation/Expansion
Justification:	The current ICE facilities cannot meet the space requirements necessary to co-locate all ICE functions. Expiring Leases: 9/4/12; 6/7/13[1]; 10/21/13[2]; 9/2/12[3]
Number of Parking Spaces:	400 secured surface spaces
Expansion Space:	17,000 rsf (reduction)
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	195,000
Current Total Annual Cost:	$3,405,110
Proposed Total Annual Cost[4]	$4,972,500
Maximum Proposed Rental Rate[5]:	$25.50 per rentable square foot

[1] Using applicable lease termination rights. Lease expires 6/7/20.
[2] Using applicable lease termination rights. Lease expires 9/30/14.
[3] Using applicable lease termination rights. Lease expires 9/2/19.
[4] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[5] This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
DALLAS, TX

Prospectus Number:	PTX-02-DA12
Congressional District:	24, 26, 32

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages landlords to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
DALLAS, TX

Prospectus Number: PTX-02-DA12
Congressional District: 24, 26, 32

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on March 9, 2011

Recommended: _____
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
EMPIRE CENTRAL BLDG – 7701 Stemmons												
DHS-ICE	209	209	42,488	2,890	2,177	**47,555**	0	0	0	0	0	**0**
8101 STEMMONS												
DHS-ICE	218	218	48,000	722	4,400	**53,122**	0	0	0	0	0	**0**
CALTEX HOUSE – 125 E. Carpenter Freeway												
DHS-ICE	195	195	45,651	0	0	**45,651**	0	0	0	0	0	**0**
1460 PRUDENTIAL DRIVE												
DHS-ICE	160	160	28,975	0	0	**28,975**	0	0	0	0	0	**0**
SANTA FE FEDERAL BLD – 1114 Commerce												
DHS-ICE	6	6	863	180	30	**1,073**	0	0	0	0	0	**0**
J. GORDON SHANKLIN BLDG – 1 JUSTICE WAY[2]	2	2	N/A	N/A	N/A	**N/A**	0	0	0	0	0	**0**
8404 ESTERS ROAD[1]	17	17	N/A	N/A	N/A	**N/A**	0	0	0	0	0	**0**
NEW LEASE												
DHS-ICE	0	0	0	0	0	**0**	1,040	1,040	133,579	0	28,811	**162,390**
Total:	**807**	**807**	**165,977**	**3,792**	**6,607**	**176,376**	**1,040**	**1,040**	**133,579**	**0**	**28,811**	**162,390**

	Current	Proposed
Utilization		
Rate	164	100

Current UR excludes 36,515 USF of office support space

Proposed UR excludes 29,388 USF of office support space

Special Space	
Laboratory	1,270
Holding Cell	3,304
Physical Fitness	1,783
Conference	3,558
ADP	2,370
Evidence Room	4,282
Law Enforcement	4,708
Mail Rooms	562
Legal	4,031
Sallyport	2,043
SCIF	900
Total:	**28,811**

[1]These locations are outside of the GSA inventory and do not have separately identifiable space data.

[2]These locations are within the GSA inventory but ICE is utilizing space that is not specifically assigned for ICE personnel (e.g. Task Force space) and do not have separately identifiable space data.

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT, HOUSTON, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a consolidation lease of up to 144,000 rentable square feet of space, including 600 parking spaces, for the Department of Homeland Security, Immigration and Customs Enforcement in Houston, TX, at a proposed total annual cost of $4,104,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 100 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 100 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
HOUSTON, TX

Prospectus Number: PTX-02-HO12
Congressional District: 18, 29

Project Summary

The General Services Administration (GSA) proposes a consolidation and expansion lease for 144,000 rentable square feet (rsf) and 600 secured parking spaces for the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), in Houston, TX.

Directed by Congress through the Homeland Security Act of 2002 to undertake a study for consolidating the agency's real property assets, ICE investigated the feasibility of co-locating its offices. The July 2008 study, "Consolidation and Co-Location of Offices," (55 cities with an ICE presence) found that ICE's current requirements could not be met in current federally owned space and based on their co-location requirements, personnel growth, and parking needs, a leased alternative was determined to be the best solution.

The co-location will consolidate ICE's functions, provide strategic direction to better manage ICE facilities and will allow ICE to accomplish its mission: to protect the national security and uphold public safety by targeting criminal networks and terrorist organizations that seek to do harm to the United States by exploiting vulnerabilities in our immigration system, along our border, at federal facilities, and elsewhere.

ICE is currently located in several facilities in Houston. A new location will provide ICE with sufficient space to meet its current requirements and reduce redundancies in multiple locations.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
HOUSTON, TX

Prospectus Number: PTX-02-HO12
Congressional District: 18, 29

Description

Occupants:	DHS ICE
Delineated Area:	North: Farm to Market 1960 to Cypress Creek Parkway to Farm to Market 1960 West: U.S. Route 290 (Northwest Freeway) including any properties immediately to the west of the freeway South: Interstate 610 (North Loop Freeway) East: U.S. Route 59 (Eastex Freeway)
Lease Type:	Consolidation/Expansion
Justification:	The current ICE facilities cannot meet the space requirements necessary to co-locate all ICE functions. Expiring Leases: 1/31/2019[1], 6/30/2012.
Number of Parking Spaces:	600 secured surface spaces
Expansion Space:	49,000 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	144,000
Current Total Annual Cost:	$1,631,000
Proposed total Annual Cost[2]:	$4,104,000
Maximum Proposed Rental Rate[3]:	$28.50 per rentable square foot

[1] GSA has termination rights with 90 days notice.
[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[3] This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
HOUSTON, TX

Prospectus Number: PTX-02-HO12
Congressional District: 18, 29

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages landlords to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
HOUSTON, TX

Prospectus Number: PTX-02-HO12
Congressional District: 18, 29

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on March 9, 2011

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
INTERNATIONAL SQUARE – 4141 Sam Houston Pkwy												
DHS – ICE	110	110	27,290	0	0	27,290	0	0	0	0	0	0
NORTH POINT PLAZA – 126 Northpoint Dr.												
DHS – ICE	209	209	34,659	1,284	14,106	50,049	0	0	0	0	0	0
LABRANCH FEDERAL BLD												
DHS – ICE	13	13	2,006	0	0	2,006	0	0	0	0	0	0
POST OAK CENTER – 1433 W Loop South[2]	26	26	N/A	N/A	N/A	N/A	0	0	0	0	0	0
15311 WEST VANTAGE[2]	27	27	N/A	N/A	N/A	N/A	0	0	0	0	0	0
5520 GREENS ROAD[1]	128	128	N/A	N/A	N/A	N/A	0	0	0	0	0	0
1 JUSTICE PARK[2]	7	7	N/A	N/A	N/A	N/A	0	0	0	0	0	0
406 CAROLINE STREET[1]	25	25	N/A	N/A	N/A	N/A	0	0	0	0	0	0
8090 HIGH LEVEL[1]	8	8	N/A	N/A	N/A	N/A	0	0	0	0	0	0
NEW LEASE												
DHS – ICE	0	0	0	0	0	0	719	719	92,350	0	27,714	120,064
Total:	**553**	**553**	**63,955**	**1,284**	**14,106**	**79,345**	**719**	**719**	**92,350**	**0**	**27,714**	**120,064**

	Current	Proposed
Utilization		
Rate	150	100

Current UR excludes 14,070 USF of office support space
Proposed UR excludes 20,317 USF of office support space

Special Space	
Laboratory	1,270
Holding Cell	3,304
Physical Fitness	1,783
Conference	3,558
ADP	2,370
Evidence Room	3,923
Law Enforcement	4,064
Legal	3,787
Sallyport	2,043
Mail Rooms	562
SCIF	1,050
Total:	27,714

[1]These locations are outside of the GSA inventory and do not have separately identifiable space data.

[2]These locations are within the GSA inventory but ICE is utilizing space that is not specifically assigned for ICE personnel (e.g. Task Force space) and do not have separately identifiable space data.

USF means the ··rtion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

COMMITTEE RESOLUTION

LEASE—INTERNAL REVENUE SERVICE, COVINGTON, KY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 414,000 rentable square feet of space for the Internal Revenue Service in Covington, KY, at a proposed total annual cost of $9,108,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 105 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 105 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
COVINGTON, KY

Prospectus Number: PKY-01-C012
Congressional District: 4th

Executive Summary

The General Services Administration (GSA) proposes a replacement lease of up to 414,000 rentable square feet (RSF) for the Internal Revenue Service (IRS) in Covington, KY. IRS is currently housed under one lease in the Gateway Center East Building and three leases in the Gateway Center West Building, having occupied space in these buildings since 1993 and 2002, respectively. The proposed replacement lease will allow for the continued support of IRS's mission and operations at the Cincinnati Service Center, while a long term space solution can be developed for the entire Cincinnati IRS Service Center complex. These leases primarily house IRS's Accounts Management Group, as well as a large call site operation for one of two Business Tax Return Submission Processing centers in the nation.

The proposed increase in the annual cost of leasing space to meet the IRS requirements reflects the adjustment to current market rent of expiring leases that have been in effect since the end of 1993 and the beginning of 2002. The proposed maximum rentable square feet does not represent expansion space but the amount of space needed to provide 359,745 USF as indicated on the housing plan in buildings having a more representative market RSF/USF = 1.15, than the current RSF/USF estimated at 1.03.

Description

Occupant:	IRS
Lease Type:	Replacement
Current Rentable Square Feet (RSF):	369,224 (Current RSF/USF=1.03)
Maximum Rentable Square Feet:	414,000 (Market RSF/USF=1.15)
Expansion Space[1]:	None
Current Usable Square Feet/Person:	149
Proposed Usable Square Feet/Person:	149
Proposed Maximum Leasing Authority:	10 years
Expiration Dates of Current Leases[2]:	01/01/12, 02/29/12, 11/30/13
Proposed Delineated Area:	Central Business District
Number of Official Parking Spaces:	3

[1]The RSF/USF of the buildings currently occupied by IRS equals 1.00 and 1.08 respectively, or an average of 1.03.
[2] The current leases have executable termination rights.

GSA PBS

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
COVINGTON, KY

Prospectus Number: PKY-01-C012
Congressional District: 4th

Scoring:	Operating Lease
Maximum Proposed Rental Rate[3]:	$22.00
Proposed Total Annual Cost[4]:	$9,108,000
Current Total Annual Cost:	$6,999,440 (leases efffective 1993 and 2002)

Acquisition Strategy

GSA may satisfy this requirement through a single award solicitation or as part of a multiple award solicitation. GSA will consider offers and alternatives from both IRS's current leased locations as well as newly proposed locations within the designated delineated area.

Background

The Cincinnati IRS Service Center is one of two Business Tax Return Submission Processing centers in the nation, primarily responsible for processing Employment Tax returns. In 2008, the Cincinnati Campus, which houses more than 5,000 employees, processed approximately 25 million tax returns in total, including paper and electronically filed returns. The Service Center is comprised of a federally-owned IRS Service Center, located at 200 West Fourth Street in Covington, the four leases at the Gateway Center in Covington: one in the Gateway Center East Building located at 333 Scott Street, and three in the Gateway Center West Building located at 3rd and Madison Avenue, along with 2 leases in Florence, Kentucky.

Justification

IRS and GSA are currently engaged in analysis to determine the future of IRS operations in Covington, which may result in a future prospectus level request to address the agency's long term needs. In the interim, IRS will need to continue their current leased operations in Covington until a final all-encompassing strategy in Covington, KY is selected, approved, and implemented.

[3]This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government.
[4]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

GSA PBS

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
COVINGTON, KY

Prospectus Number: PKY-01-C012
Congressional District: 4th

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 6, 2011

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

Leased Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
Gateway Center East	1,511	1,511	196,435	0	40,309	**236,744**						
Gateway Center West	905	905	123,001	0	0	**123,001**						
New Lease							2,416	2,416	325,137	6,537	28,071	**359,745**
Total:	**2,416**	**2,416**	**319,436**	**0**	**40,309**	359,745	**2,416**	**2,416**	**325,137**	**6,537**	**28,071**	359,745

Utilization Rate (UR) *		
	Current	Proposed
Rate	103	105

* UR = average amount of office space per person
Current UR excludes 70,276 usf of office support space
Proposed UR excludes 71,530 usf of office support space

Special Space	
Health Unit	1,975
Conference/Training	18,971
Break/Food Service	6,000
ADP	750
Security Reception	375
Total:	**28,071**

USF/Person **		
	Current	Proposed
Rate	149	149

** USF/Person = housing plan total USF divided by total personnel

	Total USF	**RSF/USF**	**Maximum RSF**
Current	359,745	1.03	369,224
Proposed	359,745	1.15 ***	414,000

*** Market R/U Factor for Competitive Procurement

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

COMMITTEE RESOLUTION

LEASE—CONSUMER PRODUCT SAFETY COMMISSION, SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 124,000 rentable square feet of space, including 4 parking spaces, for the Consumer Product Safety Commission currently located at East West Towers, 4340 East West Highway, Bethesda, MD, at a proposed total annual cost of $4,340,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 130 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 130 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
CONSUMER PRODUCT SAFETY COMMISSION
SUBURBAN MARYLAND

Prospectus Number: PMD-04-WA12
Congressional District: 4,5,6,8

Executive Summary

The General Services Administration (GSA) proposes a replacement lease of up to 124,000 rentable square feet for the Consumer Product Safety Commission (CPSC) currently located at East West Towers, 4340 East West Highway, Bethesda, MD. The CPSC has occupied space at this location under the current lease since 1993.

CPSC has experienced growth due to the Consumer Product Safety Improvement Act (CPSIA) of 2008, Public Law 110-314. This law revamped the CPSC by improving upon the agency's safety standards and requirements. It also expanded the agency's enforcement responsibilities, therefore creating an increased demand for resources. This prospectus accounts for the personnel growth needed to support this mandate. Approval of this prospectus will accommodate the personal growth per Public Law 110-314 while decreasing CPSC's overall space.

The maximum proposed rental rate in this prospectus is a projected rate for lease transactions with a future effective (rent start) date consistent with the expiration of the current lease on August 25, 2013. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as a basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

GSA PBS

PROSPECTUS – LEASE
CONSUMER PRODUCT SAFETY COMMISSION
SUBURBAN MARYLAND

Prospectus Number: PMD-04-WA12
Congressional District: 4,5,6,8

Description

Occupant:	CPSC
Lease Type:	Replacement
Current Rentable Square Feet (RSF) :	154,410 (Current RSF/USF=1.13)
Proposed Maximum RSF:	124,000 (Proposed RSF/USF=1.2)
Expansion Space:	Reduction of 30,410 RSF
Current Usable Square Feet/Person:	292
Proposed Usable Square Feet/Person:	213
Proposed Maximum Leasing Authority:	15 years
Expiration Date of Current Lease:	8/25/2013
Delineated Area:	Suburban Maryland
Number of Official Parking Spaces:	4
Scoring:	Operating Lease
Maximum Proposed Rental Rate:[1]	$35.00 per rsf
Proposed Total Annual Cost:[2]	$4,340,000
Current Total Annual Cost:	$4,819,950 (lease effective 1993)

Background

CPSC is an independent federal regulatory body tasked with protecting persons from unsafe consumer products through developing safety standards, recalling defective products, and warning the public about safety hazards.

Because of the shift in the production of consumer goods to locations around the world, often in less regulated environments, addressing consumer product safety by preventing injuries and deaths has become increasingly more complex. There is now a demand for faster and more meaningful analysis and a demand by consumers, industry groups and the media for more access to CPSC.

[1]This estimate is for fiscal year 2013 and may be escalated by 1.75 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced, including all operating expenses, whether paid by the lessor or directly by the Government.

[2]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

GSA PBS

PROSPECTUS – LEASE
CONSUMER PRODUCT SAFETY COMMISSION
SUBURBAN MARYLAND

Prospectus Number: PMD-04-WA12
Congressional District: 4,5,6,8

Justification

The current lease at East West Towers, 4340 East West Highway, Bethesda, MD expires on August 25, 2013, and CPSC requires continued housing to carry out its mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement and to achieve the Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency until the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA PBS

PROSPECTUS – LEASE
CONSUMER PRODUCT SAFETY COMMISSION
SUBURBAN MARYLAND

Prospectus Number: PMD-04-WA12
Congressional District: 4,5,6,8

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 6, 2011

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

Leased Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
		-				-						
East West Towers	469	469	106,069	3,393	27,511	136,973						
		-				-						
Proposed Lease		-					485	485	80,869	3,393	19,183	103,445
Total	469	469	106,069	3,393	27,511	136,973	485	485	80,869	3,393	19,183	103,445

Utilization Rate (UR) *		
	Current	Proposed
Rate	176	130

* UR = average amount of office space per person
Current UR excludes 23,335 usf of office support space
Proposed UR excludes 23,335 usf of office support space

USF/Person **		
	Current	Proposed
Rate	292	213

** USF/Person = housing plan total USF divided by total personnel

	Total USF	RSF/USF	Maximum RSF
Current	136,973	1.13	154,410
Proposed	103,445	1.2	124,000

Special Space	USF
Conference	3,992
LAN	1,931
Lab	236
Hearing room	7,884
A/V studio	280
Private toilet	210
Fitness center	1,500
Security	1,650
Mail/file room	1,500
Total	19,183

USF means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building.
USF does not include space devoted to buildings operations and maintenance.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF DEFENSE, UNITED STATES JOINT FORCES COMMAND, JOINT WARFIGHTING CENTER, SUFFOLK, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease renewal option for up to 320,825 rentable square feet of space, including 990 parking spaces, for the United States Joint Forces Command, Joint Warfighting Center currently located at 116 Lakeview Parkway, Suffolk, VA, at a proposed total annual cost of $5,011,287 for a lease term of up to 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 52 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 52 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF DEFENSE
UNITED STATES JOINT FORCES COMMAND
JOINT WARFIGHTING CENTER
SUFFOLK, VA

Prospectus Number: PVA-01-SU12
Congressional District: 04

Executive Summary

The General Services Administration (GSA) proposes to exercise a five year lease renewal option for 320,825 rentable square feet currently leased at 116 Lakeview Parkway, Suffolk, VA, for the United States Joint Forces Command (USJFCOM), Joint Warfighting Center (JWFC). The renewal option rental rate is approximately 15% below the average market rental rate, resulting in an annual savings of approximately $812,000.

The Department of Defense (DoD) has recently announced the reassignment of USJFCOM functions to other DoD organizational components. Approximately 50 percent of USJFCOM personnel and budget will remain in the Hampton Roads area of Virginia, which includes Suffolk, along with core missions. Although the overall space requirement does not change, the agency is anticipating a slight decrease in staffing during the transition period resulting in a higher proposed usable square foot per person ratio, a large component of which is associated with specialty space.

Description

Occupants:	United States Joint Forces Command
Lease Type:	Existing/Exercise of Renewal Option
Current Rentable Square Feet (RSF):	320,825 (Current RSF/USF=1.15)
Proposed Maximum RSF:	320,825 (Proposed RSF/USF=1.15)
Expansion Space:	None
Current Usable Square Feet/Person:	176
Proposed Usable Square Feet/Person:	199
Proposed Maximum Leasing Authority:	5 years
Expiration Date of Current Lease:	05/09/13
Delineated Area:	116 Lakeview Parkway, Suffolk, VA
Number of Parking Spaces:	990
Scoring:	Operating Lease
Maximum Proposed Rental Rate[1]:	$15.62 per RSF
Proposed Total Annual Cost[2]:	$5,011,287
Current Total Annual Cost:	$4,405,475 ($13.73/RSF)

[1]This estimate is for fiscal year 2013 and may be escalated by 1.5 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced, including all operating expenses, whether paid by the lessor or directly by the Government.
[2]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

PROSPECTUS - LEASE
DEPARTMENT OF DEFENSE
UNITED STATES JOINT FORCES COMMAND
JOINT WARFIGHTING CENTER
SUFFOLK, VA

Prospectus Number: PVA-01-SU12
Congressional District: 04

Acquisition Strategy

GSA may satisfy this requirement by providing written notification to the incumbent lessor 180 days (by November 9, 2012) prior to the expiration of the current lease, in order to exercise the renewal option in the existing lease contract.

Background

USJFCOM-JWFC has occupied its current location since May 1993 under a 20-year lease.

Justification

The execution of the five-year renewal option will support the agency's immediate housing needs until its long-term requirements based on the reassignment of its functions can be developed. By remaining in their current location, USJFCOM can continue to benefit from the facility's capital improvements for ADP, technology, sensitive compartment information facilities (SCIF) space and security enhancement invested by USJFCOM throughout the past 20 years. To recreate these capital improvements in a new facility would be cost prohibitive to the Government.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF DEFENSE
UNITED STATES JOINT FORCES COMMAND
JOINT WARFIGHTING CENTER
SUFFOLK, VA

Prospectus Number: PVA-01-SU12
Congressional District: 04

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 6, 2011

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

August 2011

Ho Plan
U.S. Joint Forces Command
Joint Warfighting Center

Suffolk, VA
PVA-01-SU12

Leased Location	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
116 Lake View Parkway	1,586	1,586	93,840	29,198	155,940	**278,978**	1,400	1,400	93,840	29,198	155,940	**278,978**
Total:	**1,586**	**1,586**	**93,840**	**29,198**	**155,940**	**278,978**	**1,400**	**1,400**	**93,840**	**29,198**	**155,940**	**278,978**

Office Utilization Rate (UR) *		
	Current	Proposed
Rate	46	52

* UR = average amount of office space per person
Current UR excludes 20,645 USF of office support space
Proposed UR excludes 20,645 USF of office support space

USF/Person **		
	Current	Proposed
Rate	176	199

** USF/Person = housing plan total USF divided by total personnel

	Total USF	**RSF/USF**	**Maximum RSF**
Current	278,978	1.15	320,825
Proposed	278,978	1.15	320,825

Special Space	
Laboratory	96,671
Restroom	1,309
Physical Fitness	4,524
ADP	8,340
Food Service	2,769
Training Room	23,418
SCIF	18,523
Telephone Room	386
Total:	**155,940**

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

COMMITTEE RESOLUTION

PURCHASE OF CURRENT LEASED FACILITIES—VARIOUS BUILDINGS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the acquisition, through existing purchase options, of a building currently under lease to the federal government located at 4700 River Road in Riverdale, MD at a proposed purchase price of $31,000,000, a prospectus for which is attached to and included in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – PURCHASE OF CURRENT LEASED FACILITIES
VARIOUS BUILDINGS

Prospectus Number: PUR-0001-VA13
Congressional Districts: Multiple

Prospectus Summary:

The General Services Administration (GSA) proposes to acquire, through existing purchase options, two buildings currently under lease to the federal government located in Martinsburg, WV and Riverdale, MD. The government has the option to purchase these buildings at a set price prior to lease expirations, provided, as per the contract options, advance notice is given to the lessors. The execution of these purchase options will result in the elimination of costly lease obligations and the realization of outyear significant cost avoidance for the government.

Proposed Buildings:

145 Murall Drive.....$25,000,000
Martinsburg, WV

4700 River Road.....$31,000,000
Riverdale, MD

Authorization Requested.....**$31,233,000**

Funding Requested.....**$56,000,000**

Prior Authority

The House Committee on Transportation and Infrastructure authorized $24,767,000 for the acquisition of 145 Murall Drive, Martinsburg, WV, through an existing purchase option on December 2, 2010.

The Senate Committee on Environment and Public Works authorized $24,767,000 for the acquisition of 145 Murall Drive, Martinsburg, WV, through an existing purchase option on November, 30, 2010.

Recommendation

PURCHASE OF CURRENT LEASED FACILITIES

GSA PBS

PROSPECTUS – PURCHASE OF CURRENT LEASED FACILITIES VARIOUS BUILDINGS

Prospectus Number: PUR-0001-VA13
Congressional Districts: Multiple

Proposed Buildings:

145 Murall Drive.....$25,000,000
Martinsburg, WV
Tenant agency: Internal Revenue Service (IRS)

The building currently leased to house the Internal Revenue Service and located at 145 Murall Drive, was a phased construction, 20 year build-to-suit lease completed in 1995. GSA currently leases the entire building which has 122,457 rentable square feet, approximately 50% of this space consisting of a data center, and 295 parking spaces. The building is adjacent to and within the secured boundary of the IRS Enterprise Computing Center, a government owned facility, located at 250 Murall Drive.

The IRS has a continued long term requirement for the currently leased location. Operations executed with this facility are heavily integrated with the adjacent government owned facility. Under the current lease agreement, the government has responsibilities for all repair and alterations as well as operations and maintenance of the facility. GSA has both maintained the building and made necessary capital repairs in accordance with the lease agreement. IRS has also made a significant investment in the building since lease commencement in order to fund improvements that are essential to the agency's operation.

The terms of the purchase option price were finalized with the completion of the final phase of construction in March 1996. In April 2008, GSA completed a Fair Market Value (FMV) appraisal which indicated that the building was in good condition and well maintained with no deferred maintenance and a FMV of $28,400,000.

The government has an option to purchase the building before the lease expires in July 2015, provided a minimum of 90 days notice has been given to the lessor. If the government does not exercise the purchase option, the rental rate is expected to increase to approximately $6,000,000 or twice the present annual rent of $3,000,000.

4700 River Road.....$31,000,000
Riverdale, MD
Tenant agency: United States Department of Agriculture (USDA)

The building currently leased to house the United States Department of Agriculture (USDA), is located at 4700 River Road and was constructed in 1994 specifically to house USDA. The building has a total of 337,500 rentable square feet. The current lease expires in February, 2015

PROSPECTUS – PURCHASE OF CURRENT LEASED FACILITIES
VARIOUS BUILDINGS

Prospectus Number: PUR-0001-VA13
Congressional Districts: Multiple

and the government has the option to purchase the building for roughly $92 per rentable square feet, provided at least 180 days notification is provided to the lessor.

Presently the government is making annual net lease payments of approximately $8,200,000. If the purchase option is not exercised, the net rent is expected to increase. The current estimate is that annual net lease payments may increase by over $2,500,000.

The government's option to purchase the building for $31,000,000 is well below the current market rate for buildings of comparable size. In 2010, GSA completed a fair market value (FMV) appraisal which indicated the FMV to be approximately $45,000,000, an amount well above the established option price to the government.

GSA PBS

PROSPECTUS – PURCHASE OF CURRENT LEASED FACILITIES
VARIOUS BUILDINGS

Prospectus Number: PUR-0001-VA13
Congressional Districts: Multiple

Certification of Need

The proposed acquisitions are the best solutions to meet validated Government needs.

Submitted at Washington, DC, on February 22, 2012

Recommended Robert A. Peck
Commissioner, Public Buildings Service

Approved Martha Johnson
Administrator, General Services Administration

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m. today.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess.

□ 1530

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 3 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair 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 incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 679) to reduce the number of executive positions subject to Senate confirmation.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 679

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Presidential Appointment Efficiency and Streamlining Act of 2011''.

SEC. 2. PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO SENATE APPROVAL.

(a) AGRICULTURE.—

(1) ASSISTANT SECRETARY OF AGRICULTURE FOR ADMINISTRATION.—Section 218(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6918(b)) is amended—

(A) by striking ''subsection (a)'' and inserting ''paragraph (1) or (3) of subsection (a)'';

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(2) RURAL UTILITIES SERVICE ADMINISTRATOR.—Section 232(b)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6942(b)(1)) is amended—

(A) by striking '', by and with the advice and consent of the Senate'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) COMMODITY CREDIT CORPORATION.—Section 9(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714g(a)) is amended in the third sentence by striking ''by and with the advice and consent of the Senate''.

(b) COMMERCE.—

(1) CHIEF SCIENTIST; NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 2(d) of Reorganization Plan No. 4 of 1970 (5 U.S.C. App. 1) is amended by striking '', by and with the advice and consent of the Senate,''.

(c) DEPARTMENT OF DEFENSE.—

(1) ASSISTANT SECRETARIES OF DEFENSE.—

(A) IN GENERAL.—Section 138(a)(1) of title 10, United States Code, is amended by striking ''16'' and inserting ''14''.

(B) ADMINISTRATION OF REDUCTION.—The Assistant Secretary of Defense positions eliminated in accordance with the reduction in numbers required by the amendment made by subparagraph (A) shall be—

(i) the Assistant Secretary of Defense for Networks and Information Integration; and

(ii) the Assistant Secretary of Defense for Public Affairs.

(C) CONTINUED SERVICE OF INCUMBENTS.—Notwithstanding the requirements of this paragraph, any individual serving in a position described under subparagraph (B) on the date of the enactment of this Act may continue to serve in such position without regard to the limitation imposed by the amendment in subparagraph (A).

(D) PLAN FOR SUCCESSOR POSITIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to the congressional defense committees on his plan for successor positions, not subject to Senate confirmation, for the positions eliminated in accordance with the requirements of this paragraph.

(2) MEMBERS OF NATIONAL SECURITY EDUCATION BOARD.—Section 803(b)(7) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(b)(7)) is amended by striking ''by and with the advice and consent of the Senate,''.

(3) DIRECTOR OF SELECTIVE SERVICE.—Section 10(a)(3) of the Selective Service Act of 1948 (50 U.S.C. App. 460(a)(3)) is amended by striking '', by and with the advice and consent of the Senate''.

(d) DEPARTMENT OF EDUCATION.—

(1) ASSISTANT SECRETARY FOR MANAGEMENT.—Section 202(e) of the Department of Education Organization Act (20 U.S.C. 3412(e)) is amended by inserting after the first sentence the following: ''Notwithstanding the previous sentence, the appointments of individuals to serve as the Assistant Secretary for Management shall not be subject to the advice and consent of the Senate.''.

(2) COMMISSIONER, EDUCATION STATISTICS.—Section 117(b) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9517(b)) is amended by striking '', by and with the advice and consent of the Senate,''.

(e) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.—Notwithstanding any other provision of law, the appointment of an individual to serve as the Assistant Secretary for Public Affairs within the Department of Health and Human Services shall not be subject to the advice and consent of the Senate.

(f) DEPARTMENT OF HOMELAND SECURITY.—

(1) DIRECTOR OF THE OFFICE FOR DOMESTIC PREPAREDNESS; ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, GRANT PROGRAMS.—Section 430(b) of the Homeland Security Act of 2002 (6 U.S.C. 238(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(2) ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION.—Section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)) is amended by striking '', by and with the advice and consent of the Senate,''.

(3) DIRECTOR OF THE OFFICE OF COUNTER-NARCOTICS ENFORCEMENT.—Section 878(a) of the Homeland Security Act of 2002 (6 U.S.C. 458(a)) is amended by striking '', by and with the advice and consent of the Senate''.

(4) CHIEF MEDICAL OFFICER.—Section 516(a) of the Homeland Security Act of 2002 (6 U.S.C. 321e(a)) is amended by striking '', by and with the advice and consent of the Senate''.

(5) ASSISTANT SECRETARIES.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a) is amended—

(A) by striking ''There'' and inserting ''(1) IN GENERAL.—Except as provided under paragraph (2), there'';

(B) by redesignating paragraphs (1) through (10) as subparagraphs (A) through (J), respectively; and

(C) by adding at the end the following:

''(2) ASSISTANT SECRETARIES.—If any of the Assistant Secretaries referred to under paragraph (1)(I) is designated to be the Assistant Secretary for Health Affairs, the Assistant Secretary for Legislative Affairs, or the Assistant Secretary for Public Affairs, that Assistant Secretary shall be appointed by the President without the advice and consent of the Senate.''.

(g) HOUSING AND URBAN DEVELOPMENT; ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.—Section 4(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''eight'' and inserting ''7''; and

(3) by adding at the end the following:

''(2) There shall be in the Department an Assistant Secretary for Public Affairs, who shall be appointed by the President and shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.''.

(h) DEPARTMENT OF JUSTICE.—

(1) DIRECTOR, BUREAU OF JUSTICE STATISTICS.—Section 302(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(2) DIRECTOR, BUREAU OF JUSTICE ASSISTANCE.—Section 401(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(3) DIRECTOR, NATIONAL INSTITUTE OF JUSTICE.—Section 202(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(4) ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b)) is amended by striking '', by and with the advice and consent of the Senate,''.

(5) DIRECTOR, OFFICE FOR VICTIMS OF CRIME.—Section 1411(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10605(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(i) DEPARTMENT OF LABOR.—

(1) ASSISTANT SECRETARIES FOR ADMINISTRATION AND MANAGEMENT AND PUBLIC AFFAIRS.—Notwithstanding section 2 of the Act of April 17, 1946 (29 U.S.C. 553), the appointment of individuals to serve as the Assistant Secretary for Administration and Management and the Assistant Secretary for Public Affairs within the Department of Labor, shall not be subject to the advice and consent of the Senate.

(2) DIRECTOR OF THE WOMEN'S BUREAU.—Section 2 of the Act of June 5, 1920 (29 U.S.C. 12) is amended by striking '', by and with the advice and consent of the Senate''.

(j) DEPARTMENT OF STATE; ASSISTANT SECRETARY FOR PUBLIC AFFAIRS AND ASSISTANT

SECRETARY FOR ADMINISTRATION.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended—

(1) by striking '', each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and''; and

(2) by adding at the end the following: ''Each Assistant Secretary of State shall be appointed by the President, by and with the advice and consent of the Senate, except that the appointments of the Assistant Secretary for Public Affairs and the Assistant Secretary for Administration shall not be subject to the advice and consent of the Senate.''.

(k) DEPARTMENT OF TRANSPORTATION.—

(1) ASSISTANT SECRETARIES.—Section 102(e) of title 49, United States Code, is amended—

(A) by striking ''(e) THE DEPARTMENT'' and all that follows through ''An Assistant Secretary'' and inserting the following:

''(e) ASSISTANT SECRETARIES; GENERAL COUNSEL.—

''(1) APPOINTMENT.—The Department has 5 Assistant Secretaries and a General Counsel, including—

''(A) an Assistant Secretary for Aviation and International Affairs, an Assistant Secretary for Governmental Affairs, and an Assistant Secretary for Transportation Policy, who shall each be appointed by the President, with the advice and consent of the Senate;

''(B) an Assistant Secretary for Budget and Programs who shall be appointed by the President;

''(C) an Assistant Secretary for Administration, who shall be appointed by the Secretary, with the approval of the President; and

''(D) a General Counsel, who shall be appointed by the President, with the advice and consent of the Senate.

''(2) DUTIES AND POWERS.—The officers set forth in paragraph (1) shall carry out duties and powers prescribed by the Secretary. An Assistant Secretary''.

(2) DEPUTY ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION.—Section 106 of title 49, United States Code, is amended—

(A) in subsection (b), by striking ''. The Administration has a Deputy Administrator. They are appointed'' and inserting '', who shall be appointed''; and

(B) in subsection (d)(1), by striking ''The Deputy Administrator must'' and inserting ''The Administration has a Deputy Administrator, who shall be appointed by the President. In making an appointment, the President shall consider the fitness of the appointee to efficiently carry out the duties and powers of the office. The Deputy Administrator shall''.

(l) DEPARTMENT OF THE TREASURY.—

(1) ASSISTANT SECRETARIES FOR PUBLIC AFFAIRS AND MANAGEMENT.—Section 301(e) of title 31, United States Code, is amended—

(A) by striking ''10 Assistant Secretaries'' and inserting ''8 Assistant Secretaries''; and

(B) by inserting ''The Department shall have 2 Assistant Secretaries not subject to the advice and consent of the Senate who shall be the Assistant Secretary for Public Affairs, and the Assistant Secretary for Management.'' after the first sentence.

(2) TREASURER OF THE UNITED STATES.—Section 301(d) of title 31, United States Code, is amended—

(A) by striking ''2 Deputy Under Secretaries, and a Treasurer of the United States'' and inserting ''and 2 Deputy Under Secretaries'', and

(B) by inserting ''and a Treasurer of the United States appointed by the President'' after ''Fiscal Assistant Secretary appointed by the Secretary''.

(m) DEPARTMENT OF VETERANS AFFAIRS.—Section 308(a) of title 38, United States Code, is amended—

(1) by striking ''There shall'' and inserting ''(1) There shall'';

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking ''Each Assistant'' and all that follows through the period at the end; and

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

''(2) Except as provided in paragraph (3), each Assistant Secretary appointed under paragraph (1) shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) The following Assistant Secretaries may be appointed without the advice and consent of the Senate:

''(A) The Assistant Secretary for Management.

''(B) The Assistant Secretary for Human Resources and Administration.

''(C) The Assistant Secretary for Public and Intergovernmental Affairs.

''(D) The Assistant Secretary for Operations, Security, and Preparedness.''.

(n) APPALACHIAN REGIONAL COMMISSION; ALTERNATE FEDERAL CO-CHAIRMAN.—Section 14301(b)(2) of title 40, United States Code, is amended by striking ''by and with the advice and consent of the Senate''.

(o) COUNCIL OF ECONOMIC ADVISERS, MEMBERS.—Section 10 of the Employment Act of 1946 (15 U.S.C. 1023) is amended by striking subsection (a) and inserting the following:

''(a) CREATION; COMPOSITION; QUALIFICATIONS; CHAIRMAN AND VICE CHAIRMAN.—

''(1) CREATION.—There is created in the Executive Office of the President a Council of Economic Advisers (hereinafter called the 'Council').

''(2) COMPOSITION.—The Council shall be composed of three members, of whom—

''(A) 1 shall be the chairman who shall be appointed by the President by and with the advice and consent of the Senate; and

''(B) 2 shall be appointed by the President.

''(3) QUALIFICATIONS.—Each member shall be a person who, as a result of training, experience, and attainments, is exceptionally qualified to analyze and interpret economic developments, to appraise programs and activities of the Government in the light of the policy declared in section 2, and to formulate and recommend national economic policy to promote full employment, production, and purchasing power under free competitive enterprise.

''(4) VICE CHAIRMAN.—The President shall designate 1 of the members of the Council as vice chairman, who shall act as chairman in the absence of the chairman.''.

(p) CORPORATION FOR NATIONAL AND COMMUNITY SERVICE; MANAGING DIRECTOR.—Section 194(a)(1) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(a)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(q) NATIONAL COUNCIL ON DISABILITY MEMBERS.—Section 400(a)(1)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 780(a)(1)(A)) is amended by striking '', by and with the advice and consent of the Senate''.

(r) NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES; NATIONAL MUSEUM AND LIBRARY SERVICES BOARD; MEMBERS.—Section 207(b)(1) of the Museum and Library Services Act (20 U.S.C. 9105a(b)(1)) is amended—

(1) in subparagraph (D), by striking '', by and with the advice and consent of the Senate''; and

(2) in subparagraph (E), by striking '', by and with the advice and consent of the Senate''.

(s) NATIONAL SCIENCE FOUNDATION; BOARD MEMBERS.—Section 4(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(a)) is amended by striking '', by and with the advice and consent of the Senate,''.

(t) OFFICE OF NATIONAL DRUG CONTROL POLICY; DEPUTY DIRECTORS.—Section 704(a)(1) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(a)(1)) is amended to read as follows:

''(1) IN GENERAL.—

''(A) DIRECTOR.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President.

''(B) DEPUTY DIRECTORS.—The Deputy Director of National Drug Control Policy, Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State, Local, and Tribal Affairs shall each be appointed by the President and serve at the pleasure of the President.

''(C) DEPUTY DIRECTOR FOR DEMAND REDUCTION.—In appointing the Deputy Director for Demand Reduction under this paragraph, the President shall take into consideration the scientific, educational, or professional background of the individual, and whether the individual has experience in the fields of substance abuse prevention, education, or treatment.''.

(u) OFFICE OF NAVAJO AND HOPI RELOCATION; COMMISSIONER.—Section 12(b)(1) of Public Law 93–531 (25 U.S.C. 640d–11(b)(1)) is amended by striking ''by and with the advice and consent of the Senate''.

(v) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) ASSISTANT ADMINISTRATOR FOR MANAGEMENT.—Notwithstanding section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), the appointment by the President of the Assistant Administrator for Management at the United States Agency for International Development shall not be subject to the advice and consent of the Senate.

(w) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION FUND; ADMINISTRATOR.—Section 104(b)(1) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(b)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(x) DEPARTMENT OF TRANSPORTATION; ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION; ADMINISTRATOR.—Subsection (a) of section 2 of the Act of May 13, 1954, referred to as the Saint Lawrence Seaway Act (33 U.S.C. 982(a)) is amended by striking '', by and with the advice and consent of the Senate, for a term of seven years''.

(y) MISSISSIPPI RIVER COMMISSION; COMMISSIONER.—Section 2 of the Act of June 28, 1879 (33 U.S.C. 642), is amended in the first sentence by striking '', by and with the advice and consent of the Senate,''.

(z) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK.—

(1) IN GENERAL.—Section 1333 of the African Development Bank Act (22 U.S.C. 290i–1) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by striking ''(a) The President'' and all that follows through ''The term of office'' and inserting the following:

''(a) The President shall appoint a Governor and an Alternate Governor of the Bank—

''(1) by and with the advice and consent of the Senate; or

''(2) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate.

''(b) The term of office''.

(2) CONFORMING AMENDMENTS.—Section 1334 of such Act (22 U.S.C. 290i–2) is amended—

(A) by striking ''The Director or Alternate Director'' and inserting the following:

''(b) The Director or Alternate Director''; and

(B) by inserting before subsection (b), as redesignated, the following:

''(a) The President, by and with the advice and consent of the Senate, shall appoint a Director of the Bank.''.

(aa) GOVERNOR AND ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK.—Section 3(a) of the Asian Development Bank Act (22 U.S.C. 285a(a)) is amended to read as follows:

''(a) The President shall appoint—

''(1) a Governor of the Bank and an alternate for the Governor—

''(A) by and with the advice and consent of the Senate; or

''(B) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate; and

''(2) a Director of the Bank, by and with the advice and consent of the Senate.''.

(bb) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND.—Section 203(a) of the African Development Fund Act (22 U.S.C. 290g–1(a)) is amended to read as follows:

''(a) The President shall appoint a Governor, and an Alternate Governor, of the Fund—

''(1) by and with the advice and consent of the Senate; or

''(2) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate.''.

(cc) NATIONAL BOARD FOR EDUCATION SCIENCES; MEMBERS.—Section 116(c)(1) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9516(c)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(dd) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD; MEMBERS.—Section 242(e)(1)(A) of the Adult Education and Family Literacy Act (20 U.S.C. 9252(e)(1)(A)) is amended by striking ''with the advice and consent of the Senate''.

(ee) INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT; MEMBER, BOARD OF TRUSTEES.—Section 1505 of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4412(a)(1)(A)) is amended by striking ''by and with the advice and consent of the Senate''.

(ff) PUBLIC HEALTH SERVICE COMMISSIONED OFFICER CORPS.—

(1) APPOINTMENT.—Section 203(a)(3) of the Public Health Service Act (42 U.S.C. 204(a)(3)) is amended by striking ''with the advice and consent of the Senate''.

(2) PROMOTIONS.—Section 210(a) of the Public Health Service Act (42 U.S.C. 211(a)) is amended by striking '', by and with the advice and consent of the Senate''.

(gg) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS.—

(1) APPOINTMENTS AND PROMOTIONS TO PERMANENT GRADES.—Section 226 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3026) is amended by striking '', by and with the advice and consent of the Senate''.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Section 228(d)(1) of such Act (33 U.S.C. 3028(d)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(3) TEMPORARY APPOINTMENTS AND PROMOTIONS GENERALLY.—Section 229 of such Act (33 U.S.C. 3029) is amended—

(A) by striking ''alone'' each place it appears; and

(B) in subsection (a), in the second sentence, by striking ''unless the Senate sooner gives its advice and consent to the appointment''.

(hh) RULE OF CONSTRUCTION.—Notwithstanding section 3132(a)(2) of title 5, United States Code, removal of Senate confirmation for any position in this section shall not—

(1) result in any such position being placed in the Senior Executive Service; or

(2) alter compensation for any such position under the Executive Schedule or other applicable compensation provisions of law.

SEC. 3. APPOINTMENT OF THE DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

''§ 21. Director of the Census; duties

''(a) APPOINTMENT.—

''(1) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation.

''(2) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in managing large organizations and experience in the collection, analysis, and use of statistical data.

''(b) TERM OF OFFICE.—

''(1) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

''(2) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director's term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

''(3) REMOVAL.—An individual serving as Director may be removed from office by the President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than 60 days before the removal.

''(4) PERSONNEL ACTIONS.—Except as provided under paragraph (3), nothing in this subsection shall prohibit a personnel action otherwise authorized by law with respect to the Director of the Census, other than removal.

''(c) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulations, or orders of the Secretary.''.

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the provisions of section 21(a) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census; and

(B) shall assume the powers and duties of such Director for one term beginning January 1, 2012, as described in section 21(b) of such title, as so amended.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2012, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this section.

SEC. 4. WORKING GROUP ON STREAMLINING PAPERWORK FOR EXECUTIVE NOMINATIONS.

(a) ESTABLISHMENT.—There is established the Working Group on Streamlining Paperwork for Executive Nominations (in this section referred to as the ''Working Group'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Working Group shall be composed of—

(A) the chairperson who shall be—

(i) except as provided under clause (ii), the Director of the Office of Presidential Personnel; or

(ii) a Federal officer designated by the President;

(B) representatives designated by the President from—

(i) the Office of Personnel Management;

(ii) the Office of Government Ethics; and

(iii) the Federal Bureau of Investigation; and

(C) individuals appointed by the chairperson of the Working Group who have experience and expertise relating to the Working Group, including—

(i) individuals from other relevant Federal agencies; and

(ii) individuals with relevant experience from previous presidential administrations.

(c) STREAMLINING OF PAPERWORK REQUIRED FOR EXECUTIVE NOMINATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Working Group shall conduct a study and submit a report on the streamlining of paperwork required for executive nominations to—

(A) the President;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Rules and Administration of the Senate.

(2) CONSULTATION WITH COMMITTEES OF THE SENATE.—In conducting the study under this section, the Working Group shall consult with the chairperson and ranking member of the committees referred to under paragraph (1) (B) and (C).

(3) CONTENTS.—

(A) IN GENERAL.—The report submitted under this section shall include—

(i) recommendations for the streamlining of paperwork required for executive nominations; and

(ii) a detailed plan for the creation and implementation of an electronic system for collecting and distributing background information from potential and actual Presidential nominees for positions which require appointment by and with the advice and consent of the Senate.

(B) ELECTRONIC SYSTEM.—The electronic system described under subparagraph (A)(ii) shall—

(i) provide for—

(I) less burden on potential nominees for positions which require appointment by and with the advice and consent of the Senate;

(II) faster delivery of background information to Congress, the White House, the Federal Bureau of Investigation, Diplomatic Security, and the Office of Government Ethics; and

(III) fewer errors of omission; and

(ii) ensure the existence and operation of a single, searchable form which shall be known as a ''Smart Form'' and shall—

(I) be free to a nominee and easy to use;

(II) make it possible for the nominee to answer all vetting questions one way, at a single time;

(III) secure the information provided by a nominee;

(IV) allow for multiple submissions over time, but always in the format requested by the vetting agency or entity;

(V) be compatible across different computer platforms;

(VI) make it possible to easily add, modify, or subtract vetting questions;

(VII) allow error checking; and

(VIII) allow the user to track the progress of a nominee in providing the required information.

(d) REVIEW OF BACKGROUND INVESTIGATION REQUIREMENTS.—

(1) IN GENERAL.—The Working Group shall conduct a review of the impact of background investigation requirements on the appointments process.

(2) CONDUCT OF REVIEW.—In conducting the review, the Working Group shall—

(A) assess the feasibility of using personnel other than Federal Bureau of Investigation personnel, in appropriate circumstances, to conduct background investigations of individuals under consideration for positions appointed by the President, by and with the advice and consent of the Senate; and

(B) consider the extent to which the scope of the background investigation conducted for an individual under consideration for a position appointed by the President, by and with the advice and consent of the Senate, should be varied depending on the nature of the position for which the individual is being considered.

(3) REPORT.—Not later than 270 days after the date of enactment of this Act, the Working Group shall submit a report of the findings of the review under this subsection to—

(A) the President;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Rules and Administration of the Senate.

(e) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) FEDERAL OFFICERS AND EMPLOYEES.—Each member of the Working Group who is a Federal officer or employee shall serve without compensation in addition to that received for their services as a Federal officer or employee.

(B) MEMBERS NOT FEDERAL OFFICERS AND EMPLOYEES.—Each member of the Working Group who is not a Federal officer or employee shall not be compensated for services performed for the Working Group.

(2) TRAVEL EXPENSES.—The members of the Working Group shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Working Group.

(3) STAFF.—

(A) IN GENERAL.—The President may designate Federal officers and employees to provide support services for the Working Group.

(B) DETAIL OF FEDERAL EMPLOYEES.—Any Federal employee may be detailed to the Working Group without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) NON-APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group established under this section.

(g) TERMINATION OF THE WORKING GROUP.—The Working Group shall terminate 60 days after the date on which the Working Group submits the latter of the 2 reports under this section.

SEC. 5. REPORT ON PRESIDENTIALLY APPOINTED POSITIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means an Executive agency defined under section 105 of title 5, United States Code; and

(2) the term ''covered position'' means a position in an agency that requires appointment by the President without the advice and consent of the Senate.

(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall conduct a study and submit a report on covered positions to Congress and the President.

(c) CONTENTS.—The report submitted under this section shall include—

(1) a determination of the number of covered positions in each agency;

(2) an evaluation of whether maintaining the total number of covered positions is necessary;

(3) an evaluation of the benefits and disadvantages of—

(A) eliminating certain covered positions;

(B) converting certain covered positions to career positions or positions in the Senior Executive Service that are not career reserved positions; and

(C) converting any categories of covered positions to career positions;

(4) the identification of—

(A) covered positions described under paragraph (3)(A) and (B); and

(B) categories of covered positions described under paragraph (3)(C); and

(5) any other recommendations relating to covered positions.

SEC. 6. EFFECTIVE DATE.

(a) PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO SENATE APPROVAL.—The amendments made by section 2 shall take effect 60 days after the date of enactment of this Act and apply to appointments made on and after that effective date, including any nomination pending in the Senate on that date.

(b) DIRECTOR OF THE CENSUS AND WORKING GROUP.—The provisions of sections 3 and 4 (including any amendments made by those sections) shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

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

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

There was no objection.

Mr. CHAFFETZ. I yield myself such time as I may consume.

The need for reforms in the Federal appointments process is not a new topic. There is little dispute that the current nominations process has grown too cumbersome and complicated, in some cases, discouraging qualified individuals from seeking leadership positions. On average in recent administrations, only 35 of the 100 most needed leadership roles were filled within the first 100 days of the new administration, and 200 days into a new administration, only 50 percent of key national security officials are actually in place.

Nine special commissions have called for fixing the broken Presidential appointments process by starting the Presidential transition and personnel planning earlier, streamlining background investigations, and reducing the number of appointments requiring Senate confirmation.

S. 679 provides a commonsense solution that preserves the important role of the Senate in confirming key nominees but unburdens the process by relieving the advice and consent requirement for less critical positions. The bill is based on a bipartisan Senate working group commissioned to improve the nominations process, which was led by Senators ALEXANDER and SCHUMER.

S. 679 eliminates the requirement for Senate confirmation for a number of executive branch positions, many of which are: one, below the assistant secretary level and report to a Senate-confirmed individual; two, do not make policy; or three, are members of part-time advisory boards or commissions.

S. 679 also establishes an executive branch working group to study and report on streamlining the paperwork required for nominations.

In addition, S. 679 requires a fixed 5-year term for the Director of the Census Bureau to coincide with the planning and operational phases of the census. The Director of the Census Bureau remains subject to Senate confirmation.

S. 679 provides a mechanism to allow the Senate to focus its efforts on installing qualified leaders to key positions in order to meet the many challenges facing our Nation.

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

Mrs. MALONEY. Mr. Speaker, I rise in support of S. 679, the Presidential Appointment Efficiency and Streamlining Act, which was introduced in the Senate by Senators SCHUMER and ALEXANDER. This bill will improve the Presidential appointment process by reducing the number of Presidentially appointed positions that are required to be confirmed by the Senate.

The number of Presidentially appointed positions that require Senate confirmation has increased over the years. The Congressional Research Service estimates that at the beginning of the Obama administration, there were 1,215 executive branch positions subject to Senate confirmation. It takes months for a new President to fill these positions, and the resulting gaps in leadership make the government less efficient and less productive.

This bill will reduce the bureaucracy and red tape that comes with requiring the Senate to confirm Presidential appointments. Under this bill, high-profile positions, such as Department Secretaries and Deputy Secretaries, will continue to require the consent of the Senate. This bill impacts lower-level positions, which a President routinely fills these positions without any controversy. For example, this bill would eliminate the Senate confirmation requirement for positions such as the alternate Federal cochairman of the Appalachian Regional Commission and

members of the National Council on Disability.

In addition to reforming the Presidential appointments process, the legislation before us today makes the Director of the Census Bureau a Presidential term appointment of 5 years, subject to confirmation by the Senate. I particularly am pleased the bill includes this provision so that the Director is tied to the needs of the decennial census and not to an election year calendar.

For years, I have been working on this provision, which I proposed in H.R. 4595 in the 111th Congress, to ensure the Census Bureau is able to perform the decennial census as accurately and as inexpensively as possible. Senator CARPER introduced this bill in the Senate and added this amendment to the bill we are considering today.

Too often, in the last four decennials, there have been major operations issues to overcome just before implementation. Historically, it's not uncommon for the Bureau to be without a Director to lead the agency until shortly before the decennial. We did not have a Director in place for the current 2010 count until mere months before census day. In 2000, the Census Director took office 2 years before the decennial count; and in 1990, it was 1 week before the count.

This change will help to ensure the independence of the Census Bureau from political interference and ensure adequate leadership for the census in critical planning and implementation phases for the decennial.

Data and analysis from the Census Bureau provides policymakers, businesses, and State and local governments with vital, accurate, scientific information that is used to guide our country's economic growth. It's important that Bureau leadership have stability. So I thank the chairman and ranking members for getting this done.

The Senate passed this bill with an overwhelming bipartisan majority. I believe this body should defer to the will of the Senate when it comes to their own process for confirming Presidential appointments. I urge my colleagues on both sides of the aisle to support this good-government bill.

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

Mr. CHAFFETZ. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, with due deference to my friend from New York and my friend from Utah—and I do mean that literally—I rise in opposition to this bill.

What we've seen over the last year and a half is a Presidency that had the most disdain for Congress in the confirmation process of any President I'm aware of, and I'm quite familiar with the history of the United States.

Not only has this President made recess appointments when there was no recess, not only has this President appointed czars that were beyond the reach of Congress—although we could have made it within our reach; we could have just cut off every dime for anything that did not come before congressional approval—but with this latest tactic of having a recess appointment when there wasn't a recess, all of the talk across the country about the appointing of czars with no accountability to the Senate, I really did expect some of my conservative friends in the Senate at some point to move a bill on this subject. I expected it to be a bill that would send a loud and clear message to the President that, if you feel like some of these don't need to be appointed, you come talk to us about it, and let's talk about no more recess appointments. Let's talk about some of these others.

□ 1540

Instead, it's almost a pat on the back to the President to say, Look, you've ignored us; you've made us irrelevant. You've done all of these things, as you've said, Congress won't act so you're going to act. The President has gone out and made speeches like the king or Caesar: as I speak, so it is the law.

And even though Congress has duly passed immigration laws that the President has stood up, and as he spoke, he made law and ignored Congress completely. The message we're sending back here is: Mr. President—as in some old movie—thank you, may I have another. Look, you just keep ignoring us, and we'll keep making ourselves more and more irrelevant.

I would like to make one other point, too. Here we are in a desperate situation where our military, our very national security is at risk for being cut to the extent that we will no longer be secure. I would humbly submit that a better bill would be, Mr. President, if these are not all that important, let's get rid of all of these. There are board members. There's commissions. I mean, there's things in here, there's a director of the Women's Bureau. I don't see one for the Men's Bureau. There's director of all kinds of things here that it just seems like are redundant, that could be done away with. If they're not important enough for the Senate to take a look at them, Mr. Speaker, I would humbly suggest that maybe they're irrelevant and immaterial enough that we just do away with the positions. And accordingly, I would urge my colleagues to vote ''no'' on this provision.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

I respectfully disagree with my good friend from the great State of Texas, Representative GOHMERT. The number of executive branch positions subject to Senate confirmation has grown at a very large number, and it literally takes months to fill these positions, and the resulting gaps in leadership makes the government less efficient and less productive. It came to us with a strong bipartisan vote in the Senate, and I urge my colleagues on both sides of the aisle to support it, and I yield back the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, I will be, under the general leave, inserting a couple of letters. One is from Frank Carlucci, former Secretary of Defense under President Reagan, who wrote us a letter saying:

> Leaving positions vacant indefinitely as appointees wait to be confirmed is not smart management and is frankly a threat to our national security.

Also in support of this piece of legislation, a noted conservative Senator, former Senator Fred Thompson, took a position on this and said:

> I believe that this will result in an increasingly narrow pool of potential public servants who are more likely to be wealthy and already live in the Washington, D.C. area.

That is if we don't pass this piece of legislation. He went on to say:

> In 1960, President Kennedy had 286 positions to fill in the ranks of Secretary, deputy secretary, under secretary, Assistant Secretary, and administrator; and by the end of the Clinton administration, there were 914 positions with these titles.

As was noted by the gentleman from Texas, there is an argument to say a lot of these positions shouldn't even be in the Federal Government. But nevertheless, under the Constitution, the Constitution says under article II, section 2, the appointments clause—I'll cut right to the phrase I would like to refer to which is:

> Congress may by law vest the appointment of such inferior officers, as they think proper.

Therefore, as I read the Constitution, we have a duty and a responsibility to review this and look at this. So here you have a situation where 79 Senators in a very bipartisan way came together after nine different commissions and looking at things and decided to trim it back a little bit. There will still be over a thousand Senate-confirmed positions. But if we want proper oversight, if we want to go through this process in a swift and timely manner, if we want oversight, let's focus on what's most important.

What's most important probably doesn't require Senate confirmation for the Assistant Secretary for Public Affairs. How about the administrator of St. Lawrence Seaway Development Corporation, or the National Council on Disability, or the Office of Navaho and Hopi Relocation? These are positions that, while are important to our Nation, and some would argue are vital, probably don't necessarily rise to the level that requires Senate confirmation. These should not just be used as political tools. This Nation has business at hand, and we should focus on what's important.

Again, there are still more than a thousand appointments that will require Senate confirmation. But let's listen to our colleagues in the Senate. Seventy-nine of them came here and said we think this is good. There have

been nine different commissions looking at this. I think it's a valid recommendation. It still allows for the advice and consent within the Senate. It is a duty under the Constitution to do this.

I would encourage adoption of this. I think it is common sense. It is what our friends in the Senate are asking us to do with 79 Senators coming together to urge the adoption of this.

And with that, I yield back the balance of my time.

FRANK C. CARLUCCI,
McLean, Virginia, June 1, 2011.

Hon. HARRY REID,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.
Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.
Hon. CHARLES SCHUMER,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.
Hon. LAMAR ALEXANDER,
U.S. Senate, Dirksen Senate Office Bldg., Washington, DC.

DEAR SENATORS REID, MCCONNELL, SCHUMER AND ALEXANDER: I am writing to commend you for your leadership and bipartisan approach to tackling one of the great challenges facing our government—presidential appointments and nominations reform. There is little dispute that the current nominations process has grown too cumbersome and complicated, and the number of political appointees is too large. S. 679, the Presidential Appointment Efficiency and Streamlining Act, and S. Res. 116 are a promising show of progress, and I encourage all Senators to support this bipartisan legislation.

As former Secretary of Defense (under President Reagan), I know the importance of having high quality leaders in place within an agency. Leaving positions vacant indefinitely as appointees wait to be confirmed is not smart management, and is frankly a threat to our national security. We need strong leaders installed quickly in agencies to ensure our government is ready to meet the many challenges it faces. S. 679 and S. Res. 116 together present a common-sense solution that preserves the important role of the Senate in confirming key nominees, but unburdens the process by relieving the advice and consent requirement for less critical positions.

Congress would be wise to act now, before the politics of the next election cycle get in the way of practical reforms to improve the efficiency and effectiveness of our federal government. I urge the Senate to swiftly pass both S. 679 and S. Res. 116 to ensure our government has its senior leaders in place within agencies to carry out critical missions.

Sincerely,

FRANK CARLUCCI.

SENATOR FRED THOMPSON,
Hermitage, TN, April 12, 2011.

Hon. JOSEPH LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.
Hon. SUSAN COLLINS,
Ranking Republican Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR JOE AND SUSAN, in 2001, when I was Chairman of the Senate Committee on Governmental Affairs, we held hearings reviewing the nominations process and potential options for reforms. President George W. Bush had been in office 10 months and only about 60 percent of the government's top political jobs had been filled—which created national security concerns.

That's why 1 want to commend you for your work on the Presidential Appointment Efficiency and Streamlining Act of 2011 which would eliminate the need for Senate confirmation of approximately 200 relatively low level positions. We tried to fix this problem when I was chairman, and it still needs to be done.

My experience was that our confirmation process led to substantial delay and extraordinary expense for nominees as they are vetted beyond what is necessary even for the least sensitive positions. I believe that this will result in an increasingly narrow pool of potential public servants who are more likely to be wealthy, and already live in the Washington, DC, area.

In 1960, President Kennedy had 286 positions to fill in the ranks of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator and by the end of the Clinton Administration there were 914 positions with these titles. Reform would not diminish oversight. It would make oversight more effective.

Comprehensive reforms throughout the presidential appointment process are needed so that the Senate can spend its time focusing on senior nominations and on major priorities such as national defense and tackling our budget problems.

The Senate should take its advice and consent powers seriously, but the number of nominations has grown and expanded over time—much like the rest of the federal government. I hope your committee will take quick action on this legislation and send the bill to the full Senate for its consideration.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, S. 679.

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. GOHMERT. 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, further proceedings on this question will be postponed.

THRIFT SAVINGS FUND CLARIFICATION ACT

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4365) to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4365

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

SECTION 1. AMENDMENTS.

Section 8437(e)(3) of title 5, United States Code, is amended in the first sentence—

(1) by striking ''659)'' and inserting ''659),''; and

(2) by striking the period at the end and inserting the following: '', and shall be subject to a Federal tax levy under section 6331 of the Internal Revenue Code of 1986.''.

SEC. 2. DISPOSITION OF AMOUNTS.

Any potential revenue gain attributable to the enactment of this Act, as determined by the Director of the Congressional Budget Office—

(1) shall be deposited in the general fund of the Treasury of the United States; and

(2) shall be used solely for purposes of deficit reduction.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

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

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

There was no objection.

Mr. CHAFFETZ. I yield such time as she may consume to the gentlewoman from New York (Ms. BUERKLE), the prime sponsor and author of this piece of legislation.

Ms. BUERKLE. Mr. Speaker, I thank the gentleman for yielding to me, and I rise today in support of my legislation, H.R. 4365, which would make Thrift Savings Plans subject to Federal tax levies. Currently, TSP accounts are not listed in the IRS Code provisions identifying property that is exempt from tax. This bill makes clear that the TSP accounts are to be treated the same as 401(k)s and similar retirement and savings accounts held by private sector employees.

This bill is about fairness, Mr. Speaker. It will treat Federal employees the same as private sector employees.

H.R. 4365 adds needed clarification to existing law and provides guidance to the Thrift Board on how to honor IRS levies as they arise. In 2010, the Office of Legal Counsel at the Department of Justice concluded that TSPs are subject to levy. And last week, the Federal Retirement Thrift Investment Board, which oversees TSP accounts, wrote Congress asking that this issue be clarified expeditiously, noting that the lack of clarity is causing significant operational issues.

At the end of 2010, Mr. Speaker, the most recent year for which IRS data is available, 279,000 Federal employees owed $3.4 billion in Federal taxes. And the Joint Committee on Taxation estimates that enacting this legislation would increase revenues by $24 million over the 2012–2022 period.

Mr. Speaker, $24 million may seem like a small figure to some inside the Beltway. However, I believe any savings Congress can produce in today's fiscal environment is significant.

This is a commonsense solution which received bipartisan support in the House Oversight and Government Reform Committee. Similar legislation also received overwhelming support in the Senate. I urge passage of this bill.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4365, a bill to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to Federal tax levies.

Current law authorizes the Internal Revenue Service to levy private sector 401(k) retirement plans in order to collect unpaid Federal taxes.

□ 1550

However, due to an existing ambiguity between the Internal Revenue Code and the authorizing statute for the Federal Thrift Savings Plan, the IRS is unable to garnish TSP accounts to recover unpaid taxes from Federal employees and Members of Congress. In light of this statutory confusion, the Thrift Savings Plan's executive director requested clarification from our committee back in July of 2011 as to whether the TSP should honor Federal levies on TSP accounts.

H.R. 4365 would simply ensure that Federal TSP accounts and private sector 401(k) plans receive equal treatment in the area of tax administration and enforcement by amending the TSP authorizing statute to make clear that TSP fund accounts are, in fact, subject to Federal tax levies by the IRS. In addition, pursuant to an amendment offered by our distinguished ranking member, Mr. CUMMINGS of Maryland, and included in the bill as reported by our committee, any potential revenue derived from the enactment of H.R. 4365 may be used only for the purposes of deficit reduction.

In supporting this bill, I would note that the vast majority of our public servants pay their taxes in a responsible and timely manner. In fact, according to the most recent IRS statistics, the tax delinquency rate among Federal employees in 2010 was 3.33 percent, far lower than that of the general public.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this reasonable legislation, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, this is a good, commonsense piece of legislation, and I urge its adoption.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 4365, 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.

Mrs. MALONEY. 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, further proceedings on this question will be postponed.

GOVERNMENT CHARGE CARD ABUSE PREVENTION ACT OF 2012

Mr CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 300) to prevent abuse of Government charge cards, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

S. 300

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Government Charge Card Abuse Prevention Act of 2012''.

SEC. 2. MANAGEMENT OF PURCHASE CARDS.

(a) GOVERNMENT-WIDE SAFEGUARDS AND INTERNAL CONTROLS.—

(1) IN GENERAL.—Chapter 19 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 1909. Management of purchase cards

''(a) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that issues and uses purchase cards and convenience checks shall establish and maintain safeguards and internal controls to ensure the following:

''(1) There is a record in each executive agency of each holder of a purchase card issued by the agency for official use, annotated with the limitations on single transactions and total transactions that are applicable to the use of each such card or check by that purchase card holder.

''(2) Each purchase card holder and individual issued a convenience check is assigned an approving official other than the card holder with the authority to approve or disapprove transactions.

''(3) The holder of a purchase card and each official with authority to authorize expenditures charged to the purchase card are responsible for—

''(A) reconciling the charges appearing on each statement of account for that purchase card with receipts and other supporting documentation; and

''(B) forwarding a summary report to the certifying official in a timely manner of information necessary to enable the certifying official to ensure that the Federal Government ultimately pays only for valid charges that are consistent with the terms of the applicable Government-wide purchase card contract entered into by the Administrator of General Services.

''(4) Any disputed purchase card charge, and any discrepancy between a receipt and other supporting documentation and the purchase card statement of account, is resolved in the manner prescribed in the applicable Government-wide purchase card contract entered into by the Administrator of General Services.

''(5) Payments on purchase card accounts are made promptly within prescribed deadlines to avoid interest penalties.

''(6) Rebates and refunds based on prompt payment, sales volume, or other actions by the agency on purchase card accounts are reviewed for accuracy and properly recorded as a receipt to the agency that pays the monthly bill.

''(7) Records of each purchase card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

''(8) Periodic reviews are performed to determine whether each purchase card holder has a need for the purchase card.

''(9) Appropriate training is provided to each purchase card holder and each official with responsibility for overseeing the use of purchase cards issued by the executive agency.

''(10) The executive agency has specific policies regarding the number of purchase cards issued by various component organizations and categories of component organizations, the credit limits authorized for various categories of card holders, and categories of employees eligible to be issued purchase cards, and that those policies are designed to minimize the financial risk to the Federal Government of the issuance of the purchase cards and to ensure the integrity of purchase card holders.

''(11) The executive agency uses effective systems, techniques, and technologies to prevent or identify illegal, improper, or erroneous purchases.

''(12) The executive agency invalidates the purchase card of each employee who—

''(A) ceases to be employed by the agency, immediately upon termination of the employment of the employee; or

''(B) transfers to another unit of the agency, immediately upon the transfer of the employee unless the agency determines that the units are covered by the same purchase card authority.

''(13) The executive agency takes steps to recover the cost of any illegal, improper, or erroneous purchase made with a purchase card or convenience check by an employee, including, as necessary, through salary offsets.

''(b) GUIDANCE.—The Director of the Office of Management and Budget shall review existing guidance and, as necessary, prescribe additional guidance governing the implementation of the requirements of subsection (a) by executive agencies.

''(c) PENALTIES FOR VIOLATIONS.—

''(1) IN GENERAL.—The head of each executive agency shall provide for appropriate adverse personnel actions or other punishment to be imposed in cases in which employees of the agency violate agency policies implementing the guidance required by subsection (b) or make illegal, improper, or erroneous purchases with purchase cards or convenience checks.

''(2) DISMISSAL.—Penalties prescribed for employee misuse of purchase cards or convenience checks shall include dismissal of the employee, as appropriate.

''(3) REPORTS ON VIOLATIONS.—The guidance prescribed under subsection (b) shall direct each head of an executive agency with more than $10,000,000 in purchase card spending annually, and each Inspector General of such an executive agency, on a semiannual basis, to submit to the Director of the Office of Management and Budget a joint report on violations or other actions covered by paragraph (1) by employees of such executive agency. At a minimum, the report shall set forth the following:

''(A) A summary description of confirmed violations involving misuse of a purchase card following completion of a review by the agency or by the Inspector General of the agency.

''(B) A summary description of all adverse personnel action, punishment, or other action taken based on each violation.

''(d) RISK ASSESSMENTS AND AUDITS.—The Inspector General of each executive agency shall—

''(1) conduct periodic assessments of the agency purchase card or convenience check programs to identify and analyze risks of illegal, improper, or erroneous purchases and payments in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase card or convenience check transactions;

''(2) perform analysis or audits, as necessary, of purchase card transactions designed to identify—

''(A) potentially illegal, improper, or erroneous uses of purchase cards;

''(B) any patterns of such uses; and

''(C) categories of purchases that could be made by means other than purchase cards in order to better aggregate purchases and obtain lower prices (excluding transactions made under card-based strategic sourcing arrangements);

''(3) report to the head of the executive agency concerned on the results of such analysis or audits; and

''(4) report to the Director of the Office of Management and Budget on the implementation of recommendations made to the head of the executive agency to address findings of any analysis or audit of purchase card and convenience check transactions or programs for compilation and transmission by the Director to Congress and the Comptroller General.

''(e) RELATIONSHIP TO DEPARTMENT OF DEFENSE PURCHASE CARD REGULATIONS.—The requirements of this section shall not apply to the Department of Defense. See section 2784 of title 10 for provisions relating to management of purchase cards in the Department.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 of title 41, United States Code, is amended by adding at the end the following new item:

''1909. Management of purchase cards.''.

(b) CONFORMING AMENDMENTS TO DEPARTMENT OF DEFENSE PURCHASE CARD PROVISIONS.—Subsection (b) of section 2784 of title 10, United States Code, is amended—

(1) by moving paragraph (8) to the end of the subsection and redesignating that paragraph as paragraph (14);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), and (7) as paragraphs (3), (4), (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) That each purchase card holder and individual issued a convenience check is assigned an approving official other than the card holder with the authority to approve or disapprove transactions.'';

(4) by adding after paragraph (10) the following new paragraphs:

''(11) That the Department of Defense uses effective systems, techniques, and technologies to prevent or identify potential fraudulent purchases.

''(12) That the Department of Defense takes appropriate steps to invalidate the purchase card of each card holder who—

''(A) in the case of an employee of the Department—

''(i) ceases to be employed by the Department, immediately upon termination of the employment of the employee; or

''(ii) transfers to another unit of the Department, immediately upon the transfer of the employee unless the Secretary of Defense determines that the units are covered by the same purchase card authority; and

''(B) in the case of a member of the armed forces, is separated or released from active duty or full-time National Guard duty.

''(13) That the Department of Defense takes steps to recover the cost of any illegal, improper, or erroneous purchase made with a purchase card or convenience check by an employee or member of the armed forces, including, as necessary, through salary offsets.''; and

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

''(15) That the Inspector General of the Department of Defense conducts periodic audits or reviews of purchase card or convenience check programs to identify and analyze risks of illegal, improper, or erroneous purchases and payments and that the findings of such audits or reviews, along with recommendations to prevent abuse of purchase cards or convenience checks, are reported to the Director of the Office of Management and Budget and Congress.''.

(c) DEADLINE FOR GUIDANCE ON MANAGEMENT OF PURCHASE CARDS.—The Director of the Office of Management and Budget shall prescribe the guidance required by section 1909(b) of title 41, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 3. MANAGEMENT OF TRAVEL CARDS.

Section 2 of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 5 U.S.C. 5701 note) is amended by adding at the end the following new subsection:

''(h) MANAGEMENT OF TRAVEL CHARGE CARDS.—

''(1) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that has employees that use travel charge cards shall establish and maintain the following internal control activities to ensure the proper, efficient, and effective use of such travel charge cards:

''(A) There is a record in each executive agency of each holder of a travel charge card issued on behalf of the agency for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that travel charge card holder.

''(B) Rebates and refunds based on prompt payment, sales volume, or other actions by the agency on travel charge card accounts are monitored for accuracy and properly recorded as a receipt of the agency that employs the card holder.

''(C) Periodic reviews are performed to determine whether each travel charge card holder has a need for the travel charge card.

''(D) Appropriate training is provided to each travel charge card holder and each official with responsibility for overseeing the use of travel charge cards issued by the executive agency.

''(E) Each executive agency has specific policies regarding travel charge cards issued for various component organizations and categories of component organizations, the credit limits authorized for various categories of card holders, and categories of employees eligible to be issued travel charge cards, and designs those policies to minimize the financial risk to the Federal Government of the issuance of the travel charge cards and to ensure the integrity of travel charge card holders.

''(F) Each executive agency has policies to ensure its contractual arrangement with each travel charge card issuing contractor contains a requirement that the creditworthiness of an individual be evaluated before the individual is issued a travel charge card, and that no individual be issued a travel charge card if that individual is found not creditworthy as a result of the evaluation (except that this paragraph shall not preclude issuance of a restricted use, prepaid, declining balance, controlled-spend, or stored value card when the individual lacks a credit history or has a credit score below the minimum credit score established by the Director of the Office of Management and Budget). The Director of the Office of Management and Budget shall establish a minimum credit score for determining the creditworthiness of an individual based on rigorous statistical analysis of the population of card holders and historical behaviors. Notwithstanding any other provision of law, such evaluation shall include an assessment of an individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

''(G) Each executive agency uses effective systems, techniques, and technologies to prevent or identify improper purchases.

''(H) Each executive agency ensures that the travel charge card of each employee who ceases to be employed by the agency is invalidated immediately upon termination of the employment of the employee (or, in the case of a member of the uniformed services, upon separation or release from active duty or full-time National Guard duty).

''(I) Each executive agency shall ensure that, where appropriate, travel card payments are issued directly to the travel card-issuing bank for credit to the employee's individual travel card account.

''(2) GUIDANCE ON MANAGEMENT OF TRAVEL CHARGE CARDS.—Not later than 180 days after the date of the enactment of the Government Charge Card Abuse Prevention Act of 2012, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies governing the implementation of the requirements in paragraph (1).

''(3) INSPECTOR GENERAL AUDIT.—The Inspector General of each executive agency with more than $10,000,000 in travel card spending shall conduct periodic audits or reviews of travel card programs to analyze risks of illegal, improper, or erroneous purchases and payments. The findings of such audits or reviews along with recommendations to prevent improper use of travel cards shall be reported to the Director of the Office of Management and Budget and Congress.

''(4) PENALTIES FOR VIOLATIONS.—Consistent with the guidance prescribed under paragraph (2), each executive agency shall provide for appropriate adverse personnel actions to be imposed in cases in which employees of the executive agency fail to comply with applicable travel charge card terms and conditions or applicable agency regulations or commit fraud with respect to a travel charge card, including removal in appropriate cases.

''(5) DEFINITIONS.—In this subsection:

''(A) EXECUTIVE AGENCY.—The term 'executive agency' means an agency as that term is defined in subparagraphs (A) and (B) of section 5701(1) of title 5, United States Code.

''(B) TRAVEL CHARGE CARD.—The term 'travel charge card' means any Federal contractor-issued travel charge card that is individually billed to each card holder.''.

SEC. 4. MANAGEMENT OF CENTRALLY BILLED ACCOUNTS.

(a) REQUIRED INTERNAL CONTROLS FOR CENTRALLY BILLED ACCOUNTS.—The head of an executive agency that has employees who use a travel charge card that is billed directly to the United States Government shall establish and maintain the following internal control activities:

(1) The executive agency shall ensure that officials with the authority to approve official travel verify that centrally billed account charges are not reimbursed to an employee.

(2) The executive agency shall dispute unallowable and erroneous charges and track the status of the disputed transactions to ensure appropriate resolution.

(3) The executive agency shall submit requests to servicing airlines for refunds of fully or partially unused tickets, when entitled to such refunds, and track the status of unused tickets to ensure appropriate resolution.

(b) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies implementing the requirements of subsection (a).

SEC. 5. DEFINITIONS.

In this Act:

(1) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 133 of title 41, United States Code.

(2) EMPLOYEE.—The term ''employee'' has the meaning given such term in section 2(d)(3) of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 5 U.S.C. 5701 note).

SEC. 6. CONSTRUCTION.

(a) EXECUTIVE AGENCY ACCOUNTING.—Nothing in this Act, or the amendments made by this Act, shall be construed to excuse the head of an executive agency from the responsibilities set out in section 3512 of title 31, United States Code, or in the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) PERSONAL INFORMATION.—Nothing in this Act, or the amendments made by this Act, shall be construed to require the disclosure of personally identifying information that is otherwise protected from disclosure under section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974).

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

Utah (Mr. CHAFFETZ) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

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

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

There was no objection.

Mr. CHAFFETZ. S. 300 puts commonsense controls on the users of government charge cards which allow Federal workers to purchase goods and to travel in a timely and cost-efficient manner. In any economy, but especially the one we're in now, there is no room for waste, much less fraud and abuse. These safeguards will make all users of Federal charge cards accountable for their use.

While the use of charge cards has saved the Federal Government both time and money when compared to a paper reimbursement system, some Federal employees have abused their purchase and travel card privileges, resulting in unnecessary and sometimes fraudulent expenses.

Numerous GAO reports over the last decade have called for additional controls to prevent waste, fraud, and abuse in the government charge card program. In 2008, GAO estimated that nearly 41 percent of purchase card transactions failed to meet basic internal control standards.

Senator GRASSLEY has put the spotlight on the problematic use of government charge cards for more than a decade, and the GAO has documented fraudulent purchases made by Federal workers with these cards, including jewelry, gambling, cruises, and even the tab at gentlemen's clubs. Government charge cards were used to pay for the infamous GSA 2010 Western Regional Conference.

The Oversight Committee was able to work on a bipartisan basis with the Armed Services Committee to bring Senator GRASSLEY's bill, S. 300, to the floor today. The bill brings needed accountability to the process by which the Federal Government manages charge cards used by Federal employees.

S. 300 requires agencies to improve their internal controls for government charge cards. It is based largely on GAO's recommendations for preventing waste, fraud, and abuse. The additional safeguards resulting from the bill will avoid the waste of millions of dollars of taxpayer money on fraudulent or questionable purposes. The controls also help ensure the Federal Government benefits from rebates available from charge card vendors for prompt payment.

S. 300 requires agency inspectors general to periodically conduct risk assessments and perform audits to identify potential abuse of government charge cards. The bill also requires agencies to take appropriate disciplinary action, including removal, for Federal employees who misuse charge cards. This provision responds to GAO investigations that found inconsistent or nonexistent consequences for Federal employees who abuse these charge card privileges.

I will be placing into the RECORD a jurisdictional exchange of letters between the Committee on Armed Services and the Committee on Oversight and Government Reform.

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

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 14, 2012.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN ISSA: I am writing to you concerning the bill S. 300, Government Charge Card Abuse Prevention Act of 2011, as amended. This legislation includes provisions that deal with the Department of Defense policies regarding government charge cards which fall within the Rule X jurisdiction of the Committee on Armed Services.

Our committee recognizes the importance of S. 300, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of S. 300. I do so with the understanding that by waiving consideration of the bill, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I appreciate your willingness to work with the Committee on Armed Services to incorporate modifications requested by the Office of the Secretary of Defense to the legislation to be considered in the House. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider these provisions.

Please place this letter and your committee's response into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES,
Washington, DC, February 23, 2012.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Armed Services' jurisdictional interest in S. 300, the ''Government Charge Card Abuse Prevention Act of 2011,'' and your willingness to forego consideration of S. 300 by your committee.

I agree that the Armed Services Committee has a valid jurisdictional interest in certain provisions of S. 300 and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of the bill. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,
Chairman.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

The serious fiscal challenges facing the Federal Government demand that agencies do everything they can to operate as efficiently as possible. The Federal Government spends billions annually through its purchase card programs, using purchase cards and convenience checks to acquire millions of items—everything from paper and pencils to computers—and to make payments on government contracts for a variety of goods and services such as vehicles and relocation services.

The primary responsibility for purchasing these items rests with cardholders and the officials who approve their purchases. Because of the position of public trust held by Federal employees, Congress and the American people expect cardholders and approving officials to maintain stewardship over the Federal funds at their disposal. Specifically, purchase cardholders and approving officials are expected to follow published acquisition requirements and exercise a standard of care in acquiring goods and services that is necessary and reasonable for the proper operation of an agency.

Because every Federal dollar that is spent on fraudulent, improper, and abusive purchases is a dollar that cannot be used for necessary government goods and services, ensuring that purchase cards are used responsibly is of particular concern at a time when the United States is experiencing substantial fiscal challenges.

I strongly support Senator GRASSLEY's bill, on which he has worked many years, S. 300, because the legislation will require agencies to establish internal control activities over travel and charge cards. Agencies will be able to perform credit checks on potential recipients of travel cards. Agencies will also be able to appropriately discipline employees who misuse charge cards, including termination of their employment.

Most importantly, this legislation will keep agencies accountable for charge card misuse because the inspectors general of each agency will be required to examine charge card use twice a year and report any violations to the Office of Management and Budget.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. CHAFFETZ. I appreciate the great work Senator GRASSLEY has done on this bill. I urge its adoption. I think

we can do so in a bipartisan way, and I urge a ''yes'' vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, S. 300, 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.

Mrs. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1600

FEDERAL EMPLOYEE TAX ACCOUNTABILITY ACT OF 2012

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 828) to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 828

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Employee Tax Accountability Act of 2012''.

SEC. 2. INELIGIBILITY OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—INELIGIBILITY OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT

''§ 7381. Definitions

''For purposes of this subchapter—

''(1) the term 'seriously delinquent tax debt' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

''(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code;

''(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending;

''(C) a debt with respect to which a levy has been issued under section 6331 of such Code (or, in the case of an applicant for employment, a debt with respect to which the applicant agrees to be subject to a levy issued under such section); and

''(D) a debt with respect to which relief under section 6343(a)(1)(D) of such Code is granted;

''(2) the term 'employee' means an employee in or under an agency, including an individual described in sections 2104(b) and 2105(e); and

''(3) the term 'agency' means—

''(A) an Executive agency;

''(B) the United States Postal Service;

''(C) the Postal Regulatory Commission; and

''(D) an employing authority in the legislative branch.

''§ 7382. Ineligibility for employment

''(a) IN GENERAL.—Subject to subsection (c), any person who has a seriously delinquent tax debt shall be ineligible to be appointed or to continue serving as an employee.

''(b) DISCLOSURE REQUIREMENT.—The head of each agency shall take appropriate measures to ensure that each person applying for employment with such agency shall be required to submit (as part of the application for employment) certification that such person does not have any seriously delinquent tax debt.

''(c) REGULATIONS.—The Office of Personnel Management, in consultation with the Internal Revenue Service, shall, for purposes of carrying out this section with respect to the executive branch, promulgate any regulations which the Office considers necessary, except that such regulations shall provide for the following:

''(1) All due process rights, afforded by chapter 75 and any other provision of law, shall apply with respect to a determination under this section that an applicant is ineligible to be appointed or that an employee is ineligible to continue serving.

''(2) Before any such determination is given effect with respect to an individual, the individual shall be afforded 180 days to demonstrate that such individual's debt is one described in subparagraph (A), (B), (C), or (D) of section 7381(a)(1).

''(3) An employee may continue to serve, in a situation involving financial hardship, if the continued service of such employee is in the best interests of the United States, as determined on a case-by-case basis.

''(d) REPORTS TO CONGRESS.—The Director of the Office of Personnel Management shall report annually to Congress on the number of exemptions made pursuant to subsection (c)(3).

''§ 7383. Review of public records

''(a) IN GENERAL.—Each agency shall provide for such reviews of public records as the head of such agency considers appropriate to determine if a notice of lien (as described in section 7381(1)) has been filed with respect to an employee of or an applicant for employment with such agency.

''(b) ADDITIONAL REQUESTS.—If a notice of lien is discovered under subsection (a) with respect to an employee or applicant for employment, the agency may—

''(1) request that the employee or applicant execute and submit a form authorizing the Secretary of the Treasury to disclose to the head of the agency information limited to describing whether the employee or applicant has a seriously delinquent tax debt; and

''(2) contact the Secretary of the Treasury to request tax information limited to describing whether the employee or applicant has a seriously delinquent tax debt.

''(c) AUTHORIZATION FORM.—The Secretary of the Treasury shall make available to all agencies a standard form for the authorization described in subsection (b)(1).

''(d) NEGATIVE CONSIDERATION.—The head of an agency, in considering an individual's application for employment or in making an employee appraisal or evaluation, shall give negative consideration to a refusal or failure to comply with a request under subsection (b)(1).

''§ 7384. Confidentiality

''Neither the head nor any other employee of an agency may—

''(1) use any information furnished under the provisions of this subchapter for any purpose other than the administration of this subchapter;

''(2) make any publication whereby the information furnished by or with respect to any particular individual under this subchapter can be identified; or

''(3) permit anyone who is not an employee of such agency to examine or otherwise have access to any such information.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—INELIGIBILITY OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT

''7381. Definitions.
''7382. Ineligibility for employment.
''7383. Review of public records.
''7384. Confidentiality.''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 9 months after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

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

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

There was no objection.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, almost every Federal employee that I have run into, they're good, hardworking, patriotic people trying to do the right thing; but unfortunately we have a few that really aren't doing the right thing.

I want to highlight a problem that we see out there. There are those Federal employees that are delinquent on their Federal taxes. Now, this becomes egregious, I think, because of the nature of their employment—they're working for the Federal Government, they're being paid by the Federal taxpayers, and yet they're not paying their own Federal taxes.

Unfortunately, over the course of time this situation has not gotten better. People are dealing with very difficult situations, they have adopted something or somehow in their life they've gotten upside down. The nature and the spirit of this bill, the bill that I am the chief sponsor on, is to find those people who are trying to do the right thing—they're trying to rectify it, they're trying to come up with a plan—we're not going after those people. But for the other group of people who are just totally ignoring the law

and they're not living up to their obligation, they're not paying their Federal taxes, there ought to be more of a consequence.

The number of delinquent employees has remained fairly consistent since the year 2004. Remarkably, there were 102,794 employees who were delinquent with their Federal taxes back in 2004. Fast forward to 2010, that number is still 98,291. In fact, nearly 700 people on Capitol Hill are delinquent on their Federal taxes. Unfortunately, the dollar amount of these delinquencies from 2004, which was $599.8 million, has grown to over $1 billion—in fact, it's $1.034 billion unpaid taxes from Federal employees.

So, employees who consciously ignore the channels and processes in place to fulfill their tax obligations must be held accountable. The Federal Employee Tax Accountability Act addresses noncompliance with our tax laws by prohibiting individuals with seriously delinquent tax debt from Federal civilian employment. This should be common sense, and I hope it's bipartisan.

Most taxpayers, including government employees, file accurate tax returns and pay the taxes they owe on time, regardless of their income. Federal employees and individuals applying for Federal employment should do the same—always.

In 2010, the most recent year for which the IRS data is available, more than 98,000 civilian Federal employees owed more than $1 billion in taxes. The average delinquency rate for Federal civilian employees was 3.33 percent, up from 2.29 percent in 2008.

The vast majority of Federal workers who owe taxes owe them from income that they earned. The intent of this bill is simple. If you're a Federal employee or an applicant for Federal employment, you should be making a good faith effort to pay your taxes or to dispute them, as taxpayers have the right to do.

Under this bill, H.R. 828, individuals having seriously delinquent tax debts are ineligible for Federal civilian employment in the executive and legislative branch. ''Serious tax delinquent'' is defined as an outstanding Federal debt for which the notice of lien has been filed publicly.

H.R. 828 exempts employees who are working to settle tax liabilities by excluding Federal tax debts that are being paid in accordance with an installment agreement, offer of compromise, or wage garnishment; for which a due process hearing or request for relief from joint and several liability is requested or pending; or for which relief has been granted. So, there are exceptions. We're not trying to cut somebody off at the knees if they're trying to do the right thing.

The bill requires individuals applying for Federal jobs to certify that they are not seriously delinquent in their taxes. Agencies will also conduct periodic reviews of public records for tax liens. And individuals with seriously delinquent tax debt may avail themselves of existing due process rights, including before the Merit Systems Protection Board. In addition, individuals will have 6 months to demonstrate that their tax debt is not ''seriously delinquent.''

The bill also provides a financial hardship exemption for employees. Federal employees are called to account for paying taxes by the code of ethics for the executive branch. The code of ethics dictates that Federal employees must ''satisfy in good faith their obligations as citizens, including all just financial obligations, especially those such as Federal, State or local taxes that are imposed by law.'' Thus, the necessity of this situation. Unfortunately, it's getting worse, it's not getting better.

We have an obligation, I think, to the American taxpayers and to the overwhelming majority, the 96-plus percent of Federal workers, who are doing the right thing. Thus, I urge the adoption of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Chairman ISSA stated during the Oversight Committee's consideration of this bill, H.R. 828, this is largely a symbolic gesture.

We all agree that everyone, including Federal workers, should pay their taxes. Members on both sides of the aisle emphasize the need to hold Federal employees accountable for tax obligations. However, the overwhelming majority of Federal workers take their income tax obligation seriously.

The tax compliance rate for Federal employees is much higher than for the American public. According to the most recent statistics from the Internal Revenue Service, more than 96 percent of Federal workers pay their taxes on time and do not owe money to the government.

In addition, there are already existing laws and regulations that address tax debts owed by Federal employees, and the IRS has a system in place for levying up to 15 percent of Federal wage payments made to delinquent taxpayers until the tax debt is satisfied.

The Joint Committee on Taxation has concluded that H.R. 828 would have ''negligible impact'' on revenue. In fact, implementation of the bill would have a small cost. So, I'm not certain that this bill will have any significant impact whatsoever.

I strongly believe that the House's efforts and energy would be better spent by focusing on measures to strengthen the Federal civil service and improve the efficiency and effectiveness of the Federal Government rather than by making symbolic gestures that reinforce a negative view of the Federal workforce.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

There is a need for this. I wish there wasn't a need for this. There are other more pressing things that we should be focused on. But this is $1 billion in uncollected taxes, taxes that are due by Federal workers.

Again, I don't want to disparage the reputation of all Federal employees, but this small group—in excess now of 3 percent of our Federal workers—is putting tarnishment on those other employees.

I want to point to a January 23, 2012, Federal Eye article—Ed O'Keefe is the author. Let me read a paragraph from his article. He said:

> But on Capitol Hill, 684 employees, or almost 4 percent, of the 18,000 congressional staffers owed taxes in 2010, a jump of 46 workers from 2009. Four percent of House staffers owed $8.5 million, and 3 percent of Senate employees owed $2.1 million, the IRS said.

We actually get a report from the IRS, and it has a breakdown of the number of employees by department who aren't paying their Federal taxes. The Department of Treasury, they have one of the lowest percentages. Less than 1 percent of their employees don't pay their taxes, but they still have 1,181 employees at the Department of Treasury who aren't paying it. There's an uncollected $9.3 million.

At the Federal Reserve, the Board of Governors, smaller in terms of their numbers, but you still had 91 employees at the Federal Reserve not paying their taxes—4.86 percent of their employees not paying over $1.2 million in taxes.

If you go on and look here, this one is my personal favorite. The U.S. Office of Government Ethics has the worst compliance rate of our Federal workers. If you put that in a movie, you wouldn't believe it. But nearly 6.5 percent of their employees don't pay their Federal taxes, the U.S. Office of Government Ethics.

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Unfortunately, there is a need for this.

I would like to highlight, we did this in a very bipartisan way within committee. There was an amendment offered by Mr. LYNCH of Massachusetts, who I have the greatest respect for. He offered an amendment. We accepted that. When we accepted that, he was quoted as saying, and I quote from Mr. LYNCH:

> With that refinement here, a friendly amendment, I certainly would vote for the bill if the amendment were included.

I hope we can do this in a bipartisan way. We have an obligation, a duty to do this.

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

Mrs. MALONEY. Mr. Speaker, I have no additional speakers. I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, let me say, in conclusion here, look, if Federal workers aren't paying their Federal taxes, they should be fired. If they're

not paying their Federal taxes and they want employment here, they should not be employed as Federal workers.

We have a duty and an obligation. This is a billion dollar problem in search of a solution. This is the solution. We should do so in a bipartisan way.

And with that, I urge the adoption of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 828, 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. CHAFFETZ. 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, further proceedings on this question will be postponed.

HONORING AMERICA'S VETERANS AND CARING FOR CAMP LEJEUNE FAMILIES ACT OF 2012

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1627) to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes.

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 ''Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012''.

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

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—HEALTH CARE MATTERS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Janey Ensminger Act''.

SEC. 102. HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS STATIONED AT CAMP LEJEUNE, NORTH CAROLINA.

(a) HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS.—

(1) IN GENERAL.—Paragraph (1) of section 1710(e) is amended by adding at the end the following new subparagraph:

''(F) Subject to paragraph (2), a veteran who served on active duty in the Armed Forces at Camp Lejeune, North Carolina, for not fewer than 30 days during the period beginning on January 1, 1957, and ending on December 31, 1987, is eligible for hospital care and medical services under subsection (a)(2)(F) for any of the following illnesses or conditions, notwithstanding that there is insufficient medical evidence to conclude that such illnesses or conditions are attributable to such service:

''(i) Esophageal cancer.

''(ii) Lung cancer.

''(iii) Breast cancer.

''(iv) Bladder cancer.

''(v) Kidney cancer.

''(vi) Leukemia.

''(vii) Multiple myeloma.

''(viii) Myleodysplasic syndromes.

''(ix) Renal toxicity.

''(x) Hepatic steatosis.

''(xi) Female infertility.

''(xii) Miscarriage.

''(xiii) Scleroderma.

''(xiv) Neurobehavioral effects.

''(xv) Non-Hodgkin's lymphoma.''.

(2) LIMITATION.—Paragraph (2)(B) of such section is amended by striking ''or (E)'' and inserting ''(E), or (F)''.

(b) FAMILY MEMBERS.—

(1) IN GENERAL.—Subchapter VIII of chapter 17 is amended by adding at the end the following new section:

''§ 1787. Health care of family members of veterans stationed at Camp Lejeune, North Carolina

''(a) IN GENERAL.—Subject to subsection (b), a family member of a veteran described in subparagraph (F) of section 1710(e)(1) of this title who resided at Camp Lejeune, North Carolina, for not fewer than 30 days during the period described in such subparagraph or who was in utero during such period while the mother of such family member resided at such location shall be eligible for hospital care and medical services furnished by the Secretary for any of the illnesses or conditions described in such subparagraph, notwithstanding that there is insufficient medical evidence to conclude that such illnesses or conditions are attributable to such residence.

''(b) LIMITATIONS.—(1) The Secretary may only furnish hospital care and medical services under subsection (a) to the extent and in the amount provided in advance in appropriations Acts for such purpose.

''(2) Hospital care and medical services may not be furnished under subsection (a) for an illness or condition of a family member that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than the residence of the family member described in that subsection.

''(3) The Secretary may provide reimbursement for hospital care or medical services provided to a family member under this section only after the family member or the provider of such care or services has exhausted without success all claims and remedies reasonably available to the family member or provider against a third party (as defined in section 1725(f) of this title) for payment of such care or services, including with respect to health-plan contracts (as defined in such section).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1786 the following new item:

''1787. Health care of family members of veterans stationed at Camp Lejeune, North Carolina.''.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than December 31 of each of 2013, 2014, and 2015, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the care and services provided under sections 1710(e)(1)(F) and 1787 of title 38, United States Code (as added by subsections (a) and (b)(1), respectively).

(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

(A) The number of veterans and family members provided hospital care and medical services under the provisions of law specified in paragraph (1) during the period beginning on October 1, 2012, and ending on the date of such report.

(B) The illnesses, conditions, and disabilities for which care and services have been provided such veterans and family members under such provisions of law during that period.

(C) The number of veterans and family members who applied for care and services under such provisions of law during that period but were denied, including information on the reasons for such denials.

(D) The number of veterans and family members who applied for care and services under such provisions of law and are awaiting a decision from the Secretary on eligibility for such care and services as of the date of such report.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The provisions of this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY.—Subparagraph (F) of section 1710(e)(1) of such title, as added by subsection (a), and section 1787 of title 38, United States Code, as added by subsection (b)(1), shall apply with respect to hospital care and medical services provided on or after the date of the enactment of this Act.

SEC. 103. AUTHORITY TO WAIVE COLLECTION OF COPAYMENTS FOR TELEHEALTH AND TELEMEDICINE VISITS OF VETERANS.

(a) IN GENERAL.—Subchapter III of chapter 17 is amended by inserting after section 1722A the following new section:

''§ 1722B. Copayments: waiver of collection of copayments for telehealth and telemedicine visits of veterans

''The Secretary may waive the imposition or collection of copayments for telehealth and telemedicine visits of veterans under the laws administered by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1722A the following new item:

''1722B. Copayments: waiver of collection of copayments for telehealth and telemedicine visits of veterans.''.

SEC. 104. TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.

(a) IN GENERAL.—Beginning one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year initiative to assess the feasibility and advisability of paying under section 111(a) of title 38, United States Code, the actual necessary expenses of travel or allowances for travel from a residence located in an area that is designated by the Secretary as highly rural to the nearest Vet Center and from such Vet Center to such residence.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the completion of the initiative, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the initiative required by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the individuals who benefitted from payment under the initiative.

(B) A description of any impediments to the Secretary in paying expenses or allowances under the initiative.

(C) A description of any impediments encountered by individuals in receiving such payments.

(D) An assessment of the feasibility and advisability of paying such expenses or allowances.

(E) An assessment of any fraudulent receipt of payment under the initiative and the recommendations of the Secretary for legislative or administrative action to reduce such fraud.

(F) Such recommendations for legislative or administrative action as the Secretary considers appropriate with respect to the payment of expenses or allowances as described in subsection (a).

(c) VET CENTER DEFINED.—In this section, the term ''Vet Center'' means a center for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

SEC. 105. CONTRACTS AND AGREEMENTS FOR NURSING HOME CARE.

(a) CONTRACTS.—Section 1745(a) is amended—

(1) in paragraph (1), by striking ''The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2)'' and inserting ''The Secretary shall enter into a contract (or agreement under section 1720(c)(1) of this title) with each State home for payment by the Secretary for nursing home care provided in the home''; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) Payment under each contract (or agreement) between the Secretary and a State home under paragraph (1) shall be based on a methodology, developed by the Secretary in consultation with the State home, to adequately reimburse the State home for the care provided by the State home under the contract (or agreement).''.

(b) AGREEMENTS.—Section 1720(c)(1)(A) is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

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

''(iii) a provider of services eligible to enter into a contract pursuant to section 1745(a) of this title that is not otherwise described in clause (i) or (ii).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to care provided on or after the date that is 180 days after the date of the enactment of this Act.

(2) MAINTENANCE OF PRIOR METHODOLOGY OF REIMBURSEMENT FOR CERTAIN STATE HOMES.—In the case of a State home that provided nursing home care on the day before the date of the enactment of this Act for which the State home was eligible for pay under section 1745(a)(1) of title 38, United States Code, at the request of any State home, the Secretary shall offer to enter into a contract (or agreement described in such section) with such State home under such

section, as amended by subsection (a), for payment for nursing home care provided by such State home under such section that reflects the overall methodology of reimbursement for such care that was in effect for such State home on the day before the date of the enactment of this Act.

SEC. 106. COMPREHENSIVE POLICY ON REPORTING AND TRACKING SEXUAL ASSAULT INCIDENTS AND OTHER SAFETY INCIDENTS.

(a) POLICY.—Subchapter I of chapter 17 is amended by adding at the end the following:

''§ 1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents

''(a) POLICY REQUIRED.—(1) Not later than September 30, 2012, the Secretary shall develop and implement a centralized and comprehensive policy on the reporting and tracking of sexual assault incidents and other safety incidents that occur at each medical facility of the Department, including—

''(A) suspected, alleged, attempted, or confirmed cases of sexual assault, regardless of whether such assaults lead to prosecution or conviction;

''(B) criminal and purposefully unsafe acts;

''(C) alcohol or substance abuse related acts (including by employees of the Department); and

''(D) any kind of event involving alleged or suspected abuse of a patient.

''(2) In developing and implementing a policy under paragraph (1), the Secretary shall consider the effects of such policy on—

''(A) the use by veterans of mental health care and substance abuse treatments; and

''(B) the ability of the Department to refer veterans to such care or treatment.

''(b) SCOPE.—The policy required by subsection (a) shall cover each of the following:

''(1) For purposes of reporting and tracking sexual assault incidents and other safety incidents, definitions of the terms—

''(A) 'safety incident';

''(B) 'sexual assault'; and

''(C) 'sexual assault incident'.

''(2)(A) The development and use of specific risk-assessment tools to examine any risks related to sexual assault that a veteran may pose while being treated at a medical facility of the Department, including clear and consistent guidance on the collection of information related to—

''(i) the legal history of the veteran; and

''(ii) the medical record of the veteran.

''(B) In developing and using tools under subparagraph (A), the Secretary shall consider the effects of using such tools on the use by veterans of health care furnished by the Department.

''(3) The mandatory training of employees of the Department on security issues, including awareness, preparedness, precautions, and police assistance.

''(4) The mandatory implementation, use, and regular testing of appropriate physical security precautions and equipment, including surveillance camera systems, computer-based panic alarm systems, stationary panic alarms, and electronic portable personal panic alarms.

''(5) Clear, consistent, and comprehensive criteria and guidance with respect to an employee of the Department communicating and reporting sexual assault incidents and other safety incidents to—

''(A) supervisory personnel of the employee at—

''(i) a medical facility of the Department;

''(ii) an office of a Veterans Integrated Service Network; and

''(iii) the central office of the Veterans Health Administration; and

''(B) a law enforcement official of the Department.

''(6) Clear and consistent criteria and guidelines with respect to an employee of the Department referring and reporting to the Office of Inspector General of the Department sexual assault incidents and other safety incidents that meet the regulatory criminal threshold prescribed under sections 901 and 902 of this title.

''(7) An accountable oversight system within the Veterans Health Administration that includes—

''(A) systematic information sharing of reported sexual assault incidents and other safety incidents among officials of the Administration who have programmatic responsibility; and

''(B) a centralized reporting, tracking, and monitoring system for such incidents.

''(8) Consistent procedures and systems for law enforcement officials of the Department with respect to investigating, tracking, and closing reported sexual assault incidents and other safety incidents.

''(9) Clear and consistent guidance for the clinical management of the treatment of sexual assaults that are reported more than 72 hours after the assault.

''(c) UPDATES TO POLICY.—The Secretary shall review and revise the policy required by subsection (a) on a periodic basis as the Secretary considers appropriate and in accordance with best practices.

''(d) ANNUAL REPORT.—(1) Not later than 60 days after the date on which the Secretary develops the policy required by subsection (a) and not later than October 1 of each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of the policy.

''(2) The report required by paragraph (1) shall include—

''(A) the number and type of sexual assault incidents and other safety incidents reported by each medical facility of the Department;

''(B) a detailed description of the implementation of the policy required by subsection (a), including any revisions made to such policy from the previous year; and

''(C) the effectiveness of such policy on improving the safety and security of the medical facilities of the Department, including the performance measures used to evaluate such effectiveness.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1708 the following new item:

''1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents.''.

(c) INTERIM REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the development of the policy required by section 1709 of title 38, United States Code, as added by subsection (a).

SEC. 107. REHABILITATIVE SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) REHABILITATION PLANS AND SERVICES.—Section 1710C is amended—

(1) in subsection (a)(1), by inserting before the semicolon the following: ''with the goal of maximizing the individual's independence'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''(and sustaining improvement in)'' after ''improving'';

(ii) by inserting ''behavioral,'' after ''cognitive,'';

(B) in paragraph (2), by inserting ''rehabilitative services and'' before ''rehabilitative components''; and

(C) in paragraph (3)—

(i) by striking ''treatments'' the first place it appears and inserting ''services''; and

(ii) by striking ''treatments and'' the second place it appears; and

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

''(h) REHABILITATIVE SERVICES DEFINED.—For purposes of this section, and sections 1710D and 1710E of this title, the term 'rehabilitative services' includes—

''(1) rehabilitative services, as defined in section 1701 of this title;

''(2) treatment and services (which may be of ongoing duration) to sustain, and prevent loss of, functional gains that have been achieved; and

''(3) any other rehabilitative services or supports that may contribute to maximizing an individual's independence.''.

(b) REHABILITATION SERVICES IN COMPREHENSIVE PROGRAM FOR LONG-TERM REHABILITATION.—Section 1710D(a) is amended—

(1) by inserting ''and rehabilitative services (as defined in section 1710C of this title)'' after ''long-term care''; and

(2) by striking ''treatment''.

(c) REHABILITATION SERVICES IN AUTHORITY FOR COOPERATIVE AGREEMENTS FOR USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION.—Section 1710E(a) is amended by inserting '', including rehabilitative services (as defined in section 1710C of this title),'' after ''medical services''.

(d) TECHNICAL AMENDMENT.—Section 1710C(c)(2)(S) of title 38, United States Code, is amended by striking ''opthamologist'' and inserting ''ophthalmologist''.

SEC. 108. TELECONSULTATION AND TELEMEDICINE.

(a) TELECONSULTATION.—

(1) IN GENERAL.—Subchapter I of chapter 17, as amended by section 106(a), is further amended by adding at the end the following new section:

''§ 1709A. Teleconsultation

''(a) TELECONSULTATION.—(1) The Secretary shall carry out an initiative of teleconsultation for the provision of remote mental health and traumatic brain injury assessments in facilities of the Department that are not otherwise able to provide such assessments without contracting with third-party providers or reimbursing providers through a fee basis system.

''(2) The Secretary shall, in consultation with appropriate professional societies, promulgate technical and clinical care standards for the use of teleconsultation services within facilities of the Department.

''(3) In carrying out an initiative under paragraph (1), the Secretary shall ensure that facilities of the Department are able to provide a mental health or traumatic brain injury assessment to a veteran through contracting with a third-party provider or reimbursing a provider through a fee basis system when—

''(A) such facilities are not able to provide such assessment to the veteran without—

''(i) such contracting or reimbursement; or

''(ii) teleconsultation; and

''(B) providing such assessment with such contracting or reimbursement is more clinically appropriate for the veteran than providing such assessment with teleconsultation.

''(b) TELECONSULTATION DEFINED.—In this section, the term 'teleconsultation' means the use by a health care specialist of telecommunications to assist another health care provider in rendering a diagnosis or treatment.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1709, as added by section 106(b), the following new item:

''1709A. Teleconsultation.''.

(b) TRAINING IN TELEMEDICINE.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall, to the extent feasible, offer medical residents opportunities in training in telemedicine for medical residency programs. The Secretary shall consult with the Accreditation Council for Graduate Medical Education and

with universities with which facilities of the Department have a major affiliation to determine the feasibility and advisability of making telehealth a mandatory component of medical residency programs.

(2) TELEMEDICINE DEFINED.—In this subsection, the term ''telemedicine'' means the use by a health care provider of telecommunications to assist in the diagnosis or treatment of a patient's medical condition.

SEC. 109. USE OF SERVICE DOGS ON PROPERTY OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 901 is amended by adding at the end the following new subsection:

''(f)(1) The Secretary may not prohibit the use of a covered service dog in any facility or on any property of the Department or in any facility or on any property that receives funding from the Secretary.

''(2) For purposes of this subsection, a covered service dog is a service dog that has been trained by an entity that is accredited by an appropriate accrediting body that evaluates and accredits organizations which train guide or service dogs.''.

SEC. 110. RECOGNITION OF RURAL HEALTH RESOURCE CENTERS IN OFFICE OF RURAL HEALTH.

Section 7308 is amended by adding at the end the following new subsection:

''(d) RURAL HEALTH RESOURCE CENTERS.—(1) There are, in the Office, veterans rural health resource centers that serve as satellite offices for the Office.

''(2) The veterans rural health resource centers have purposes as follows:

''(A) To improve the understanding of the Office of the challenges faced by veterans living in rural areas.

''(B) To identify disparities in the availability of health care to veterans living in rural areas.

''(C) To formulate practices or programs to enhance the delivery of health care to veterans living in rural areas.

''(D) To develop special practices and products for the benefit of veterans living in rural areas and for implementation of such practices and products in the Department systemwide.''.

SEC. 111. IMPROVEMENTS FOR RECOVERY AND COLLECTION OF AMOUNTS FOR DEPARTMENT OF VETERANS AFFAIRS MEDICAL CARE COLLECTIONS FUND.

(a) DEVELOPMENT AND IMPLEMENTATION OF PLAN FOR RECOVERY AND COLLECTION.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop and implement a plan to ensure the recovery and collection of amounts under the provisions of law described in section 1729A(b) of title 38, United States Code, for deposit in the Department of Veterans Affairs Medical Care Collections Fund.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) An effective process to identify billable fee claims.

(B) Effective and practicable policies and procedures that ensure recovery and collection of amounts described in section 1729A(b) of such title.

(C) The training of employees of the Department, on or before September 30, 2013, who are responsible for the recovery or collection of such amounts to enable such employees to comply with the process required by subparagraph (A) and the policies and procedures required by subparagraph (B).

(D) Fee revenue goals for the Department.

(E) An effective monitoring system to ensure achievement of goals described in subparagraph (D) and compliance with the policies and procedures described in subparagraph (B).

(b) MONITORING OF THIRD-PARTY COLLECTIONS.—The Secretary shall monitor the recovery and collection of amounts from third parties (as defined in section 1729(i) of such title) for deposit in such fund.

SEC. 112. EXTENSION OF AUTHORITY FOR COPAYMENTS.

Section 1710(f)(2)(B) is amended by striking ''September 30, 2012'' and inserting ''September 30, 2013''.

SEC. 113. EXTENSION OF AUTHORITY FOR RECOVERY OF COST OF CERTAIN CARE AND SERVICES.

Section 1729(a)(2)(E) is amended by striking ''October 1, 2012'' and inserting ''October 1, 2013''.

TITLE II—HOUSING MATTERS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Andrew Connelly Veterans Housing Act''.

SEC. 202. TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY WITH AMBULATING.

(a) IN GENERAL.—Paragraph (2) of section 2101(a) is amended to read as follows:

''(2)(A) A veteran is described in this paragraph if the veteran—

''(i) is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets any of the criteria described in subparagraph (B); or

''(ii) served in the Armed Forces on or after September 11, 2001, and is entitled to compensation under chapter 11 of this title for a permanent service-connected disability that meets the criterion described in subparagraph (C).

''(B) The criteria described in this subparagraph are as follows:

''(i) The disability is due to the loss, or loss of use, of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

''(ii) The disability is due to—

''(I) blindness in both eyes, having only light perception, plus (ii) loss or loss of use of one lower extremity.

''(iii) The disability is due to the loss or loss of use of one lower extremity together with—

''(I) residuals of organic disease or injury; or

''(II) the loss or loss of use of one upper extremity,

which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

''(iv) The disability is due to the loss, or loss of use, of both upper extremities such as to preclude use of the arms at or above the elbows.

''(v) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).

''(C) The criterion described in this subparagraph is that the disability—

''(i) was incurred on or after September 11, 2001; and

''(ii) is due to the loss or loss of use of one or more lower extremities which so affects the functions of balance or propulsion as to preclude ambulating without the aid of braces, crutches, canes, or a wheelchair.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2012.

(c) SUNSET.—Subsection (a) of section 2101 is amended—

(1) in paragraph (1), by striking ''to paragraph (3)'' and inserting ''to paragraphs (3) and (4)''; and

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

''(4) The Secretary's authority to furnish assistance under paragraph (1) to a disabled veteran described in paragraph (2)(A)(ii) shall apply only with respect to applications for such assistance approved by the Secretary on or before September 30, 2013.''.

SEC. 203. EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR VETERANS WITH VISION IMPAIRMENT.

(a) IN GENERAL.—Paragraph (2) of section 2101(b) is amended to read as follows:

''(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a service-connected disability that meets any of the following criteria:

''(A) The disability is due to blindness in both eyes, having central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens. For the purposes of this subparagraph, an eye with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

''(B) A permanent and total disability that includes the anatomical loss or loss of use of both hands.

''(C) A permanent and total disability that is due to a severe burn injury (as so determined).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2012.

SEC. 204. REVISED LIMITATIONS ON ASSISTANCE FURNISHED FOR ACQUISITION AND ADAPTATION OF HOUSING FOR DISABLED VETERANS.

(a) IN GENERAL.—Subsection (d) of section 2102 is amended to read as follows:

''(d)(1) The aggregate amount of assistance available to an individual under section 2101(a) of this title shall be limited to $63,780.

''(2) The aggregate amount of assistance available to an individual under section 2101(b) of this title shall be limited to $12,756.

''(3) No veteran may receive more than three grants of assistance under this chapter.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to assistance provided under sections 2101(a), 2101(b), and 2102A of title 38, United States Code, after such date.

(c) MAINTENANCE OF HIGHER RATES.—The amendment made by subsection (a) shall not be construed to decrease the aggregate amount of assistance available to an individual under the sections described in subsection (b), as most recently increased by the Secretary pursuant to section 2102(e) of such title.

SEC. 205. IMPROVEMENTS TO ASSISTANCE FOR DISABLED VETERANS RESIDING IN HOUSING OWNED BY A FAMILY MEMBER.

(a) INCREASED ASSISTANCE.—Subsection (b) of section 2102A is amended—

(1) in paragraph (1), by striking ''$14,000'' and inserting ''$28,000''; and

(2) in paragraph (2), by striking ''$2,000'' and inserting ''$5,000''.

(b) INDEXING OF LEVELS OF ASSISTANCE.—Such subsection is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the matter before subparagraph (A), as redesignated by paragraph (1), by inserting ''(1)'' before ''The''; and

(3) by adding at the end the following new paragraph (2):

''(2) Effective on October 1 of each year (beginning in 2012), the Secretary shall use the same percentage calculated pursuant to section 2102(e) of this title to increase the amounts described in paragraph (1) of this subsection.''.

(c) EXTENSION OF AUTHORITY FOR ASSISTANCE.—Subsection (e) of such section is amended by striking ''December 31, 2012'' and inserting ''December 31, 2022''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to assistance furnished in accordance with section 2102A of title 38, United States Code, on or after that date.

SEC. 206. DEPARTMENT OF VETERANS AFFAIRS HOUSING LOAN GUARANTEES FOR SURVIVING SPOUSES OF CERTAIN TOTALLY DISABLED VETERANS.

(a) IN GENERAL.—Section 3701(b) is amended by adding at the end the following new paragraph:

''(6) The term 'veteran' also includes, for purposes of home loans, the surviving spouse of a veteran who died and who was in receipt of or entitled to receive (or but for the receipt of retired or retirement pay was entitled to receive) compensation at the time of death for a service-connected disability rated totally disabling if—

''(A) the disability was continuously rated totally disabling for a period of 10 or more years immediately preceding death;

''(B) the disability was continuously rated totally disabling for a period of not less than five years from the date of such veteran's discharge or other release from active duty; or

''(C) the veteran was a former prisoner of war who died after September 30, 1999, and the disability was continuously rated totally disabling for a period of not less than one year immediately preceding death.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a loan guaranteed after the date of the enactment of this Act.

(c) CLARIFICATION WITH RESPECT TO CERTAIN FEES.—Fees shall be collected under section 3729 of title 38, United States Code, from a person described in paragraph (6) of section 3701(b) of such title, as added by subsection (a) of this section, in the same manner as such fees are collected from a person described in paragraph (2) of section 3701(b) of such title.

SEC. 207. OCCUPANCY OF PROPERTY BY DEPENDENT CHILD OF VETERAN FOR PURPOSES OF MEETING OCCUPANCY REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS HOUSING LOANS.

Paragraph (2) of section 3704(c) is amended to read as follows:

''(2) In any case in which a veteran is in active-duty status as a member of the Armed Forces and is unable to occupy a property because of such status, the occupancy requirements of this chapter shall be considered to be satisfied if—

''(A) the spouse of the veteran occupies or intends to occupy the property as a home and the spouse makes the certification required by paragraph (1) of this subsection; or

''(B) a dependent child of the veteran occupies or will occupy the property as a home and the veteran's attorney-in-fact or legal guardian of the dependent child makes the certification required by paragraph (1) of this subsection.''.

SEC. 208. MAKING PERMANENT PROJECT FOR GUARANTEEING OF ADJUSTABLE RATE MORTGAGES.

Section 3707(a) is amended by striking ''demonstration project under this section during fiscal years 1993 through 2012'' and inserting ''project under this section''.

SEC. 209. MAKING PERMANENT PROJECT FOR INSURING HYBRID ADJUSTABLE RATE MORTGAGES.

Section 3707A(a) is amended by striking ''demonstration project under this section during fiscal years 2004 through 2012'' and inserting ''project under this section''.

SEC. 210. WAIVER OF LOAN FEE FOR INDIVIDUALS WITH DISABILITY RATINGS ISSUED DURING PRE-DISCHARGE PROGRAMS.

Paragraph (2) of section 3729(c) is amended to read as follows:

''(2)(A) A veteran described in subparagraph (B) shall be treated as receiving compensation for purposes of this subsection as of the date of the rating described in such subparagraph without regard to whether an effective date of the award of compensation is established as of that date.

''(B) A veteran described in this subparagraph is a veteran who is rated eligible to receive compensation—

''(i) as the result of a pre-discharge disability examination and rating; or

''(ii) based on a pre-discharge review of existing medical evidence (including service medical and treatment records) that results in the issuance of a memorandum rating.''.

SEC. 211. MODIFICATION OF AUTHORITIES FOR ENHANCED-USE LEASES OF REAL PROPERTY.

(a) SUPPORTIVE HOUSING DEFINED.—Section 8161 is amended by adding at the end the following new paragraph:

''(3) The term 'supportive housing' means housing that engages tenants in on-site and community-based support services for veterans or their families that are at risk of homelessness or are homeless. Such term may include the following:

''(A) Transitional housing.
''(B) Single-room occupancy.
''(C) Permanent housing.
''(D) Congregate living housing.
''(E) Independent living housing.
''(F) Assisted living housing.
''(G) Other modalities of housing.''.

(b) MODIFICATION OF LIMITATIONS ON ENHANCED USE LEASES.—

(1) IN GENERAL.—Paragraph (2) of section 8162(a) is amended to read as follows:

''(2) The Secretary may enter into an enhanced-use lease only for the provision of supportive housing and the lease is not inconsistent with and will not adversely affect the mission of the Department.''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Paragraph (2) of section 8162(a) of title 38, United States Code, as amended by paragraph (1), shall take effect on January 1, 2012, and shall apply with respect to enhanced-use leases entered into on or after such date.

(B) PREVIOUS LEASES.—Any enhanced-use lease that the Secretary has entered into prior to the date described in subparagraph (A) shall be subject to the provisions of subchapter V of chapter 81 of such title, as in effect on the day before the date of the enactment of this Act.

(c) CONSIDERATION FOR AND TERMS OF ENHANCED-USE LEASES.—

(1) IN GENERAL.—Section 8162(b) is amended—

(A) in paragraph (1), by striking ''(A) If the Secretary'' and all that follows through ''under subparagraph (A).'' and inserting the following: ''If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall, at the Secretary's discretion, select the party with whom the lease will be entered into using such selection procedures as the Secretary considers appropriate.'';

(B) by amending paragraph (3) to read as follows:

''(3)(A) For any enhanced-use lease entered into by the Secretary, the lease consideration provided to the Secretary shall consist solely of cash at fair value as determined by the Secretary.

''(B) The Secretary shall receive no other type of consideration for an enhanced-use lease besides cash.

''(C) The Secretary may enter into an enhanced-use lease without receiving consideration.'';

(C) in paragraph (4), by striking ''Secretary to'' and all that follows through ''use minor'' and inserting ''Secretary to use minor''; and

(D) by adding at the end the following new paragraphs:

''(5) The terms of an enhanced-use lease may not provide for any acquisition, contract, demonstration, exchange, grant, incentive, procurement, sale, other transaction authority, service agreement, use agreement, lease, or lease-back by the Secretary or Federal Government.

''(6) The Secretary may not enter into an enhanced-use lease without certification in advance in writing by the Director of the Office of Management and Budget that such lease complies with the requirements of this subchapter.''.

(2) EFFECTIVE DATE.—Paragraph (3) of section 8162(b), as amended by paragraph (1)(B) of this subsection, shall take effect on January 1, 2012, and shall apply with respect to enhanced-use leases entered into on or after such date.

(d) PROHIBITED ENHANCED-USE LEASES.—Section 8162(c) is amended—

(1) by striking paragraph (2); and

(2) in paragraph (1), by striking ''(1) Subject to paragraph (2), the'' and inserting ''The''.

(e) DISPOSITION OF LEASED PROPERTY.—Subsection (b) of section 8164 is amended to read as follows:

''(b) A disposition under this section may be made in return for cash at fair value as the Secretary determines is in the best interest of the United States and upon such other terms and conditions as the Secretary considers appropriate.''.

(f) USE OF AMOUNTS RECEIVED FOR DISPOSITION OF LEASED PROPERTY.—Section 8165(a)(2) is amended by striking ''in the Department of Veterans Affairs Capital Asset Fund established under section 8118 of this title'' and inserting ''into the Department of Veterans Affairs Construction, Major Projects account or Construction, Minor Projects account, as the Secretary considers appropriate''.

(g) CONSTRUCTION STANDARDS.—Section 8166 is amended to read as follows:

''§ 8166. Construction standards

''The construction, alteration, repair, remodeling, or improvement of a property that is the subject of an enhanced-use lease shall be carried out so as to comply with all applicable provisions of Federal, State, and local law relating to land use, building standards, permits, and inspections.''.

(h) EXEMPTION FROM STATE AND LOCAL TAXES.—Section 8167 is amended to read as follows:

''§ 8167. Exemption from State and local taxes

''(a) IMPROVEMENTS AND OPERATIONS NOT EXEMPTED.—The improvements and operations on land leased by a person with an enhanced-use lease from the Secretary shall be subject to all applicable provisions of Federal, State, or local law relating to taxation, fees, and assessments.

''(b) UNDERLYING FEE TITLE INTEREST EXEMPTED.—The underlying fee title interest of the United States in any land subject to an enhanced-use lease shall not be subject, directly or indirectly, to any provision of State or local law relating to taxation, fees, or assessments.''.

(i) ANNUAL REPORTS.—

(1) IN GENERAL.—Subchapter V of chapter 81 is amended by inserting after section 8167 the following new section:

''§ 8168. Annual reports

''(a) REPORT ON ADMINISTRATION OF LEASES.—Not later than 120 days after the date of the enactment of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 and not less frequently than once each year thereafter, the Secretary shall submit to Congress a report identifying the actions taken by the Secretary to implement and administer enhanced-use leases.

''(b) REPORT ON LEASE CONSIDERATION.—Each year, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a detailed report of the consideration received by the Secretary for each enhanced-use lease under this subchapter, along with an overview of how the Secretary is utilizing such consideration to support veterans.''.

(2) ELEMENTS OF INITIAL REPORT.—The first report submitted by the Secretary under section 8168(a) of title 38, United States Code, as added by paragraph (1), shall include a summary of those measures the Secretary is taking to address the following recommendations from the February 9, 2012, audit report of the Department of Veterans Affairs Office of Inspector General on enhanced-use leases under subchapter V of chapter 81 of title 38, United States Code:

(A) Improve standards to ensure complete lease agreements are negotiated in line with strategic goals of the Department of Veterans Affairs.

(B) Institute improved policies and procedures to govern activities such as monitoring enhanced-use lease projects and calculating, classifying, and reporting on enhanced-use lease benefits and expenses.

(C) Recalculate and update enhanced-use lease expenses and benefits reported in the most recent Enhanced-Use Lease Consideration Report of the Department.

(D) Establish improved oversight mechanisms to ensure major enhanced-use lease project decisions are documented and maintained in accordance with policy.

(E) Establish improved criteria to measure timeliness and performance in enhanced-use lease project development and execution.

(F) Establish improved criteria and guidelines for assessing projects to determine whether they are or remain viable candidates for enhanced-use leases.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8167 the following new item:

''8168. Annual reports.''.

(j) EXPIRATION OF AUTHORITY.—Section 8169 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2023''.

(k) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE III—HOMELESS MATTERS

SEC. 301. ENHANCEMENT OF COMPREHENSIVE SERVICE PROGRAMS.

(a) ENHANCEMENT OF GRANTS.—Section 2011 is amended—

(1) in subsection (b)(1)(A), by striking ''expansion, remodeling, or alteration of existing buildings, or acquisition of facilities,'' and inserting ''new construction of facilities, expansion, remodeling, or alteration of existing facilities, or acquisition of facilities,''; and

(2) in subsection (c)—

(A) in the first sentence, by striking ''A grant'' and inserting ''(1) A grant'';

(B) in the second sentence of paragraph (1), as designated by subparagraph (A), by striking ''The amount'' and inserting the following:

''(2) The amount''; and

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

''(3)(A) The Secretary may not deny an application from an entity that seeks a grant under this section to carry out a project described in subsection (b)(1)(A) solely on the basis that the entity proposes to use funding from other private or public sources, if the entity demonstrates that a private nonprofit organization will provide oversight and site control for the project.

''(B) In this paragraph, the term 'private nonprofit organization' means the following:

''(i) An incorporated private institution, organization, or foundation—

''(I) that has received, or has temporary clearance to receive, tax-exempt status under paragraph (2), (3), or (19) of section 501(c) of the Internal Revenue Code of 1986;

''(II) for which no part of the net earnings of the institution, organization, or foundation inures to the benefit of any member, founder, or contributor of the institution, organization, or foundation; and

''(III) that the Secretary determines is financially responsible.

''(ii) A for-profit limited partnership or limited liability company, the sole general partner or manager of which is an organization that is described by subclauses (I) through (III) of clause (i).

''(iii) A corporation wholly owned and controlled by an organization that is described by subclauses (I) through (III) of clause (i).''.

(b) GRANT AND PER DIEM PAYMENTS.—

(1) STUDY AND DEVELOPMENT OF FISCAL CONTROLS AND PAYMENT METHOD.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) complete a study of all matters relating to the method used by the Secretary to make per diem payments under section 2012(a) of title 38, United States Code, including changes anticipated by the Secretary in the cost of furnishing services to homeless veterans and accounting for costs of providing such services in various geographic areas;

(B) develop more effective and efficient procedures for fiscal control and fund accounting by recipients of grants under sections 2011, 2012, and 2061 of such title; and

(C) develop a more effective and efficient method for adequately reimbursing recipients of grants under section 2011 of such title for services furnished to homeless veterans.

(2) CONSIDERATION.—In developing the method required by paragraph (1)(C), the Secretary may consider payments and grants received by recipients of grants described in such paragraph from other departments and agencies of Federal and local governments and from private entities.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on—

(A) the findings of the Secretary with respect to the study required by subparagraph (A) of paragraph (1);

(B) the methods developed under subparagraphs (B) and (C) of such paragraph; and

(C) any recommendations of the Secretary for revising the method described in subparagraph (A) of such paragraph and any legislative action the Secretary considers necessary to implement such method.

SEC. 302. MODIFICATION OF AUTHORITY FOR PROVISION OF TREATMENT AND REHABILITATION TO CERTAIN VETERANS TO INCLUDE PROVISION OF TREATMENT AND REHABILITATION TO HOMELESS VETERANS WHO ARE NOT SERIOUSLY MENTALLY ILL.

Section 2031(a) is amended in the matter before paragraph (1) by striking '', including'' and inserting ''and to''.

SEC. 303. MODIFICATION OF GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

(a) INCLUSION OF ENTITIES ELIGIBLE FOR COMPREHENSIVE SERVICE PROGRAM GRANTS AND PER DIEM PAYMENTS FOR SERVICES TO HOMELESS VETERANS.—Subsection (a) of section 2061 is amended—

(1) by striking ''to grant and per diem providers'' and inserting ''to entities eligible for grants and per diem payments under sections 2011 and 2012 of this title''; and

(2) by striking ''by those facilities and providers'' and inserting ''by those facilities and entities''.

(b) INCLUSION OF MALE HOMELESS VETERANS WITH MINOR DEPENDENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking '', including women who have care of minor dependents'';

(2) in paragraph (3), by striking ''or'';

(3) in paragraph (4), by striking the period at the end and inserting ''; or''; and

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

''(5) individuals who have care of minor dependents.''.

(c) AUTHORIZATION OF PROVISION OF SERVICES TO DEPENDENTS.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) PROVISION OF SERVICES TO DEPENDENTS.—A recipient of a grant under subsection (a) may use amounts under the grant to provide services directly to a dependent of a homeless veteran with special needs who is under the care of such homeless veteran while such homeless veteran receives services from the grant recipient under this section.''.

SEC. 304. COLLABORATION IN PROVISION OF CASE MANAGEMENT SERVICES TO HOMELESS VETERANS IN SUPPORTED HOUSING PROGRAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall consider entering into contracts or agreements, under sections 513 and 8153 of title 38, United States Code, with eligible entities to collaborate with the Secretary in the provision of case management services to covered veterans as part of the supported housing program carried out under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) to ensure that the homeless veterans facing the most significant difficulties in obtaining suitable housing receive the assistance they require to obtain such housing.

(b) COVERED VETERANS.—For purposes of this section, a covered veteran is any veteran who, at the time of receipt of a housing voucher under such section 8(o)(19)—

(1) requires the assistance of a case manager in obtaining suitable housing with such voucher; and

(2) is having difficulty obtaining the amount of such assistance the veteran requires, including because—

(A) the veteran resides in an area that has a shortage of low-income housing and because of such shortage the veteran requires more assistance from a case manager than the Secretary otherwise provides;

(B) the location in which the veteran resides is located at such distance from facilities of the Department of Veterans Affairs as makes the provision of case management services by the Secretary to such veteran impractical; or

(C) the veteran resides in an area where veterans who receive case management services from the Secretary under such section have a significantly lower average rate of successfully obtaining suitable housing than the average rate of successfully obtaining suitable housing for all veterans receiving such services.

(c) ELIGIBLE ENTITIES.—For purposes of this section, an eligible entity is any State or local government agency, tribal organization (as such term is defined in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b)), or nonprofit organization that—

(1) under a contract or agreement described in subsection (a), agrees—

(A) to ensure access to case management services by covered veterans on an as-needed basis;

(B) to maintain referral networks for covered veterans for purposes of assisting covered veterans in demonstrating eligibility for assistance and additional services under entitlement and assistance programs available for covered veterans, and to otherwise aid covered veterans in obtaining such assistance and services;

(C) to ensure the confidentiality of records maintained by the entity on covered veterans receiving services through the supported housing program described in subsection (a);

(D) to establish such procedures for fiscal control and fund accounting as the Secretary of Veterans Affairs considers appropriate to ensure proper disbursement and accounting of funds under a contract or agreement entered into by the entity as described in subsection (a);

(E) to submit to the Secretary each year, in such form and such manner as the Secretary may require, a report on the collaboration undertaken by the entity under a contract or agreement described in such subsection during the most recent fiscal year, including a description of, for the year covered by the report—

(i) the services and assistance provided to covered veterans as part of such collaboration;

(ii) the process by which covered veterans were referred to the entity for such services and assistance;

(iii) the specific goals jointly set by the entity and the Secretary for the provision of such services and assistance and whether the entity achieved such goals; and

(iv) the average length of time taken by a covered veteran who received such services and assistance to successfully obtain suitable housing and the average retention rate of such a veteran in such housing; and

(F) to meet such other requirements as the Secretary considers appropriate for purposes of providing assistance to covered veterans in obtaining suitable housing; and

(2) has demonstrated experience in—

(A) identifying and serving homeless veterans, especially those who have the greatest difficulty obtaining suitable housing;

(B) working collaboratively with the Department of Veterans Affairs or the Department of Housing and Urban Development;

(C) conducting outreach to, and maintaining relationships with, landlords to encourage and facilitate participation by landlords in supported housing programs similar to the supported housing program described in subsection (a);

(D) mediating disputes between landlords and veterans receiving assistance under such supported housing program; and

(E) carrying out such other activities as the Secretary of Veterans Affairs considers appropriate.

(d) CONSULTATION.—In considering entering into contracts or agreements as described in subsection (a), the Secretary of Veterans Affairs shall consult with—

(1) the Secretary of Housing and Urban Development; and

(2) third parties that provide services as part of the Department of Housing and Urban Development continuum of care.

(e) TECHNICAL ASSISTANCE FOR COLLABORATING ENTITIES.—

(1) IN GENERAL.—The Secretary may provide training and technical assistance to entities with whom the Secretary collaborates in the provision of case management services to veterans as part of the supported housing program described in subsection (a).

(2) GRANTS.—The Secretary may provide training and technical assistance under paragraph (1) through the award of grants or contracts to appropriate public and nonprofit private entities.

(3) FUNDING.—From amounts appropriated or otherwise made available to the Secretary in the Medical Services account in a year, $500,000 shall be available to the Secretary in that year to carry out this subsection.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 545 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary of Veterans Affairs shall submit to Congress a report on the collaboration between the Secretary and eligible entities in the provision of case management services as described in subsection (a) during the most recently completed fiscal year.

(2) ELEMENTS.—Each report required by paragraph (1) shall include, for the period covered by the report, the following:

(A) A discussion of each case in which a contract or agreement described in subsection (a) was considered by the Secretary, including a description of whether or not and why the Secretary chose or did not choose to enter into such contract or agreement.

(B) The number and types of eligible entities with whom the Secretary has entered into a contract or agreement as described in subsection (a).

(C) A description of the geographic regions in which such entities provide case management services as described in such subsection.

(D) A description of the number and types of covered veterans who received case management services from such entities under such contracts or agreements.

(E) An assessment of the performance of each eligible entity with whom the Secretary entered into a contract or agreement as described in subsection (a).

(F) An assessment of the benefits to covered veterans of such contracts and agreements.

(G) A discussion of the benefits of increasing the ratio of case managers to recipients of vouchers under the supported housing program described in such subsection to veterans who reside in rural areas.

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate for the improvement of collaboration in the provision of case management services under such supported housing program.

SEC. 305. EXTENSIONS OF PREVIOUSLY FULLY FUNDED AUTHORITIES AFFECTING HOMELESS VETERANS.

(a) COMPREHENSIVE SERVICE PROGRAMS.—Section 2013 is amended by striking paragraph (5) and inserting the following new paragraphs:

''(5) $250,000,000 for fiscal year 2013.

''(6) $150,000,000 for fiscal year 2014 and each subsequent fiscal year.''.

(b) HOMELESS VETERANS REINTEGRATION PROGRAMS.—Section 2021(e)(1)(F) is amended by striking ''2012'' and inserting ''2013''.

(c) FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.—Section 2044(e)(1) is amended by adding at the end the following new subparagraph:

''(E) $300,000,000 for fiscal year 2013.''.

(d) GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.—Section 2061(c)(1) is amended by striking ''through 2012'' and inserting ''through 2013''.

TITLE IV—EDUCATION MATTERS

SEC. 401. AGGREGATE AMOUNT OF EDUCATIONAL ASSISTANCE AVAILABLE TO INDIVIDUALS WHO RECEIVE BOTH SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE AND OTHER VETERANS AND RELATED EDUCATIONAL ASSISTANCE.

(a) AGGREGATE AMOUNT AVAILABLE.—Section 3695 is amended—

(1) in subsection (a)(4), by striking ''35,''; and

(2) by adding at the end the following new subsection:

''(c) The aggregate period for which any person may receive assistance under chapter 35 of this title, on the one hand, and any of the provisions of law referred to in subsection (a), on the other hand, may not exceed 81 months (or the part-time equivalent thereof).''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on October 1, 2013, and shall not operate to revive any entitlement to assistance under chapter 35 of title 38, United States Code, or the provisions of law referred to in section 3695(a) of such title, as in effect on the day before such date, that was terminated by reason of the operation of section 3695(a) of such title, as so in effect, before such date.

(c) REVIVAL OF ENTITLEMENT REDUCED BY PRIOR UTILIZATION OF CHAPTER 35 ASSISTANCE.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual whose period of entitlement to assistance under a provision of law referred to in section 3695(a) of title 38, United States Code (other than chapter 35 of such title), as in effect on September 30, 2013, was reduced under such section 3695(a), as so in effect, by reason of the utilization of entitlement to assistance under chapter 35 of such title before October 1, 2013, the period of entitlement to assistance of such individual under such provision shall be determined without regard to any entitlement so utilized by the individual under chapter 35 of such title.

(2) LIMITATION.—The maximum period of entitlement to assistance of an individual under paragraph (1) may not exceed 81 months.

SEC. 402. ANNUAL REPORTS ON POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM AND SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 33 is amended by adding at the end the following new section:

''§ 3325. Reporting requirement

''(a) IN GENERAL.—For each academic year—

''(1) the Secretary of Defense shall submit to Congress a report on the operation of the program provided for in this chapter; and

''(2) the Secretary shall submit to Congress a report on the operation of the program provided for in this chapter and the program provided for under chapter 35 of this title.

''(b) CONTENTS OF SECRETARY OF DEFENSE REPORTS.—The Secretary of Defense shall include in each report submitted under this section—

''(1) information—

''(A) indicating the extent to which the benefit levels provided under this chapter are adequate to achieve the purposes of inducing individuals to enter and remain in the Armed Forces and of providing an adequate level of financial assistance to help meet the cost of pursuing a program of education;

''(B) indicating whether it is necessary for the purposes of maintaining adequate levels of well-qualified active-duty personnel in the Armed Forces to continue to offer the opportunity for educational assistance under this chapter to individuals who have not yet entered active-duty service; and

''(C) describing the efforts under section 3323(b) of this title to inform members of the Armed Forces of the active duty service requirements for entitlement to educational assistance under this chapter and the results from such efforts; and

''(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary of Defense considers appropriate.

''(c) CONTENTS OF SECRETARY OF VETERANS AFFAIRS REPORTS.—The Secretary shall include in each report submitted under this section—

''(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter and under chapter 35 of this title;

''(2) appropriate student outcome measures, such as the number of credit hours, certificates, degrees, and other qualifications earned by beneficiaries under this chapter and chapter 35 of this title during the academic year covered by the report; and

''(3) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary considers appropriate.

''(d) TERMINATION.—No report shall be required under this section after January 1, 2021.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3324 the following new item:

''3325. Reporting requirement.''.

(3) DEADLINE FOR SUBMITTAL OF FIRST REPORT.—The first reports required under section 3325 of title 38, United States Code, as added by paragraph (1), shall be submitted by not later than November 1, 2013.

(b) REPEAL OF REPORT ON ALL VOLUNTEER-FORCE EDUCATIONAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Chapter 30 is amended by striking section 3036.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3036.

TITLE V—BENEFITS MATTERS

SEC. 501. AUTOMATIC WAIVER OF AGENCY OF ORIGINAL JURISDICTION REVIEW OF NEW EVIDENCE.

(a) IN GENERAL.—Section 7105 is amended by adding at the end the following new subsection:

''(e)(1) If, either at the time or after the agency of original jurisdiction receives a substantive appeal, the claimant or the claimant's representative, if any, submits evidence to either the agency of original jurisdiction or the Board of Veterans' Appeals for consideration in connection with the issue or issues with which disagreement has been expressed, such evidence shall be subject to initial review by the Board unless the claimant or the claimant's representative, as the case may be, requests in writing that the agency of original jurisdiction initially review such evidence.

''(2) A request for review of evidence under paragraph (1) shall accompany the submittal of the evidence.''.

(b) EFFECTIVE DATE.—Subsection (e) of such section, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to claims for which a substantive appeal is filed on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 502. AUTHORITY FOR CERTAIN PERSONS TO SIGN CLAIMS FILED WITH SECRETARY OF VETERANS AFFAIRS ON BEHALF OF CLAIMANTS.

(a) IN GENERAL.—Section 5101 is amended—

(1) in subsection (a)—

(A) by striking ''A specific'' and inserting ''(1) A specific''; and

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

''(2) If an individual has not attained the age of 18 years, is mentally incompetent, or is physically unable to sign a form, a form filed under paragraph (1) for the individual may be signed by a court-appointed representative, a person who is responsible for the care of the individual, including a spouse or other relative, or an attorney in fact or agent authorized to act on behalf of the individual under a durable power of attorney. If the individual is in the care of an institution, the manager or principal officer of the institution may sign the form.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting '', signs a form on behalf of an individual to apply for,'' after ''who applies for'';

(ii) by inserting '', or TIN in the case that the person is not an individual,'' after ''of such person''; and

(iii) by striking ''dependent'' and inserting ''claimant, dependent,''; and

(B) in paragraph (2), by inserting ''or TIN'' after ''social security number'' each place it appears; and

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

''(d) In this section:

''(1) The term 'mentally incompetent' with respect to an individual means that the individual lacks the mental capacity—

''(A) to provide substantially accurate information needed to complete a form; or

''(B) to certify that the statements made on a form are true and complete.

''(2) The term 'TIN' has the meaning given the term in section 7701(a)(41) of the Internal Revenue Code of 1986.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to claims filed on or after the date of the enactment of this Act.

SEC. 503. IMPROVEMENT OF PROCESS FOR FILING JOINTLY FOR SOCIAL SECURITY AND DEPENDENCY AND INDEMNITY COMPENSATION.

Section 5105 is amended—

(1) in subsection (a)—

(A) by striking ''shall'' the first place it appears and inserting ''may''; and

(B) by striking ''Each such form'' and inserting ''Such forms''; and

(2) in subsection (b), by striking ''on such a form'' and inserting ''on any document indicating an intent to apply for survivor benefits''.

SEC. 504. AUTHORIZATION OF USE OF ELECTRONIC COMMUNICATION TO PROVIDE NOTICE TO CLAIMANTS FOR BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5103 is amended—

(1) in subsection (a)(1)—

(A) by striking ''Upon receipt of a complete or substantially complete application, the'' and inserting ''The'';

(B) by striking ''notify'' and inserting ''provide to''; and

(C) by inserting ''by the most effective means available, including electronic communication or notification in writing, notice'' before ''of any information''; and

(2) in subsection (b), by adding at the end the following new paragraphs:

''(4) Nothing in this section shall require the Secretary to provide notice for a subsequent claim that is filed while a previous claim is pending if the notice previously provided for such pending claim—

''(A) provides sufficient notice of the information and evidence necessary to substantiate such subsequent claim; and

''(B) was sent within one year of the date on which the subsequent claim was filed.

''(5)(A) This section shall not apply to any claim or issue where the Secretary may award the maximum benefit in accordance with this title based on the evidence of record.

''(B) For purposes of this paragraph, the term 'maximum benefit' means the highest evaluation assignable in accordance with the evidence of record, as long as such evidence is adequate for rating purposes and sufficient to grant the earliest possible effective date in accordance with section 5110 of this title.''.

(b) CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall be construed as eliminating any requirement with respect to the contents of a notice under section 5103 of title 38, United States Code, that is required under regulations prescribed pursuant to subsection (a)(2) of such section as of the date of the enactment of this Act.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to notification obligations of the Secretary of Veterans Affairs on or after such date.

(2) CONSTRUCTION REGARDING APPLICABILITY.—Nothing in this section or the amendments made by this section shall be construed to require the Secretary to carry out notification procedures in accordance with requirements of section 5103 of title 38, United States Code, as in effect on the day before the effective date established in paragraph (1) on or after such effective date.

SEC. 505. DUTY TO ASSIST CLAIMANTS IN OBTAINING PRIVATE RECORDS.

(a) IN GENERAL.—Subsection (b) of section 5103A is amended to read as follows:

''(b) ASSISTANCE IN OBTAINING PRIVATE RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant private records that the claimant adequately identifies to the Secretary.

''(2)(A) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

''(i) identify the records the Secretary is unable to obtain;

''(ii) briefly explain the efforts that the Secretary made to obtain such records; and

''(iii) explain that the Secretary will decide the claim based on the evidence of record but that this section does not prohibit the submission of records at a later date if such submission is otherwise allowed.

''(B) The Secretary shall make not less than two requests to a custodian of a private record in order for an effort to obtain relevant private records to be treated as reasonable under this section, unless it is made evident by the first request that a second request would be futile in obtaining such records.

''(3)(A) This section shall not apply if the evidence of record allows for the Secretary to award the maximum benefit in accordance with this title based on the evidence of record.

''(B) For purposes of this paragraph, the term 'maximum benefit' means the highest evaluation assignable in accordance with the evidence of record, as long as such evidence is adequate for rating purposes and sufficient to grant the earliest possible effective date in accordance with section 5110 of this title.

''(4) Under regulations prescribed by the Secretary, the Secretary—

''(A) shall encourage claimants to submit relevant private medical records of the claimant to the Secretary if such submission does not burden the claimant; and

''(B) in obtaining relevant private records under paragraph (1), may require the claimant to authorize the Secretary to obtain such records if such authorization is required to comply with Federal, State, or local law.''.

(b) PUBLIC RECORDS.—Subsection (c) of such section is amended to read as follows:

''(c) OBTAINING RECORDS FOR COMPENSATION CLAIMS.—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under this section shall include obtaining the following records if relevant to the claim:

''(A) The claimant's service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant's active military, naval, or air service that are held or maintained by a governmental entity.

''(B) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.

''(C) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

''(2) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection, the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to assistance obligations of the Secretary of Veterans Affairs on or after such date.

(2) CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to require the Secretary to carry out assistance in accordance with requirements of section 5103A of title 38, United States Code, as in effect on the day before the effective date established in paragraph (1) on or after such effective date.

SEC. 506. AUTHORITY FOR RETROACTIVE EFFECTIVE DATE FOR AWARDS OF DISABILITY COMPENSATION IN CONNECTION WITH APPLICATIONS THAT ARE FULLY-DEVELOPED AT SUBMITTAL.

Section 5110(b) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) The effective date of an award of disability compensation to a veteran who submits an application therefor that sets forth an original claim that is fully-developed (as determined by the Secretary) as of the date of submittal shall be fixed in accordance with the facts found, but shall not be earlier than the date that is one year before the date of receipt of the application.

''(B) For purposes of this paragraph, an original claim is an initial claim filed by a veteran for disability compensation.

''(C) This paragraph shall take effect on the date that is one year after the date of the enactment of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 and shall not apply with respect to claims filed after the date that is three years after the date of the enactment of such Act.''.

SEC. 507. MODIFICATION OF MONTH OF DEATH BENEFIT FOR SURVIVING SPOUSES OF VETERANS WHO DIE WHILE ENTITLED TO COMPENSATION OR PENSION.

(a) SURVIVING SPOUSE BENEFIT FOR MONTH OF VETERAN'S DEATH.—Subsections (a) and (b) of section 5310 are amended to read as follows:

''(a) IN GENERAL.—(1) A surviving spouse of a veteran is entitled to a benefit for the month of the veteran's death if—

''(A) at the time of the veteran's death, the veteran was receiving compensation or pension under chapter 11 or 15 of this title; or

''(B) the veteran is determined for purposes of section 5121 or 5121A of this title as having been entitled to receive compensation or pension under chapter 11 or 15 of this title for the month of the veteran's death.

''(2) The amount of the benefit under paragraph (1) is the amount that the veteran would have received under chapter 11 or 15 of this title, as the case may be, for the month of the veteran's death had the veteran not died.

''(b) CLAIMS PENDING ADJUDICATION.—If a claim for entitlement to compensation or additional compensation under chapter 11 of this title or pension or additional pension under chapter 15 of this title is pending at the time of a veteran's death and the check or other payment issued to the veteran's surviving spouse under subsection (a) is less than the amount of the benefit the veteran would have been entitled to for the month of death pursuant to the adjudication of the pending claim, an amount equal to the difference between the amount to which the veteran would have been entitled to receive under chapter 11 or 15 of this title for the month of the veteran's death had the veteran not died and the amount of the check or other payment issued to the surviving spouse shall be treated in the same manner as an accrued benefit under section 5121 of this title.''.

(b) MONTH OF DEATH BENEFIT EXEMPT FROM DELAYED COMMENCEMENT OF PAYMENT.—Section 5111(c)(1) is amended by striking ''apply to'' and all that follows through ''death occurred'' and inserting the following: ''not apply to payments made pursuant to section 5310 of this title''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths that occur on or after that date.

SEC. 508. INCREASE IN RATE OF PENSION FOR DISABLED VETERANS MARRIED TO ONE ANOTHER AND BOTH OF WHOM REQUIRE REGULAR AID AND ATTENDANCE.

(a) IN GENERAL.—Section 1521(f)(2) is amended by striking ''$30,480'' and inserting ''$32,433''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 509. EXCLUSION OF CERTAIN REIMBURSEMENTS OF EXPENSES FROM DETERMINATION OF ANNUAL INCOME WITH RESPECT TO PENSIONS FOR VETERANS AND SURVIVING SPOUSES AND CHILDREN OF VETERANS.

(a) IN GENERAL.—Paragraph (5) of section 1503(a) of title 38, United States Code, is amended to read as follows:

''(5) payments regarding reimbursements of any kind (including insurance settlement payments) for expenses related to the repayment, replacement, or repair of equipment, vehicles, items, money, or property resulting from—

''(A) any accident (as defined by the Secretary), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the equipment or vehicle involved at the time immediately preceding the accident;

''(B) any theft or loss (as defined by the Secretary), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the item or the amount of the money (including legal tender of the United States or of a foreign country) involved at the time immediately preceding the theft or loss; or

''(C) any casualty loss (as defined by the Secretary), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the casualty loss;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

TITLE VI—MEMORIAL, BURIAL, AND CEMETERY MATTERS

SEC. 601. PROHIBITION ON DISRUPTIONS OF FUNERALS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES.

(a) PURPOSE AND AUTHORITY.—

(1) PURPOSE.—The purpose of this section is to provide necessary and proper support for the recruitment and retention of the Armed Forces and militia employed in the service of the United States by protecting the dignity of the service of the members of such Forces and militia, and by protecting the privacy of their immediate family members and other attendees during funeral services for such members.

(2) CONSTITUTIONAL AUTHORITY.—Congress finds that this section is a necessary and proper exercise of its powers under the Constitution, article I, section 8, paragraphs 1, 12, 13, 14, 16, and 18, to provide for the common defense, raise and support armies, provide and maintain a navy, make rules for the government and regulation of the land and naval forces, and provide for organizing and governing such part of the militia as may be employed in the service of the United States.

(b) AMENDMENT TO TITLE 18.—Section 1388 of title 18, United States Code, is amended to read as follows:

''§ 1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces

''(a) PROHIBITION.—For any funeral of a member or former member of the Armed Forces that is not located at a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery, it shall be unlawful for any person to engage in an activity during the period beginning 120 minutes before and ending 120 minutes after such funeral, any part of which activity—

''(1)(A) takes place within the boundaries of the location of such funeral or takes place within 300 feet of the point of the intersection between—

''(i) the boundary of the location of such funeral; and

''(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

''(B) includes any individual willfully making or assisting in the making of any noise or diversion—

''(i) that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral; and

''(ii) with the intent of disturbing the peace or good order of such funeral;

''(2)(A) is within 500 feet of the boundary of the location of such funeral; and

''(B) includes any individual—

''(i) willfully and without proper authorization impeding or tending to impede the access to or egress from such location; and

''(ii) with the intent to impede the access to or egress from such location; or

''(3) is on or near the boundary of the residence, home, or domicile of any surviving member of the deceased person's immediate family and includes any individual willfully making or assisting in the making of any noise or diversion—

''(A) that disturbs or tends to disturb the peace of the persons located at such location; and

''(B) with the intent of disturbing such peace.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title or imprisoned for not more than 1 year, or both.

''(c) CIVIL REMEDIES.—

''(1) DISTRICT COURTS.—The district courts of the United States shall have jurisdiction—

''(A) to prevent and restrain violations of this section; and

''(B) for the adjudication of any claims for relief under this section.

''(2) ATTORNEY GENERAL.—The Attorney General may institute proceedings under this section.

''(3) CLAIMS.—Any person, including a surviving member of the deceased person's immediate family, who suffers injury as a result of conduct that violates this section may—

''(A) sue therefor in any appropriate United States district court or in any court of competent jurisdiction; and

''(B) recover damages as provided in subsection (d) and the cost of the suit, including reasonable attorneys' fees.

''(4) ESTOPPEL.—A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by a person or by the United States.

''(d) ACTUAL AND STATUTORY DAMAGES.—

''(1) IN GENERAL.—In addition to any penalty imposed under subsection (b), a violator of this section is liable in an action under subsection (c) for actual or statutory damages as provided in this subsection.

''(2) ACTIONS BY PRIVATE PERSONS.—A person bringing an action under subsection (c)(3) may elect, at any time before final judgment is rendered, to recover the actual damages suffered by him or her as a result of the violation or, instead of actual damages, an award of statutory damages for each violation involved in the action.

''(3) ACTIONS BY ATTORNEY GENERAL.—In any action under subsection (c)(2), the Attorney General is entitled to recover an award of statutory damages for each violation involved in the action notwithstanding any recovery under subsection (c)(3).

''(4) STATUTORY DAMAGES.—A court may award, as the court considers just, statutory damages in a sum of not less than $25,000 or more than $50,000 per violation.

''(e) REBUTTABLE PRESUMPTION.—It shall be a rebuttable presumption that the violation was committed willfully for purposes of determining relief under this section if the violator, or a person acting in concert with the violator, did not have reasonable grounds to believe, either from the attention or publicity sought by the violator

or other circumstance, that the conduct of such violator or person would not disturb or tend to disturb the peace or good order of such funeral, impede or tend to impede the access to or egress from such funeral, or disturb or tend to disturb the peace of any surviving member of the deceased person's immediate family who may be found on or near the residence, home, or domicile of the deceased person's immediate family on the date of the service or ceremony.

''(f) DEFINITIONS.—In this section—

''(1) the term 'Armed Forces' has the meaning given the term in section 101 of title 10 and includes members and former members of the National Guard who were employed in the service of the United States; and

''(2) the term 'immediate family' means, with respect to a person, the immediate family members of such person, as such term is defined in section 115 of this title.''.

(c) AMENDMENT TO TITLE 38.—

(1) IN GENERAL.—Section 2413 is amended to read as follows:

''§2413. Prohibition on certain demonstrations and disruptions at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

''(a) PROHIBITION.—It shall be unlawful for any person—

''(1) to carry out a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

''(2) with respect to such a cemetery, to engage in a demonstration during the period beginning 120 minutes before and ending 120 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

''(A)(i) takes place within the boundaries of such cemetery or takes place within 300 feet of the point of the intersection between—

''(I) the boundary of such cemetery; and

''(II) a road, pathway, or other route of ingress to or egress from such cemetery; and

''(ii) includes any individual willfully making or assisting in the making of any noise or diversion—

''(I) that is not part of such funeral, memorial service, or ceremony and that disturbs or tends to disturb the peace or good order of such funeral, memorial service, or ceremony; and

''(II) with the intent of disturbing the peace or good order of such funeral, memorial service, or ceremony; or

''(B)(i) is within 500 feet of the boundary of such cemetery; and

''(ii) includes any individual—

''(I) willfully and without proper authorization impeding or tending to impede the access to or egress from such cemetery; and

''(II) with the intent to impede the access to or egress from such cemetery.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18 or imprisoned for not more than one year, or both.

''(c) CIVIL REMEDIES.—(1) The district courts of the United States shall have jurisdiction—

''(A) to prevent and restrain violations of this section; and

''(B) for the adjudication of any claims for relief under this section.

''(2) The Attorney General of the United States may institute proceedings under this section.

''(3) Any person, including a surviving member of the deceased person's immediate family, who suffers injury as a result of conduct that violates this section may—

''(A) sue therefor in any appropriate United States district court or in any court of competent jurisdiction; and

''(B) recover damages as provided in subsection (d) and the cost of the suit, including reasonable attorneys' fees.

''(4) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by a person or by the United States.

''(d) ACTUAL AND STATUTORY DAMAGES.—(1) In addition to any penalty imposed under subsection (b), a violator of this section is liable in an action under subsection (c) for actual or statutory damages as provided in this subsection.

''(2) A person bringing an action under subsection (c)(3) may elect, at any time before final judgment is rendered, to recover the actual damages suffered by him or her as a result of the violation or, instead of actual damages, an award of statutory damages for each violation involved in the action.

''(3) In any action brought under subsection (c)(2), the Attorney General is entitled to recover an award of statutory damages for each violation involved in the action notwithstanding any recovery under subsection (c)(3).

''(4) A court may award, as the court considers just, statutory damages in a sum of not less than $25,000 or more than $50,000 per violation.

''(e) REBUTTABLE PRESUMPTION.—It shall be a rebuttable presumption that the violation of subsection (a) was committed willfully for purposes of determining relief under this section if the violator, or a person acting in concert with the violator, did not have reasonable grounds to believe, either from the attention or publicity sought by the violator or other circumstance, that the conduct of such violator or person would not—

''(1) disturb or tend to disturb the peace or good order of such funeral, memorial service, or ceremony; or

''(2) impede or tend to impede the access to or egress from such funeral, memorial service, or ceremony.

''(f) DEFINITIONS.—In this section—

''(1) the term 'demonstration' includes—

''(A) any picketing or similar conduct;

''(B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony;

''(C) the display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony; and

''(D) the distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony; and

''(2) the term 'immediate family' means, with respect to a person, the immediate family members of such person, as such term is defined in section 115 of title 18.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 is amended by striking the item relating to section 2413 and inserting the following new item:

''2413. Prohibition on certain demonstrations and disruptions at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery.''.

SEC. 602. CODIFICATION OF PROHIBITION AGAINST RESERVATION OF GRAVESITES AT ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 is amended by inserting after section 2410 the following new section:

''§2410A. Arlington National Cemetery: other administrative matters

''(a) ONE GRAVESITE.—(1) Not more than one gravesite may be provided at Arlington National Cemetery to a veteran or member of the Armed Forces who is eligible for interment or inurnment at such cemetery.

''(2) The Secretary of the Army may waive the prohibition in paragraph (1) as the Secretary of the Army considers appropriate.

''(b) PROHIBITION AGAINST RESERVATION OF GRAVESITES.—(1) A gravesite at Arlington National Cemetery may not be reserved for an individual before the death of such individual.

''(2)(A) The President may waive the prohibition in paragraph (1) as the President considers appropriate.

''(B) Upon waiving the prohibition in paragraph (1), the President shall submit notice of such waiver to—

''(i) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

''(ii) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2410 the following new item:

''2410A. Arlington National Cemetery: other administrative matters.''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 2410A of title 38, United States Code, as added by subsection (a), shall apply with respect to all interments at Arlington National Cemetery after the date of the enactment of this Act.

(2) EXCEPTION.—Subsection (b) of such section, as so added, shall not apply with respect to the interment of an individual for whom a request for a reserved gravesite was approved by the Secretary of the Army before January 1, 1962.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on reservations made for interment at Arlington National Cemetery.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The number of requests for reservation of a gravesite at Arlington National Cemetery that were submitted to the Secretary of the Army before January 1, 1962.

(B) The number of gravesites at such cemetery that, on the day before the date of the enactment of this Act, were reserved in response to such requests.

(C) The number of such gravesites that, on the day before the date of the enactment of this Act, were unoccupied.

(D) A list of all reservations for gravesites at such cemetery that were extended by individuals responsible for management of such cemetery in response to requests for such reservations made on or after January 1, 1962.

(E) A description of the measures that the Secretary is taking to improve the accountability and transparency of the management of gravesite reservations at Arlington National Cemetery.

(F) Such recommendations as the Secretary may have for legislative action as the Secretary considers necessary to improve such accountability and transparency.

SEC. 603. EXPANSION OF ELIGIBILITY FOR PRESIDENTIAL MEMORIAL CERTIFICATES TO PERSONS WHO DIED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE.

Section 112(a) is amended—

(1) by inserting ''and persons who died in the active military, naval, or air service,'' after ''under honorable conditions,''; and

(2) by striking ''veteran's'' and inserting ''deceased individual's''.

SEC. 604. REQUIREMENTS FOR THE PLACEMENT OF MONUMENTS IN ARLINGTON NATIONAL CEMETERY.

Section 2409(b) is amended—

(1) by striking ''Under'' and inserting ''(1) Under'';

(2) by inserting after ''Secretary of the Army'' the following: ''and subject to paragraph (2)''; and

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

''(2)(A) Except for a monument containing or marking interred remains, no monument (or similar structure, as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

''(B) A monument may be placed in Arlington National Cemetery if the monument commemorates—

''(i) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

''(ii) a particular military event.

''(C) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

''(i) in the case of the commemoration of service under subparagraph (B)(i), on the last day of the period of service so commemorated; and

''(ii) in the case of the commemoration of a particular military event under subparagraph (B)(ii), on the last day of the period of the event.

''(D) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement and only on land the Secretary determines is not suitable for burial.

''(E) A monument may only be placed in Arlington National Cemetery if an appropriate nongovernmental entity has agreed to act as a sponsoring organization to coordinate the placement of the monument and—

''(i) the construction and placement of the monument are paid for only using funds from private sources;

''(ii) the Secretary of the Army consults with the Commission of Fine Arts and the Advisory Committee on Arlington National Cemetery before approving the design of the monument; and

''(iii) the sponsoring organization provides for an independent study on the availability and suitability of alternative locations for the proposed monument outside of Arlington National Cemetery.

''(3)(A) The Secretary of the Army may waive the requirement under paragraph (2)(C) in a case in which the monument would commemorate a group of individuals who the Secretary determines—

''(i) has made valuable contributions to the Armed Forces that have been ongoing and perpetual for longer than 25 years and are expected to continue on indefinitely; and

''(ii) has provided service that is of such a character that the failure to place a monument to the group in Arlington National Cemetery would present a manifest injustice.

''(B) If the Secretary waives such requirement under subparagraph (A), the Secretary shall—

''(i) make available on an Internet website notification of the waiver and the rationale for the waiver; and

''(ii) submit to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives written notice of the waiver and the rationale for the waiver.

''(4) The Secretary of the Army shall provide notice to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives of any monument proposed to be placed in Arlington National Cemetery. During the 60-day period beginning on the date on which such notice is received, Congress may pass a joint resolution of disapproval of the placement of the monument. The proposed monument may not be placed in Arlington National Cemetery until the later of—

''(A) if Congress does not pass a joint resolution of disapproval of the placement of the monument, the date that is 60 days after the date on which notice is received under this paragraph; or

''(B) if Congress passes a joint resolution of disapproval of the placement of the monument, and the President signs a veto of such resolution, the earlier of—

''(i) the date on which either House of Congress votes and fails to override the veto of the President; or

''(ii) the date that is 30 session days after the date on which Congress received the veto and objections of the President.''.

TITLE VII—OTHER MATTERS

SEC. 701. ASSISTANCE TO VETERANS AFFECTED BY NATURAL DISASTERS.

(a) ADDITIONAL GRANTS FOR DISABLED VETERANS FOR SPECIALLY ADAPTED HOUSING.—

(1) IN GENERAL.—Chapter 21 is amended by adding at the end the following new section:

''§2109. Specially adapted housing destroyed or damaged by natural disasters

''(a) IN GENERAL.—Notwithstanding the provisions of section 2102 and 2102A of this title, the Secretary may provide assistance to a veteran whose home was previously adapted with assistance of a grant under this chapter in the event the adapted home which was being used and occupied by the veteran was destroyed or substantially damaged in a natural or other disaster, as determined by the Secretary.

''(b) USE OF FUNDS.—Subject to subsection (c), assistance provided under subsection (a) shall—

''(1) be available to acquire a suitable housing unit with special fixtures or moveable facilities made necessary by the veteran's disability, and necessary land therefor;

''(2) be available to a veteran to the same extent as if the veteran had not previously received assistance under this chapter; and

''(3) not be deducted from the maximum uses or from the maximum amount of assistance available under this chapter.

''(c) LIMITATIONS.—The amount of the assistance provided under subsection (a) may not exceed the lesser of—

''(1) the reasonable cost, as determined by the Secretary, of repairing or replacing the damaged or destroyed home in excess of the available insurance coverage on such home; or

''(2) the maximum amount of assistance to which the veteran would have been entitled under sections 2101(a), 2101(b), and 2102A of this title had the veteran not obtained previous assistance under this chapter.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2108 the following new item:

''2109. Specially adapted housing destroyed or damaged by natural disasters.''.

(b) EXTENSION OF SUBSISTENCE ALLOWANCE FOR VETERANS COMPLETING VOCATIONAL REHABILITATION PROGRAM.—Section 3108(a)(2) is amended—

(1) by inserting ''(A)'' before ''In''; and

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

''(B) In any case in which the Secretary determines that a veteran described in subparagraph (A) has been displaced as the result of a natural or other disaster while being paid a subsistence allowance under that subparagraph, as determined by the Secretary, the Secretary may extend the payment of a subsistence allowance under such subparagraph for up to an additional two months while the veteran is satisfactorily following a program of employment services described in such subparagraph.''.

(c) WAIVER OF LIMITATION ON PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120(e) is amended—

(1) by inserting ''(1)'' before ''Programs''; and

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

''(2) The limitation in paragraph (1) shall not apply in any case in which the Secretary determines that a veteran described in subsection (b) has been displaced as the result of, or has otherwise been adversely affected in the areas covered by, a natural or other disaster, as determined by the Secretary.''.

(d) COVENANTS AND LIENS CREATED BY PUBLIC ENTITIES IN RESPONSE TO DISASTER-RELIEF ASSISTANCE.—Paragraph (3) of section 3703(d) is amended to read as follows:

''(3)(A) Any real estate housing loan (other than for repairs, alterations, or improvements) shall be secured by a first lien on the realty. In determining whether a loan is so secured, the Secretary may either disregard or allow for subordination to a superior lien created by a duly recorded covenant running with the realty in favor of either of the following:

''(i) A public entity that has provided or will provide assistance in response to a major disaster as determined by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(ii) A private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services, or programs within and for the benefit of the development or community in which the veteran's realty is located, if the Secretary determines that the interests of the veteran borrower and of the Government will not be prejudiced by the operation of such covenant.

''(B) With respect to any superior lien described in subparagraph (A) created after June 6, 1969, the Secretary's determination under clause (ii) of such subparagraph shall have been made prior to the recordation of the covenant.''.

(e) AUTOMOBILES AND OTHER CONVEYANCES FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.—Section 3903(a) is amended—

(1) by striking ''No'' and inserting ''(1) Except as provided in paragraph (2), no''; and

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

''(2) The Secretary may provide or assist in providing an eligible person with a second automobile or other conveyance under this chapter if—

''(A) the Secretary receives satisfactory evidence that the automobile or other conveyance previously purchased with assistance under this chapter was destroyed—

''(i) as a result of a natural or other disaster, as determined by the Secretary; and

''(ii) through no fault of the eligible person; and

''(B) the eligible person does not otherwise receive from a property insurer compensation for the loss.''.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—Each year, the Secretary of Veterans Affairs shall submit to Congress a report on the assistance provided or action taken by the Secretary in the last fiscal year pursuant to the authorities added by the amendments made by this section.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following for the fiscal year covered by the report:

(A) A description of each natural disaster for which assistance was provided or action was taken as described in paragraph (1).

(B) The number of cases or individuals, as the case may be, in which or to whom the Secretary provided assistance or took action as described in paragraph (1).

(C) For each such case or individual, a description of the type or amount of assistance or action taken, as the case may be.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 702. EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW.

(a) POOL OF MORTGAGE LOANS.—Section 3720(h)(2) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2016''.

(b) LOAN FEES.—Section 3729(b)(2) is amended—

(1) in subparagraph (A)—
(A) in clause (iii), by striking ''October 1, 2016'' and inserting ''October 1, 2017''; and
(B) in clause (iv), by striking ''October 1, 2016'' and inserting ''October 1, 2017'';
(2) in subparagraph (B)—
(A) in clause (i), by striking ''October 1, 2016'' and inserting ''October 1, 2017''; and
(B) in clause (ii), by striking ''October 1, 2016'' and inserting ''October 1, 2017'';
(3) in subparagraph (C)—
(A) in clause (i), by striking ''October 1, 2016'' and inserting ''October 1, 2017''; and
(B) in clause (ii), by striking ''October 1, 2016'' and inserting ''October 1, 2017''; and
(4) in subparagraph (D)—
(A) in clause (i), by striking ''October 1, 2016'' and inserting ''October 1, 2017''; and
(B) in clause (ii), by striking ''October 1, 2016'' and inserting ''October 1, 2017''.

(c) TEMPORARY ADJUSTMENT OF MAXIMUM HOME LOAN GUARANTY AMOUNT.—Section 501 of the Veterans' Benefits Improvement Act of 2008 (Public Law 110–389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2014''.

SEC. 703. REQUIREMENT FOR PLAN FOR REGULAR ASSESSMENT OF EMPLOYEES OF VETERANS BENEFITS ADMINISTRATION WHO HANDLE PROCESSING OF CLAIMS FOR COMPENSATION AND PENSION.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan that describes how the Secretary will—

(1) regularly assess the skills and competencies of appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits administered by the Secretary;

(2) provide training to those employees whose skills and competencies are assessed as unsatisfactory by the regular assessment described in paragraph (1), to remediate deficiencies in such skills and competencies;

(3) reassess the skills and competencies of employees who receive training as described in paragraph (2); and

(4) take appropriate personnel action if, following training and reassessment as described in paragraphs (2) and (3), respectively, skills and competencies remain unsatisfactory.

SEC. 704. MODIFICATION OF PROVISION RELATING TO REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3)(C) is amended by striking ''under subparagraph (B)'' and inserting ''to or from a Department facility''.

SEC. 705. CHANGE IN COLLECTION AND VERIFICATION OF VETERAN INCOME.

Section 1722(f)(1) is amended by striking ''the previous year'' and inserting ''the most recent year for which information is available''.

SEC. 706. DEPARTMENT OF VETERANS AFFAIRS ENFORCEMENT PENALTIES FOR MISREPRESENTATION OF A BUSINESS CONCERN AS A SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY VETERANS OR AS A SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.

Subsection (g) of section 8127 is amended—

(1) by striking ''Any business'' and inserting ''(1) Any business'';

(2) in paragraph (1), as so designated—

(A) by inserting ''willfully and intentionally'' before ''misrepresented''; and

(B) by striking ''a reasonable period of time, as determined by the Secretary'' and inserting ''a period of not less than five years''; and

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

''(2) In the case of a debarment under paragraph (1), the Secretary shall commence debarment action against the business concern by not later than 30 days after determining that the concern willfully and intentionally misrepresented the status of the concern as described in paragraph (1) and shall complete debarment actions against such concern by not later than 90 days after such determination.

''(3) The debarment of a business concern under paragraph (1) includes the debarment of all principals in the business concern for a period of not less than five years.''.

SEC. 707. QUARTERLY REPORTS TO CONGRESS ON CONFERENCES SPONSORED BY THE DEPARTMENT.

(a) IN GENERAL.—Subchapter I of chapter 5 is amended by adding at the end the following new section:

''§ 517. Quarterly reports to Congress on conferences sponsored by the Department

''(a) QUARTERLY REPORTS REQUIRED.—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on covered conferences.

''(b) MATTERS INCLUDED.—Each report under subsection (a) shall include the following:

''(1) An accounting of the final costs to the Department of each covered conference occurring during the fiscal quarter preceding the date on which the report is submitted, including the costs related to—

''(A) transportation and parking;
''(B) per diem payments;
''(C) lodging;
''(D) rental of halls, auditoriums, or other spaces;
''(E) rental of equipment;
''(F) refreshments;
''(G) entertainment;
''(H) contractors; and
''(I) brochures or other printed media.

''(2) The total estimated costs to the Department for covered conferences occurring during the fiscal quarter in which the report is submitted.

''(c) COVERED CONFERENCE DEFINED.—In this section, the term 'covered conference' means a conference, meeting, or other similar forum that is sponsored or co-sponsored by the Department and is—

''(1) attended by 50 or more individuals, including one or more employees of the Department; or

''(2) estimated to cost the Department at least $20,000.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 516 the following:

''517. Quarterly reports to Congress on conferences sponsored by the Department.''.

(c) EFFECTIVE DATE.—Section 517 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2012, and shall apply with respect to the first quarter of fiscal year 2013 and each quarter thereafter.

SEC. 708. PUBLICATION OF DATA ON EMPLOYMENT OF CERTAIN VETERANS BY FEDERAL CONTRACTORS.

Section 4212(d) is amended by adding at the end the following new paragraph:

''(3) The Secretary of Labor shall establish and maintain an Internet website on which the Secretary of Labor shall publicly disclose the information reported to the Secretary of Labor by contractors under paragraph (1).''.

SEC. 709. VETSTAR AWARD PROGRAM.

(a) IN GENERAL.—Section 532 is amended—

(1) by striking ''The Secretary may'' and inserting '' (a) ADVERTISING IN NATIONAL MEDIA.—The Secretary may''; and

(2) by adding at the end the following new subsection:

''(b) VETSTAR AWARD PROGRAM.—(1) The Secretary shall establish an award program, to be known as the 'VetStar Award Program', to recognize annually businesses for their contributions to veterans' employment.

''(2) The Secretary shall establish a process for the administration of the award program, including criteria for—

''(A) categories and sectors of businesses eligible for recognition each year; and

''(B) objective measures to be used in selecting businesses to receive the award.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by adding at the end the following: ''***; VetStar Award Program***''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 5 is amended by striking the item relating to section 532 and inserting the following new item:

''532. Authority to advertise in national media; VetStar Award Program.''.

SEC. 710. EXTENDED PERIOD OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES RELATING TO MORTGAGES, MORTGAGE FORECLOSURE, AND EVICTION.

(a) STAY OF PROCEEDINGS AND PERIOD OF ADJUSTMENT OF OBLIGATIONS RELATING TO REAL OR PERSONAL PROPERTY.—Section 303(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(b)) is amended by striking ''within 9 months'' and inserting ''within one year''.

(b) PERIOD OF RELIEF FROM SALE, FORECLOSURE, OR SEIZURE.—Section 303(c) of such Act (50 U.S.C. App. 533(c)) is amended by striking ''within 9 months'' and inserting ''within one year''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(d) EXTENSION OF SUNSET.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall expire on December 31, 2014.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289; 50 U.S.C. App. 533 note) is amended to read as follows:

''(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.''.

(3) REVIVAL.—Effective January 1, 2015, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533), as in effect on July 29, 2008, are hereby revived.

(e) REPORT.—

(1) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the protections provided under section 303 of such Act (50 U.S.C. App 533) during the five-year period ending on the date of the enactment of this Act.

(2) ELEMENTS.—The report required by paragraph (1) shall include, for the period described in such paragraph, the following:

(A) An assessment of the effects of such section on the long-term financial well-being of servicemembers and their families.

(B) The number of servicemembers who faced foreclosure during a 90-day period, 270-day period, or 365-day period beginning on the date on which the servicemembers completed a period of military service.

(C) The number of servicemembers who applied for a stay or adjustment under subsection (b) of such section.

(D) A description and assessment of the effect of applying for a stay or adjustment under such subsection on the financial well-being of the servicemembers who applied for such a stay or adjustment.

(E) An assessment of the Secretary of Defense's partnerships with public and private sector entities and recommendations on how the Secretary should modify such partnerships to

improve financial education and counseling for servicemembers in order to assist them in achieving long-term financial stability.

(3) PERIOD OF MILITARY SERVICE AND SERVICEMEMBER DEFINED.—In this subsection, the terms ''period of military service'' and ''servicemember'' have the meanings given such terms in section 101 of such Act (50 U.S.C. App. 511).

Amend the title so as to read: ''An Act A bill to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself as much time as I might consume.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members would have 5 legislative days to revise and extend their remarks and add any extraneous material on the bill under consideration

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

There was no objection.

Mr. MILLER of Florida. As the chairman of the House Committee on Veterans Affairs, I rise in support of the Senate amendments to H.R. 1627. This is a comprehensive, bipartisan, bicameral legislative package to provide for the needs of veterans, their families and survivors through improved health care, housing, education, and memorial services.

In addition, the Senate amendments to H.R. 1627 would improve the accountability and transparency of the Department of Veterans Affairs, ensuring that VA is responsible to those it serves, our American veterans.

As the title of this bill implies, this legislation would authorize VA health care services for veterans and their families for certain illnesses that manifested as a result of exposure to water contamination at Camp Lejeune, North Carolina, during a 30-year span that ended in 1987.

I want to specifically acknowledge the efforts of retired Marine Master Sergeant Jerry Ensminger, whose dogged efforts to seek answers from the government and justice for the victims of the water contamination inspired this bill. In honor of Jerry's daughter, Janey, who died of leukemia at the age of 9 after time spent at Camp Lejeune when the water was contaminated, title I of this bill bears her name.

Finally, I thank Representative BRAD MILLER and Senator RICHARD BURR, the original sponsors of the Camp Lejeune legislation in the House and the Senate, for their leadership. And although this legislation represents a hard-fought victory, we must not forget those who are no longer with us to see it become law.

I think when Senator BURR said this, he said it best:

> Unfortunately, many who were exposed have died as a result and are not here to receive the care this bill can provide. While I wish we could have accomplished this years ago, we now have the opportunity to do the right thing for thousands who were harmed during their service to our country.

And I couldn't agree more.

In addition to the veterans of Camp Lejeune, section 106 of this bill contains legislation the chairwoman of the Subcommittee on Health, Ms. BUERKLE, introduced, H.R. 2074, the Veterans Sexual Assault Prevention Act. The section and her bill, which passed the House last year, would address the serious failure of the Department of Veterans Affairs to prevent and report sexual assault incidents and corresponding flaws in the security of their facilities. It creates a fundamentally safer environment for our veterans and VA employees by requiring an accountable and comprehensive oversight system.

I want to express my personal appreciation to Ms. BUERKLE for her advocacy on behalf of women and all of our veterans. In just 2 short years, she has proven herself to be a committed and strong voice for servicemembers and veterans, not only in the State of New York, but across this country.

Her considerable expertise as a nurse, a lawyer, and a mother of six was the reason I chose her to be the chairwoman of the Subcommittee on Health, and I can tell you that in the roll that she has played, she has never wavered from doing what is right for all of our veterans.

The bill also includes several worthy legislative proposals to improve health care services brought forth from our Members on both sides of the aisle and in both Chambers, the House and in the Senate.

This bill also addresses several other areas where we will be able to expand and improve health care for veterans. It would allow for greater flexibility in VA payments to State veterans homes, break down barriers to care for veterans with traumatic brain injury, clarify the access rights of service dogs on VA property, and improve care for rural elderly and homeless veterans.

This bill also addresses several important matters related to veterans' housing. Because many of our returning wounded warriors need assistance modifying their residences to meet their needs, this bill would reauthorize and expand several provisions relating to the Specially Adapted Housing Grant Program.

These grants provide funding to eligible disabled veterans and servicemembers who adapt homes that they own or homes that they are currently living in to meet their daily needs. Adaptations can include grab bars in bathrooms, widening doorways for wheelchairs, or constructing a wheelchair ramp. These grants are imperative to affording veterans the level of independent living that they were accustomed to prior to their injury and that they may not be able to otherwise enjoy.

As many of us are aware, far too many of our veterans have found themselves on hard times and are homeless or are at risk for homelessness. To combat this problem, this bill would authorize funding for additional housing options for homeless veterans to help them gain stability and obtain access to other treatment and services that they may need from VA.

The next area of the bill would be in addressing education. We all know that we have provided a very generous benefit to the veterans in the post-9/11 GI Bill. The problem is that we have never really tracked the performance of the bill or if the benefits are effective in training veterans to be leaders of tomorrow. Therefore, this legislation would increase our oversight of post-9/11 educational benefits by requiring annual reports to Congress on the effectiveness of these benefits and how they're being utilized.

I want to thank my friend, Congressman GUS BILIRAKIS, for introducing this provision in H.R. 2274 and for his leadership on improving transparency for the post-9/11 GI Bill.

Another critical area addressed by this legislation is that of veteran benefits. Over the last 3 years, we've seen the disability claims backlog grow exponentially, with more than 900,000 claims now awaiting decisions. Fifty percent of those have been pending for a period of 125 days or more. Despite repeated promises from VA to break the backlog, it continues to grow.

Therefore, the provisions of this bill that address benefit matters will assist in processing claims more efficiently:

First, it would allow veterans to automatically waive regional office review of evidence submitted directly to the Board of Veterans Appeals for claims in appellate status;

Second, it would allow veterans in need of assistance with claims to have a signatory on their behalf assist them with the claims process;

Third, it would modernize VA's statutory duty to assist by authorizing electronic communications, potentially saving weeks in a claim's processing time;

Fourth, to alleviate the burdens of redundant paperwork, veterans would now be able to file jointly for Social Security and indemnity compensation;

Finally, to promote accountability of individual claims processors, VA would be required to present a plan in 6 months on how it will take corrective action when their employees need training to do their jobs well.

□ 1620

I want to thank my friend Mr. RUNYAN from New Jersey, the chairman of

the Subcommittee on Disability Assistance and Memorial Affairs, for his dedication to our Nation's veterans and for his focus on advancing legislation such as H.R. 2349, which will achieve measurable results in alleviating the backlog of claims.

While many of these provisions that I have discussed thus far have focused on our efforts to honor our commitment to the brave men and women who serve our Nation, including those transitioning from the recent conflicts in Iraq and Afghanistan, we must also continue our commitment to our fallen heroes. Accordingly, this bill also sets out specific criteria that prohibit disruptions and protests of funerals of members of the Armed Forces at VA national cemeteries and at Arlington National Cemetery, including the imposition of criminal and civil liability for violations of these restrictions.

In addition, given the sacred nature of Arlington National Cemetery, a name synonymous with honoring American freedom, this legislation would codify a prohibition on the reservation of grave sites at Arlington National Cemetery, with very limited exceptions. I worked closely with Mr. RUNYAN on this prohibition to ensure that many future generations of American heroes will be buried and honored at Arlington National Cemetery. I want to thank him again for his leadership on this issue and for originally introducing H.R. 1484.

Similarly, I introduced the original measure on H.R. 1627, which would place restrictions on the type and placement of monuments at Arlington National Cemetery due to the fact that the cemetery, itself, is a monument. Arlington National Cemetery is a unique national treasure. It is for this reason that this legislation is necessary to ensure that the integrity of the cemetery is preserved both in its utilization of land with the placement of monuments and with its allocation of grave sites.

Finally, this comprehensive legislative package also contains several miscellaneous provisions affecting our Nation's veterans. Although these areas may not receive as much attention, such as health care or benefits, they are no less important to improving the lives of the veterans of this country.

I want to thank the ranking member, Mr. FILNER, as well as the chairman and ranking member of the Senate Committee on Veterans' Affairs, Senator MURRAY and Senator BURR, for their insight and cooperation on advancing this compromise bill today.

I want to reiterate that this bill is paid for both in its mandatory and discretionary costs via offsets that have been used many times by this committee and that have historically been supported by both sides of the aisle.

Finally, Mr. Speaker, I ask unanimous consent to insert a floor colloquy between me and the gentleman from Maine (Mr. MICHAUD).

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

There was no objection.

Mr. MILLER of Florida. Once again, I thank all of the members of the committee, as well as the staffs of the House and the Senate on Veterans' Affairs, for their work on this bill, and I urge all Members to support the Senate amendments to H.R. 1627.

With that, I reserve the balance of my time.

Mr. Speaker, the Committees have prepared an explanation of certain provisions contained in the amendment to H.R. 1627, as amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes. This Explanatory Statement is contained in the CONGRESSIONAL RECORD of July 18, 2012.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 1627, as amended, the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012. This bill represents the hard work of both Chambers and of both sides of the aisle.

I want to thank Chairman MILLER and Ranking Member FILNER, as well as Senator MURRAY and Senator BURR and all of my colleagues on the Veterans' Affairs Committees in both Chambers, for all of the work that went into crafting this legislation.

This bill provides health care benefits to veterans and family members who have suffered illnesses due to exposure to harmful chemicals through drinking contaminated water while stationed at Camp Lejeune, North Carolina.

This bill also provides important improvements to enable the VA to better care for veterans living in rural areas. These veterans constitute 40 percent of the veterans who seek care at VA. These improvements include: waiving the collections of copayments for veterans who use telehealth or telemedicine services; authorizing VA to pay travel benefits to veterans seeking care at vet centers; requiring VA to establish and operate Centers of Excellence for rural health research, education, and clinical activities; finally, requiring VA to create a system for the consultation and assessment of mental health, traumatic brain injury, and other conditions through teleconsultation.

A provision I am particularly proud of will improve the care provided to our elderly veterans and to those who are 70-percent disabled or higher in our State veterans' nursing homes.

This bill makes improvements in the area of veterans' benefits and the claims process. One such improvement, a provision based on a measure introduced by Ranking Member FILNER, enables a veteran or a family member, on an appeal, to waive the current requirement that new evidence be first considered by the VA. This provision would enable the Board of Veterans' Appeals to review evidence submitted directly to it instead of waiting for a redecision at the agency level.

This bill includes important housing provisions as well. One provision would help veterans with vision impairments and veterans residing temporarily in housing owned by a family member by aligning VA's definition of ''blindness'' with the definition of ''blindness'' under existing Federal laws.

This bill provides that the amount made available to veterans who receive a temporary residence adaptation grant is not counted against the maximum allowable under the Specially Adapted Housing program. Also, this bill makes permanent the authority of VA to guarantee adjustable rate and hybrid rate mortgages.

Mr. Speaker, I have only highlighted a few of the important parts of this bill that were found in H.R. 1627, as amended. I would encourage my colleagues on both sides of the aisle to support this very important veterans' measure.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I am happy to yield such time as she may consume to the chairwoman of the Subcommittee on Health, the gentlewoman from New York (Ms. BUERKLE).

Ms. BUERKLE. I rise in support of the Senate amendments to H.R. 1627, the Honoring American Veterans and Caring for Camp Lejeune Families Act of 2012.

Included in this bill are provisions that reflect the oversight work of the Subcommittee on Health, which I am honored to chair. Central to the health care portion of this legislation is section 106, which would require the Department of Veterans Affairs to develop and implement a comprehensive policy on the prevention, monitoring, reporting, and tracking of sexual assaults and other safety incidents that occur at VA medical facilities.

This provision was originally passed in the House last year in H.R. 2074, as amended, the Veterans Sexual Assault Prevention Act. I introduced this measure last year in response to a disturbing GAO report, which found that between 2007 and 2010 some 284 instances of alleged sexual assault occurred in VA medical facilities around the country. As a former registered nurse and domestic violence counselor, I am all too familiar with the corrosive and harmful effects sexual and physical violence can have in the lives of its victims. Abusive behavior, like the kind documented by the GAO, is unacceptable. For it to be found in what should be an environment of healing for our honored veterans is simply unforgivable.

This bill would establish and enforce critically important actions to correct the serious safety vulnerabilities, security problems, and oversight failures

by VA leadership that threaten the safety of veterans who seek care through the Department and of the hardworking employees who provide that care. I am confident that the comprehensive requirements mandated in this bill will resolve the deficiencies the GAO uncovered and ensure that the VA health care system is a safe and secure place for our veterans and their families to seek care.

I have been working furiously since last October, when this provision first passed the House, to get it through the Senate and signed into law by the President. I am very pleased and relieved that the day has finally come—and not a moment too soon—for those who need it. However, my oversight does not stop at the President's desk. With this statement, I am putting the VA on notice that I will remain vigilant in ensuring that the legislation is implemented swiftly, as intended, to protect veterans and employees at VA medical facilities.

Also included in this bill, Mr. Speaker, is a measure that would allow for greater flexibility in establishing rates for reimbursements to State homes for nursing home care that is provided to certain service-connected veterans. This proposal was also included in H.R. 2074.

□ 1630

I want to thank the gentleman from Maine and ranking member of the Subcommittee on Health for his very hard work in introducing this provision and the manner in which he continues to embody a true bipartisan spirit to advance legislation for the benefit of our veterans, as well as their families. Additionally, the bill includes a measure to expand the ability of worthy nonprofit entities to obtain grants to provide services for homeless veterans.

Our colleague from the State of Washington, DAVE REICHERT, has been a strong advocate for establishing these important enhancements. I am pleased that this provision he introduced is included in the bill. I'm pleased that this provision for which he has been a strong advocate has been included. There are so many other important provisions, including improving rehabilitative care to veterans with traumatic brain injury, waiving the collection of co-payments for telehealth and telemedicine, establishing an initiative to expand beneficiary travel reimbursements to veterans, clarifying the access rights of service dogs on VA property and VA facilities, and providing medical care for certain veterans and their families who were exposed to contaminated water at Camp Lejeune.

It has been an honor for me, Mr. Speaker, to work with my colleagues in the House and the Senate on this legislation. In particular, I am grateful for the hard work, as well as the leadership, of our chairman, Mr. MILLER of Florida.

Mr. Speaker, I urge all of my colleagues to join me in supporting this legislation.

Mr. MICHAUD. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, I am delighted that we are finally addressing the problem before the House, and I rise in strong support of H.R. 1627, the Honoring America's Veterans and Caring for Camp Lejeune Families Act. This is long overdue.

The most noteworthy thing we can observe about the behavior of the military leadership is they have been uncooperative and have been most diligent in obfuscating the problem and seeing to it that the matter has been unduly dawdled over while our military personnel were both put at risk and placed in a position where their families also shared that risk and hazard. I want to thank Chairman MILLER, Ranking Member FILNER, the gentleman from North Carolina, Mr. MILLER, and my dear friend, Mr. MICHAUD, for the things that they have done to see to it that finally justice is being done.

The victims of the Camp Lejeune contamination disaster have waited too long for justice for themselves and for their families. The passage of this legislation today is an important first step in moving forward and providing for the victims of what has been a long and ongoing tragedy. It is also evidence that there is still a great need for us to see to it that the military cooperates in these kinds of investigations and see to it that the military goes beyond that and that they conduct a cleanup of the military facilities where we send our military personnel and their families.

In 2004, I conducted a series of investigations into this and other contamination problems as the ranking member of the House Committee on Energy and Commerce. After meeting with the Marine Corps personnel and Master Sergeant Jerry Ensminger, whose daughter died of a rare form of leukemia at the age of 9, I must confess that I can come to no conclusion other than that that was caused by where her father had been serving and the fact that the military had not been diligent in cleaning up its messes.

These investigations revealed a great coverup and much foot dragging and obfuscation on the part of the Department of the Navy to properly deal with the consequences of the contamination. They also showed other failures by the Department of Defense in other places, including installations in far distant points of service like Japan.

With the passage of this bill, veterans of Camp Lejeune and their families who also served there are going to receive some measure of justice and help in addressing the problems they have because of where they were compelled to serve and because of lack of diligence on the part of the military to see that they were properly cared for. They will now be eligible, if they served between 1957 and 1987, to receive VA health benefits for illnesses connected with that contamination.

While the passage of this legislation is a success, we all know there's much more to be done. The veterans deserve the presumptions of the service connection in the bill to ensure that they receive important benefits to which they are due. That is simply a proper concern for our veterans and for their safety. They and their families should not be put at unnecessary risk by places that they serve solely by reason of the fact that they serve at a particular place and because of slothful, improper behavior by the Department of Defense higher-ups and because of coverups in which they did not cooperate in seeing to the proper safeguards of our Federal employees there and our military personnel who were serving there involuntarily as a part of their superb contribution to the safety of this Nation.

The fight continues, and I'm hopeful that we can continue to bring justice to the victims of Camp Lejeune, and to see to it that others of our military are not put at risk because of slothful, improper, and dilatory behavior by the Department of Defense.

I ask my colleagues here to understand our duty in seeing to it that the families of our military and our military personnel are not put at risk by where they serve or by indifferent and careless behavior of their government. The government has a duty not just to see to it that our military personnel are made whole, but they do have the duty to see to it that our military bases and military service are not put at risk by actions which make the points of service of our military unnecessarily risky because of contamination in the places where our military and their families live and work.

Here we have another high duty, and that is to see to it that the military personnel are kept safe with their families at their side as they serve in the military bases.

The Military leadership must recognize their responsibility not to put our soldiers, sailors and airmen at risk by reason of the places they serve. They confront enough risk from their duty, without careless and indifferent behavior of their superiors, who first disregard safety of the facilities, and then expand the risk by reason of cover ups and obfuscation of the facts and the need to clean up messes unnecessarily caused and improperly denied.

Mr. MILLER of Florida. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Florida has 5 minutes remaining, and the gentleman from Maine has 11½ minutes remaining.

Mr. MILLER of Florida. Mr. Speaker, I am happy to yield 2 minutes to the chairman of the Subcommittee on Economic Opportunity, Mr. STUTZMAN, from the great State of Indiana.

Mr. STUTZMAN. Mr. Speaker, I thank the chairman for yielding and

for his leadership on the Veterans' Affairs Committee.

I rise in strong support for the Senate amendments to H.R. 1627. The bill is a product of many months of bipartisan work to improve the lives of our veterans and their families.

I'm very proud of sections 706 and 707, which contained provisions I introduced in H.R. 1657 and H.R. 2302 respectively. Section 706 would tighten the process to debar firms that willfully and intentionally misrepresent themselves as veteran or service-disabled veteran-owned small businesses by stipulating a 5-year debarment period from contracting with the VA for the company and its principals. Section 706 would also require VA to complete the debarment no later than 90 days after such finding.

Mr. Speaker, section 707 of the underlying bill would require VA to provide a quarterly report to Congress on the cost of the Department's conferences. Every year, VA spends millions of dollars on conferences. While I understand the need for such meetings, recent history is sufficient to demand an accounting so Congress can provide proper oversight of such spending. Section 707 would require VA to report on conferences costing $20,000 or more or on conferences attended by 50 or more people, including at least one VA employee. It would also require VA to estimate the cost of conferences to be held during the quarter in which the report is provided.

In closing, Mr. Speaker, for our veterans and their families, I urge my colleagues to support the Senate amendments to H.R. 1627.

□ 1640

Mr. MICHAUD. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, the Department of the Navy has known for 30 years that the drinking water at Camp Lejeune was contaminated. They've known for 20 years exactly what chemicals were in the water. The science may have been slow to develop on the effects of exposure to those chemicals, but they knew better than to say there was nothing to worry about, which is what they did.

The Navy concealed information from Marines and their families who drank the water, cooked with it, and bathed in it. They withheld information from the Centers for Disease Control and from Congress. And they have shamefully failed to take responsibility for the contaminated water.

Senator BURR and I introduced companion bills 2 years ago to provide treatment for certain diseases associated with exposure to the water. That legislation, the Janey Ensminger Act, is title I of this bill. Justice requires at least the benefits the Janey Ensminger Act provides.

I thank Chairman MILLER and the Veterans' Affairs Committee for bringing this bill to the floor.

Mr. MILLER of Florida. If I might inquire how many further requests for time the gentleman from Maine (Mr. MICHAUD) has.

Mr. MICHAUD. I have one further request for time, and then I am prepared to close.

Mr. MILLER of Florida. I will reserve the balance of my time at this point.

Mr. MICHAUD. Mr. Speaker, at this time, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his hard work on this bill and in so many other areas in our Congress, not just for veterans and the military, but in a large array of areas, from health to national security, where he has been a leader.

I rise in strong support today of H.R. 1627, as amended, the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012. This represents the hard work of both sides of the aisle. I thank Chairman MILLER, Ranking Member FILNER, as well as the gentleman from Maine (Mr. MICHAUD) and Representative MILLER from North Carolina on our side who have been leaders on this issue.

I am particularly proud to rise in support of this legislation to finally give medical coverage and justice to those military families previously stationed at Camp Lejeune where, for three decades—three decades—thousands of Marines and their families consumed water contaminated with toxic chemicals that likely led to very serious illnesses.

Because of travesties like this, I authored an amendment to the 2012 Defense authorization bill prohibiting the secrecy of information about water contamination on our military bases. I asked Secretary Panetta for transparency to help strike the necessary balance between safeguarding our national interests and preventing another Camp Lejeune scandal from happening that endangers the health of our military families here on the soil of our country.

I strongly support this bill because this is a big step in making sure that our veterans are continuously cared for throughout their deployment and thereafter here at home and are not put at risk for their health.

The SPEAKER pro tempore. With respect to the gentleman's earlier request to enter a colloquy that was granted earlier, the Chair would clarify that a colloquy may not be inserted into the RECORD but that two statements may be inserted independently under general leave.

Mr. MILLER of Florida. Mr. Speaker, I have one other speaker that had a late train that I was trying to wait on, but apparently he is not going to be able to make it. So I am prepared to close after Mr. MICHAUD closes.

Mr. MICHAUD. Mr. Speaker, I am particularly pleased with this package because it also includes legislation that I have been working on for well over 2 years that will ensure that our severely disabled and elderly veterans are able to get the care they need. Specifically, my bill requires the VA to enter into contracts or provider agreements with State Veterans Nursing Homes in order to get the reimbursement that they adequately need to take care of our veterans.

Without this legislation, State Veterans Homes will not get reimbursed properly for the services they provide for our veterans. According to data from the National Association of State Veterans Homes, the average rate for care is roughly $359 per veteran per day, while VA only reimburses the homes $235 per day. This difference of $124 per day amounts to over $45,000 per year for each covered veteran. And with approximately 25,000 beds nationwide, the financial burden on State Veterans Homes could become crippling.

Passing this legislation into law will ensure that our State Veterans Homes are paid adequately for the services they provide and can continue to serve our veterans that are in need of those services.

I want to thank Chairman MILLER and Ranking Member FILNER for their support of this bill and for working to bring this legislation to the floor. Our veterans will be better off as a result.

I also would like to thank Chairwoman BUERKLE for her efforts as well, working in a bipartisan manner, and staff on both the majority and minority sides for bringing this bill forward,

Mr. Speaker, I have a question for Mr. MILLER. He had mentioned earlier about a colloquy. If those colloquies are entered separately, will that be made a part of the RECORD?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MILLER of Florida. Mr. Speaker, if we could go ahead and do the colloquy at this time, that way we'll make sure it's in the RECORD.

Mr. MICHAUD. Mr. Speaker, I would like to ask my colleague about section 102 of the bill. That provides medical care for certain medical conditions for veterans and their families who lived at Camp Lejeune from 1957 through 1987.

There is one provision applicable to family members where VA would reimburse family members for health care services provided under this section but only after they exhaust reasonably available alternative reimbursements.

I want to ensure that this language is not read to mean that family members must actually file suit under the Federal Tort Claims Act or even come to end of litigation under a suit filed under the Federal Tort Claims Act to ensure the medical care offered by this provision. Can my colleague confirm this?

Mr. MILLER of Florida. I thank the gentleman for the question. It allows me to reassure those veterans and family members in the strongest terms possible that this language, which does

appear in section 1787(b)(3) of title 38 of the U.S. Code, absolutely does not—does not—require that any suit be filed under the Federal Tort Claims Act in order to secure this medical care as long as they meet the other requirements of the bill.

As you have noticed, that provision only requires exhaustion of ''reasonably available'' remedies. In the legislation, we are explicit that we want this care to be provided for family members even though at the present time, there is insufficient medical evidence to conclude that the illnesses or conditions listed in the bill are attributable to those exposures.

For this and other reasons surrounding litigation under the Federal Tort Claims Act, such an FTCA remedy can't be considered to be ''reasonably available.'' To require exhaustion under the Federal Tort Claims Act would go completely against the intent of this piece of legislation to make this medical care available to these family members for these conditions so long as VA is considered the final payer as far as other third-party health plans.

Mr. MICHAUD. I thank the gentleman.

Mr. Speaker, with that, I have no further requests for time, and I yield back the balance of my time.

□ 1650

Mr. MILLER of Florida. Mr. Speaker, I once again encourage all Members to support the Senate amendments to H.R. 1627, and I yield back the balance of my time.

Mr. RUNYAN. Mr. Speaker, I rise in support of H.R. 1627, as amended, ''The Honoring of America's Veterans and Caring for Camp Lejeune Families Act of 2012.''

There are several components to this legislation, and they are all aimed toward improving veterans' lives after their selfless sacrifice to our nation.

I would like to draw attention to the provisions that ensure the Veterans' benefits process is more efficient, accountable, and fair for all Veterans and their families.

Section 703 of H.R. 1627 addresses the minimalist approach the VA has adopted in complying with its employee skills certification mandate.

This provision would address disparities in experience and training, while facilitating the individual accountability of employees.

The VA would conduct testing procedures that indicate basic competency of all claims processors and managers.

Test results indicating less than satisfactory scores on the exam would necessitate an individualized remediation program to aid them in improving their areas of deficiency.

Repeated failure after remediation would require the VA to take necessary personnel actions.

Additionally, Section 504 implements the use of electronic communication within the VA in providing notices of responsibility to claimants.

It also removes administrative provisions which have slowed down the processing of Veteran's disability claims.

In total, this section would increase efficiency and help modernize the VA by authorizing the most effective means available for communication while simultaneously removing administrative red tape.

Lastly, another provision that would reduce the claims backlog is Section 505, which clarifies the meaning of the VA's duty to assist claimants in obtaining evidence needed to verify a claim.

As a result, this section establishes a clear and reasonable standard for private record requests as "not less than two requests."

In addition, this section will encourage claimants to take a proactive role in the claims process.

I would like to take the remaining time to commend and thank the Committee for working with me in addressing the concerns affiliated with Arlington National Cemetery.

As Chairman of the House Veterans Affairs Disability Assistance and Memorial Affairs Subcommittee, DAMA, I am very pleased that our Committee continues to improve the ways in which we honor our veterans and preserve Arlington National Cemetery, ANC, as the sacred final resting place for those who have given the ultimate sacrifice in service to our country.

As a member of both the House Veterans Affairs and House Armed Services Committees, with a large veterans population and joint military installation in my home District, it has been an honor to join my colleagues in support of H.R. 1627, as amended, and to work in a bipartisan manner on behalf of veterans.

I would like to thank each of them for their tireless support on behalf of our veterans—the heroes who protect the freedoms we all enjoy. I know they share my commitment to ensuring that we take care of our veterans and military servicemembers.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1627.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ACCEPTANCE OF RELINQUISHMENT OF RAILROAD RIGHT OF WAY NEAR PIKE NATIONAL FOREST, COLORADO

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4073) to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4073

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

SECTION 1. ACCEPTANCE OF RELINQUISHMENT OF RAILROAD RIGHT OF WAY BY MANITOU AND PIKES PEAK RAILWAY COMPANY, COLORADO, OVER NATIONAL FOREST SYSTEM LAND.

(a) AUTHORITY TO ACCEPT.—Notwithstanding the Act of March 8, 1922 (43 U.S.C. 912), the Secretary of Agriculture may accept the quitclaim, disclaimer, and relinquishment by the Manitou and Pikes Peak Railway Company, successor in interest to the Mt. Manitou Park and Incline Railway Company, of a right of way, more fully described in subsection (b), within and adjacent to Pike National Forest that was originally granted by the Secretary to the Mt. Manitou Park and Incline Railway Company pursuant to the authority provided by the Act of March 3, 1875 (Chapter 152; 18 Stat. 482) for the construction of a railroad and station in El Paso County, Colorado.

(b) RIGHT OF WAY DESCRIBED.—The railroad right of way referred to in subsection (a) is located in the S½ of section 6, Township 14 South, Range 67 West, and N½SE ¼ of section 1, Township 14 South, Range 68 West, Sixth Principal Meridian, Colorado, and is depicted in a tracing filed in the United States Land Office at Pueblo, Colorado, file 019416, on December 24, 1914.

(c) LIMITED APPLICABILITY.—Nothing in this section shall be construed to affect the right, title, and interest of the Manitou and Pikes Peak Railway Company in land held in fee title by the Manitou and Pikes Peak Railway Company.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

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

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

There was no objection.

Mr. LAMBORN. I yield myself such time as I may consume.

Mr. Speaker, today, I am happy to speak in support of my legislation, H.R. 4073, a bill to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right-of-way within the Pike National Forest in my district.

Originally granted to the Mt. Manitou Park and Incline Railway Company, the Incline Trail exists today as the roadbed to the former Mt. Manitou Scenic Incline Railway, which was a cable car that took people up the eastern face of Rocky Mountain, Pikes Peak, at an average grade of 40 percent, with some of the steepest sections at a grade of 68 percent. Today, it has become a popular hike for adventure seekers in the Pikes Peak region and is said to be hiked nearly half a million times each year, although access is still considered trespassing.

A citizens' initiative began over 8 years ago to encourage making access to this popular trail legal. Although all

parties are amenable, due to an act dated on March 3, 1875, the Forest Service has been unable to accept the quitclaim from the Manitou and Pikes Peak Railway. Recognizing this problem, the railway company came to me and asked that I carry this legislation to allow the Forest Service the authority to accept the quitclaim, which is the last major hurdle in allowing the Incline Trail to be legally opened for public use.

Although several people have informally maintained the incline, no formal steps have been taken by any of the property owners to maintain the Incline since 1997. Legalizing access to the trail will allow the surrounding communities access to repair sections of the trail that are in poor condition and will make use safer for all hikers.

It has been my pleasure to work with the interested parties in helping to gain legal access to this unique trail that I believe will be a wonderful addition to the region's trail inventory. I would like to thank the Forest Service and Senator MICHAEL BENNETT'S office for their diligence in working with my office in this process.

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

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. SABLAN. Mr. Speaker, H.R. 4073 clears up a deed for a popular hiking destination, the Manitou Incline in Colorado. Upon enactment, the Pike National Forest will have full ownership of the trail, which ascends 2,000 feet to Pikes Peak.

We do not object to this legislation, Mr. Speaker, and I yield back the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 4073, 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. SABLAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PINNACLES NATIONAL PARK ACT

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3641) to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3641

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pinnacles National Park Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Pinnacles National Monument was established by Presidential Proclamation 796 on January 16, 1908, for the purposes of protecting its rock formations, and expanded by Presidential Proclamation 1660 of May 7, 1923; Presidential Proclamation 1704 of July 2, 1924; Presidential Proclamation 1948 of April 13, 1931; Presidential Proclamation 2050 of July 11, 1933; Presidential Proclamation 2528 of December 5, 1941; Public Law 94–567; and Presidential Proclamation 7266 of January 11, 2000.

(2) While the extraordinary geology of Pinnacles National Monument has attracted and enthralled visitors for well over a century, the expanded Monument now serves a critical role in protecting other important natural and cultural resources and ecological processes. This expanded role merits recognition through legislation.

(3) Pinnacles National Monument provides the best remaining refuge for floral and fauna species representative of the central California coast and Pacific coast range, including 32 species holding special Federal or State status, not only because of its multiple ecological niches but also because of its long-term protected status with 14,500 acres of Congressionally designated wilderness.

(4) Pinnacles National Monument encompasses a unique blend of California heritage from prehistoric and historic Native Americans to the arrival of the Spanish, followed by 18th and 19th century settlers, including miners, cowboys, vaqueros, ranchers, farmers, and homesteaders.

(5) Pinnacles National Monument is the only National Park System site within the ancestral home range of the California Condor. The reintroduction of the condor to its traditional range in California is important to the survival of the species, and as a result, the scientific community with centers at the Los Angeles Zoo and San Diego Zoo in California and Buenos Aires Zoo in Argentina looks to Pinnacles National Monument as a leader in California Condor recovery, and as an international partner for condor recovery in South America.

(6) The preservation, enhancement, economic and tourism potential and management of the central California coast and Pacific coast range's important natural and cultural resources requires cooperation and partnerships among local property owners, Federal, State, and local government entities and the private sector.

SEC. 3. ESTABLISHMENT OF PINNACLES NATIONAL PARK.

(a) ESTABLISHMENT AND PURPOSE.—There is hereby established Pinnacles National Park in the State of California for the purposes of—

(1) preserving and interpreting for the benefit of future generations the chaparral, grasslands, blue oak woodlands, and majestic valley oak savanna ecosystems of the area, the area's geomorphology, riparian watersheds, unique flora and fauna, and the ancestral and cultural history of native Americans, settlers and explorers; and

(2) interpreting the recovery program for the California Condor and the international significance of the program.

(b) BOUNDARIES.—The boundaries of Pinnacles National Park are as generally depicted on the map entitled ''Proposed: Pinnacles National Park Designation Change'', numbered 114/111,724, and dated December 2011. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ABOLISHMENT OF CURRENT PINNACLES NATIONAL MONUMENT.—

(1) IN GENERAL.—In light of the establishment of Pinnacles National Park, Pinnacles National Monument is hereby abolished and the lands and interests therein are incorporated within and made part of Pinnacles National Park. Any funds available for purposes of the monument shall be available for purposes of the park.

(2) REFERENCES.—Any references in law (other than in this Act), regulation, document, record, map or other paper of the United States to Pinnacles National Monument shall be considered a reference to Pinnacles National Park.

(d) ADMINISTRATION.—The Secretary of the Interior shall administer Pinnacles National Park in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (16 U.S.C. 1, 2–4).

SEC. 4. REDESIGNATION OF PINNACLES WILDERNESS AS HAIN WILDERNESS.

Subsection (i) of the first section of Public Law 94–567 (90 Stat. 2693; 16 U.S.C. 1132 note) is amended by striking ''Pinnacles Wilderness'' and inserting ''Hain Wilderness''. Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pinnacles Wilderness shall be deemed to be a reference to the Hain Wilderness.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. LAMBORN. 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 materials on the bill under consideration.

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

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4631 renames Pinnacles National Monument as Pinnacles National Park. Pinnacles was originally designated in 1908 by President Roosevelt under the authority of the Antiquities Act. However, under this legislation, it is not anticipated that management would change dramatically as the area is already considered a unit of the National Park Service.

The Natural Resources Committee made important changes to H.R. 3641, allowing us to bring this to the floor today. For example, the committee removed a nearly 3,000-acre wilderness expansion and struck unnecessary land acquisition authority. With these changes, the goal of elevating recognition of the area as a national park is achieved without limiting access.

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

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. SABLAN. Mr. Speaker, President Theodore Roosevelt designated Pinnacles National Monument in California under the authority of the Antiquities Act of 1908.

H.R. 3641 would redesignate the monument as Pinnacles National Park. While the name change will not significantly alter management of the area, it will raise the profile of this beautiful resource and hopefully attract even more visitors.

Representative FARR is to be commended for his tenacity in moving this legislation forward. He has had to make some very difficult concessions to achieve passage of his bill today, and it is our hope that we can continue working on this to achieve his full vision for Pinnacles National Park.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, at this time I yield such time as he may consume to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in support of H.R. 3641, known as the Pinnacles National Park Act. As the sponsor of this bipartisan legislation, I would also like to express my thanks to my friend, Congressman DENHAM from California, for his original cosponsorship of H.R. 3641.

The Pinnacles National Park Act will elevate America's 11th national monument, the Pinnacles National Monument, to a national park. Only Congress can designate a national park. This is the right thing to do because there are not a lot of examples of tectonic plate movement in our National Park System. This legislation would also rename the current Pinnacles Wilderness after Schuyler Hain, who first came to the area in 1886 and was largely responsible for getting the attention of Theodore Roosevelt, who first designated the monument in 1908.

The first designation was to protect the beautiful rock formations and talus caves, notable for its tunnels. It has since been expanded several times by executive order and by congressional mandate to its present size of over 26,000 acres. It is larger than several existing national parks.

Pinnacles is a culturally significant area for several Native American tribes. It served as the backdrop for John Steinbeck's ''Of Mice and Men'' and ''East of Eden.''

Anyone who has visited this place knows it's special. From exploring caves to viewing springtime wildflowers to hiking through spire-like rock formations, visitors and families can participate in activities that leave lasting memories. It is truly worthy of national park status.

The Pinnacles, themselves, are half of the skeletal remains of the Neenach Volcano, which erupted 23 million years ago, and are located at the junction of the Pacific and North American tectonic plates. The San Andreas Fault is just 4 miles to the east, and Miner's Gulch and Pinnacles Faults run directly through the Pinnacles system.

The Pinnacles system is home to 149 species of birds, 49 mammals, 22 reptiles, 6 amphibians, 68 butterflies, 36 dragonflies and damselflies, and nearly 400 different kinds of bees—I didn't even know there were that many—and many thousands of other invertebrates.

□ 1700

One project I'm particularly proud about is the reintroduction of the endangered California condor, the largest flying land bird in North America. Since 2003, the Park Service has been a part of the California Condor Recovery Program to reestablish California condors at Pinnacles National Monument.

This cooperative endeavor between the U.S. Fish and Wildlife Service, Ventana Wildlife Society, Pinnacles Partnership, and others, in collaboration with the California Condor Recovery Team, has done a tremendous job on recovery efforts and public education. Many visitors come to this region to get an opportunity to see the condor in the wild.

This legislation has broad support from our counties of San Benito and Monterey, as well as the chambers of commerce, visitors bureaus, and from the respective counties who are enthusiastically supportive of this legislation. There is no opposition to the bill. The Pinnacles is uniquely located in coastal California to attract thousands of visitors each year who provide a viable and vital economic engine for San Benito County. Tourism is the primary focus for many of the business owners on the central coast. Increasing the number of tourists would promote a healthy impact for those not only in the retail sector, but also dining, lodging and sightseeing opportunities.

The new national park designation would strengthen the region's economic and tourism potential. There is no national park in that whole region. Research shows that for every one dollar invested by the Federal Government into our national parks, it returns $4 to the community in tourism dollars.

Situated slightly inland from the California coast, Pinnacles National Monument has not yet realized its full potential to reach locals and tourists. Many tourists travel, dine, and stay overnight in areas along the coast such as Monterey and Santa Cruz, where they are visiting to recreate, camp, view wildlife, and enjoy the great outdoors. However, many are not aware of the Pinnacles National Monument and, as a result, do not make short trip inland to see this treasure. By elevating its stature to a national park, I believe that more visitors will come through our restaurants and businesses and more visitors will stay overnight near the park.

I'd like to end with an inspiring quote from Ken Burns, who directed ''The National Parks: America's Best Idea.'' In a letter of support, Mr. Burns wrote for this legislation, he stated:

A Pinnacles National Park would preserve a unique portion of our land: not only a critical record of geologic time, what John Muir would have called a ''grand geological library'' that helps Americans look back millions of years to understand the vast tectonic forces that shaped—and still shape—our continent, but also a rare habitat for condors, a wide array of flowers, and 400 species of bees. It would preserve a place that, over the centuries, Native Americans, early Spanish settlers, homesteaders from the East, and Basque sheepherders have considered home, offering an important series of perspectives on the larger sweep of American history.

With that bit of wisdom, I would urge my colleagues to support our bipartisan legislation. Again, I would like to thank JEFF DENHAM, a Congressman from the region, for supporting and cosponsoring H.R. 3641, the Pinnacles National Park Act.

I ask your support.

FLORENTINE FILMS

KEN BURNS AND DAYTON DUNCAN, STATEMENT FOR THE RECORD IN SUPPORT OF H.R. 3444, PINNACLES NATIONAL PARK ACT

During the last ten years, as we researched, filmed, and created our documentary series for PBS, The National Parks: America's Best Idea, we grew to appreciate the amazing diversity of the special treasures that constitute our national parks, every American's incredible inheritance. And in studying the history of the evolution of the national park idea, we learned that many of today's national parks were at one time national monuments—from the Grand Canyon to Death Valley, from Petrified Forest to Biscayne, from Congaree to most of Alaska's national parks, and so many more.

In that spirit, grounded in the tradition of recognizing the special importance of a national monument by extending its designation to that of a national park, we wish to wholeheartedly endorse H.R. 3444 and the creation of Pinnacles National Park.

A Pinnacles National Park would preserve a unique portion of our land: not only a critical record of geological time (what John Muir would have called a ''grand geological library'') that helps Americans look back millions of years to understand the vast tectonic forces that shaped—and still shape—our continent, but also a rare habitat for condors, a wide array of flowers, and 400 species of bees. It would preserve a place that, over the centuries, Native Americans, early Spanish settlers, homesteaders from the East, and Basque sheepherders have considered home, offering an important series of perspectives on the larger sweep of American history.

We also understand from our investigation of national park history that, while changing an area's designation from ''monument'' to ''park'' does not necessarily change its crucial attributes, it nonetheless alters its place in the American imagination. The Grand Canyon was just as wide and deep when it was a national monument as it is now as a national park, but the change enhanced its status in the eyes of the public—and in doing so increased its lure to visitors from our nation and abroad. So, too, a Pinnacles National Park, simply by its new designation, would attract and demand greater attention to the remarkable treasures the monument has to offer.

In closing, we would like to quote John Muir once more, when he was writing about the proposal to make Mount Rainier National Forest into Mount Rainier National

Park: ''Happy will be the men who, having the power and the love and the benevolent forecast to [create a park], will do it. They will not be forgotten. The trees and their lovers will sing their praises, and generations yet unborn will rise up and call them blessed.'' Please give your support to creating Pinnacles National Park. Generations yet to come will thank you for it.

KEN BURNS.
DAYTON DUNCAN.

Mr. LAMBORN. I would like to inquire if the gentleman from the Northern Marianas has any other speakers?

Mr. SABLAN. No, we don't, Mr. Speaker.

At this time, I yield back the balance of my time.

Mr. LAMBORN. Likewise, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 3641, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING APPOINTMENT OF CHIEF FINANCIAL OFFICER FOR THE VIRGIN ISLANDS

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3706) to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3706

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

SECTION 1. CHIEF FINANCIAL OFFICER OF THE VIRGIN ISLANDS.

(a) APPOINTMENT OF CHIEF FINANCIAL OFFICER.—

(1) IN GENERAL.—The Governor of the Virgin Islands shall appoint a Chief Financial Officer, with the advice and consent of the Legislature of the Virgin Islands, from the names on the list required under section 2(d). If the Governor has nominated a person for Chief Financial Officer but the Legislature of the Virgin Islands has not confirmed a nominee within 90 days after receiving the list pursuant to section 2(d), the Governor shall appoint from such list a Chief Financial Officer on an acting basis until the Legislature consents to a Chief Financial Officer.

(2) ACTING CHIEF FINANCIAL OFFICER.—If a Chief Financial Officer has not been appointed under paragraph (1) within 180 days after the date of the enactment of this Act, the Virgin Islands Chief Financial Officer Search Commission, by majority vote, shall appoint from the names on the list submitted under section 2(d), an Acting Chief Financial Officer to serve in that capacity until a Chief Financial Officer is appointed under the first sentence of paragraph (1). In either case, if the Acting Chief Financial Officer serves in an acting capacity for 180 consecutive days, without further action the Acting Chief Financial Officer shall become the Chief Financial Officer.

(b) DUTIES OF CHIEF FINANCIAL OFFICER.—The duties of the Chief Financial Officer shall include the following:

(1) Develop and report on the financial status of the Government of the Virgin Islands not later than 6 months after appointment and quarterly thereafter. Such reports shall be available to the public.

(2) Each year prepare and certify spending limits of the annual budget, including annual estimates of all revenues of the territory without regard to sources, and whether or not the annual budget is balanced.

(3) Revise and update standards for financial management, including inventory and contracting, for the Government of the Virgin Islands in general and for each agency in conjunction with the agency head.

(c) DOCUMENTS PROVIDED.—The heads of each department of the Government of the Virgin Islands, in particular the head of the Department of Finance of the Virgin Islands and the head of the Internal Revenue Bureau of the Virgin Islands shall provide all documents and information under the jurisdiction of that head that the Chief Financial Officer considers required to carry out his or her functions to the Chief Financial Officer.

(d) CONDITIONS RELATED TO CHIEF FINANCIAL OFFICER.—

(1) TERM.—The Chief Financial Officer shall be appointed for a term of 5 years.

(2) REMOVAL.—The Chief Financial Officer shall not be removed except for cause. An Acting Chief Financial Officer may be removed for cause or by a Chief Financial Officer appointed with the advice and consent of the Legislature of the Virgin Islands.

(3) REPLACEMENT.—If the Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another Chief Financial Officer shall be selected in accordance with subsection (a).

(4) SALARY.—The Chief Financial Officer shall be paid at a salary to be determined by the Governor of the Virgin Islands, except such rate may not be less than the highest rate of pay for a cabinet officer of the Government of the Virgin Islands or a Chief Financial Officer serving in any government or semiautonomous agency.

(e) REFERENDUM.—As part of the closest regularly scheduled, islands-wide election in the Virgin Islands to the expiration of the fourth year of the five-year term of the Chief Financial Officer, the Board of Elections of the Virgin Islands shall hold a referendum to seek the approval of the people of the Virgin Islands regarding whether the position of Chief Financial Officer of the Government of the Virgin Islands shall be made a permanent part of the executive branch of the Government of the Virgin Islands. The referendum shall be binding and conducted according to the laws of the Virgin Islands, except that the results shall be determined by a majority of the ballots cast.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Virgin Islands Chief Financial Officer Search Commission''.

(b) DUTY OF COMMISSION.—The Commission shall recommend to the Governor not less than 3 candidates for nomination as Chief Financial Officer of the Virgin Islands. Each candidate must have demonstrated ability in general management of, knowledge of, and extensive practical experience at the highest levels of financial management in governmental or business entities and must have experience in the development, implementation, and operation of financial management systems.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 8 members appointed not later than 30 days after the date of the enactment of this Act. Persons appointed as members must have recognized business, government, or financial expertise and experience and shall be appointed as follows:

(A) 1 individual appointed by the Governor of the Virgin Islands.

(B) 1 individual appointed by the President of the Legislature of the Virgin Islands.

(C) 1 individual, who is an employee of the Government of the Virgin Islands, appointed by the Central Labor Council of the Virgin Islands.

(D) 1 individual appointed by the Chamber of Commerce of St. Thomas-St. John.

(E) 1 individual appointed by the Chamber of Commerce of St. Croix.

(F) 1 individual appointed by the President of the University of the Virgin Islands.

(G) 1 individual, who is a resident of St. John, appointed by the At-Large Member of the Legislature of the Virgin Islands.

(H) 1 individual appointed by the President of AARP Virgin islands.

(2) TERMS.—

(A) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy shall be appointed for the remainder of that term.

(3) BASIC PAY.—Members shall serve without pay.

(4) QUORUM.—Five members of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—The Chairperson of the Commission shall be the Chief Justice of the Supreme Court of the United States Virgin Islands or the designee of the Chief Justice. The Chairperson shall serve as an ex officio member of the Commission and shall vote only in the case of a tie.

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson. The Commission shall meet for the first time not later than 15 days after all members have been appointed under this subsection.

(7) GOVERNMENT EMPLOYMENT.—Members may not be current government employees, except for the member appointed under paragraph (1)(C).

(d) REPORT; RECOMMENDATIONS.—The Commission shall transmit a report to the Governor, the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 60 days after its first meeting. The report shall name the Commission's recommendations for candidates for nomination as Chief Financial Officer of the Virgin Islands.

(e) TERMINATION.—The Commission shall terminate upon the nomination and confirmation of the Chief Financial Officer.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) CHIEF FINANCIAL OFFICER.—In sections 1 and 2, the term ''Chief Financial Officer'' means a Chief Financial Officer or Acting Chief Financial Officer, as the case may be, appointed under section 1(a).

(2) COMMISSION.—The term ''Commission'' means the Virgin Islands Chief Financial Officer Search Commission established pursuant to section 2.

(3) GOVERNOR.—The term ''Governor'' means the Governor of the Virgin Islands.

(4) REMOVAL FOR CAUSE.—The term ''removal for cause'' means removal based upon misconduct, failure to meet job requirements, or any grounds that a reasonable person would find grounds for discharge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise

and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3706 would create the Office of Chief Financial Officer of the Government of the Virgin Islands to assist in the development of a balanced budget through a review of incoming revenues and recommend spending limits to the Governor and legislature. The intent behind the bill is to create more fiscal certainty and address concerns regarding the overestimation of incoming revenues, which leads to overspending and a budget deficit in the Virgin Islands. The bill would allow Virgin Islands voters to have the final say on the office. If they find this to be a successful process, they will vote in a referendum to determine if the office should be retained in the long term.

I reserve the balance of my time.

Mr. SABLAN. I yield myself as much time as I may consume.

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

Mr. SABLAN. Mr. Speaker, I rise in support of H.R. 3706, to create an Office of Chief Financial Officer for the Government of the United States Virgin Islands.

Delegate CHRISTENSEN is to be commended for her hard work on behalf of her constituents. Today marks the fourth time—the fourth time—the House will vote on legislation she sponsored to provide greater accountability and transparency in the management of her district's finances.

This is a good bill, I urge my colleagues to support its adoption, and I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, at this time, I yield as much time as she may consume to the distinguished gentlewoman from the United States Virgin Islands, Dr. CHRISTENSEN.

Mrs. CHRISTENSEN. I thank the ranking member for yielding.

Mr. Speaker, I rise to speak in strong support of H.R. 3706, legislation I introduced to provide for a Chief Financial Officer for the Government of the Virgin Islands. I want to begin by thanking Chairman HASTINGS and Ranking Member MARKEY of the Natural Resources Committee for their support in making it possible for H.R. 3706 to be on the floor today. I also want to thank Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs Chairman JOHN FLEMING and, of course, Ranking Member KILILI SABLAN for their support, as well.

Mr. Speaker, today, as you heard, marks the fourth time in 9 years that this House will consider legislation that I have sponsored to provide for a CFO for my congressional district, the U.S. Virgin Islands. It has passed the previous three times.

While I have been severely criticized by some for its introduction, there are many who support it. But I continue to believe that having an independent professional third party being responsible for determining the amount of revenues that the local government has available to spend for an ensuing fiscal year would be a positive development for our government and is also generally supported by a broad cross-section of our electorate.

When I first sponsored the first CFO bill in 2003, the Territory was technically insolvent, and urgent action was necessary to avoid needing a Federal bailout and all that would entail. After studying the experience of the District of Columbia, which sought and obtained a Federal bailout and the accompanying loss of political autonomy through a financial control board, I concluded then that it would have been better if we avoided being taken over by a control board, and I crafted my original CFO bill to do that.

Unlike H.R. 3706, my first chief financial officer bill did involve a loss of authority for the Governor and legislature to accumulate public debt, but it was temporary and would have prevented a complete loss of political autonomy. Today, while the territory is experiencing very serious fiscal challenges, the government is not on the verge of imminent fiscal collapse and no longer has a structural deficit over $1 billion or annual deficits in excess of $100 million.

In view of this, one could reasonably ask, then, why the need for the current bill? First of all, H.R. 3706 seeks to end the acrimony and mistrust among the different branches of Virgin Islands Government and the public at large and provide for revenue projections from a highly qualified person. This individual would be appointed by the Governor and confirmed by the legislature but does not serve at the pleasure of the Governor.

This is the process that is used by the District of Columbia currently through its CFO, and there have been no complaints from the chief executive of D.C., the mayor, about a loss of sovereignty or of a return to colonialism.

Since last year, when the Virgin Islands Governor John de Jongh, Jr., announced a pending $135 million deficit in his budget projections for fiscal year 2012, several members of the 29th legislature questioned the Governor's numbers and they have continued to do so, pointing to differences in figures between reports done by auditors and figures presented in budget documents.

□ 1710

Similarly, public sector union members who have been greatly impacted by various austerity measures also scoffed at the budget projections, saying:

there had not been enough transparency to truly demonstrate that there really was a financial crisis and (that there was) no other way to solve it but layoffs or pay cuts.

H.R. 3706 does not affect in any way the Governor or the legislature's ability to spend the territory's funds as they see fit. It simply attempts to end questions on what the exact revenue of the territory is so that we can move forward on a sound economic recovery.

I'm not under any allusion that my CFO bill will be a cure-all for all that ails the Virgin Islands. I am, however, proposing it as a 5-year pilot program for improving transparency and trust in our budgetary and fiscal practices. If Virgin Islanders approve of the process and system for determining our annual budget limits that the bill provides, they can vote to make it permanent through a referendum that is provided for after 4 years of the CFO's 5-year term.

Each time I have introduced this or one of the earlier versions of this bill, there have been concerns that the United States Congress is imposing itself into the governance of the territory. There are some that would wish that this were the case, but I am not one of them, and this bill would not do that.

Because we do not have a constitution, the people of the Virgin Islands have come to Congress on a number of occasions, for example, to attempt to abolish the Office of Lieutenant Governor; to expand borrowing authority, which we did; to limit the number of senators, and for other purposes. I don't really see this process as being any different coming as a representative of the people of the Virgin Islands and representing their interests.

Moreover, attempts by our local legislature to pass similar legislation have failed, and legislative proposals by nonpartisan organizations have never been considered. Therefore, as a representative of the people of the U.S. Virgin Islands in the Congress, it fell to me, and I accept the responsibility. I just regret that our Governor and I could not see eye to eye on this.

The Federal Government has and will be providing significant funds to the U.S. Virgin Islands, especially in light of the economic disaster that currently exists. I am sure that having such an office as the one being proposed by H.R. 3706 will enhance our ability to successfully navigate through this very critical time because of the added accountability and transparency that it provides.

So I thank you for the time, and I urge my colleagues to support the adoption of H.R. 3706.

Mr. LAMBORN. Mr. Speaker, I'd like to inquire if my colleague, Mr. SABLAN, has any further speakers.

Mr. SABLAN. Mr. Speaker, at this time I have no further speakers, and I urge the adoption of the legislation.

I yield back the balance of my time.

Mr. LAMBORN. I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 3706, 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. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

LA PINE LAND CONVEYANCE ACT

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 270) to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 270

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''La Pine Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the City of La Pine, Oregon.

(2) COUNTY.—The term ''County'' means the County of Deschutes, Oregon.

(3) MAP.—The term ''map'' means the map entitled ''La Pine, Oregon Land Transfer'' and dated December 11, 2009.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 3. CONVEYANCES OF LAND.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and the provisions of this Act, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the City or County, without consideration, all right, title, and interest of the United States in and to each parcel of land described in subsection (b) for which the City or County has submitted to the Secretary a request for conveyance by the date that is not later than 1 year after the date of enactment of this Act.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) consist of—

(1) the approximately 150 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel A'', to be conveyed to the County, which is subject to a right-of-way retained by the Bureau of Land Management for a power substation and transmission line;

(2) the approximately 750 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel B'', to be conveyed to the County; and

(3) the approximately 10 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel C'', to be conveyed to the City.

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

(d) USE OF CONVEYED LAND.—

(1) IN GENERAL.—Consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the land conveyed under subsection (a) shall be used for the following public purposes and associated uses:

(A) The parcel described in subsection (b)(1) shall be used for outdoor recreation, open space, or public parks, including a rodeo ground.

(B) The parcel described in subsection (b)(2) shall be used for a public sewer system.

(C) The parcel described in subsection (b)(3) shall be used for a public library, public park, or open space.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions for the conveyances under subsection (a) as the Secretary determines to be appropriate to protect the interests of the United States.

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the County to pay all survey costs and other administrative costs associated with the conveyances to the County under this Act.

(f) REVERSION.—If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

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

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

There was no objection.

Mr. LAMBORN. I yield myself such time as I may consume.

S. 270 will convey to the city of La Pine and Deschutes County, Oregon, 910 acres in three parcels and requires that the land be used only for purposes consistent with the Recreation and Public Purposes Act. The conveyances would be subject to valid existing rights and will address the city's and county's need for existing land.

One parcel of 750 acres will be used by the county to accommodate the expansion of its wastewater treatment facilities. The county will also use 150 acres to develop rodeo grounds and allow for the future development of ball fields, parks, and recreation facilities. A parcel of 10 acres in the center of La Pine will continue to be used for the public library and additional open space use.

Finally, the bill requires the county to pay all administrative costs associated with the transfer.

I urge support for the bill, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. SABLAN. Mr. Speaker, S. 270, sponsored by Senator RON WYDEN, provides for the conveyance of approximately 900 acres of land from the Bureau of Land Management to the city of La Pine, Oregon, and Deschutes County, Oregon. These lands will be used for public purposes as required by the Recreation and Public Purposes Act. We do not object to this legislation, and I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon, my good friend and colleague, Mr. WALDEN.

Mr. WALDEN. I want to thank my colleagues here on the floor today for their support of this legislation, S. 270, the La Pine Land Conveyance Act.

This legislation was originally crafted over in the Senate by my friend and colleague, Senator WYDEN. We've worked together on this project and thought that the most expeditious way to solve the problem for the people of La Pine was to just move his bill on through the Senate, and that's what we're doing today.

The La Pine Land Conveyance Act is the result of efforts of local officials who recognized years ago that for Oregon's newest city, the city of La Pine, to be able to take care of its residents, it needed a helping hand from the Federal Government. Here's why:

Seventy-eight percent of Deschutes County, the county in which the city of La Pine is located, is managed, owned, and controlled by the Federal Government. They're literally surrounded by Federal land. In fact, their own library sits on BLM land.

So, as they became a city and began to try to address the issues that brought about their desire to be a city, they realized they needed to be able to expand a little and take care of some of their problems. So, S. 270 will provide the city with 750 acres so it can build a new wastewater treatment facility, which will allow the community to move off of septic systems and onto municipal water and sewer systems. They have a real problem in La Pine with a fairly high water table and issues related to septic systems, so this will help solve that.

In addition, this legislation also transfers 150 acres to the La Pine Park and Recreation District to establish a more permanent home for what's known as the ''Greatest Little Rodeo in Oregon,'' the La Pine Rodeo, and also to help them build out one of their other celebrations, one which all Americans take advantage of, and that's the Fourth of July.

Now, why are these two things important? Well, among another reasons, it's a job creator. Expanding out the rodeo grounds really will help them grow jobs in this remote, rural community in Deschutes County. In addition,

of course, transferring the other lands will let them have a library on their own city ground and be able to take care of the water needs for the community.

So I thank my colleagues on both sides of the aisle for support of S. 270. This is one of those commonsense bills that actually brings us together and we can get some work done here for the people back home.

Mr. SABLAN. Mr. Speaker, we have no further speakers. If the gentleman from Colorado has no further need of time, I will yield back the balance of my time.

Mr. LAMBORN. I, too, Mr. Speaker, yield back the balance of my time.

The SPEAKER pro tempore (Mr. POE of Texas). The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, S. 270.

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. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

WALLOWA FOREST SERVICE COMPOUND CONVEYANCE ACT

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 271) to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 271

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wallowa Forest Service Compound Conveyance Act''.

SEC. 2. CONVEYANCE TO CITY OF WALLOWA, OREGON.

(a) DEFINITIONS.—In this Act:

(1) CITY.—The term ''City'' means the city of Wallowa, Oregon.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) WALLOWA FOREST SERVICE COMPOUND.—The term ''Wallowa Forest Service Compound'' means the approximately 1.11 acres of National Forest System land that—

(A) was donated by the City to the Forest Service on March 18, 1936; and

(B) is located at 602 First Street, Wallowa, Oregon.

(b) CONVEYANCE.—On the request of the City submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act and subject to the provisions of this Act, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Wallowa Forest Service Compound.

(c) CONDITIONS.—The conveyance under subsection (b) shall be—

(1) by quitclaim deed;

(2) for no consideration; and

(3) subject to—

(A) valid existing rights; and

(B) such terms and conditions as the Secretary may require.

(d) USE OF WALLOWA FOREST SERVICE COMPOUND.—As a condition of the conveyance under subsection (b), the City shall—

(1) use the Wallowa Forest Service Compound as a historical and cultural interpretation and education center;

(2) ensure that the Wallowa Forest Service Compound is managed by a nonprofit entity;

(3) agree to manage the Wallowa Forest Service Compound with due consideration and protection for the historic values of the Wallowa Forest Service Compound; and

(4) pay the reasonable administrative costs associated with the conveyance.

(e) REVERSION.—In the quitclaim deed to the City, the Secretary shall provide that the Wallowa Forest Service Compound shall revert to the Secretary, at the election of the Secretary, if any of the conditions under subsection (c) or (d) are violated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

□ 1720

GENERAL LEAVE

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

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

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

S. 271 authorizes the conveyance of just over an acre of Forest Service land to the city of Wallowa, Oregon. The city originally donated this parcel to the Forest Service in 1936 to allow the Agency to construct a ranger station and other facilities.

The site was used for many decades, but now sits vacant. A local nonprofit organization has proposed developing the facilities as an interpretive site. S. 271 would allow the Forest Service to convey the land back to the city for such development.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

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

Mr. SABLAN. Mr. Speaker, S. 271, introduced by Senators RON WYDEN and JEFF MERKLEY, transfers approximately 1 acre of land from the Wallowa National Forest to the City of Wallowa, Oregon. A local nonprofit organization will use the facility for local historical and cultural preservation, interpretation, and education. We do not object to this legislation.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield such time as he may consume to my friend and colleague from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Speaker, I thank my colleagues who have brought this legislation forward as well. Again, this, like the prior bill, it's a partnership between Senator WYDEN and myself, as we've worked together to resolve some of these land issues out in Oregon.

This one's kind of interesting. In 1936, the City of Wallowa actually donated this parcel of land to the U.S. Forest Service, and what we're doing today is giving it back to the city. They had a Forest Service compound there for many years and then, at some point, probably 20, 30 years ago, quit using it for that purpose and, basically, the buildings are in horrible disrepair.

I was out there a few weeks ago and toured the compound site with Gwen Trice and some of the county officials and took a look at the facility as it is today and, literally, they've had water damage inside. One place the ceiling had caved in.

But they have this plan. They have this plan to turn this into this interpretive site to honor and teach the history about Maxville, which was a railroad logging town that existed about 15 miles north of Wallowa.

Now, what's interesting about this, the emergence of the Maxville project really reflects the local community's deep appreciation for the preservation of this unique history, and they want to use this facility and restore it to display photographs and really tell the story and bring students in to let them learn about Maxville heritage and what went on there.

Now, the interpretive center seeks to gather, catalog, preserve, and interpret this rich history of the multicultural logging community of Maxville. Maxville itself operated until the early 1930s and was unique in that it included 50-or-so African Americans and their families and was home to the only segregated school in Oregon.

Previous historic records only made small mention of these African Americans. But in the last 3 years, the Maxville heritage project has fostered a reawakening of the interest in this rich chapter of history through public lectures and school visits and Elderhostel lectures and stories that have run across the Nation now.

With the groundswell of historic artifacts and stories emerging from descendents and those with relationships to people from Maxville, a large number of video image audio programs are being put together. So what we're doing here today allows this local-grown idea, this vision that Gwen Trice and her supporters have to be able to rehabilitate this compound, restore these beautiful buildings—once beautiful—they're in pretty bad disrepair now. She's got a job ahead of her.

But it will help this small town in northeast Oregon add to its many attractions, natural and other, and tell this unique history about this special logging community that existed just north of Wallowa.

So I thank my colleagues on both sides of the aisle for once again, in a spirit of bipartisanship, actually solving some problems around here that matter to people back home.

Mr. SABLAN. Mr. Speaker, we have no objection to S. 271, and I have no further speakers.

I yield back the balance of my time.

Mr. LAMBORN. I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, S. 271.

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. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

AUTHORIZING ADDITIONAL SANCTIONS WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–128)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congrses of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders. To take additional steps with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195) (22 U.S.C. 8501 et seq.) (CISADA), I issued Executive Order 13553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses. To take further additional steps with respect to the threat posed by Iran and to provide implementing authority for a number of the sanctions set forth in the Iran Sanctions Act of 1996 (Public Law 104–172) (50 U.S.C. 1701 note) (ISA), as amended by CISADA, I issued Executive Order 13574 on May 23, 2011, to authorize the Secretary of the Treasury to implement certain sanctions imposed by the Secretary of State pursuant to ISA, as amended by CISADA. I also issued Executive Order 13590 on November 20, 2011, to take additional steps with respect to this emergency by authorizing the Secretary of State to impose sanctions on persons providing certain goods, services, technology, or support that contribute either to Iran's development of petroleum resources or to Iran's production of petrochemicals, and to authorize the Secretary of the Treasury to implement some of those sanctions. On February 5, 2012, in order to take further additional steps pursuant to this emergency, and to implement section 1245(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), I issued Executive Order 13599 blocking the property of the Government of Iran, all Iranian financial institutions, and persons determined to be owned or controlled by, or acting for or on behalf of, such parties. Most recently, on April 22, 2012, and May 1, 2012, I issued Executive Orders 13606 and 13608, respectively. Executive Orders 13606 and 13608 each take additional steps with respect to various emergencies, including the emergency declared in Executive Order 12957 concerning Iran, to address the use of computer and information technology to commit serious human rights abuses and efforts by foreign persons to evade sanctions.

The order takes additional steps with respect to the national emergency declared in Executive Order 12957, particularly in light of the Government of Iran's use of revenues from petroleum, petroleum products, and petrochemicals for illicit purposes; Iran's continued attempts to evade international sanctions through deceptive practices; and the unacceptable risk posed to the international financial system by Iran's activities. Subject to certain exceptions and conditions, the order authorizes the Secretary of the Treasury and the Secretary of State, as set forth in the order, to impose sanctions on persons as described in the order, all as more fully described below.

Section 1 of the order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose financial sanctions on foreign financial institutions determined to have knowingly conducted or facilitated certain significant financial transactions with the National Iranian Oil Company (NIOC) or Naftiran Intertrade Company (NICO), or for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran.

Section 2 of the order authorizes the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative, and with the President of the Export-Import Bank, the Chairman of the Board of Governors of the Federal Reserve System, and other agencies and officials as appropriate, to impose any of a number of sanctions on a person upon determining that the person:

knowingly engaged in a significant transaction for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran;

is a successor entity to a person determined to meet the criterion above;

owns or controls a person determined to meet the criterion above, and had knowledge that the person engaged in the activities referred to therein; or

is owned or controlled by, or under common ownership or control with, a person determined to meet the criterion above, and knowingly participated in the activities referred to therein.

Sections 3 and 4 of the order provide that, for persons determined to meet any of the criteria specified in section 2 of the order, the heads of the relevant agencies, in consultation with the Secretary of State, shall implement the sanctions imposed by the Secretary of State. The sanctions provided for in sections 3 and 4 of the order include the following actions:

the Board of Directors of the Export-Import Bank shall deny approval of the issuance of any guarantee, insurance, extension of credit, or participation in an extension of credit in connection with the export of any goods or services to the sanctioned person;

agencies shall not issue any specific license or grant any other specific permission or authority under any statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or technology to the sanctioned person;

for a sanctioned person that is a financial institution: the Chairman of the Board of Governors of the Federal Reserve System and the President of the Federal Reserve Bank of New York shall take such actions as they deem appropriate, including denying designation, or terminating the continuation of any prior designation of, the sanctioned person as a primary dealer in United States Government debt instruments; or agencies shall prevent the sanctioned person from serving as

an agent of the United States Government or serving as a repository for United States Government funds;

agencies shall not procure, or enter into a contract for the procurement of, any goods or services from the sanctioned person;

the Secretary of the Treasury shall take actions where necessary to:

prohibit any United States financial institution from making loans or providing credits to the sanctioned person totaling more than $10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities;

prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest; o prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person;

block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of the sanctioned person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or

restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the sanctioned person.

Section 5 of the order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of any person upon determining that the person has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, NIOC, NICO, or the Central Bank of Iran, or the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of sections 1, 4, and 5 of the order.

The order was effective at 12:01 a.m. eastern daylight time on July 31, 2012. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, *July 30, 2012*.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 5 o'clock and 31 minutes p.m.), the House stood in recess.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 5 o'clock and 45 minutes p.m.

DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

Mr. FRANKS of Arizona. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3803) to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3803

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''District of Columbia Pain-Capable Unborn Child Protection Act''.

SEC. 2. LEGISLATIVE FINDINGS.

Congress finds and declares the following:

(1) Pain receptors (nociceptors) are present throughout the unborn child's entire body and nerves link these receptors to the brain's thalamus and subcortical plate by no later than 20 weeks after fertilization.

(2) By 8 weeks after fertilization, the unborn child reacts to touch. After 20 weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example, by recoiling.

(3) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(4) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(5) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their level when painful stimuli are applied without such anesthesia.

(6) The position, asserted by some medical experts, that the unborn child is incapable of experiencing pain until a point later in pregnancy than 20 weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

(7) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(8) In adult humans and in animals, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(9) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(10) The position, asserted by some commentators, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from engaging in vigorous movement in reaction to invasive surgery.

(11) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain at least by 20 weeks after fertilization, if not earlier.

(12) It is the purpose of the Congress to assert a compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(13) The compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of the compelling governmental interest in protecting the lives of unborn children from the stage of viability, and neither governmental interest is intended to replace the other.

(14) The District Council of the District of Columbia, operating under authority delegated by Congress, repealed the entire District law limiting abortions, effective April 29, 2004, so that in the District of Columbia, abortion is now legal, for any reason, until the moment of birth.

(15) Article I, section 8 of the Constitution of the United States of America provides that the Congress shall ''exercise exclusive Legislation in all Cases whatsoever'' over the District established as the seat of government of the United States, now known as the District of Columbia. The constitutional responsibility for the protection of pain-capable unborn children within the Federal District resides with the Congress.

SEC. 3. DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION.

(a) IN GENERAL.—Chapter 74 of title 18, United States Code, is amended by inserting after section 1531 the following:

''§ 1532. District of Columbia pain-capable unborn child protection

''(a) UNLAWFUL CONDUCT.—Notwithstanding any other provision of law, including any legislation of the District of Columbia under authority delegated by Congress, it shall be unlawful for any person to perform an abortion within the District of Columbia, or attempt to do so, unless in conformity with the requirements set forth in subsection (b).

''(b) REQUIREMENTS FOR ABORTIONS.—

''(1) The physician performing or attempting the abortion shall first make a determination of the probable post-fertilization age of the unborn child or reasonably rely upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to make an accurate determination of post-fertilization age.

''(2)(A) Except as provided in subparagraph (B), the abortion shall not be performed or attempted, if the probable post-fertilization age, as

determined under paragraph (1), of the unborn child is 20 weeks or greater.

''(B) Subject to subparagraph (C), subparagraph (A) does not apply if, in reasonable medical judgment, the abortion is necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, but not including psychological or emotional conditions.

''(C) Notwithstanding the definitions of 'abortion' and 'attempt an abortion' in this section, a physician terminating or attempting to terminate a pregnancy under the exception provided by subparagraph (B) may do so only in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk of—

''(i) the death of the pregnant woman; or

''(ii) the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the pregnant woman;

than would other available methods.

''(c) CRIMINAL PENALTY.—Whoever violates subsection (a) shall be fined under this title or imprisoned for not more than 2 years, or both.

''(d) BAR TO PROSECUTION.—A woman upon whom an abortion in violation of subsection (a) is performed or attempted may not be prosecuted under, or for a conspiracy to violate, subsection (a), or for an offense under section 2, 3, or 4 based on such a violation.

''(e) CIVIL REMEDIES.—

''(1) CIVIL ACTION BY WOMAN ON WHOM THE ABORTION IS PERFORMED.—A woman upon whom an abortion has been performed or attempted in violation of subsection (a), may in a civil action against any person who engaged in the violation obtain appropriate relief.

''(2) CIVIL ACTION BY RELATIVES.—The father of an unborn child who is the subject of an abortion performed or attempted in violation of subsection (a), or a maternal grandparent of the unborn child if the pregnant woman is an unemancipated minor, may in a civil action against any person who engaged in the violation, obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

''(3) APPROPRIATE RELIEF.—Appropriate relief in a civil action under this subsection includes—

''(A) objectively verifiable money damages for all injuries, psychological and physical, occasioned by the violation of this section;

''(B) statutory damages equal to three times the cost of the abortion; and

''(C) punitive damages.

''(4) INJUNCTIVE RELIEF.—

''(A) IN GENERAL.—A qualified plaintiff may in a civil action obtain injunctive relief to prevent an abortion provider from performing or attempting further abortions in violation of this section.

''(B) DEFINITION.—In this paragraph the term 'qualified plaintiff' means—

''(i) a woman upon whom an abortion is performed or attempted in violation of this section;

''(ii) any person who is the spouse, parent, sibling or guardian of, or a current or former licensed health care provider of, that woman; or

''(iii) the United States Attorney for the District of Columbia.

''(5) ATTORNEYS FEES FOR PLAINTIFF.—The court shall award a reasonable attorney's fee as part of the costs to a prevailing plaintiff in a civil action under this subsection.

''(6) ATTORNEYS FEES FOR DEFENDANT.—If a defendant in a civil action under this section prevails and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney's fee in favor of the defendant against the plaintiff.

''(7) AWARDS AGAINST WOMAN.—Except under paragraph (6), in a civil action under this subsection, no damages, attorney's fee or other monetary relief may be assessed against the woman upon whom the abortion was performed or attempted.

''(f) PROTECTION OF PRIVACY IN COURT PROCEEDINGS.—

''(1) IN GENERAL.—Except to the extent the Constitution or other similarly compelling reason requires, in every civil or criminal action under this section, the court shall make such orders as are necessary to protect the anonymity of any woman upon whom an abortion has been performed or attempted if she does not give her written consent to such disclosure. Such orders may be made upon motion, but shall be made sua sponte if not otherwise sought by a party.

''(2) ORDERS TO PARTIES, WITNESSES, AND COUNSEL.—The court shall issue appropriate orders under paragraph (1) to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman must be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists.

''(3) PSEUDONYM REQUIRED.—In the absence of written consent of the woman upon whom an abortion has been performed or attempted, any party, other than a public official, who brings an action under paragraphs (1), (2), or (4) of subsection (e) shall do so under a pseudonym.

''(4) LIMITATION.—This subsection shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

''(g) REPORTING.—

''(1) DUTY TO REPORT.—Any physician who performs or attempts an abortion within the District of Columbia shall report that abortion to the relevant District of Columbia health agency (hereinafter in this section referred to as the 'health agency') on a schedule and in accordance with forms and regulations prescribed by the health agency.

''(2) CONTENTS OF REPORT.—The report shall include the following:

''(A) POST-FERTILIZATION AGE.—For the determination of probable postfertilization age of the unborn child, whether ultrasound was employed in making the determination, and the week of probable post-fertilization age that was determined.

''(B) METHOD OF ABORTION.—Which of the following methods or combination of methods was employed:

''(i) Dilation, dismemberment, and evacuation of fetal parts also known as 'dilation and evacuation'.

''(ii) Intra-amniotic instillation of saline, urea, or other substance (specify substance) to kill the unborn child, followed by induction of labor.

''(iii) Intracardiac or other intra-fetal injection of digoxin, potassium chloride, or other substance (specify substance) intended to kill the unborn child, followed by induction of labor.

''(iv) Partial-birth abortion, as defined in section 1531.

''(v) Manual vacuum aspiration without other methods.

''(vi) Electrical vacuum aspiration without other methods.

''(vii) Abortion induced by use of mifepristone in combination with misoprostol.

''(viii) If none of the methods described in the other clauses of this subparagraph was employed, whatever method was employed.

''(C) AGE OF WOMAN.—The age or approximate age of the pregnant woman.

''(D) COMPLIANCE WITH REQUIREMENTS FOR EXCEPTION.—The facts relied upon and the basis for any determinations required to establish compliance with the requirements for the exception provided by subsection (b)(2).

''(3) EXCLUSIONS FROM REPORTS.—

''(A) A report required under this subsection shall not contain the name or the address of the woman whose pregnancy was terminated, nor shall the report contain any other information identifying the woman.

''(B) Such report shall contain a unique Medical Record Number, to enable matching the report to the woman's medical records.

''(C) Such reports shall be maintained in strict confidence by the health agency, shall not be available for public inspection, and shall not be made available except—

''(i) to the United States Attorney for the District of Columbia or that Attorney's delegate for a criminal investigation or a civil investigation of conduct that may violate this section; or

''(ii) pursuant to court order in an action under subsection (e).

''(4) PUBLIC REPORT.—Not later than June 30 of each year beginning after the date of enactment of this paragraph, the health agency shall issue a public report providing statistics for the previous calendar year compiled from all of the reports made to the health agency under this subsection for that year for each of the items listed in paragraph (2). The report shall also provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The health agency shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted.

''(5) FAILURE TO SUBMIT REPORT.—

''(A) LATE FEE.—Any physician who fails to submit a report not later than 30 days after the date that report is due shall be subject to a late fee of $1,000 for each additional 30-day period or portion of a 30-day period the report is overdue.

''(B) COURT ORDER TO COMPLY.—A court of competent jurisdiction may, in a civil action commenced by the health agency, direct any physician whose report under this subsection is still not filed as required, or is incomplete, more than 180 days after the date the report was due, to comply with the requirements of this section under penalty of civil contempt.

''(C) DISCIPLINARY ACTION.—Intentional or reckless failure by any physician to comply with any requirement of this subsection, other than late filing of a report, constitutes sufficient cause for any disciplinary sanction which the Health Professional Licensing Administration of the District of Columbia determines is appropriate, including suspension or revocation of any license granted by the Administration.

''(6) FORMS AND REGULATIONS.—Not later than 90 days after the date of the enactment of this section, the health agency shall prescribe forms and regulations to assist in compliance with this subsection.

''(7) EFFECTIVE DATE OF REQUIREMENT.—Paragraph (1) of this subsection takes effect with respect to all abortions performed on and after the first day of the first calendar month beginning after the effective date of such forms and regulations.

''(h) DEFINITIONS.—In this section the following definitions apply:

''(1) ABORTION.—The term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device—

''(A) to intentionally kill the unborn child of a woman known to be pregnant; or

''(B) to otherwise intentionally terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma, or a criminal assault on the pregnant woman or her

unborn child, and which causes the premature termination of the pregnancy.

''(2) ATTEMPT AN ABORTION.—The term 'attempt', with respect to an abortion, means conduct that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in performing an abortion in the District of Columbia.

''(3) FERTILIZATION.—The term 'fertilization' means the fusion of human spermatozoon with a human ovum.

''(4) HEALTH AGENCY.—The term 'health agency' means the Department of Health of the District of Columbia or any successor agency responsible for the regulation of medical practice.

''(5) PERFORM.—The term 'perform', with respect to an abortion, includes induce an abortion through a medical or chemical intervention including writing a prescription for a drug or device intended to result in an abortion.

''(6) PHYSICIAN.—The term 'physician' means a person licensed to practice medicine and surgery or osteopathic medicine and surgery, or otherwise licensed to legally perform an abortion.

''(7) POST-FERTILIZATION AGE.—The term 'post-fertilization age' means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

''(8) PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD.—The term 'probable postfertilization age of the unborn child' means what, in reasonable medical judgment, will with reasonable probability be the postfertilization age of the unborn child at the time the abortion is planned to be performed or induced.

''(9) REASONABLE MEDICAL JUDGMENT.—The term 'reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

''(10) UNBORN CHILD.—The term 'unborn child' means an individual organism of the species homo sapiens, beginning at fertilization, until the point of being born alive as defined in section 8(b) of title 1.

''(11) UNEMANCIPATED MINOR.—The term 'unemancipated minor' means a minor who is subject to the control, authority, and supervision of a parent or guardian, as determined under the law of the State in which the minor resides.

''(12) WOMAN.—The term 'woman' means a female human being whether or not she has reached the age of majority.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of title 18, United States Code, is amended by adding at the end the following new item:

''1532. District of Columbia pain-capable unborn child protection.''.

(c) CHAPTER HEADING AMENDMENTS.—

*(1) CHAPTER HEADING IN CHAPTER.—The chapter heading for chapter 74 of title 18, United States Code, is amended by striking ''**PARTIAL-BIRTH ABORTIONS**'' and inserting ''**ABORTIONS**''.*

(2) TABLE OF CHAPTERS FOR PART I.—The item relating to chapter 74 in the table of chapters at the beginning of part I of title 18, United States Code, is amended by striking ''Partial-Birth Abortions'' and inserting ''Abortions''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FRANKS) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. FRANKS of Arizona. 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 H.R. 3803, as amended.

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

There was no objection.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gruesome late-term abortions of unborn children who can feel pain is the greatest human rights atrocity in the United States today. H.R. 3803, the bipartisan District of Columbia Pain-Capable Unborn Child Protection Act, has more than 220 cosponsors in the House of Representatives. It protects unborn children who have reached 20 weeks' development, their being subjected to inhumane torturous late-term abortions on the basis that the unborn child feels pain by at least this stage of development, if not much earlier. Just 2 days ago, a Federal court upheld Arizona's version of this bill.

Mr. Speaker, throughout America's history, the hearts of the American people have always been moved with compassion when they discover a theretofore hidden class of victims once the humanity of the victim and the inhumanity of what was being done to them finally became clear in their minds. Mr. Speaker, America is on the cusp of another such realization.

Medical science regarding the development of unborn babies and their capacities at various stages of growth has advanced dramatically, and incontrovertibly it demonstrates that unborn children clearly do experience pain. The single greatest hurdle to legislation like H.R. 3803 has always been that deponents deny unborn babies feel pain at all, as if somehow the ability to feel pain magically develops instantaneously as a child passes through the birth canal. This level of deliberate ignorance might have found excuse in earlier eras of human history, but the evidence today is extensive and irrefutable. Unborn children have the capacity to experience pain by at least 20 weeks and very likely substantially earlier.

We have entered into the committee hearing record a 29-page summary of the dozens of studies worldwide confirming that unborn children feel pain by at least 20 weeks post-fertilization. This information is available at www.DoctorsonFetalPain.org. And I would sincerely recommend that all committee members, their staff, and the members of the press review this site to get the most current evidence on unborn pain rather than to have their understanding cemented in some earlier time when scientists still believed in spontaneous generation and that the Earth was flat.

□ 1750

Mr. Speaker, late-term abortions are gruesome and painful. Babies are dismembered, or they're chemically burned alive by a hypertonic salt solution. Some late-term abortionists stab the small pain-capable baby through the chest to inject drugs that will kill the child prior to being removed.

Most Americans think that late-term abortions are rare, but in fact there are approximately 120,000 late-term abortions annually, or more than 325 late-term abortions every day in America.

Here in the District of Columbia, the designated seat of freedom in America, abortion is completely legal for any reason up until the moment of birth. Under the Constitution, the Congress and the President are the ones clearly responsible for this unthinkable abortion-until-birth policy.

This landmark vote we are about to take would be the first time in history that the United States House of Representatives has ever voted on this question of whether to endorse legal abortion for any reason up until birth, and, ladies and gentlemen, we will be held accountable.

Mr. Speaker, under the Humane Slaughter Act, farm animals in America have protection from completely unnecessary cruelty, yet unborn children in America have no such protection from the same kind of agonizing pain. In fact, there is no legal standard to provide that late-term unborn babies—clearly known to be capable of feeling pain—are afforded even the most basic human decency of receiving anesthesia before they are torturously killed.

Mr. Speaker, if we cannot find the will or the courage to protect human babies from being tortured, then what claim on human compassion remains to us?

What we are doing to babies is real, Mr. Speaker. It is barbaric in the purest sense of the word. It is the greatest human rights violation occurring on U.S. soil, and it has already victimized potentially millions of pain-capable babies since the Supreme Court gave us all abortion on demand that tragic day in 1973.

Mr. Speaker, I would plead with my colleagues to vote for this bill to at least begin to end this heartbreak of painful late-term abortion in the land of the free and the home of the brave.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I will begin this discussion by asking the gentleman from Arizona, Mr. TRENT FRANKS, this question: Why is this measure limited only to women in the District of Columbia? And I yield to him for a response if he chooses to make one.

Then I will now go on with my statement.

The majority of this House, conservatives, can think of nothing better to do than to continue to wage a war against women and take up our time with these divisive issues. Here, we face the worst of economic crisis since the 1930s. So this is another attempt,

yet another attempt, to undermine women's basic reproductive rights with appeals to ideology rather than to sound science.

Every pregnancy is unique and different, and, unfortunately, some women face difficult and emotionally devastating decisions in the course of their pregnancy that would require them to consider abortion as a health option. So we gather here this afternoon to recognize that this legislation is not needed, is opposed by the Nation's leading civil rights organizations, including: the Physicians for Reproductive Choice and Health, the Center for Reproductive Rights, NARAL Pro-Choice America, the National Abortion Federation, the American Civil Liberties Union, and Catholics for Choice.

With that opening, Mr. Speaker, I reserve the balance of my time.

Mr. FRANKS of Arizona. I now yield 1 minute to the gentlelady from Ohio (Mrs. SCHMIDT), chair of the Agriculture Nutrition Subcommittee.

Mrs. SCHMIDT. Mr. Speaker, first in response to the good gentleman from the other side, article I, section 8, clause 17, called the District Clause, gives us authority for this bill.

But I really want to point out why this bill is so important. One of the things that upsets a great deal of Americans—in fact, over 60 percent of all Americans, 70 percent of women—is when a baby experiences pain. And when you ask Americans about abortions and a baby feeling pain with an abortion, well over 60 percent say they do not want that abortion.

The kind of abortions that are occurring are occurring up until the point of where a child can actually come out normally, after 9 months' gestation. And it's called a D&E, or a dilation and extraction. It is a painful procedure that requires dismemberment of the unborn child and the crushing of its head.

We know that as early as 20 weeks—maybe even as early as 8 weeks—an unborn child feels pain. We know it is at 20 weeks. Now, there is a question of 8 weeks. And yet at 9 months, this very normal child inside of a body is feeling pain. This is why we are going to ask Congress to stop this horrific act.

Mr. CONYERS. Mr. Speaker, I would remind the gentlelady that we have jurisdiction over the District of Columbia, but we do not have the prerogative to produce unconstitutional programs for them like H.R. 3803.

I now yield such time as he may consume to the gentleman from New York, JERROLD NADLER, the former chairman of the Constitution Committee of the Judiciary.

Mr. NADLER. I thank the gentleman.

Mr. Speaker, I rise in opposition to the D.C. Abortion Ban Act.

This legislation is a flagrantly unconstitutional attack on the right of women to make the most fundamental decisions about their lives and their health. It is based on radical ideology rather than on long-established Supreme Court precedent or on sound science, and it is yet another attack on the right to self-government of the Americans who live, work, and pay taxes in our Nation's Capital. It is, in short, yet another example of the Republican war on women and of their fundamental hostility to democracy when the voters have the audacity to disagree with Republican orthodox.

And why are we here today, playing abortion politics with a bill everyone knows will not pass the Senate, when millions of Americans are out of a job and the Republican majority can't find a moment to consider a single one of the President's jobs bills?

The constitutional rule is clear: The government may not tell a woman whether or not she may have an abortion before fetal viability. This bill prohibits abortions much earlier. This bill does not even have an exception to protect women's health, another constitutional violation.

We don't have to guess how this kind of extreme legislation plays out. We know from States which have enacted similar laws. Take the case of Danielle Deaver, a Nebraska woman who was 22 weeks pregnant when her water broke. Doctors informed her that her fetus would likely be born with undeveloped lungs and not be able to survive outside the womb because all the amniotic fluid had drained, the tiny growing fetus slowly would be crushed by the uterus walls.

During her pregnancy, Nebraska enacted a law similar to this bill. As a result, Ms. Deaver could not obtain an abortion. Thus, despite serious complications and enduring infections, Danielle had to continue her pregnancy. On December 8, 2010, Danielle delivered a 1 pound, 10 ounce child who survived only 15 minutes outside the womb.

The question of fetal pain is a difficult one, but Members need to understand that the argument being made by the proponents of this bill, that a 20-week fetus can feel pain, is a fringe one denied by the bulk of the scientific community. Scientists will continue to debate and study, but we should not write marginal views into the criminal code.

We also need to remember that this bill targets only the District of Columbia, which some on the other side of the aisle like to treat like a colony. It is outrageous that we would be considering a bill that Members are clearly not willing to apply to their own constituents.

Mr. Speaker, it is time that the Republican leadership stop diverting the attention of this House from the business of putting people back to work by bringing up one divisive, unconstitutional bill after another.

I urge my colleagues to reject this cynical, dangerous, misogynist, and unconstitutional legislation.

□ 1800

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 2 minutes to the gentleman from Maryland (Mr. HARRIS), a member of the Science Committee and an obstetric anesthesiologist.

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding the time to me.

I will tell you the argument that this is unconstitutional just isn't true. I urge the Members on the other side of the aisle who oppose the measure to read Judge Teilborg's opinion, just having been released, where he goes very carefully and says this doesn't prohibit abortions after 20 weeks, it limits them, clearly within the purview of Roe v. Wade and the subsequent case law, where the Gonzalez case says, for instance:

> Government uses its voice and regulatory authority to show its profound respect for the life within the woman.

Now, the Flat Earth Society on the other side would have you believe that no medical advances have been made in pain and the perception of pain since Roe v. Wade has been issued. But, in fact, they have. About 15 years ago, a huge discussion about whether preterm infants at 23 to 25, 26 weeks, being cared for by the thousands in our neonatal intensive care units, perceive pain to the point where pain medicine would be required to be administered to those patients. Pain medicine, that if it weren't required would be dangerous, but the decision—this has been decided. These infants are being treated for pain.

The opposition would hold up a report in the Journal of the American Medical Association from 2005, written by pro-abortion proponents, which suggested that until 30 weeks, there was no perception of pain. Mr. Speaker, that's been settled in hospitals around the country where 23- to 25-week fetuses are being treated. This bill sets that 20-week limit for two reasons. One is, as the judge says in his findings, everyone concedes that pain receptors are present at 20 weeks throughout the fetus. Mr. Speaker, God didn't put those there if they weren't there for a reason, and it is to perceive pain. Secondly, the risk to the mother increases exponentially as you get out of the first week of gestation, the risk of abortion to the mother. That's clear. That's demonstrated. That's epidemiology. That's not ideology; that's science. That's science clearly understood.

Mr. Speaker, this bill is founded on very basic scientific principles that the fetus has pain receptors throughout their body at 20 weeks and that the risk to the mother increases after 20 weeks.

Mr. CONYERS. Mr. Speaker, may I remind the previous speaker that women's doctors know a lot more about this subject matter than Members of Congress.

And now with great pleasure I yield 1 minute to the Honorable TED DEUTCH from Florida, a member of the House Judiciary Committee.

Mr. DEUTCH. Mr. Speaker, even for a Republican House with a record of attacking women's rights, bringing up this bill under suspension that disregards the United States Constitution, is beyond brazen. It is time that my colleagues come clean with the American people and admit these arbitrary limitations on a woman's constitutional right to choose are part of a broader effort. Tonight, it's the District of Columbia. Tonight, 20 weeks is the threshold for turning a constitutional right into a crime. What is tomorrow—10 weeks, 10 days? Where does it end?

Mr. Speaker, when they talk about competing rights, they are intent on granting, even to a newly fertilized egg, the constitutional rights of American women. They want to put the rights of a zygote ahead of the rights of a woman exercising autonomy over her own body.

My colleagues say this bill is limited in scope; but their intentions, Mr. Speaker, are not limited in scope. Right now in this Congress and across the country, the rights of women are under attack.

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

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. DEUTCH. Mr. Speaker, right now in this Congress and across the country, the rights of American women are under attack. It is sad that we must fight to defend these rights. But fight, Mr. Speaker, we will.

Mr. FRANKS of Arizona. Mr. Speaker, may I inquire as to the remaining time.

The SPEAKER pro tempore. The gentleman from Arizona has 12½ minutes. The gentleman from Michigan has 12½ minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 1½ minutes to the gentlelady from Florida (Mrs. ADAMS), a member of the Judiciary Committee.

Mrs. ADAMS. Mr. Speaker, I rise today in strong support of H.R. 3803, authored by my friend, Representative TRENT FRANKS, which prohibits abortions in the District of Columbia on pain-capable unborn children. Recently, a poll conducted revealed that 63 percent of respondents favored banning abortion after the point where the unborn child can feel pain.

Because abortions may be performed in the Nation's Capital for any reason during all 9 months of pregnancy, the need for this bill is very clear. Mr. Speaker, when we debated this bill in the Judiciary Committee a few weeks ago, I was shocked that some of my colleagues on the other side of the aisle referred to this child as a fetus. I'm sure my female colleagues who have been blessed to experience the joy of motherhood will agree with me when I say during the time I was carrying my daughter, I always thought of her as my baby, never a fetus, and I am very concerned that the discussion is being centered around everything but the most important thing, and that is what the baby feels and is capable of feeling at this time.

We all have the opportunity to do the right thing. So let's stop playing word games and pass this legislation.

Mr. CONYERS. Mr. Speaker, I'm pleased now to yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), a senior Member of the Congress.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for his leadership on this issue and so many others.

I rise in opposition to the D.C. abortion act and thank my colleague from New York, JERRY NADLER, and ELEANOR HOLMES NORTON for their very strong leadership in opposition to this bill.

The callous indifference that is shown to the lives, the health, the well-being, and constitutional rights of women in this bill simply beggar description. For instance, the bill has no provision whatsoever for women who have been the victims of rape or incest, and there is no exception for a woman's health.

This bill would use the awesome power of the State to compel the victim of a violent assault to bear the child of her attacker, and it would compel a minor child who has been the victim of incest to bear her sibling.

How can you even begin to justify the intrusion of Federal power into such deeply painful and personal matters. This bill is an assault on decency and common sense. And it adds to the battery of weapons being used by our Republican colleagues in their war against women.

A vote for this bill is a vote to show contempt for women's health, women's rights, a doctor's role in health care decisions, and the Constitution all in one fell swoop. Vote ''no'' and stay out of the doctor's office and the private lives of American women. The health and safety of women in D.C. is too important, and this is a recurring bad dream. This happens to be the ninth anti-choice vote brought to the floor during this Congress. It is another example of the Republicans' war against women. I urge a strong ''no'' vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised and reminded not to traffic the well when another Member is under recognition.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 1 minute to the gentlelady from North Carolina (Ms. FOXX), a member of the Rules Committee.

Ms. FOXX. Mr. Speaker, I rise today in support of H.R. 3803, the D.C. Pain-Capable Unborn Child Protection Act.

I fear for the conscience of our Nation because the termination of unborn children, for any reason, is tolerated in some parts of our country throughout pregnancy—even though scientific conclusions show infants feel pain by at least 20 weeks gestation.

That literally means a baby at the halfway point of a pregnancy will experience pain during the violence of a dismemberment abortion, the most common second-trimester abortion, wherein a steel tool severs limbs from the infant and its skull is crushed.

□ 1810

Mr. Speaker, such procedures are horrific, and in terms of pain, like torture to their infant subjects. As a country, we should leave this practice behind. That is why I'm a cosponsor of this legislation to prohibit elective abortions in D.C. past 20 weeks.

I urge my colleagues to stand with me for the most vulnerable among us and vote in favor of H.R. 3803.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the former chair of the Congressional Black Caucus, BARBARA LEE of Oakland, California.

Ms. LEE of California. Mr. Speaker, let me thank the gentleman for yielding and for your tremendous leadership on this and so many issues so important to the health of women and to the health of our country.

I'd like to also take a moment to commend Congresswoman NORTON, the duly elected representative for the residents of the District of Columbia, for her relentless advocacy on behalf of her constituents and her leadership in fighting back the onslaught of attacks against the women of the District of Columbia.

Tea Party Republicans continue to make D.C. their launching ground for attacks against women's health as part of the ongoing war on women.

H.R. 3803, the so-called—and this is very sinister—District of Columbia Pain-Capable Unborn Child Protection Act, is nothing more than a direct challenge to Roe v. Wade and a vehicle for yet another ideological attack against women's reproductive rights. It's a direct threat to the health of every woman living in the District of Columbia. It contains no exceptions for health, for rape or incest, and it demonstrates a very callous disregard for the real-life experiences of women and their families.

It is tragic—tragic—that the Tea Party Republicans refuse to bring up any bill that would create jobs but would rather wage war against the women of the District of Columbia. It is offensive, it is wrong, and it is unconstitutional. Government and politicians should stay out of the health care decisions of women, and they should stay out of the private lives of women.

Women's decisions, as it relates to their health care, should be made by themselves. These decisions should be made with their medical professionals and their clergy or whomever they choose. Women should be able to make their decisions, not Members of Congress, not politicians, and not government officials.

This is a direct threat. It is callous. Again, it is unconstitutional, and it's wrong.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 1½ minutes to the gentleman from Iowa (Mr. KING), vice

chairman of the Immigration Subcommittee of the House Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona for yielding.

I would point out here we seem to talk in abstract terms about what is really going on. This is a demonstration of dilation, dismemberment, and evacuation that's taking place in the District of Columbia and across this country. Mr. Speaker, here is what takes place.

There's a dilation of the cervix. We had testimony of Dr. Levatino who showed his tools. He reaches in and pulls a leg off of this little baby and pulls it out and puts it on a plate. He reaches in and pulls another leg off and does the same thing. He reminded us that this isn't an easy process. It's difficult to do so. You've got to pull hard, then reach in and grab another piece of the torso and pull that out until you count up all the pieces on the plate and you get down to this little baby's head. For the head, there's a special tool to squeeze that little baby's head, crush that head and then pull it out.

Who of us could watch such a procedure? Who of us could conduct such a procedure? Who of us? Dr. Levatino did, hundreds of times in his testimony. But his little girl died, and he took 2 weeks off and came back to work again thinking he was going to commit other abortions. He got halfway through, and he said, I looked at that pile of goo on the plate, and I realized that's somebody's daughter. This is somebody's daughter. This is somebody's son. This is a little baby. This is a little miracle of life. This is God's image being torn apart and dismembered and placed on a plate. And I'm hearing it's a constitutional right to do such an abhorrent thing. It's ghastly, and it's ghoulish, and it's the worst thing that I think one could put their hand to. If you can't watch it, you sure can't do it.

Mr. CONYERS. Mr. Speaker, I am proud now to recognize the delegate from Washington, D.C., an excellent Member of this body, ELEANOR HOLMES NORTON, for as much time as she may consume.

Ms. NORTON. I thank the chairman and the chairman of the subcommittee for the hearings that they held that exposed this bill for what it does to reproductive choice in our country unconstitutionally on two scores, because it targets also the District of Columbia and therefore separates us out, we who live in the District of Columbia, in violation of the 14th Amendment for treatment differently from women who live just across the river in one part of our country, or in any part of our country.

Mr. Speaker, this is the first time in our history that a standalone bill has come to the floor to deny the residents of the Nation's Capital the same constitutional rights as other Americans. We won't stand for it. Yet the folks behind this bill care nothing about the District of Columbia. They have picked on the District to get a phony Federal imprimatur on a bill that targets Roe v. Wade. In the process, they have picked a fight they do not want and cannot win with pro-choice America.

Bills based on pain or principle would not target only one city that has no vote on a bill that involves only the residents of that city. Women have blown the cover from a bill with a D.C. label because they know an attack on their reproductive health when they see it.

Republicans have taken the gloves off. No one can any longer doubt that the war on women is on, even when it is by proxy as with this bill, infiltrating the Susan G. Komen for the Cure to stop Planned Parenthood from funding breast cancer screening, defunding Planned Parenthood, and taking away contraceptives in insurance policies. All of these battles have failed.

Their final battle on the rights to the reproductive health of American women, abusing their congressional authority and using the women and physicians of the District of Columbia, that final battle must fail as well.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 2 minutes to the gentlelady from Alabama (Mrs. ROBY), a member of the Education Committee.

Mrs. ROBY. I thank the gentleman.

Mr. Speaker, I rise today in support of H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act, of which I'm a proud cosponsor.

In sitting here listening to debate, I want to get a few things straight. First of all, I am a woman, and I have not declared war on myself. Second of all, this is not a direct challenge to Roe v. Wade. This is a direct challenge to cruelty to unborn children. Currently, the policy in D.C. legally allows abortion for any reason until the moment of birth.

Mr. Speaker, Erin and Blake Hamby, a couple from my home State of Alabama, were pregnant with their second daughter when Erin had complications at 22 weeks. And at only 25 weeks and 2 days, their little baby, Faith, was born on January 8, weighing only 1 pound, 14 ounces, but every bit the same baby as my own children, Margaret and George, who were born full term.

Faith spent 2½ months in the NICU, and both she and her parents struggled daily, but that tiny baby—that tiny baby—is now 6½ months old and thriving.

In the District of Columbia, Faith could have been aborted not only at the point at which she was born, but also any day up to the day of her birth. H.R. 3803 prohibits abortions in D.C. after 20 weeks' gestation, a time frame based on scientific evidence that the unborn child can experience pain by at least at this stage of development.

□ 1820

In June of 2011, Alabama became the fifth State to pass a similar measure by banning physicians from performing abortions after 20 weeks.

I applaud my home State of Alabama in its admirable fight to protect human life, such as Faith's when she arrived earlier than expected into this world. I am proud to vote in support of H.R. 3803 tonight, and I encourage my colleagues to join me.

Mr. CONYERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Michigan has 5½ minutes remaining, and the gentleman from Arizona has 7 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

May I inform my colleagues that the Planned Parenthood organization will score today's vote, as will NARAL Pro-Choice America score today's vote.

Now, Members, let no one be fooled, no matter what title you want to give the measure that's before us, it is a direct assault against the Supreme Court ruling in Roe v. Wade and represents another line of attack against women's reproductive rights. That's why there are so many women's organizations that are opposed to it and have been.

The measure imposes an outright ban on abortions before viability, even where a woman's health may be at risk. Do we really want to support that kind of legislation? In cases where a woman's life is endangered, it still requires a doctor to focus on the health of the fetus.

Furthermore, this measure will jeopardize a women's health, her ability to have children in the future, and in the case of rape and incest would force her to bear her abuser's child. Amazingly, the bill even fails to include an exception for young girls who are survivors of rape and incest.

When the American people expect us to focus on putting people back to work, as former Chairman NADLER remarked, this committee again plays politics with women's health. Don't support this measure.

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

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a senior member of the Judiciary Committee.

Mr. CHABOT. I thank the gentleman for yielding and for his leadership in this area.

Mr. Speaker, last week I became a grandfather for the first time. Seeing that defenseless little child for the first time reminded me just how precious life is and why we're morally obligated to protect it. H.R. 3803 would do just that, putting an end to a cruel practice taking place here in our Nation's capital.

The infamous 1973 Supreme Court decision in Roe v. Wade relied upon medical knowledge that is now obsolete. Recent medical research and testing shows that an unborn child may have the capacity to experience pain starting as early as 20 weeks in the womb.

In fact, in the 2004 case of Carhart v. Ashcroft, Dr. Sunny Anand was asked whether a fetus would feel pain in a common abortion procedure, dilation and extraction, also known as ''dismemberment abortion.'' He testified: ''If the fetus is beyond 20 weeks of gestation, I would assume that there will be pain caused to the fetus, and I believe that it will be severe and excruciating pain.'' We must stop that, and that's what this legislation would do.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this legislation is obnoxious for three reasons:

Number one, it picks on the District of Columbia because we can, because they are defenseless. We wouldn't do this to any State.

Number two, it is a direct contradiction of Roe v. Wade, which says you cannot ban an abortion before viability. And one ignorant judge in Arizona, one far-right judge in Arizona who says that a ban is not a ban, it's only a limitation as long as there's an exemption for the risk of life to the mother, doesn't change the meaning of the English language nor the meaning of the Supreme Court.

And three, it's obnoxious because it says to a woman whose health, whose future fertility, whose health is threatened, we judge that your health is less important than that pregnancy. It's not your decision; it's our decision because we're a bunch of arrogant politicians and you're only a woman who's pregnant, and to heck with you. That's why it's obnoxious.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 1 minute to the gentleman from Kansas (Mr. HUELSKAMP), a member of the Budget Committee.

Mr. HUELSKAMP. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this legislation.

As we know, to much of the world, America stands for liberty, for freedom. The Capitol and the White House are recognizable symbols of how Americans have fought and died for the truth: That governments exist to protect our inalienable rights to life and liberty. But just blocks from here, steps away from the White House, abortionists infringe on the rights of society's most vulnerable—the unborn.

While of course we would like to see an end to all abortions, to an end of the taking of all unborn life, today's legislation focuses on protecting the unborn at a time when it is a scientific fact that they are able to feel pain—excruciating pain.

It is cruel, inhumane, and contradictory to this Nation's leadership as the defender and protector of individual liberties to inflict pain knowingly on anyone, let alone a defenseless, unborn child. I ask my colleagues to recognize this fact by supporting this legislation.

Mr. CONYERS. Mr. Speaker, how much time is left?

The SPEAKER pro tempore. The gentleman from Michigan has 2½ minutes remaining, and the gentleman from Arizona has 5 minutes remaining.

Mr. CONYERS. I yield myself 1 minute.

Ladies and gentlemen of the House, when the American people expect us to focus on putting people back to work, we find ourselves again playing politics with women's health, pandering to the most radical interest groups, and wasting time on divisive social issues, which to some may be good politics, but I would caution my colleagues to remember why we've been sent here.

This war against women cannot continue. The middle class is fighting for its life, workers struggling, and yet we're again putting on this show for the extreme conservatives with an unconstitutional bill that has no chance of becoming law. In fact, for those who are keeping count, this is the second time the majority has brought up a bill restricting access to abortion under a special procedure requiring a two-thirds vote.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), chairman of the Africa, Global Health, and Human Rights Subcommittee on the Foreign Affairs Committee.

Mr. SMITH of New Jersey. I thank my friend for yielding.

Mr. Speaker, pain—we all dread it, avoid it, even fear it, and go to extraordinary lengths to mitigate its severity and duration. By now, many Americans know that abortion methods are violent and include dismemberment of a child's fragile body, chemical poisoning, and hypodermic needles to the baby's heart. There is nothing humane, benign, or compassionate about abortion. It is violence against children, and it hurts women.

But the relatively new scientific understanding that unborn children are forced to endure excruciating pain in the performance of later-term abortions—and perhaps even earlier—should shock us. Children not only die from abortion; they suffer. This is a wake-up call to all Americans: unborn children feel pain. This highly disturbing fact should further inspire us all to seek to protect these weak and vulnerable children.

Tragically, for the defenseless child in the womb, the D.C. Council voted in 2004 to eviscerate every legal protection afforded unborn children, making abortion on demand legal in D.C. right up until the moment of birth.

The D.C. Pain-Capable Unborn Child Protection Act, authored by my distinguished colleague, TRENT FRANKS, seeks to safeguard at least some of these kids—from 20 weeks onward—from both pain and death.

Of note, today's vote comes on the heels of yesterday's Federal district court decision upholding a similar law in Arizona.

□ 1830

In that decision, the judge said, ''by 20 weeks, sensory receptors develop all over the child's body'' and ''when provided by painful stimuli, such as a needle, the child reacts, as measured by increases in the child's stress hormones, heart rate, and blood pressure.''

Mr. Speaker, the poster to my left depicts a D&E abortion, the most commonly procured method of abortion in later term, a dismemberment abortion. It involves using a long steel tool to grasp and tear off, by brute force, the arms and the legs of the developing child, after which the skull is crushed.

Testifying at the full committee hearing in May, Dr. Anthony Levatino, a former abortionist who has performed many of these D&E abortions said: ''Once you have grasped something inside, squeeze on the clamp, set the jaws and pull hard.''

Then he talks about how arms and legs and intestines are all pulled out. Then he said, ''Many times a little face may come out and stare back at you. Congratulations! You have just successfully performed a second-trimester abortion.''

This legislation seeks to protect these kids from this horrible cruelty.

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

Mr. FRANKS of Arizona. Mr. Speaker, I yield 30 seconds to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. You know, I have heard a lot of debate back and forth, but my friends, this is not about ending abortion. Oh, how I wish it was.

This is about ending late-term abortions in the District of Columbia because of the cruel way that those babies are terminated. The dismemberment, the pain that is caused by those little innocent babies, is contrary to what the Founders of our Constitution wanted for our Nation. That's what this act is about.

We have the right and the authority, because of the Constitution, to do this, to end this very barbaric procedure, and that's why we need to pass this legislation.

Mr. CONYERS. Mr. Speaker, I yield our remaining time to the distinguished delegate from Washington, D.C., ELEANOR HOLMES NORTON.

The SPEAKER pro tempore. The gentlewoman from the District of Columbia is recognized for 1½ minutes.

Ms. NORTON. Mr. Speaker, almost all abortions in the District of Columbia are performed between six and 10 weeks.

Mr. Speaker, I was denied my request, my request was denied even to testify on this bill, even though this bill affects only residents of my city. I was told that, and I did not insist, that the Democrats had a witness. They had to hear from that witness.

Christy Zink had an abortion at 22 weeks, only after her physician told her that she was carrying a fetus with half a brain and that if it were born alive, it would have constant seizures throughout its life. This bill would not have allowed Christy Zink to have an abortion, and she would have had to carry that fetus to term.

She has now had a healthy baby. She still grieves for the baby she could not have, but she would never have deserved the punishment that this bill would have inflicted on her.

I ask Members of this House to respect the laws and the women and the residents of the District of Columbia. Let us do what you insist all over the United States be done in your districts.

We differ. Respect our differences, even as I respect yours.

[From the Washington Post, July 27, 2012]

THE KIND OF WOMAN WHO NEEDS A LATE-TERM ABORTION

(By Christy Zink)

Introduce me to the woman who has an abortion after 20 weeks because she is cruel and heartless. Introduce me to the lazy gal who gets knocked up and ignores her condition until, more than halfway through her pregnancy, she ends it because it has become too darn inconvenient for her selfish lifestyle.

If such a woman exists, I have never met her. Sadly, however, she appears to have influenced the thinking of even savvy, politically informed people in this country. Otherwise, how could they argue that carrying to term is always the right decision late in pregnancy? In fact, the myth of such callous women has been compelling enough to push along a bill that would ban abortion in the District after 20 weeks of pregnancy; the bill was approved this month by the House Judiciary Committee, moving it forward for consideration by the full House, perhaps as soon as Tuesday.

Believing this fabrication of the radical right depends on one's ability to conjure at once a perfectly unfeeling woman and a perfectly healthy child, a stand-in for the much more tragic and complex reality. Meet, instead, a real live, breathing woman who terminated a much-wanted pregnancy at almost 22 weeks, when her baby was found to have severe fetal anomalies of the brain.

My son's condition could not have been detected earlier in the pregnancy. Far from lazy, I was conscientious about prenatal care. I received excellent medical attention from my obstetrician, one of the District's best. Only at our 20-week sonogram were there warning signs, and only with a high-powered MRI did we discover the devastating truth of our son's condition. He was missing the corpus callosum, the central connecting structure of the brain, and essentially one side of his brain.

If he survived the pregnancy and birth, the doctors told us, he would have been born into a life of continuous seizures and near-constant pain. He might never have left the hospital. To help control the seizures, he would have needed surgery to remove more of what little brain matter he had. That was the reality for me and for my family.

Meet, too, the many real women I know who belong to one of the saddest groups in the world: those carrying babies for whom there was no real hope and who made the heartbreaking decision to end their pregnancies for medical reasons. Meet the women among this group who had gotten, they thought, safely to the middle of pregnancy, who had been planning nurseries and filling baby registries, only to find they would need to plan a memorial service and to build, somehow, a life in aftermath.

We are not reckless, ruthless creatures. Our hearts hurt each day for our losses. We mourn. We speak the names and nicknames of each other's babies to one another; we hold each other up on the anniversaries of our losses, and we celebrate new babies and new accomplishments, all bittersweet because they arrive in the wake of grief. We extend our arms to the women who must join our community, and we lament that our numbers rise every day.

Medical research from the Guttmacher Institute shows that post-21-week terminations make up less than 2 percent of all abortions in this country. Women like me can seem an exception. You also rarely hear stories like mine, because they involve intensely private sorrow and because there is no small amount of shame still associated with terminating a pregnancy, no matter how medically necessary.

The consequences of the House bill, if it becomes law, will be inhumane. If the restrictions in this bill had been the law of the land when my husband and I received our diagnosis, I would have had to carry to term and give birth to a baby who the doctors concurred had no chance of a real life and who would have faced severe, continual pain. The decision my husband and I made to terminate the pregnancy was made out of love—to spare my son pain and suffering.

The ugly politics in this Congress and the sheer number of Republicans mean that this bill will likely pass in the House. I understand any citizen's hesitancy when the issue of the right to middle-term to late-term abortion arises. But I also know from my own experience that this bill would have calamitous ramifications for real women and real families, and that the women it would most affect could never imagine they would need their right to abortion protected in this way.

Women and their families must be able to trust their doctors and retain their access to medical care when they most need it. To make sure that happens, members of the Senate and ordinary people across this country must see through the stereotype of the late-term aborter and see, instead, the true face of a woman who has been in this situation. I extend my hand; it is an honor to make your acquaintance.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there was a time in this country and even across the world when protecting little babies from torture was a noble thing.

Mr. Speaker, I've heard my colleagues today call this effort to protect little babies from tortuous pain extremist ideology. And I would just suggest to you, sir, if they are right, then, I, for one, will envy no one that they might call mainstream, because, Mr. Speaker, this bill simply says that we intend, in the seat of freedom in America, where Congress has the ultimate and clear responsibility constitutionally to legislate, that we're going to protect unborn children that have reached the age where they can feel pain.

Mr. Speaker, today, in Washington, D.C., a child can be aborted in labor, and that is not who America is.

Mr. Speaker, I would suggest that if we, in this body, cannot find the courage and the will to protect these little babies from this kind of torture, then I'm not sure that we will ever find the will or the courage to protect any kind of liberty for anyone in this place.

Mr. Speaker, I would suggest to you that there is the will and the courage to do that in this body. I would predict that this body will pass overwhelmingly, by a majority vote, even though we won't maybe meet the suspension rules, but we will pass by an overwhelming number of votes this bill today. I believe it'll be 240, 250 votes, and it will at least demonstrate to the world that there's still a conscience in this place, that we still stand for the commitment to protect little babies that have no other people to protect them.

This is our job here, to protect the rights of the innocent, and by the grace of God we're going to do that.

I yield back the balance of my time.

Mr. CANTOR. Mr. Speaker, I rise today in strong support of the DC Pain-Capable Unborn Child Protection Act. It is simply unfathomable that, other than by the methods banned by federal law, the District of Columbia allows abortion for any reason, by any method up until the moment right before birth. While people may differ on the issue of abortion, Americans overwhelmingly support the notion that abortions should be restricted at the point at which an unborn child can feel pain. And with good reason, the ability to experience pain is one of the traits that makes us human. And the commitment to protect the defenseless from physical acts of violence is one of the hallmarks of humanity.

Science demonstrates that by at least 20 weeks after fertilization, an unborn child can feel pain. In response to this scientific evidence, to date nine states have enacted laws to restrict late-term abortions. Just this week, a judge upheld an Arizona law that does the same thing we're attempting here today, citing the brutal methods used to abort a baby late in a pregnancy and the scientific fact that unborn children have developed pain sensors all over their bodies by at least 20 weeks. It is time to add the District of Columbia to the list of jurisdictions that put an end to the practice of late-term abortions.

Mr. AKIN. Mr. Speaker, I rise today in full support for H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act. This legislation affects the District of Columbia, which, operating under authority delegated by Congress, repealed all limitations on abortion at any stage of pregnancy, effective April 29, 2004.

H.R. 3803 would outlaw abortion in the District of Columbia on an unborn child 20 weeks or more after fertilization, except "if, in reasonable medical judgment, the abortion is necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself," but not including psychological disorders or threats of self-injury.

An unborn child can react to touch merely 8 weeks after fertilization, and after 20 weeks, the child can feel pain. At this 20-week mark, a child will recoil from painful stimuli and show significant increases in stress hormones, and fetal anesthesia is routinely administered to children who undergo surgery while still in the womb. There is significant medical evidence supporting the child's ability to experience pain at 20 weeks, if not earlier, and the unlimited abortion currently allowed in the District of Columbia is simply inhumane.

I am proud to be an original co-sponsor of H.R. 3803, which is a morally necessary and

common-sense piece of legislation, and I support it fully. Additionally, I firmly believe that our nation must protect human life at all stages, and unborn children are no exception. During my time in Congress, I have stood against abortion and supported numerous pieces of pro-life legislation. I am also a member of the Congressional Pro-Life Caucus, and I will continue to fight to protect the lives of the unborn in any way I can.

Mr. HOLT. Mr. Speaker, I rise today in strong opposition to H.R. 3803, which would make abortions performed at 20 weeks gestation or later unlawful in the District of Columbia.

Our first priorities in the House of Representatives must be helping to foster job creation and supporting middle class families.

Instead, the Republicans once again have chosen to take up divisive social issues and continue their war on women with a radical assault on women's health care. This time, we are discussing a bill that would be a dangerous intrusion into the lives of women as well as the governance of the District of Columbia.

Once again, the Majority is asking Congress to play doctor. This bill is an attempt to ban safe, legal, and often medically-necessary abortion services for women in the District of Columbia without the consent of the city's residents or representatives. It seems to me to be even unconstitutional.

Even when the Republicans could have received input from District of Columbia representatives, they refused. Delegate ELEANOR HOLMES NORTON was denied the opportunity to testify during a congressional hearing on this bill that would affect the health and safety of the women in the District of Columbia.

Besides being misguided and offensive, H.R. 3803 is dangerous. This bill has only a narrow exception for the life of the woman. This bill has no exception at all for cases of rape or incest.

It is clear that this legislation is part of a broader strategy to ban abortion everywhere not just in the District of Columbia.

I oppose this anti-choice, anti-woman, and anti-District of Columbia bill and urge my colleagues to vote no on this dangerous piece of legislation.

Ms. HIRONO. Mr. Speaker, I strongly oppose H.R. 3803, yet another assault on women's personal decision making.

In Hawaii, people tell me we should be talking about jobs and working together to get the economy moving. Instead, the House Republican Majority continues its assault on women. Debating divisive social issues isn't going to help our economy or create one single job.

A woman's right to choose is a fundamental freedom—there is no place for politicians in individuals' private medical decisions.

H.R. 3803 restricts access to abortions in the District of Columbia after 20 weeks, regardless of who pays for the procedure. The bill wouldn't even allow for abortion in the case of rape or incest, makes no exception for a woman's health, and would require a woman to carry a nonviable fetus to term.

A woman shouldn't need to ask a politician for permission to make private medical decisions. H.R. 3803 would let politicians tell women what to do.

I urge my colleagues to oppose this bill and get to work on the real issues people in Hawaii are most concerned about right now, creating jobs and moving our economy forward.

Mr. MACK. Mr. Speaker, today the House of Representatives is taking action to protect the most vulnerable children in our nation's capital. H.R. 3803, the "District of Columbia Pain-Capable Unborn Child Protection Act," would limit the District's extreme policy of allowing abortion for any reason, at any time, up until the moment of birth. Based on substantial research showing that a child has the capacity to feel pain starting at 20 weeks of development, we cannot in good conscience allow the District's policy of permitting late-term abortions to stand. Although Congress has repeatedly prohibited the use of taxpayer money for abortions in the capital, the District currently has one of the most far-reaching abortion policies in the nation, permitting abortion on demand throughout all nine months of pregnancy.

H.R. 3803 would ban abortions of pain-capable unborn children except to save the life of the mother. Under the Constitution, Congress and the President have ultimate responsibility for the governance of the capital, as Article I, Section 8, states that "Congress shall . . . exercise exclusive legislation in all cases whatsoever, over such District." As a member of Congress who believes in the sanctity of human life, I am a strong supporter and cosponsor of this important legislation. I deeply regret that I must miss the vote on final passage, and would have proudly voted yes.

Mr. MARCHANT. Mr. Speaker, I rise today in support of H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act, authored by my colleague, Congressman TRENT FRANKS. I am an original cosponsor of this bill that would prohibit abortions in Washington, DC, after 20 weeks of pregnancy, except when the mother's life is at risk. I am proud that a majority of the U.S. House of Representatives has joined me and cosponsored this bill.

Ample scientific evidence shows that at 20 weeks, fetuses can feel pain. Think about that for a moment. They feel it.

This is especially upsetting because most late-term abortions involve procedures that are particularly heinous. Yet the Washington, DC, government allows abortions at any time for any reason, up until the moment of birth. This is unconscionable. The vast majority of Americans do not support a policy of "abortion on demand" after the point at which fetuses can feel pain. I urge my colleagues to join me in supporting H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 3803, 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. FRANKS of Arizona. 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, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 679, by the yeas and nays;

H.R. 828, by the yeas and nays;

H.R. 3803, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 679) to reduce the number of executive positions subject to Senate confirmation, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 261, nays 116, not voting 54, as follows:

[Roll No. 537]

YEAS—261

Ackerman	Cuellar	Holt
Altmire	Cummings	Honda
Amodei	Davis (CA)	Hoyer
Andrews	Davis (IL)	Hultgren
Baca	Davis (KY)	Hunter
Bachus	DeFazio	Hurt
Barber	DeLauro	Israel
Barrow	Dent	Issa
Bass (CA)	Deutch	Johnson, E. B.
Bass (NH)	Diaz-Balart	Johnson, Sam
Becerra	Dingell	Keating
Berman	Dold	Kildee
Biggert	Donnelly (IN)	Kind
Bilbray	Doyle	King (NY)
Bishop (NY)	Dreier	Kingston
Blumenauer	Edwards	Kinzinger (IL)
Bonamici	Ellison	Kissell
Bonner	Ellmers	Langevin
Bono Mack	Engel	Larsen (WA)
Boren	Eshoo	Larson (CT)
Boswell	Farr	Latham
Brady (PA)	Fattah	LaTourette
Brady (TX)	Fincher	Lee (CA)
Braley (IA)	Flake	Levin
Brown (FL)	Frank (MA)	Lewis (CA)
Butterfield	Franks (AZ)	Lipinski
Calvert	Frelinghuysen	LoBiondo
Camp	Fudge	Loebsack
Cantor	Gallegly	Lofgren, Zoe
Capito	Garamendi	Long
Capps	Gonzalez	Lowey
Capuano	Goodlatte	Luján
Carney	Granger	Lungren, Daniel E.
Carson (IN)	Graves (MO)	Lynch
Carter	Green, Al	Maloney
Castor (FL)	Green, Gene	Markey
Chaffetz	Griffith (VA)	Matheson
Chandler	Grijalva	Matsui
Chu	Grimm	McCarthy (CA)
Cicilline	Guinta	McCarthy (NY)
Clarke (MI)	Guthrie	McCollum
Clarke (NY)	Gutierrez	McDermott
Clay	Hahn	McGovern
Cleaver	Hanabusa	McHenry
Clyburn	Harper	McIntyre
Cohen	Hastings (FL)	McKeon
Connolly (VA)	Hastings (WA)	McMorris Rodgers
Conyers	Heck	McNerney
Cooper	Hensarling	Meehan
Costa	Herger	Meeks
Costello	Himes	Michaud
Courtney	Hinchey	Miller (MI)
Cravaack	Hinojosa	Miller (NC)
Critz	Hochul	
Crowley	Holden	

Miller, George
Moran
Murphy (CT)
Myrick
Nadler
Napolitano
Neal
Nunes
Olver
Owens
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Petri
Pingree (ME)
Platts
Polis
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Reyes
Richardson
Rivera
Roby
Rogers (AL)
Rogers (MI)
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (SC)
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Woolsey
Yarmuth
Young (AK)

NAYS—116

Adams
Aderholt
Amash
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Berg
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Canseco
Chabot
Coble
Coffman (CO)
Cole
Conaway
Crawford
Culberson
Denham
Duncan (SC)
Duncan (TN)
Emerson
Farenthold
Fitzpatrick
Fleischmann
Flores
Forbes
Fortenberry
Foxx
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gosar
Graves (GA)
Griffin (AR)
Hall
Harris
Hartzler
Herrera Beutler
Huelskamp
Jenkins
Johnson (OH)
Jones
Kelly
King (IA)
Kline
Lamborn
Lance
Landry
Lankford
Latta
Lucas
Luetkemeyer
Lummis
Manzullo
Marchant
Marino
McClintock
McKinley
Mica
Miller (FL)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Nugent
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Peterson
Pitts
Poe (TX)
Pompeo
Posey
Quayle
Rehberg
Ribble
Rigell
Roe (TN)
Rooney
Ross (FL)
Royce
Scalise
Schilling
Schmidt
Schweikert
Southerland
Stearns
Stutzman
Terry
Turner (OH)
Walsh (IL)
Webster
West
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)

NOT VOTING—54

Akin
Alexander
Baldwin
Benishek
Berkley
Bishop (GA)
Broun (GA)
Campbell
Cardoza
Carnahan
Cassidy
Crenshaw
DeGette
DesJarlais
Dicks
Doggett
Duffy
Filner
Fleming
Gingrey (GA)
Gowdy
Hanna
Hayworth
Heinrich
Higgins
Hirono
Huizenga (MI)
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Jordan
Kaptur
Kucinich
Labrador
Lewis (GA)
Mack
McCaul
Moore
Noem
Pastor (AZ)
Paul
Pence
Renacci
Richmond
Rogers (KY)
Rohrabacher
Rush
Scott, Austin
Sutton
Towns
Walberg
Westmoreland
Young (IN)

□ 1906

Mrs. EMERSON, Messrs. LANCE, HALL, Ms. HERRERA BEUTLER, Messrs. ROYCE, NUGENT, GERLACH, SOUTHERLAND, OLSON, and CULBERSON changed their vote from ''yea'' to ''nay.''

Messrs. GUTHRIE, FINCHER, BRADY of Texas, SMITH of New Jersey, Mrs. MILLER of Michigan, Messrs. FRELINGHUYSEN, WHITFIELD, Ms. SPEIER, Messrs. LoBIONDO, HURT, GOODLATTE, Mrs. ROBY, Messrs. GRIFFITH of Virginia, HULTGREN, BACHUS, KINZINGER of Illinois, FRANKS of Arizona, SENSENBRENNER, BASS of New Hampshire, HUNTER, REED, GRIMM, Mrs. ELLMERS, Messrs. WALDEN, HASTINGS of Washington, KINGSTON, GUINTA, ROKITA, GRAVES of Missouri, DANIEL E. LUNGREN of California, SCOTT of South Carolina, LONG, STIVERS, HERGER, WELCH, and MEEHAN changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 537, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''yea.''

FEDERAL EMPLOYEE TAX ACCOUNTABILITY ACT OF 2012

The SPEAKER pro tempore (Mr. SCHOCK). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 828) to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 263, nays 114, not voting 54, as follows:

[Roll No. 538]

YEAS—263

Adams
Aderholt
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Berg
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Capps
Carney
Carter
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Critz
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeFazio
Denham
Dent
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hochul
Huelskamp
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Kelly
Kind
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Lipinski
Loebsack
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Maloney
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tsongas
Turner (NY)
Turner (OH)
Upton
Visclosky
Walden
Walsh (IL)
Webster
West
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (FL)

NAYS—114

Ackerman
Altmire
Andrews
Baca
Barber
Bass (CA)
Becerra
Bishop (NY)
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capuano
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (IL)
DeLauro
Deutch
Doyle
Edwards
Ellison
Engel
Fattah
Frank (MA)
Fudge
Grijalva
Grimm
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Israel
Johnson, E. B.
Keating
Kildee
King (NY)
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
LoBiondo
Lowey
Luján
Lynch
Markey
McCarthy (NY)
McDermott
McGovern
Meeks

Michaud
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pelosi
Perlmutter
Pingree (ME)
Price (NC)
Rangel
Reyes
Richardson
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sarbanes
Schakowsky
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Thompson (MS)
Tonko
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Young (AK)

NOT VOTING—54

Akin
Alexander
Baldwin
Benishek
Berkley
Bishop (GA)
Broun (GA)
Campbell
Cardoza
Carnahan
Cassidy
Crenshaw
DeGette
DesJarlais
Dicks
Doggett
Duffy
Filner
Fleming
Gingrey (GA)
Gowdy
Hanna
Heinrich
Higgins
Hirono
Huizenga (MI)
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Jordan
Kaptur
Kucinich
Labrador
Lewis (GA)
Mack
McCaul
Moore
Noem
Pastor (AZ)
Paul
Pence
Renacci
Richmond
Rogers (KY)
Rohrabacher
Rush
Scott, Austin
Stivers
Sutton
Towns
Walberg
Westmoreland
Young (IN)

□ 1913

Ms. WATERS and Mr. PALLONE changed their vote from ''yea'' to ''nay.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 538, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''nay.''

DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3803) to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 154, answered ''present'' 2, not voting 55, as follows:

[Roll No. 539]

YEAS—220

Adams
Aderholt
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Critz
Cuellar
Culberson
Davis (KY)
Denham
Diaz-Balart
Donnelly (IN)
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Lankford
Latham
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walden
Walsh (IL)
Webster
West
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)

NAYS—154

Ackerman
Andrews
Baca
Barber
Barrow
Bass (CA)
Bass (NH)
Becerra
Berman
Biggert
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Dent
Deutch
Dingell
Dold
Doyle
Dreier
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson, E. B.
Keating
Kind
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

ANSWERED ''PRESENT''—2

Hayworth
LaTourette

NOT VOTING—55

Akin
Alexander
Baldwin
Benishek
Berkley
Bishop (GA)
Broun (GA)
Campbell
Cardoza
Carnahan
Cassidy
Crenshaw
DeGette
DesJarlais
Dicks
Doggett
Duffy
Filner
Frank (MA)
Gingrey (GA)
Gowdy
Graves (GA)
Hanna
Heinrich
Higgins
Hirono
Huizenga (MI)
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Jordan
Kaptur
Kucinich
Labrador
Lewis (GA)
Luján
Mack
McCaul
Moore
Noem
Pastor (AZ)
Paul
Pence
Renacci
Richmond
Rogers (KY)
Rohrabacher
Rush
Scott, Austin
Sutton
Towns
Walberg
Westmoreland
Young (IN)

□ 1920

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 539, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''nay.''

PERSONAL EXPLANATION

Mr. DESJARLAIS. Mr. Speaker, due to impending weather affecting flight schedules, my arrival into Washington was delayed this evening. I was unable to cast a vote on rollcall votes No. 537 (S. 679), No. 538 (H.R. 828), and No. 539 (H.R. 3803). Had I been present, I would have voted ''nay'' on the first vote and ''aye'' on the following two votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3009

Mr. ROSS of Florida. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 3009.

The SPEAKER pro tempore (Mr. HUELSKAMP). Is there objection to the request of the gentleman from Florida?

There was no objection.

ADAM WALSH REAUTHORIZATION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3796) to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3796

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Adam Walsh Reauthorization Act of 2012''.

SEC. 2. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM REAUTHORIZATION.

Section 126(d) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16926(d)) is amended to read as follows:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $20,000,000 for each of the fiscal years 2013 through 2017, to be available only for—

''(1) the SOMA program; and

''(2) the Jessica Lunsford Address Verification Grant Program established under section 631.''.

SEC. 3. REAUTHORIZATION OF FEDERAL ASSISTANCE WITH RESPECT TO VIOLATIONS OF REGISTRATION REQUIREMENTS.

Section 142(b) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16941(b)) is amended by striking ''such sums as may be necessary for fiscal years 2007 through 2009'' and inserting ''$46,200,000 for each of the fiscal years 2013 through 2017''.

SEC. 4. DURATION OF SEX OFFENDER REGISTRATION REQUIREMENTS FOR CERTAIN JUVENILES.

Subparagraph (B) of section 115(b)(2) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16915(b)(2)) is amended by striking ''25 years'' and inserting ''15 years''.

SEC. 5. PUBLIC ACCESS TO JUVENILE SEX OFFENDER INFORMATION.

Section 118(c) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16918(c)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) any information about a sex offender for whom the offense giving rise to the duty to register was an offense for which the offender was adjudicated delinquent (or otherwise convicted) as a juvenile; and''.

SEC. 6. PROTECTION OF LOCAL GOVERNMENTS FROM STATE NONCOMPLIANCE PENALTY UNDER SORNA.

Section 125(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16925(a)) is amended by striking ''shall not receive'' and all that follows and inserting ''shall return to the Attorney General (for reallocation in accordance with subsection (c)), from the funds allocated to the jurisdiction for that fiscal year under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), 10 percent of the amount the jurisdiction may retain under paragraph (1) of section 505(c) of such Act (42 U.S.C. 3755(c)).''.

SEC. 7. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

Section 634(c) of the Adam Walsh Child Protection and Safety Act of 2006 is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL REPORT.—Not later than one year after the date of enactment of the Adam Walsh Reauthorization Act of 2012, the National Institute of Justice shall submit to Congress a report on the public safety impact, recidivism, and collateral consequences of long-term registration of juvenile sex offenders, based on the information collected for the study under subsection (a) and any other information the National Institute of Justice determines necessary for such report.''.

SEC. 8. JUVENILE SEX OFFENDER TREATMENT GRANTS REAUTHORIZATION.

Section 3012(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797ee-1(c)) is amended by striking ''$10,000,000 for each of fiscal years 2007 through 2009 to carry out this part'' and inserting ''$2,979,000 for each of the fiscal years 2013 through 2017 to carry out this section''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3796, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Adam Walsh Child Protection and Safety Act was enacted in 2006 to honor the victims of several violent crimes against children, including Adam Walsh, a 7-year-old boy who was abducted from a store where his mother was shopping in July 1981 and found murdered just 2 weeks later.

This important legislation is primarily known for its efforts to create a national sex offender registry.

The Sex Offender Registration and Notification Act, or SORNA, created a more uniform system of sex offender registries throughout the country by providing minimum standards that each State must meet.

In addition to SORNA, the Adam Walsh Act made the U.S. Marshals Service responsible for the apprehension of both Federal and State fugitive sex offenders, as well as for the investigation of sex offender registry violations. The Marshals Service apprehended over 11,000 fugitive sex offenders in 2010 alone.

H.R. 3796, the Adam Walsh Reauthorization Act of 2012, introduced by Crime Subcommittee Chairman JIM SENSENBRENNER, reauthorizes the two key programs created by the Adam Walsh Act. It provides funding for the U.S. Marshals' sex offender apprehension activities and gives grants to States and other jurisdictions to implement the national sex offender registry requirements. These two programs are reauthorized for 5 years at amounts that reflect the fiscal year 2012 appropriation levels.

The original Adam Walsh Act contained over 20 different programs and was scored at approximately $1.5 billion over 5 years. By contrast, H.R. 3796 is targeted, fiscally responsible legislation that only reauthorizes the act's most primary programs at an estimated cost of less than $300 million over the same period.

I thank Mr. SENSENBRENNER for his leadership on this bill, and I urge my colleagues to join me in support of H.R. 3796.

I reserve the balance of my time.

Mr SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in regard to H.R. 3796, the Adam Walsh Reauthorization Act of 2012. H.R. 3796 authorizes various grant programs originally established pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

While I support reauthorizing these programs, I am concerned about what is missing from H.R. 3796. Unfortunately, the bill fails to address the many problems that the States and Indian tribes have encountered in implementing the Sex Offender Registration and Notification Act, known as SORNA, which is one of the provisions of the original Adam Walsh Act. So far, only 15 States have been found by the Attorney General to be in compliance.

Years before SORNA became law, many States had developed their own sex offender registries and dedicated substantial resources and research to develop effective sex offender management systems. To ignore these efforts in favor of SORNA'S prescriptive ''one size fits all'' system is not only wasteful, but it could adversely affect public safety. I offered 10 amendments in the full committee markup of the bill seeking to provide States and tribes with more flexibility to cost effectively manage sex offenders and to more fully comply with SORNA. Despite the committee's failure to adopt all of these proposed improvements, there are several positive aspects of H.R. 3796 that make changes to the underlying bill which will assist States in this regard.

For example, the bill, as amended, ensures that provisions of the Byrne JAG grant funding, intended for distribution to local governments and entities, are not penalized by the States' noncompliance with SORNA.

In the absence of this provision, States that have been unable to comply with SORNA would soon suffer up to a 10 percent reduction in their Byrne JAG grant awards, which is a particularly harsh penalty in these difficult economic times. H.R. 3796 at least ensures that the localities that have no control over whether or not a State complies with SORNA are not penalized.

Three other positive aspects of the bill, as amended, are the following: the bill gives flexibility to put juveniles on a law enforcement agency registry only, not on the public registry, that is, juveniles can be only in the law enforcement-only registry, but not publicized. We had heard testimony that putting juveniles on a public registry

would actually be counterproductive, and this bill protects that.

□ 1930

The bill reauthorizes funding under the Adam Walsh Act for treatment of juvenile sex offenders. And the bill requires the public safety impact of long-term or lifetime registration on juvenile registrants to be studied.

Finally, H.R. 3796 lowers the age after which certain juveniles adjudicated delinquent with a clean record can apply for removal from the sex offender registry from 25 years down to 15 years. This is an improvement to current law, given the research documenting that sex offender treatment reduces recidivism by more than 90 percent for juveniles and that long-term public registry adversely impacts the rehabilitation of teenage offenders, though for the same reasons it would have been best to eliminate the requirement to put juveniles on the registry in the first place.

I am pleased, therefore, that H.R. 3796, in reauthorizing the Adam Walsh Act, has improved at least in these aspects. I regret that it didn't improve some of the things that weren't addressed in the bill. But I think it's important that we pass the bill, and I urge my colleagues to vote in favor of this bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), former chairman of the Judiciary Committee and the sponsor of this legislation.

Mr. SENSENBRENNER. Mr. Speaker, the Adam Walsh Child Protection and Safety Act, enacted in 2006, is landmark legislation intended to keep our communities—and most importantly our children—safe from sex offenders and other dangerous predators.

This bipartisan bill strengthened sex offender registry requirements and enforcement, extended Federal registry requirements to Indian tribes, and authorized funding for several programs intended to address and deter child exploitation.

The centerpiece of the Adam Walsh Act is the national Sex Offender Registration and Notification Act, or SORNA. SORNA's goal is to create a seamless national sex offender registry to assist law enforcement efforts to detect and track offenders. SORNA provides minimum standards for State sex offender registries and created the Dru Sjodin National Sex Offender Public Website, which allows law enforcement officials and the general public to search for sex offenders nationwide from just one Web site.

H.R. 3796, the Adam Walsh Reauthorization Act of 2012, reauthorizes two key programs from the original Adam Walsh Act—grants to the States and other jurisdictions to implement the Adam Walsh Act sex offender registry requirements, and funding for U.S. Marshals to locate and apprehend sex offenders who violate registration requirements. These programs are crucial to efforts to complete and enforce the national network of sex offender registries, particularly in light of the already-passed July 2011 deadline for the States to come into compliance with SORNA. H.R. 3796 reauthorizes both these programs at levels commensurate with their fiscal year 2012 appropriations.

The bill also makes changes to the SORNA sex offender registry requirements in response to feedback from the States. The bill changes the period of time after which juveniles adjudicated delinquent can petition to be removed from the sex offender registry for a clean record from 25 years to 15 years, and provides that juveniles do not need to be included on a publicly viewed sex offender registry. Instead, it is sufficient for juveniles to be included on registries that are only viewed by law enforcement entities. The bill, as amended by the Judiciary Committee, also reauthorizes grants for the treatment of juvenile sex offenders. I believe these provisions strike an appropriate balance between being tough on juveniles who commit serious sex crimes but understanding that there can be differences between adult and juvenile offenders.

The Adam Walsh Act has already been a public safety success. To date, the Justice Department has deemed 50 jurisdictions substantially compliant with the SORNA requirements, with two Indian tribes meeting this goal in just the 2 weeks since the Judiciary Committee considered H.R. 3796 at markup.

I urge my colleagues to support this bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3796, 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. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RECODIFICATION OF EXISTING LAWS RELATED TO NATIONAL PARK SERVICE

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1950) to enact title 54, United States Code, ''National Park System'', as positive law, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1950

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.

(a) PURPOSE.—The purpose of this Act is to codify certain existing laws relating to the National Park System as title 54, United States Code, ''National Park Service and Related Programs''.

(b) CONFORMITY WITH ORIGINAL INTENT.—In the codification of laws by this Act, the intent is to conform to the understood policy, intent, and purpose of Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections, in accordance with section 205(c)(1) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C. 285b(1)).

SEC. 3. ENACTMENT OF TITLE 54, UNITED STATES CODE.

Title 54, United States Code, ''National Park Service and Related Programs'', is enacted as follows:

TITLE 54—NATIONAL PARK SERVICE AND RELATED PROGRAMS

Subtitle I—National Park System

Division A—Establishment and General Administration

Chapter 1001—General Provisions

§ 100101. Promotion and regulation

(a) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

(b) DECLARATIONS.—

(1) 1970 DECLARATIONS.—Congress declares that—

(A) the National Park System, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States and its territories and possessions;

(B) these areas, though distinct in character, are united through their interrelated purposes and resources into one National Park System as cumulative expressions of a single national heritage;

(C) individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one System preserved and managed for the benefit and inspiration of all the people of the United States; and

(D) it is the purpose of this division to include all these areas in the System and to clarify the authorities applicable to the System.

(2) 1978 REAFFIRMATION.—Congress reaffirms, declares, and directs that the promotion and regulation of the various System units shall be consistent with and founded in the purpose established by subsection (a), to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of the System units shall be conducted in light of the high public value and integrity of the System and shall not be exercised in derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress.

§ 100102. Definitions

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Park Service.

(2) NATIONAL PARK SYSTEM.—The term ''National Park System'' means the areas of land and water described in section 100501 of this title.

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

(4) SERVICE.—The term ''Service'' means the National Park Service.

(5) SYSTEM.—The term ''System'' means the National Park System.

(6) SYSTEM UNIT.—The term ''System unit'' means one of the areas described in section 100501 of this title.

Chapter 1003—Establishment, Directors, and Other Employees

§ 100301. Establishment

There is in the Department of the Interior a service called the National Park Service.

§ 100302. Directors and other employees

(a) DIRECTOR.—

(1) APPOINTMENT.—The Service shall be under the charge of a director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation.

(3) AUTHORITY.—Under the direction of the Secretary, the Director shall have the supervision, management, and control of System units. In the supervision, management, and control of System units contiguous to national forests the Secretary of Agriculture may cooperate with the Service to such extent as may be requested by the Secretary.

(b) DEPUTY DIRECTORS.—The Director shall select 2 Deputy Directors. One Deputy Director shall have responsibility for Service operations, and the other Deputy Director shall have responsibility for other programs assigned to the Service.

(c) OTHER EMPLOYEES.—The Service shall have such subordinate officers and employees as may be appropriated for by Congress.

§ 100303. Effect on other laws

This chapter and sections 100101(a), 100751(a), 100752, 100753, and 102101 of this title do not affect or modify section 100902(a) of this title.

Chapter 1005—Areas of National Park System

§ 100501. Areas included in System

The System shall include any area of land and water administered by the Secretary, acting through the Director, for park, monument, historic, parkway, recreational, or other purposes.

§ 100502. General management plans

General management plans for the preservation and use of each System unit, including areas within the national capital area, shall be prepared and revised in a timely manner by the Director. On January 1 of each year, the Secretary shall submit to Congress a list indicating the current status of completion or revision of general management plans for each System unit. General management plans for each System unit shall include—

(1) measures for the preservation of the area's resources;

(2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs;

(3) identification of and implementation commitments for visitor carrying capacities for all areas of the System unit; and

(4) indications of potential modifications to the external boundaries of the System unit, and the reasons for the modifications.

§ 100503. Five-year strategic plans

(a) STRATEGIC AND PERFORMANCE PLANS.—Each System unit shall prepare and make available to the public a 5-year strategic plan and an annual performance plan. The plans shall reflect the Service policies, goals, and outcomes represented in the Service-wide strategic plan prepared pursuant to section 306 of title 5.

(b) ANNUAL BUDGET.—

(1) IN GENERAL.—As a part of the annual performance plan for a System unit prepared pursuant to subsection (a), following receipt of the appropriation for the unit from the Operations of the National Park System account (but not later than January 1 of each year), the superintendent of the System unit shall develop and make available to the public the budget for the current fiscal year for that System unit.

(2) CONTENTS.—The budget shall include—

(A) funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue), and administration; and

(B) allocations into each of the categories in subparagraph (A) of all funds retained from fees collected for that year, including special use permits, concession franchise fees, and recreation use and entrance fees.

§ 100504. Study and planning of park, parkway, and recreational-area facilities

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''State'' means a State, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(2) STUDY.—The Secretary shall cause the Service to make a comprehensive study, other than on land under the jurisdiction of the Secretary of Agriculture, of the public park, parkway, and recreational area programs of the United States, States, and political subdivisions of States and of areas of land throughout the United States that are or may be chiefly valuable as public park, parkway, or recreational areas. A study shall not be made in any State without the consent and approval of the State officials, boards, or departments having jurisdiction over the land. The study shall be such as, in the judgment of the Secretary, will provide data helpful in developing a plan for coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States.

(3) COOPERATION AND AGREEMENTS WITH OTHER ENTITIES.—In making the study and to accomplish the purposes of this section, the Secretary, acting through the Director—

(A) shall seek and accept the cooperation and assistance of Federal departments or agencies having jurisdiction of land belonging to the United States; and

(B) may cooperate and make agreements with and seek and accept the assistance of—

(i) other Federal agencies and instrumentalities; and

(ii) States, political subdivisions of States, and agencies and instrumentalities of either of them.

(4) STATE PLANNING.—For the purpose of developing coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States, the Secretary may aid States and political subdivisions of States in planning public park, parkway, and recreational areas and in cooperating with one another to accomplish these ends. Aid shall be made available through the Service acting in cooperation with such State agencies or agencies of political subdivisions of States as the Secretary considers best.

(b) CONSENT OF CONGRESS TO AGREEMENTS BETWEEN STATES.—The consent of Congress is given to any 2 or more States to negotiate and enter into compacts or agreements with one another with reference to planning, establishing, developing, improving, and maintaining any park, parkway, or recreational area. No compact or agreement shall be effective until approved by the legislatures of the States that are parties to the compact or agreement and by Congress.

§ 100505. Periodic review of System

(a) AUTHORITY OF SECRETARY TO CONDUCT REVIEW.—The Secretary shall conduct a systematic and comprehensive review of certain aspects of the System and on a periodic basis (but not less often than every 3 years) submit to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate a report on the findings of the review, together with recommendations as the Secretary determines to be necessary.

(b) CONSULTATION.—In conducting and preparing the report, the Secretary shall consult with appropriate officials of affected Federal, State, and local agencies and national, regional, and local organizations. The consultation shall include holding public hearings that the Secretary determines to be appropriate to provide a full opportunity for public comment.

(c) CONTENTS OF REPORT.—The report shall contain the following:

(1) A comprehensive listing of all authorized but unacquired parcels of land within the exterior boundaries of each System unit as of November 28, 1990.

(2) A priority listing of all those unacquired parcels by System unit and for the System as a whole. The list shall describe the acreage and ownership of each parcel, the estimated cost of acquisition for each parcel (subject to any statutory acquisition limitations for the land), and the basis for the estimate.

(3) An analysis and evaluation of the current and future needs of each System unit for resource management, interpretation, construction, operation and maintenance, personnel, and housing, together with an estimate of the costs.

§ 100506. Boundary changes to System units

(a) CRITERIA FOR EVALUATION.—The Secretary shall maintain criteria to evaluate any proposed changes to the boundaries of System units, including—

(1) analysis of whether or not an existing boundary provides for the adequate protection and preservation of the natural, historic, cultural, scenic and recreational resources integral to the System unit;

(2) an evaluation of each parcel proposed for addition or deletion to a System unit based on the analysis under paragraph (1); and

(3) an assessment of the impact of potential boundary adjustments taking into consideration the factors in section 100505(c)(3) of this title and the effect of the adjustments on the local communities and surrounding area.

(b) PROPOSAL OF SECRETARY.—In proposing a boundary change to a System unit, the Secretary shall—

(1) consult with affected agencies of State and local governments, surrounding communities, affected landowners, and private national, regional, and local organizations;

(2) apply the criteria developed pursuant to subsection (a) and accompany the proposal with a statement reflecting the results of the application of the criteria; and

(3) include with the proposal an estimate of the cost for acquiring any parcels proposed for acquisition, the basis for the estimate, and a statement on the relative priority for the acquisition of each parcel within the priorities for acquisition of other parcels for the System unit and for the System.

(c) MINOR BOUNDARY CHANGES.—

(1) IN GENERAL.—When the Secretary determines that to do so will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of a System unit, the Secretary may, following timely notice in writing to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of the Secretary's intention to do so, and by publication of a revised boundary map or other description in the Federal Register—

(A) make minor changes to the boundary of the System unit, and amounts appropriated from the Fund shall be available for acquisition of any land, water, and interests in land or water added to the System unit by the boundary change subject to such statutory limitations, if any, on methods of acquisition and appropriations thereof as may be specifically applicable to the System unit; and

(B) acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, land, water, or interests in land or water adjacent to the System unit, except that in exercising the Secretary's authority under this subparagraph the Secretary—

(i) shall not alienate property administered as part of the System to acquire land by exchange;

(ii) shall not acquire property without the consent of the owner; and

(iii) may acquire property owned by a State or political subdivision of a State only by donation.

(2) CONSULTATION.—Prior to making a determination under this subsection, the Secretary shall consult with the governing body of the county, city, town, or other jurisdiction or jurisdictions having primary taxing authority over the land or interest to be acquired as to the impacts of the proposed action.

(3) ACTION TO ADVANCE LOCAL PUBLIC AWARENESS.—The Secretary shall take such steps as the Secretary considers appropriate to advance local public awareness of the proposed action.

(4) ADMINISTRATION OF ACQUISITIONS.—Land, water, and interests in land or water acquired in accordance with this subsection shall be administered as part of the System unit to which they are added, subject to the laws and regulations applicable to the System unit.

(5) WHEN AUTHORITY APPLIES.—For the purposes of paragraph (1)(A), in all cases except the case of technical boundary changes (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under paragraph (1)(A) shall apply only if each of the following conditions is met:

(A) The sum of the total acreage of the land, water, and interests in land or water to be added to the System unit and the total acreage of the land, water, and interests in land or water to be deleted from the System unit is not more than 5 percent of the total Federal acreage authorized to be included in the System unit and is less than 200 acres.

(B) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

(C) The sum of the total appraised value of the land, water, and interests in land or water to be added to the System unit and the total appraised value of the land, water, and interests in land or water to be deleted from the System unit does not exceed $750,000.

(D) The proposed boundary change is not an element of a more comprehensive boundary change proposal.

(E) The proposed boundary has been subject to a public review and comment period.

(F) The Director obtains written consent for the boundary change from all property owners whose land, water, or interests in land or water, or a portion of whose land, water, or interests in land or water, will be added to or deleted from the System unit by the boundary change.

(G) The land abuts other Federal land administered by the Director.

(6) ACT OF CONGRESS REQUIRED.—Minor boundary changes involving only deletions of acreage owned by the Federal Government and administered by the Service may be made only by Act of Congress.

§ 100507. Additional areas for System

(a) MONITORING AREAS FOR INCLUSION IN SYSTEM.—The Secretary shall investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and that may have potential for inclusion in the System.

(b) SUBMISSION OF LIST OF AREAS RECOMMENDED FOR STUDY FOR POTENTIAL INCLUSION.—

(1) WHEN LIST IS TO BE SUBMITTED.—At the beginning of each calendar year, with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a list of areas recommended for study for potential inclusion in the System.

(2) FACTORS TO BE CONSIDERED.—In developing the list to be submitted under this subsection, the Secretary shall consider—

(A) the areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

(B) themes, sites, and resources not already adequately represented in the System; and

(C) public petitions and Congressional resolutions.

(3) ACCOMPANYING SYNOPSIS.—Accompanying the annual listing of areas shall be a synopsis, for each report previously submitted, of the current and changed condition of the resource integrity of the area and other relevant factors, compiled as a result of continual periodic monitoring and embracing the period since the previous submission or initial report submission one year earlier.

(4) CONGRESSIONAL AUTHORIZATION REQUIRED.—No study of the potential of an area for inclusion in the System may be initiated except as provided by specific authorization of an Act of Congress.

(5) AUTHORITY TO CONDUCT CERTAIN ACTIVITIES NOT LIMITED.—This section and sections 100901(b), 101702(b) and (c), and 102102 of this title do not limit the authority of the Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000.

(6) STUDY OF RIVERS OR TRAILS NOT AFFECTED.—This section does not apply to or affect or alter the study of—

(A) any river segment for potential addition to the national wild and scenic rivers system; or

(B) any trail for potential addition to the national trails system.

(c) STUDY OF AREAS FOR POTENTIAL INCLUSION.—

(1) STUDY TO BE COMPLETED WITHIN 3 YEARS.—The Secretary shall complete the study for each area for potential inclusion in the System within 3 complete fiscal years following the date on which funds are first made available for that purpose.

(2) OPPORTUNITY FOR PUBLIC INVOLVEMENT REQUIRED.—Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

(3) CONSIDERATIONS.—In conducting the study, the Secretary shall consider whether the area under study—

(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

(B) is a suitable and feasible addition to the System.

(4) SCOPE OF STUDY.—Each study—

(A) with regard to the area being studied, shall consider—

(i) the rarity and integrity of the resources;

(ii) the threats to those resources;

(iii) whether similar resources are already protected in the System or in other public or private ownership;

(iv) the public use potential;

(v) the interpretive and educational potential;

(vi) costs associated with acquisition, development, and operation;

(vii) the socioeconomic impacts of any designation;

(viii) the level of local and general public support; and

(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

(B) shall consider whether direct Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director be most effective and efficient in protecting significant resources and providing for public enjoyment; and

(D) may include any other information that the Secretary considers to be relevant.

(5) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—Each study shall be completed in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(6) RECOMMENDATION OF PREFERRED MANAGEMENT OPTION.—The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

(d) LIST OF AREAS PREVIOUSLY STUDIED.—

(1) SUBMISSION OF LIST.—At the beginning of each calendar year, with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, in numerical order of priority for addition to the System—

(A) a list of areas that have been previously studied that contain primarily historical resources; and

(B) a list of areas that have been previously studied that contain primarily natural resources.

(2) CONSIDERATIONS.—In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c).

(3) AREAS ELIGIBLE FOR INCLUSION.—The Secretary should include on the lists only areas for which the supporting data are current and accurate.

(e) LIST OF AREAS THAT EXHIBIT DANGER OR THREATS TO THE INTEGRITY OF THEIR RESOURCES.—At the beginning of each fiscal year, the Secretary shall submit to the Speaker of the House of Representatives and the President of the Senate a complete and current list of all areas listed on the Registry of Natural Landmarks, and areas of national significance listed on the National Register of Historic places, that exhibit known or anticipated damage or threats to the integrity of their resources, with notations as to the nature and severity of the damage or threats.

(f) REPORTS AND LISTINGS PRINTED AS HOUSE DOCUMENTS.—Each report and annual listing described in this section shall be printed as a House document. If adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing on receipt by the Speaker of the House of Representatives of a joint letter from the chairman of the Committee on Natural Resources of the House of Representatives and the chairman of the Committee on Energy and Natural Resources of Senate indicating that to be the case.

(g) DESIGNATION OF OFFICE.—The Secretary shall designate a single office to prepare all new area studies and to implement other functions under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDIES OF POTENTIAL NEW SYSTEM UNITS AND MONITORING THE WELFARE OF SYSTEM UNIT RESOURCES.—To carry out studies for potential new System units and for monitoring the welfare of historical and natural resources referred to in subparagraphs (A) and (B) of subsection (d)(1), there is authorized to be appropriated not more than $1,000,000 for each fiscal year.

(2) MONITORING WELFARE AND INTEGRITY OF NATIONAL LANDMARKS.—To monitor the welfare and integrity of the national landmarks, there is authorized to be appropriated not more than $1,500,000 for each fiscal year.

(3) CARRYING OUT SUBSECTIONS (b), (c), and (g).—To carry out subsections (b), (c), and (g), there is authorized to be appropriated $2,000,000 for each fiscal year.

Chapter 1007—Resource Management

Subchapter I—System Resource Inventory and Management

§ 100701. Protection, interpretation, and research in System

Recognizing the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the System, the Secretary shall continually improve the ability of the Service to provide state-of-the-art management, protection, and interpretation of, and research on, the resources of the System.

§ 100702. Research mandate

The Secretary shall ensure that management of System units is enhanced by the availability and utilization of a broad program of the highest quality science and information.

§ 100703. Cooperative study units

The Secretary shall enter into cooperative agreements with colleges and universities, including land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the System, or the larger region of which System units are a part.

§ 100704. Inventory and monitoring program

The Secretary shall undertake a program of inventory and monitoring of System resources to establish baseline information and to provide information on the long-term trends in the condition of System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

§ 100705. Availability of System units for scientific study

(a) IN GENERAL.—The Secretary may solicit, receive, and consider requests from Federal or non-Federal public or private agencies, organizations, individuals, or other entities for the use of any System unit for purposes of scientific study.

(b) CRITERIA.—A request for use of a System unit under subsection (a) may be approved only if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and Service management policies; and

(2) will be conducted in a manner that poses no threat to the System unit resources or public enjoyment derived from System unit resources.

(c) FEE WAIVER.—The Secretary may waive any System unit admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

(d) BENEFIT-SHARING ARRANGEMENTS.—The Secretary may negotiate for and enter into equitable, efficient benefit-sharing arrangements with the research community and private industry.

§ 100706. Integration of study results into management decisions

The Secretary shall take such measures as are necessary to ensure the full and proper utilization of the results of scientific study for System unit management decisions. In each case in which an action undertaken by the Service may cause a significant adverse effect on a System unit resource, the administrative record shall reflect the manner in which System unit resource studies have been considered. The trend in the condition of resources of the System shall be a significant factor in the annual performance evaluation of each superintendent of a System unit.

§ 100707. Confidentiality of information

Information concerning the nature and specific location of a System resource that is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within System units, or of objects of cultural patrimony within System units, may be withheld from the public in response to a request under section 552 of title 5 unless the Secretary determines that—

(1) disclosure of the information would further the purposes of the System unit in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and

(2) disclosure is consistent with other laws protecting the resource or object.

Subchapter II—System Unit Resource Protection

§ 100721. Definitions

In this subchapter:

(1) DAMAGES.—The term ''damages'' includes—

(A) compensation for—

(i)(I) the cost of replacing, restoring, or acquiring the equivalent of a System unit resource; and

(II) the value of any significant loss of use of a System unit resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(ii) the value of the System unit resource if the System unit resource cannot be replaced or restored; and

(B) the cost of a damage assessment under section 100723(b) of this title.

(2) RESPONSE COSTS.—The term ''response costs'' means the costs of actions taken by the Secretary to—

(A) prevent or minimize destruction or loss of or injury to a System unit resource;

(B) abate or minimize the imminent risk of the destruction, loss, or injury; or

(C) monitor ongoing effects of incidents causing the destruction, loss, or injury.

(3) SYSTEM UNIT RESOURCE.—

(A) IN GENERAL.—The term ''System unit resource'' means any living or non-living resource that is located within the boundaries of a System unit.

(B) EXCLUSION.—The term ''System unit resource'' does not include a resource owned by a non-Federal entity.

§ 100722. Liability

(a) IN GENERAL.—Subject to subsection (c), any person that destroys, causes the loss of, or injures any System unit resource is liable to the United States for response costs and damages resulting from the destruction, loss, or injury.

(b) LIABILITY IN REM.—Any instrumentality, including a vessel, vehicle, aircraft, or other equipment, that destroys, causes the loss of, or injures any System unit resource shall be liable in rem to the United States for response costs and damages resulting from the destruction, loss, or injury to the same extent as a person is liable under subsection (a).

(c) DEFENSES.—A person is not liable under this section if the person establishes that—

(1) the destruction, loss of, or injury to the System unit resource was caused solely by an act of God or an act of war;

(2) the person acted with due care, and the destruction, loss of, or injury to the System unit resource was caused solely by an act or omission of a 3d party, other than an employee or agent of the person; or

(3) the destruction, loss, or injury to the System unit resource was caused by an activity authorized by Federal or State law.

(d) SCOPE.—Liability under this section is in addition to any other liability that may arise under Federal or State law.

§ 100723. Actions

(a) CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—The Attorney General, on request of the Secretary after a finding by the Secretary of destruction, loss, or injury to a System unit resource or a finding that absent the undertaking of a response action, destruction, loss, or injury to a System unit resource would have occurred, may bring a civil action in United States district court against any person or instrumentality that may be liable under section 100722 of this title for response costs and damages. The Secretary shall submit a request for the civil action to the Attorney General whenever a person may be liable or an instrumentality may be liable in rem for those costs and damages under section 100722 of this title.

(b) RESPONSE ACTIONS AND ASSESSMENT OF DESTRUCTION, LOSS, OR INJURY.—

(1) ACTIONS TO PREVENT OR MINIMIZE DESTRUCTION, LOSS, OR INJURY.—The Secretary shall undertake all necessary actions to—

(A) prevent or minimize the destruction, loss of, or injury to System unit resources; or

(B) minimize the imminent risk of destruction, loss, or injury to System unit resources.

(2) ASSESSMENT AND MONITORING.—The Secretary shall assess and monitor destruction, loss, or injury to System unit resources.

§ 100724. Use of recovered amounts

(a) LIMITATION ON USE.—Response costs and damages recovered by the Secretary under this subchapter or amounts recovered by the Federal Government under any Federal, State, or local law or regulation or otherwise as a result of destruction, loss of, or injury to any System unit resource shall be available to the Secretary and without further Congressional action may be used only as follows:

(1) REIMBURSEMENT.—To reimburse response costs and damage assessments by the Secretary or other Federal agencies as the Secretary considers appropriate.

(2) RESTORATION AND REPLACEMENT.—To restore, replace, or acquire the equivalent of System unit resources that were the subject of the action and to monitor and study those System unit resources. The funds may not be used to acquire any land or water, interest in land or water, or right to land or water unless the acquisition is specifically approved in advance in appropriations Acts. The acquisition shall be subject to any limitations contained in the legislation establishing the System unit.

(b) EXCESS AMOUNTS.—Any amounts remaining after expenditures pursuant to paragraphs (1) and (2) of subsection (a) shall be deposited in the Treasury.

§ 100725. Donations

The Secretary may accept donations of money or services for expenditure or employment to meet expected, immediate, or ongoing response costs. The donations may be expended or employed at any time after their acceptance, without further Congressional action.

Subchapter III—Mining Activity Within System Units

§ 100731. Findings and declaration

Congress finds and declares that—

(1) the level of technology of mineral exploration and development has changed radically, and continued application of the mining laws of the United States to System units to which the mining laws apply conflicts with the purposes for which the System units were established; and

(2) all mining operations in System units should be conducted so as to prevent or minimize damage to the environment and other resource values.

§ 100732. Preservation and management of System units by Secretary; promulgation of regulations

To preserve for the benefit of present and future generations the pristine beauty of System units, and to further the purposes of section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this title and the individual organic Acts for the System units, all activities resulting from the exercise of mineral rights on patented or unpatented mining claims within any System unit shall be subject to such regulations prescribed by the Secretary as the Secretary considers necessary or desirable for the preservation and management of the System units.

§ 100733. Recordation of mining claims; publication of notice

All mining claims under the Mining Law of 1872 (30 U.S.C. chapter 2, sections 161 and 162, and chapters 12A and 16) that lie within the boundaries of System units in existence on September 28, 1976, that were not recorded with the Secretary within one year after September 28, 1976, shall be conclusively presumed to be abandoned and shall be void. The recordation does not render valid any claim that was not valid on September 28, 1976, or that becomes invalid after that date.

§ 100734. Report on finding or notification of potential damage to natural and historical landmarks

When the Secretary finds on the Secretary's own motion or on being notified in writing by an appropriate scientific, historical, or archeological authority that a district, site, building, structure, or object that has been found to be nationally significant in illustrating natural history or the history of the United States and that has been designated as a natural or historic landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, the Secretary shall notify the person conducting the activity and submit a report on the findings or notification, including the basis for the Secretary's finding that the activity may cause irreparable loss or destruction of a national landmark, to the Advisory Council on Historic Preservation, with a request for advice of the Council as to alternative measures that may be taken by the United States to mitigate or abate the activity.

§ 100735. Civil actions for just compensation by mining claim holders

The holder of any patented or unpatented mining claim subject to this subchapter that believes the holder has suffered a loss by operation of this subchapter, or by orders or regulations issued pursuant to this subchapter, may bring a civil action in United States district court to recover just compensation, which shall be awarded if the court finds that the loss constitutes a taking of property compensable under the Constitution.

§ 100736. Acquisition of land by Secretary

Nothing in this subchapter shall be construed to limit the authority of the Secretary to acquire land and interests in land within the boundary of any System unit. The Secretary shall give prompt and careful consideration to any offer made by the owner of any valid right or other property in Glacier Bay National Monument, Death Valley National Monument, Organ Pipe Cactus National Monument, or Mount McKinley National Park to sell the right or other property if the owner notifies the Secretary that the continued ownership of the right or property is causing, or would result in, undue hardship.

§ 100737. Financial disclosure by officer or employee of Secretary

(a) WRITTEN STATEMENTS.—Each officer or employee of the Secretary who—

(1) performs any function or duty under this subchapter, or any Act amended by the Mining in the Parks Act (Public Law 94–429, 90 Stat. 1342) concerning the regulation of mining in the System; and

(2) has any known financial interest—

(A) in any person subject to this subchapter or any Act amended by the Mining in the Parks Act (Public Law 94–429, 90 Stat. 1342); or

(B) in any person who holds a mining claim within the boundary of any System unit;
shall annually file with the Secretary a written statement concerning all such interests held by the officer or employee during the preceding calendar year. The statement shall be available to the public.

(b) MONITORING AND ENFORCEMENT PROCEDURES.—The Secretary shall—

(1) define the term ''known financial interest'' for purposes of subsection (a);

(2) establish the methods by which the requirement to file written statements specified in subsection (a) will be monitored and enforced, including appropriate provisions for the filing by the officers and employees of the statements and the review by the Secretary of the statements; and

(3) submit to Congress on June 1 of each year a report with respect to the disclosures and the actions taken in regard to the disclosures during the preceding calendar year.

(c) EXEMPTIONS.—In the rules prescribed under subsection (b), the Secretary may identify specific positions within the Department of the Interior that are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying those positions shall be exempt from the requirements of this section.

(d) CRIMINAL PENALTIES.—Criminal penalties for a violation of this section are provided by section 1865 of title 18.

Subchapter IV—Administration

§ 100751. Regulations

(a) IN GENERAL.—The Secretary shall prescribe such regulations as the Secretary considers necessary or proper for the use and management of System units.

(b) BOATING AND OTHER ACTIVITIES ON OR RELATING TO WATER.—The Secretary, under such terms and conditions as the Secretary considers advisable, may prescribe regulations under subsection (a) concerning boating and other activities on or relating to water located within System units, including water subject to the jurisdiction of the United States. Any regulation under this subsection shall be complementary to, and not in derogation of, the authority of the Coast Guard to regulate the use of water subject to the jurisdiction of the United States.

(c) CRIMINAL PENALTIES.—Criminal penalties for a violation of a regulation prescribed under this section are provided by section 1865 of title 18.

§ 100752. Destruction of animals and plant life

The Secretary may provide for the destruction of such animals and plant life as may be detrimental to the use of any System unit.

§ 100753. Disposal of timber

The Secretary, on terms and conditions to be fixed by the Secretary, may sell or dispose of timber in cases where, in the judgment of the Secretary, the cutting of timber is required to control attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any System unit.

§ 100754. Relinquishment of legislative jurisdiction

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may relinquish to a State or a territory (including a possession) of the United States part of the legislative jurisdiction of the United States over System land or interests in land in that State or territory. Relinquishment may be accomplished—

(1) by filing with the chief executive official of the State or territory a notice of relinquishment to take effect on acceptance; or

(2) as the laws of the State or territory may otherwise provide.

(b) SUBMISSION OF AGREEMENT TO CONGRESS.—Prior to consummating a relinquishment under subsection (a), the Secretary shall submit the proposed agreement to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The Secretary shall not finalize the agreement until 60 calendar days after the submission has elapsed.

(c) CONCURRENT LEGISLATIVE JURISDICTION.—The Secretary shall diligently pursue the consummation of arrangements with each State or territory within which a System unit is located so that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within System units.

§ 100755. Applicability of other laws

(a) IN GENERAL.—This section and sections 100501, 100901(d) to (h), 101302(b)(2), 101901(c), and 102711 of this title, and the various authorities relating to the administration and protection of System units, including the provisions of law listed in subsection (b), shall, to the extent that those provisions are not in conflict with any such specific provision, be applicable to System units, and any reference in any of these provisions to a System unit does not limit those provisions to that System unit.

(b) APPLICABLE PROVISIONS.—The provisions of law referred to in subsection (a) are—

(1) section 100101(a), chapter 1003, sections 100751(a), 100752, 100753, 101101, 101102, 101511, 102101, 102712, 102901, 104905, and 104906, and chapter 2003 of this title;

(2) the Act of March 4, 1911 (43 U.S.C. 961); and

(3) chapter 3201 of this title.

Chapter 1009—Administration

§ 100901. Authority of Secretary to carry out certain activities

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may carry out the activities described in this section.

(b) SERVICES, RESOURCES, OR WATER CONTRACTS.—The Secretary may enter into contracts that provide for the sale or lease to persons, States, or political subdivisions of States, of services, resources, or water available within a System unit, as long as the activity does not jeopardize or unduly interfere with the primary natural or historic resource of the System unit, if the person, State, or political subdivision—

(1) provides public accommodations or services within the immediate vicinity of the System unit to individuals visiting the System unit; and

(2) demonstrates to the Secretary that there are no reasonable alternatives by which to acquire or perform the necessary services, resources, or water.

(c) VEHICULAR AIR CONDITIONING.—The Secretary may acquire, and have installed, air conditioning units for any Government-owned passenger motor vehicles used by the Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged.

(d) UTILITY FACILITIES.—The Secretary may erect and maintain fire protection facilities, water lines, telephone lines, electric lines, and other utility facilities adjacent to any System unit, where necessary, to provide service in the System unit.

(e) SUPPLIES AND RENTAL OF EQUIPMENT.—The Secretary may furnish, on a reimbursement of appropriation basis, supplies, and rent equipment, to persons and agencies that, in cooperation with and subject to the approval of the Secretary, render services or perform functions that facilitate or supplement the activities of the Department of the Interior in the administration of the System. The reimbursements may be credited to the appropriation current at the time reimbursements are received.

(f) CONTRACTS FOR UTILITY FACILITIES.—The Secretary may contract, under terms and conditions that the Secretary considers to be in the interest of the Federal Government, for the sale, operation, maintenance, repair, or relocation of Government-owned electric and telephone lines and other utility facilities used for the administration and protection of the System, regardless of whether the lines and facilities are located within or outside the System.

(g) RIGHTS OF WAY NECESSARY TO CONSTRUCT, IMPROVE, AND MAINTAIN ROADS.—The Secretary may acquire—

(1) rights of way necessary to construct, improve, and maintain roads within the authorized boundaries of any System unit; and

(2) land and interests in land adjacent to the rights of way, when—

(A) considered necessary by the Secretary—

(i) to provide adequate protection of natural features; or

(ii) to avoid traffic and other hazards resulting from private road access connections; or

(B) the acquisition of adjacent residual tracts, which otherwise would remain after acquiring the rights of way, would be in the public interest.

(h) OPERATION AND MAINTENANCE OF MOTOR AND OTHER EQUIPMENT.—

(1) IN GENERAL.—The Secretary may operate, repair, maintain, and replace motor and other equipment on a reimbursable basis when the equipment is used on Federal projects of the System, chargeable to other appropriations, or on work of other Federal agencies, when requested by the agencies.

(2) REIMBURSEMENT.—Reimbursement shall be—

(A) made from appropriations applicable to the work on which the equipment is used at rental rates established by the Secretary, based on actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control; and

(B) credited to appropriations currently available at the time adjustment is effected.

(3) RENTAL OF EQUIPMENT FOR FIRE CONTROL PURPOSES.—The Secretary may rent equipment for fire control purposes to State, county, private, or other non-Federal agencies that cooperate with the Secretary in the administration of the System and other areas in fire control. The rental shall be under the terms of written cooperative agreements. The amount collected for the rentals shall be credited to appropriations currently available at the time payment is received.

§ 100902. Rights of way for public utilities and power and communication facilities

(a) PUBLIC UTILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

(A) electrical plants, poles, and lines for the generation and distribution of electrical power;

(B) telephone and telegraph purposes; and

(C) canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits and water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection shall be for—

(A) the ground occupied by the canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted under paragraph (1); and

(B) not more than 50 feet—

(i) on each side of the marginal limits of the ground; or

(ii) on each side of the center line of the pipes and pipe lines, electrical, telegraph, and telephone lines and poles.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) REVOCATION.—The Secretary may revoke a right of way under this subsection.

(5) RIGHT, EASEMENT, OR INTEREST NOT CONFERRED.—A right of way under this subsection does not confer any right, easement, or interest in, to, or over a System unit.

(b) POWER AND COMMUNICATION FACILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way over, across, and on through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

(A) electrical poles and lines for the transmission and distribution of electrical power;

(B) poles and lines for communication purposes; and

(C) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection—

(A) shall be for not more than 50 years from the date the right of way is granted; and

(B) for—

(i) lines and poles shall be for 200 feet on each side of the center line of the lines and poles; and

(ii) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities shall be for not more than 400 feet by 400 feet.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) FORFEITURE AND ANNULMENT.—The Secretary may forfeit and annul any part of a right of way under this subsection for—

(A) nonuse for a period of 2 years; or

(B) abandonment.

§ 100903. Solid waste disposal operations

(a) IN GENERAL—To protect the air, land, water, and natural and cultural values of the System and the property of the United States in the System, no solid waste disposal site (including any site for the disposal of domestic or industrial solid waste) may be operated within the boundary of any System unit, other than—

(1) a site that was operating as of September 1, 1984; or

(2) a site used only for disposal of waste generated within that System unit so long as the site will not degrade any of the natural or cultural resources of the System unit.

(b) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including reasonable regulations to mitigate the adverse effects of solid waste disposal sites in operation as of September 1, 1984, on property of the United States.

§ 100904. Admission and special recreation use fees

(a) SYSTEM UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

(1) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105–83, 111 Stat. 1561), the Secretary shall withhold from the special account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a)) 100 percent of the fees and charges collected in connection with any System unit at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

(2) USE OF AMOUNTS.—Amounts withheld under paragraph (1) shall be retained by the Secretary and shall be available, without further appropriation, for expenditure by the Secretary for the System unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.

(b) ALLOCATION OF FUNDS TO SYSTEM UNITS.—

(1) ALLOCATION OF FUNDS ON BASIS OF NEED.—Ten percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units on the basis of need in a manner to be determined by the Director.

(2) ALLOCATION OF FUNDS BASED ON EXPENSES AND BASED ON FEES COLLECTED.—

(A) IN GENERAL.—Forty percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units in accordance with subparagraph (B) of this subsection and 50 percent shall be allocated in accordance with subparagraph (C).

(B) ALLOCATION BASED ON EXPENSES.–The amount allocated to each System unit under this paragraph for each fiscal year based on expenses shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the operating expenses at that System unit during the prior fiscal year by the total operating expenses at all System units during the prior fiscal year.

(C) ALLOCATION BASED ON FEES COLLECTED.—The amount allocated to each System unit under this paragraph for each fiscal year based on fees collected shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the user fees and admission fees collected under this section at that System unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all System units during the prior fiscal year.

(3) AVAILABILITY OF AMOUNTS.—Amounts allocated under this subsection to any System unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that System unit until expended.

(c) SELLING OF PERMITS.—

(1) AUTHORITY TO SELL PERMITS.—When authorized by the Secretary, volunteers at System units may sell permits and collect fees authorized or established pursuant to this section. The Secretary shall ensure that the volunteers have adequate training regarding—

(A) the sale of permits and the collection of fees;

(B) the purposes and resources of the System units in which they are assigned; and

(C) the provision of assistance and information to visitors to the System unit.

(2) SURETY BOND REQUIRED.—The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the Service may be used to cover the cost of the surety bond. The Secretary may enter into arrangements with qualified public or private entities pursuant to which the entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location. The arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of the permits at or before the Secretary delivers the permits to the entity for sale.

(d) CHARGE FOR TRANSPORTATION PROVIDED BY SERVICE FOR VIEWING SYSTEM UNITS.—

(1) CHARGE WHEN TRANSPORTATION PROVIDED.—Where the Service provides transportation to view all or a portion of any System unit, the Director may impose a charge for the service in lieu of an admission fee under this section.

(2) RETENTION OF CHARGE AND USE OF RETAINED AMOUNT.—Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the System unit at which the service was provided. The remainder shall be deposited in the same manner as receipts from fees collected pursuant to this section. Fifty percent of the amount retained shall be expended only for maintenance of transportation systems at the System unit where the charge was imposed. The remaining 50 percent of the retained amount shall be expended only for activities related to resource protection at those System units.

(e) ADMISSION FEES.–Where the primary public access to a System unit is provided by a concessioner, the Secretary may charge an admission fee at the System unit only to the extent that the total of the fee charged by the concessioner for access to the System unit and the admission fee does not exceed the maximum amount of the admission fee thate could otherwise be imposed.

(f) COMMERCIAL TOUR USE FEES.—

(1) ESTABLISHMENT.—In the case of each System unit for which an admission fee is charged under this section, the Secretary shall establish a commercial tour use fee to be imposed on each vehicle entering the System unit for the purpose of providing commercial tour services within the System unit.

(2) AMOUNT.—The Secretary shall establish the amount of fee per entry as follows:

(A) Twenty-five dollars per vehicle with a passenger capacity of 25 individuals or less.

(B) Fifty dollars per vehicle with a passenger capacity of more than 25 individuals.

(3) ADJUSTMENTS.—The Secretary may periodically make reasonable adjustments to the commercial tour use fee imposed under this subsection.

(4) NONAPPLICABILITY.—The commercial tour use fee imposed under this subsection shall not apply to the following:

(A) Any vehicle transporting organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

(B) Any vehicle entering a System unit pursuant to a contract issued under subchapter II of chapter 1019 of this title.

(5) APPLICABILITY.—This subsection shall apply to aircraft entering the airspace of—

(A) Haleakalā Crater, Crater Cabins, the Scientific Research Reserve, Halemauu Trail, Kaupo Gap Trail, or any designated tourist viewpoint in Haleakalā National Park or of Grand Canyon National Park; or

(B) any other System unit for the specific purpose of providing commercial tour services if the Secretary determines that the level of the services is equal to or greater than the level at the System units specified in subparagraph (A).

§ 100905. Commercial filming

(a) COMMERCIAL FILMING FEE.—

(1) IN GENERAL.—The Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects in a System unit. The fee shall provide a fair return to the United States and shall be based on the following criteria:

(A) The number of days the filming activity or similar project takes place in the System unit.

(B) The size of the film crew present in the System unit.

(C) The amount and type of equipment present in the System unit.

(2) OTHER FACTORS.—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

(b) RECOVERY OF COSTS.—The Secretary shall collect any costs incurred as a result of filming activities or similar projects, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) STILL PHOTOGRAPHY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for still photography in a System unit if the photography takes place where members of the public are generally allowed. The Secretary may require a permit, assess a fee, or both, if the photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) EXCEPTION.—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props that are not a part of the site's natural or cultural resources or administrative facilities.

(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) the activity poses health or safety risks to the public.

(e) USE OF PROCEEDS.—

(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.

§ 100906. Advisory committees

(a) ESTABLISHMENT.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may appoint and establish advisory committees in regard to the functions of the Service as the Secretary considers advisable.

(b) CHARTER EXCEPTION ON RENEWAL.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is waived with respect to any advisory commission or advisory committee established by law in connection with any System unit during the period for which the commission or committee is authorized by law.

(c) SERVICE OF MEMBERS.—Any member of any advisory commission or advisory committee established in connection with any System unit may serve after the expiration of the member's term until a successor is appointed.

(d) COMPENSATION AND TRAVEL EXPENSES.—Members of an advisory committee established under subsection (a) shall receive no compensation for their services as such but shall be allowed necessary travel expenses as authorized by section 5703 of title 5.

Chapter 1011—Donations

Subchapter I—Authority of Secretary

§ 101101. Authority to accept land, rights-of-way, buildings, other property, and money

The Secretary in the administration of the Service may accept—

(1) patented land, rights-of-way over patented land or other land, buildings, or other property within a System unit; and

(2) money that may be donated for the purposes of the System.

§ 101102. Authority to accept and use funds to consolidate Federal land ownership

(a) IN GENERAL.—The Secretary may—

(1) accept and use funds that may be donated in order to consolidate Federal land ownership within the existing boundaries of any System unit; and

(2) encourage the donation of funds for that purpose, subject to the condition that donated funds are to be expended for purposes of this section only if Federal funds in an amount equal to the amount of the donated funds are appropriated for the purposes of this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year not more than $500,000 to match funds that are donated for those purposes.

Subchapter II—National Park Foundation

§ 101111. Purpose and establishment of Foundation

To encourage private gifts of real and personal property, or any income from, or other interest in, the property, for the benefit of, or in connection with, the Service, its activities, or its services, and thereby to further the conservation of natural, scenic, historic, scientific, educational, inspirational, or recreational resources for future generations of Americans, there is established a charitable and nonprofit corporation to be known as the National Park Foundation to accept and administer those gifts.

§ 101112. Board

(a) MEMBERSHIP.—The National Park Foundation shall consist of a Board having as members the Secretary, the Director, and no fewer than 6 private citizens of the United States appointed by the Secretary.

(b) TERM OF OFFICE AND VACANCIES.—The term of the private citizen members of the Board is 6 years. If a successor is chosen to fill a vacancy occurring prior to the expiration of a term, the successor shall be chosen only for the remainder of that term.

(c) CHAIRMAN AND SECRETARY.—The Secretary shall be the Chairman of the Board and the Director shall be the Secretary of the Board.

(d) BOARD MEMBERSHIP NOT AN OFFICE.—Membership on the Board shall not be an office within the meaning of the statutes of the United States.

(e) QUORUM.—A majority of the members of the Board serving at any time shall constitute a quorum for the transaction of business.

(f) SEAL.—The National Park Foundation shall have an official seal, which shall be judicially noticed.

(g) MEETINGS.—The Board shall meet at the call of the Chairman and there shall be at least one meeting each year.

(h) COMPENSATION AND REIMBURSEMENT.—No compensation shall be paid to the members of the Board for their services as members, but they shall be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as members out of National Park Foundation funds available to the Board for those purposes.

§ 101113. Gifts, devises, or bequests

(a) AUTHORITY TO ACCEPT GIFTS, DEVISES, OR BEQUESTS.—

(1) IN GENERAL.—The National Park Foundation may accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust of real or personal property, or any income from, or other interest in, the gift, devise, or bequest, for the benefit of, or in connection with, the Service, its activities, or its services.

(2) GIFT, DEVISE, OR BEQUEST THAT IS ENCUMBERED, RESTRICTED, OR SUBJECT TO BENEFICIAL INTERESTS.—A gift, devise, or bequest may be accepted by the National Park Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Service, its activities, or its services.

(b) WHEN GIFT, DEVISE, OR BEQUEST MAY NOT BE ACCEPTED.—The National Park Foundation may not accept any gift, devise, or bequest that entails any expenditure other than from the resources of the Foundation.

(c) INTEREST IN REAL PROPERTY.—For purposes of this section, an interest in real property includes easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

§ 101114. Disposition of property or income

(a) AUTHORITY TO DISPOSE OR DEAL WITH PROPERTY OR INCOME.—Except as otherwise required by the instrument of transfer, the National Park Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income from the property as the Board may determine.

(b) RESTRICTION.—The National Park Foundation shall not engage in any business or make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer, and may retain any property accepted by the Foundation.

(c) USE OF SERVICES AND FACILITIES OF THE DEPARTMENTS OF THE INTERIOR AND JUSTICE.—The National Park Foundation may utilize the services and facilities of the Department of the Interior and the Department of Justice, and the services and facilities may be made available on request to the extent practicable with or without reimbursement. Amounts reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which the account is authorized.

§ 101115. Corporate succession and powers and duties acting as trustee; personal liability for malfeasance

(a) PERPETUAL SUCCESSION.—The National Park Foundation shall have perpetual succession.

(b) POWERS AND DUTIES OF TRUSTEE.—The National Park Foundation shall have all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name.

(c) PERSONAL LIABILITY OF BOARD MEMBERS.—The members of the Board shall not be personally liable, except for malfeasance.

§ 101116. Corporate powers

The National Park Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

§ 101117. Authority of Board

In carrying out this chapter, the Board may—

(1) adopt bylaws and regulations necessary for the administration of its functions; and

(2) contract for any necessary services.

§ 101118. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States

(a) TAX EXEMPTION.—The National Park Foundation and any income or property received or owned by it, and all transactions relating to that income or property, shall be exempt from all Federal, State, and local taxation.

(b) CONTRIBUTIONS IN LIEU OF TAXES.—The National Park Foundation may—

(1) contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay that government if it were not exempt from taxation by virtue of subsection (a) or by virtue of its being a charitable and nonprofit corporation; and

(2) agree to contribute with respect to property transferred to it and the income derived from the property if the agreement is a condition of the transfer.

(c) TRANSFERS DEEMED TO BE TO OR FOR THE USE OF UNITED STATES.—Contributions, gifts, and other transfers made to or for the use of the Foundation shall be deemed to be contributions, gifts, or transfers to or for the use of the United States.

§ 101119. Liability of United States

The United States shall not be liable for any debts, defaults, acts, or omissions of the National Park Foundation.

§ 101120. Promotion of local fundraising support

(a) PROGRAM.—The National Park Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual System unit level.

(b) IMPLEMENTATION.—The program under subsection (a) shall be implemented to—

(1) assist in the creation of local nonprofit support organizations; and

(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

(c) PROGRAM.—The program under subsection (a)—

(1) shall include the greatest number of System units as is practicable; and

(2) at a minimum shall include—

(A) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a System unit;

(B) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual System units; and

(C) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

(d) ANNUAL REPORT.—The National Park Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

(e) AFFILIATIONS.—

(1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section requires—

(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the National Park Foundation; or

(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the National Park Foundation.

(2) ESTABLISHMENT.—An affiliation with the National Park Foundation shall be established only at the discretion of the governing board of a nonprofit organization.

Chapter 1013—Employees

Subchapter I—General Provisions

§ 101301. Maintenance management system

The Service shall implement a maintenance management system in the maintenance and operations programs of the System. The system shall include the following elements:

(1) A workload inventory of assets including detailed information that quantifies for all assets (including buildings, roads, utility systems, and grounds that must be maintained) the characteristics affecting the type of maintenance work performed.

(2) A set of maintenance tasks that describe the maintenance work in each System unit.

(3) A description of work standards including—

(A) frequency of maintenance;

(B) measurable quality standard to which assets should be maintained;

(C) methods for accomplishing work;

(D) required labor, equipment, and material resources; and

(E) expected worker production for each maintenance task.

(4) A work program and performance budget that develops an annual work plan identifying maintenance needs and financial resources to be devoted to each maintenance task.

(5) A work schedule that identifies and prioritizes tasks to be done in a specific time period and specifies required labor resources.

(6) Work orders specifying job authorizations and a record of work accomplished that can be used to record actual labor and material costs.

(7) Reports and special analyses that compare planned versus actual accomplishments and costs and that can be used to evaluate maintenance operations.

§ 101302. Authority of Secretary to carry out certain activities

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may carry out the activities described in this section.

(b) TRANSPORTATION.—The Secretary may provide transportation of employees located at an isolated area of the System and to members of their families, if—

(1) the area is not adequately served by commercial transportation; and

(2) the transportation is incidental to official transportation services.

(c) RECREATION FACILITIES, EQUIPMENT, AND SERVICES.—The Secretary may provide recreation facilities, equipment, and services for use by employees and their families located at an isolated area of the System.

(d) FIELD AND SPECIAL PURPOSE EQUIPMENT.—The Secretary may purchase field and special purpose equipment required by employees for the performance of assigned functions. The purchased equipment shall be regarded and listed as System equipment.

(e) MEALS AND LODGING.—The Secretary may provide meals and lodging, as the Secretary considers appropriate, for members of the United States Park Police and other employees of the Service, as the Secretary may designate, serving temporarily on extended special duty in System units. For this purpose the Secretary may use funds appropriated for the expenses of the Department of the Interior.

§ 101303. Medical attention for employees

(a) IN GENERAL.—In the administration of the Service, the Secretary may contract for medical attention and service for employees and to make necessary payroll deductions agreed to by the employees for that medical attention and service.

(b) EMPLOYEES LOCATED AT ISOLATED SITUATIONS.—The Secretary may provide, out of amounts appropriated for the general expense of the System units, medical attention for employees of the Service located at isolated situations, including—

(1) moving the employees to hospitals or other places where medical assistance is available; and

(2) in case of death, to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial.

§ 101304. Personal equipment and property

(a) PURCHASE OF PERSONAL EQUIPMENT AND SUPPLIES.—The Secretary may purchase personal equipment and supplies for employees of the Service and make deductions for the equipment and supplies from amounts appropriated for salary payments or otherwise due the employees.

(b) LOST, DAMAGED, OR DESTROYED PROPERTY.—The Secretary, in the administration of the Service, may reimburse employees and other owners of horses, vehicles, and other equipment lost, damaged, or destroyed while in the custody of the employee or the Department of the Interior, under authorization, contract, or loan, for necessary firefighting, trail, or other official business. Reimbursement shall be made from any available funds in the appropriation to which the hire of the equipment would be properly chargeable.

(c) EQUIPMENT REQUIRED TO BE FURNISHED BY FIELD EMPLOYEES.—The Secretary may—

(1) require field employees of the Service to furnish horses, motor and other vehicles, and miscellaneous equipment necessary for the performance of their official work; and

(2) provide, at Federal Government expense, forage, care, and housing for animals, and housing or storage and fuel for vehicles and other equipment required to be furnished.

(d) HIRE, RENTAL, AND PURCHASE OF PROPERTY.—The Secretary, under regulations the Secretary may prescribe, may authorize the hire, rental, or purchase of property from employees of the Service whenever it would promote the public interest to do so.

§ 101305. Travel expenses of System employees and dependents of deceased employees

In the administration of the System, the Secretary may, under regulations the Secretary may prescribe, pay the travel expenses (including the costs of packing, crating, and transporting (including draying) personal property) of—

(1) employees, on permanent change of station of the employees; and

(2) dependents of deceased employees—

(A) to the nearest housing reasonably available that is of a standard not less than that which is vacated, including compensation for not to exceed 60 days rental cost, in the case of an employee who occupied Federal Government housing and whose death requires the housing to be promptly vacated; and

(B) to the nearest port of entry in the conterminous 48 States in the case of an employee whose last permanent station was outside the conterminous 48 States.

Subchapter II—Service Career Development, Training, and Management

§ 101321. Service employee training

The Secretary shall develop a comprehensive training program for employees in all professional careers in the workforce of the Service for the purpose of ensuring that the workforce has available the best up-to-date knowledge, skills, and abilities with which to manage, interpret, and protect the resources of the System.

§ 101322. Management development and training

The Secretary shall maintain a clear plan for management training and development under which career professional Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into System unit management positions, including the position of superintendent of a System unit.

Subchapter III—Housing Improvement

§ 101331. Definitions

In this subchapter:

(1) FIELD EMPLOYEE.—The term ''field employee'' means—

(A) an employee of the Service who is exclusively assigned by the Service to perform duties at a field unit, and the members of the employee's family; and

(B) any other individual who is authorized to occupy Federal Government quarters under section 5911 of title 5, and for whom there is no feasible alternative to the provision of Federal Government housing, and the members of the individual's family.

(2) PRIMARY RESOURCE VALUES.—The term ''primary resource values'' means resources that are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

(3) QUARTERS.—The term ''quarters'' means quarters owned or leased by the Federal Government.

(4) SEASONAL QUARTERS.—The term ''seasonal quarters'' means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

§ 101332. General authority of Secretary

(a) RENTAL HOUSING.—To enhance the ability of the Secretary, acting through the Director, to effectively manage System units, the Secretary may where necessary and justified—

(1) make available employee housing, on or off land under the administrative jurisdiction of the Service; and

(2) rent that housing to field employees at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

(b) JOINT DEVELOPMENT AUTHORITY.—The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(c) CONSTRUCTION LIMITATIONS ON FEDERAL LAND.—The Secretary may not utilize any land for the purposes of providing field employee housing under this subchapter that will affect a primary resource value of the area or adversely affect the mission of the Service.

(d) RENTAL RATES.—To the extent practicable, the Secretary shall establish rental rates for all quarters occupied by field employees of the Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

§ 101333. Criteria for providing housing

The Secretary shall maintain criteria under which housing is provided to employees of the Service. The Secretary shall examine the criteria with respect to the circumstances under which the Service requires an employee to occupy Federal Government quarters, so as to provide necessary services or protect Federal Government property or because of a lack of availability of non-Federal housing in a geographic area.

§ 101334. Authorization for housing agreements

The Secretary may, pursuant to the authorities contained in this subchapter and subject to the appropriation of necessary funds in advance, enter into housing agreements with housing entities under which the housing entities may develop, construct, rehabilitate, or manage housing, located on or off public land, for rent to Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this subchapter.

§ 101335. Housing programs

(a) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAM.—

(1) LEASE-TO-BUILD PROGRAM.—Subject to the appropriation of necessary funds in advance, the Secretary may lease—

(A) Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(B) developed and undeveloped non-Federal land for providing field employee quarters.

(2) COMPETITIVE LEASING.—Each lease under paragraph (1)(A) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures.

(3) TERMS AND CONDITIONS.—Each lease under paragraph (1)(A)—

(A) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees, or the Federal Government;

(B) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the Service and local applicable building codes and industry standards;

(C) shall contain additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents that the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(D) may be granted at less than fair market value if the Secretary determines that the lease will improve the quality and availability of field employee quarters.

(4) CONTRIBUTIONS BY FEDERAL GOVERNMENT.—The Secretary may make payments, subject to appropriations, or contributions in kind, in advance or on a continuing basis, to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal land under a lease under this subsection.

(b) RENTAL GUARANTEE PROGRAM.—

(1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease-to-build arrangement as set forth in subsection (a) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under the lease. A guarantee made under this paragraph shall be in writing.

(2) LIMITATIONS ON GUARANTEES.—

(A) SPECIFIC GUARANTEES.—The Secretary may not guarantee—

(i) the occupancy of more than 75 percent of the units constructed or rehabilitated under the lease; and

(ii) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

(B) TOTAL OF OUTSTANDING GUARANTEES.—Outstanding guarantees shall not be in excess of $3,000,000.

(3) AGREEMENT TO RENT TO FEDERAL GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made.

(4) OPERATION AND MAINTENANCE.—A lease shall be void if the lessee fails to maintain a satisfactory level of operation and maintenance.

§ 101336. Contracts for the management of field employee quarters

Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters. The contract shall contain terms and conditions that the Secretary considers necessary or appropriate to protect the interests of the United States and ensure that necessary quarters are available to field employees.

§ 101337. Leasing of seasonal employee quarters

(a) GENERAL AUTHORITY.—The Secretary may lease quarters at or near a System unit for use as seasonal quarters for field employees if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near the System unit and that—

(1) the requirement for the seasonal field employee quarters is temporary; or

(2) leasing would be more cost-effective than construction of new seasonal field employee quarters.

(b) RENT.—The rent charged to field employees under the lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

(c) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this section from annual appropriations for the year in which the lease is made.

§ 101338. General leasing provisions

(a) EXEMPTION FROM LEASING REQUIREMENTS.—Section 102901 of this title and section 1302 of title 40 shall not apply to leases issued by the Secretary under this section.

(b) PROCEEDS FROM LEASES.—The proceeds from any lease under section 101335(a)(1) of this title and any lease under section 101337 of this title shall be retained by the Service and deposited in the special fund established for maintenance and operation of quarters.

§ 101339. Assessment and priority listing

The Secretary shall—

(1) complete a condition assessment for all field employee housing, including the physical condition of the housing and the necessity and suitability of the housing for carrying out the mission of the Service, using existing information; and

(2) develop a Service-wide priority listing, by structure, identifying the units in greatest need for repair, rehabilitation, replacement, or initial construction.

§ 101340. Use of funds

(a) EXPENDITURE SHALL FOLLOW PRIORITY LISTING.—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this chapter shall follow the housing priority listing established by the Secretary under section 101339 of this title, in sequential order, to the maximum extent practicable.

(b) NONCONSTRUCTION FUNDS IN ANNUAL BUDGET SUBMITTAL.—Each fiscal year the President's proposed budget to Congress shall include identification of nonconstruction funds to be spent for Service housing maintenance and operations that are in addition to rental receipts collected.

Chapter 1015—Transportation

Subchapter I—Airports

§ 101501. Airports in or near System units

(a) DEFINITIONS.—In this section, the terms ''airport'', ''project'', ''project costs'', ''public agency'', and ''sponsor'' have the meanings given the terms in section 47102 of title 49.

(b) ACQUISITION, OPERATION, AND MAINTENANCE OF AIRPORTS.—

(1) AUTHORIZATION.—The Secretary may plan, acquire, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports in the continental United States in, or in close proximity to, System units, when the Secretary determines that the airports are necessary to the proper performance of the functions of the Department of the Interior.

(2) INCLUSION IN NATIONAL PLAN.—The Secretary shall not acquire, establish, or construct an airport under this section unless the airport is included in the national plan of integrated airport systems formulated by the Secretary of Transportation pursuant to section 47103 of title 49.

(3) OPERATION AND MAINTENANCE MUST ACCORD WITH STANDARDS AND REGULATIONS OF SECRETARY OF TRANSPORTATION.—The operation and maintenance of airports under this section shall be in accordance with the standards and regulations prescribed by the Secretary of Transportation.

(c) AUTHORITY OF SECRETARY.—

(1) IN GENERAL.—To carry out this section, the Secretary may—

(A) acquire necessary land and interests in or over land;

(B) contract for the construction, improvement, operation, and maintenance of airports and incidental facilities;

(C) enter into agreements with other public agencies providing for the construction, operation, or maintenance of airports by those agencies or jointly by the Secretary and those agencies on mutually satisfactory terms; and

(D) enter into other agreements and take other action with respect to the airports as may be necessary to carry out this section.

(2) CONSENT REQUIRED.—This section does not authorize the Secretary to acquire any land, or interest in or over land, by purchase, condemnation, grant, or lease, without first obtaining the consent of the Governor of the State, and the consent of the chief executive official of the State political subdivision, in which the land is located.

(d) AUTHORIZATION TO SPONSOR AIRPORT PROJECTS.—To carry out this section, the Secretary may—

(1) sponsor projects under subchapter I of chapter 471 of title 49 independently or jointly with other public agencies; and

(2) use, for payment of the sponsor's share of the project costs of those projects, any funds that may be—

(A) contributed or otherwise made available to the Secretary for those purposes; or

(B) appropriated or otherwise specifically authorized for that purpose.

(e) JURISDICTION OVER AIRPORTS.—All airports under the jurisdiction of the Secretary, unless otherwise specifically provided by law, shall be operated as public airports, available for public use on fair and reasonable terms and without unjust discrimination.

Subchapter II—Roads and Trails

§ 101511. Authority of Secretary

(a) ROADS AND TRAILS IN SYSTEM UNITS.—The Secretary may construct, reconstruct, and improve roads and trails, including bridges, in System units.

(b) APPROACH ROADS.—

(1) IN GENERAL.—

(A) DESIGNATION.—When the Secretary determines it to be in the public interest, the Secretary may designate, as System unit approach roads, roads whose primary value is to carry System unit travel and that lead across land at least 90 percent owned by the Federal Government and that will connect the highways within a System unit with a convenient point on or leading to the National Highway System.

(B) LIMIT ON LENGTH OF APPROACH ROADS.—

(i) IN GENERAL.—A designated approach road shall not exceed—

(I) 60 miles in length between a System unit gateway and a point on or leading to the nearest convenient National Highway System road; or

(II) 30 miles in length if the approach road is on the National Highway System.

(ii) COUNTY LIMIT.—Not to exceed 40 miles of any one approach road shall be designated in any one county.

(C) SUPPLEMENTARY PART OF SYSTEM UNIT HIGHWAY SYSTEM.—An approach road designated for a System unit shall be treated as a supplementary part of the highway system of the System unit.

(2) CONSTRUCTION, RECONSTRUCTION, AND IMPROVEMENT.—

(A) IN GENERAL.—The Secretary may construct, reconstruct, and improve approach roads designated under paragraph (1) (including bridges) and enter into agreements for the maintenance of the approach roads by State or county authorities or to maintain the approach roads when otherwise necessary.

(B) ANNUAL ALLOCATION.—Not more than $1,500,000 shall be allocated annually for the construction, reconstruction, and improvement of System unit approach roads.

(3) APPROVAL OF SECRETARY OF AGRICULTURE REQUIRED.—When an approach road is proposed under this section across or within any national forest, the Secretary shall secure the approval of the Secretary of Agriculture before construction begins.

(c) AGREEMENT WITH SECRETARY OF TRANSPORTATION.—Under agreement with the Secretary, the Secretary of Transportation may carry out any provision of this section.

§ 101512. Conveyance to States of roads leading to certain historical areas

(a) DEFINITION.—In this section, the term ''State'' means a State, Puerto Rico, Guam, and the Virgin Islands.

(b) AUTHORITY OF SECRETARY.—The Secretary may, subject to conditions as seem proper to the Secretary, convey by proper quitclaim deed to any State, county, municipality, or agency of a State, county, or municipality in which the road is located, all right, title, and interest of the United States in and to any Federal Government owned or controlled road leading to any national cemetery, national military park, national historical park, national battlefield park, or national historic site administered by the Service.

(c) NOTIFICATION BY STATE, AGENCY, OR MUNICIPALITY.—Prior to the delivery of any conveyance of a road under this section, the State, county, or municipality to which the conveyance is to be made shall notify the Secretary in writing of its willingness to accept and maintain the road.

(d) TRANSFER OF JURISDICTION.—On the execution and delivery of the conveyance of a road under this section, any jurisdiction previously ceded to the United States by a State over the road is retroceded and shall vest in the State in which the road is located.

Subchapter III—Public Transportation Programs for System Units

§ 101521. Transportation service and facility programs

(a) FORMULATION OF PLANS AND IMPLEMENTATION OF PROJECTS.—The Secretary may formulate transportation plans and implement transportation projects where feasible pursuant to those plans for System units.

(b) CONTRACTS, OPERATIONS, AND ACQUISITIONS FOR IMPROVEMENT OF ACCESS TO SYSTEM UNITS.—

(1) AUTHORITY OF SECRETARY.—To carry out subsection (a), the Secretary may—

(A) contract with public or private agencies or carriers to provide transportation services, capital equipment, or facilities to improve access to System units;

(B) operate those services directly in the absence of suitable and adequate agencies or carriers;

(C) acquire, by purchase, lease, or agreement, capital equipment for those services; and

(D) where necessary to carry out this subchapter, acquire, by lease, purchase, donation, exchange, or transfer, land, water, or an interest in land or water that is situated outside the boundary of a System unit.

(2) SPECIFIC PROVISIONS RELATED TO PROPERTY ACQUISITION.—

(A) ADMINISTRATION.—The acquired property shall be administered as part of the System unit.

(B) ACQUISTION OF LAND OR INTERESTS IN LAND OWNED BY STATE OR POLITICAL SUBDIVISION.—Any land or interests in land owned by a State or any of its political subdivisions may be acquired only by donation.

(C) ACQUISITION SUBJECT TO STATUTORY LIMITATIONS.—Any land acquisition shall be subject to any statutory limitations on methods of acquisition and appropriations as may be specifically applicable to the area.

(c) ESTABLISHMENT OF INFORMATION PROGRAMS.—The Secretary shall establish information programs to inform the public of available System unit access opportunities and to promote the use of transportation modes other than personal motor vehicles for access to and travel within the System units.

(d) UNDERTAKING TRANSPORTATION FACILITIES AND SERVICES.—Transportation facilities and services provided pursuant to this subchapter may be undertaken by the Secretary directly or by contract without regard to any requirement of Federal, State, or local law respecting determinations of public convenience and necessity or other similar matters. The Secretary or contractor shall consult with the appropriate State or local public service commission or other body having authority to issue certificates of convenience and necessity. A contractor shall be subject to applicable requirements of that body unless the Secretary determines that the requirements would not be consistent with the purposes and provisions of this subchapter.

(e) CONSTRUCTION OF GRANT OF AUTHORITY RESPECTING OPERATION OF MOTOR VEHICLES EXCEPTED FROM STATUTORY COVERAGE.—No grant of authority in this subchapter shall be deemed to expand the exemption of section 13506(a)(9) of title 49.

§ 101522. Transportation projects

(a) ASSISTANCE OF HEADS OF OTHER FEDERAL DEPARTMENTS AND AGENCIES IN FORMULATION AND IMPLEMENTATION.—To carry out this subchapter, the Secretary of Transportation, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of Commerce, and the heads of other Federal departments or agencies that the Secretary considers necessary shall assist the Secretary in the formulation and implementation of transportation projects.

(b) COMPILATION OF STATUTES AND PROGRAMS.—The Secretary shall maintain a compilation of Federal statutes and programs providing authority for the planning, funding, or operation of transportation projects that might be utilized by the Secretary to carry out this subchapter.

§ 101523. Procedures applicable to transportation plans and projects

(a) DURING FORMULATION OF PLAN.—The Secretary shall, during the formulation of any

transportation plan authorized pursuant to section 101521 of this title—

(1) give public notice of intention to formulate the plan by publication in the Federal Register and in a newspaper or periodical having general circulation in the vicinity of the affected System unit; and

(2) following the notice, hold a public meeting at a location convenient to the affected System unit.

(b) PRIOR TO IMPLEMENTATION OF PROJECT.—Prior to the implementation of any project developed pursuant to the transportation plan formulated pursuant to subsection (a), the Secretary shall—

(1) establish procedures, including public meetings, to give State and local governments and the public adequate notice and an opportunity to comment on the proposed transportation project; and

(2) when the proposed project would involve an expenditure in excess of $100,000 in any fiscal year, submit a detailed report to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(c) WAITING PERIOD.—When a report on a project is required under subsection (b)(2), the Secretary may proceed with the implementation of the project only after 60 days (not counting days on which the Senate or House of Representatives has adjourned for more than 3 consecutive days) have elapsed following submission of the report.

§ 101524. Special rule for service contract to provide transportation services

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a System unit shall be not more than 10 years in length, including a base period of 5 years and annual extensions for up to an additional 5 years based on satisfactory performance and approval by the Secretary.

Subchapter IV—Fees

§ 101531. Fee for use of transportation services

Notwithstanding any other provision of law, where the Service or an entity under a service contract, cooperative agreement, or other contractual agreement with the Service provides transportation to all or a portion of any System unit, the Secretary may impose a reasonable and appropriate charge to the public for the use of the transportation services in addition to any admission fee required to be paid. Collection of the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements, with public or private entities that qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Transportation fees collected pursuant to this section shall be retained by the System unit at which the transportation fee was collected, and the amount retained shall be expended only for costs associated with the transportation systems at the System unit where the charge was imposed.

Chapter 1017—Financial Agreements

§ 101701. Challenge cost-share agreement authority

(a) DEFINITIONS.—In this section:

(1) CHALLENGE COST-SHARE AGREEMENT.—The term ''challenge cost-share agreement'' means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary with respect to any System unit or System program, any affiliated area, or any designated national scenic trail or national historic trail.

(2) COOPERATOR.—The term ''cooperator'' means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) AUTHORITY TO ENTER INTO CHALLENGE COST-SHARE AGREEMENTS.—The Secretary may negotiate and enter into challenge cost-share agreements with cooperators.

(c) SOURCE OF FEDERAL SHARE.—In carrying out challenge cost-share agreements, the Secretary may provide the Federal funding share from any funds available to the Service.

§ 101702. Cooperative agreements

(a) TRANSFER OF SERVICE APPROPRIATED FUNDS.—A cooperative agreement entered into by the Secretary that involves the transfer of Service appropriated funds to a State, local, or tribal government or other public entity, an educational institution, or a private nonprofit organization to carry out public purposes of a Service program is a cooperative agreement properly entered into under section 6305 of title 31.

(b) COOPERATIVE RESEARCH AND TRAINING PROGRAMS.—

(1) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may—

(A) enter into cooperative agreements with public or private educational institutions, States, and political subdivisions of States to develop adequate, coordinated, cooperative research and training programs concerning the resources of the System; and

(B) pursuant to an agreement, accept from and make available to the cooperator technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units that the Secretary considers appropriate.

(2) EFFECT OF SUBSECTION.—This subsection does not waive any requirements for research projects that are subject to Federal procurement regulations.

(c) SALE OF PRODUCTS AND SERVICES PRODUCED IN THE CONDUCT OF LIVING EXHIBITS AND INTERPRETIVE DEMONSTRATIONS.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may—

(1) sell at fair market value, without regard to the requirements of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, products and services produced in the conduct of living exhibits and interpretive demonstrations in System units;

(2) enter into contracts, including cooperative arrangements, with respect to living exhibits and interpretive demonstrations in System units; and

(3) credit the proceeds from those sales and contracts to the appropriation bearing the cost of the exhibits and demonstrations.

(d) COOPERATIVE AGREEMENTS FOR SYSTEM UNIT NATURAL RESOURCE PROTECTION.—

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

(2) TERMS AND CONDITIONS.—A cooperative agreement entered into under paragraph (1) shall provide clear and direct benefits to System unit natural resources and—

(A) provide for—

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

(ii) preventing, controlling, or eradicating invasive exotic species that are within a System unit or adjacent to a System unit; or

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

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

(i) enhance science-based natural resource stewardship at the System unit; and

(ii) benefit the parties to the agreement;

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

(i) protect natural resources of the System unit; and

(ii) benefit the parties to the agreement;

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

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

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

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

(3) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under paragraph (1) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

§ 101703. Cooperative management agreements

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas where a System unit is located adjacent to or near a State or local park area, and cooperative management between the Service and a State or local government agency of a portion of either the System unit or State or local park will allow for more effective and efficient management of the System unit and State or local park. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

(b) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

(c) ASSIGNMENT OF EMPLOYEE.—An assignment arranged by the Secretary under section 3372 of title 5 of a Federal, State, or local employee for work on any Federal, State, or local land or an extension of the assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.

§ 101704. Reimbursable agreements

(a) IN GENERAL.—In carrying out work under reimbursable agreements with any State, local, or tribal government, the Secretary, without regard to any provision of law or a regulation—

(1) may record obligations against accounts receivable from those governments; and

(2) shall credit amounts received from those governments to the appropriate account.

(b) WHEN AMOUNTS SHALL BE CREDITED.—Amounts shall be credited within 90 days of the date of the original request by the Service for payment.

Chapter 1019—Concessions and Commercial Use Authorizations

Subchapter I—Authority of Secretary

§ 101901. Utility services.

To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may furnish, on a reimbursement of appropriation basis, all types of utility services to concessioners, contractors, permittees, or other users of the services, within the System. The reimbursements for cost of the services may be credited to the appropriation current at the time reimbursements are received.

Subchapter II—Commercial Visitor Services

§ 101911. Definitions

In this subchapter:

(1) ADVISORY BOARD.—The term ''Advisory Board'' means the National Park Service Concessions Management Advisory Board established under section 101919 of this title.

(2) PREFERENTIAL RIGHT OF RENEWAL.—The term ''preferential right of renewal'' means the right of a concessioner, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 101912 of this title, to match the terms and conditions of any competing proposal that the Secretary determines to be the best proposal for a proposed new concession contract that authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

§ 101912. Findings and declaration of policy

(a) FINDINGS.—In furtherance of section 100101(a), Congress finds that the preservation and conservation of System unit resources and values requires that public accommodations, facilities, and services that have to be provided within those System units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

(1) visitation will not unduly impair those resources and values; and

(2) development of public accommodations, facilities, and services within System units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the System units.

(b) DECLARATION OF POLICY.—It is the policy of Congress that the development of public accommodations, facilities, and services in System units shall be limited to accommodations, facilities, and services that—

(1) are necessary and appropriate for public use and enjoyment of the System unit in which they are located; and

(2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the System unit.

§ 101913. Award of concession contracts

In furtherance of the findings and policy stated in section 101912 of this title, and except as provided by this subchapter or otherwise authorized by law, the Secretary shall utilize concession contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to System units. Concession contracts shall be awarded as follows:

(1) COMPETITIVE SELECTION PROCESS.—Except as otherwise provided in this section, all proposed concession contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. The competitive process shall include simplified procedures for small, individually-owned entities seeking award of a concession contract.

(2) SOLICITATION OF PROPOSALS.—Except as otherwise provided in this section, prior to awarding a new concession contract (including renewals or extensions of existing concession contracts) the Secretary—

(A) shall publicly solicit proposals for the concession contract; and

(B) in connection with the solicitation, shall—

(i) prepare a prospectus and publish notice of its availability at least once in local or national newspapers or trade publications, by electronic means, or both, as appropriate; and

(ii) make the prospectus available on request to all interested persons.

(3) INFORMATION TO BE INCLUDED IN PROSPECTUS.—The prospectus shall include the following information:

(A) The minimum requirements for the contract as set forth in paragraph (4).

(B) The terms and conditions of any existing concession contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner.

(C) Other authorized facilities or services that may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, including public access, utilities, and buildings.

(E) An estimate of the amount of compensation due an existing concessioner from a new concessioner under the terms of a prior concession contract.

(F) A statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of those factors in the selection process.

(G) Other information related to the proposed concession operation that is provided to the Secretary pursuant to a concession contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(H) Where applicable, a description of a preferential right to the renewal of the proposed concession contract held by an existing concessioner as set forth in paragraph (7).

(4) CONSIDERATION OF PROPOSALS.—

(A) MINIMUM REQUIREMENTS.—No proposal shall be considered that fails to meet the minimum requirements as determined by the Secretary. The minimum requirements shall include the following:

(i) The minimum acceptable franchise fee or other forms of consideration to the Federal Government.

(ii) Any facilities, services, or capital investment required to be provided by the concessioner.

(iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the System unit.

(B) REJECTION OF PROPOSAL.—The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that—

(i) the person, corporation, or entity is not qualified or is not likely to provide satisfactory service; or

(ii) the proposal is not responsive to the objectives of protecting and preserving resources of the System unit and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(C) ALL PROPOSALS FAIL TO MEET MIMIMUM REQUIREMENTS OR ARE REJECTED.—If all proposals submitted to the Secretary fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(D) TERMS AND CONDITIONS MATERIALLY AMENDED OR NOT INCORPORATED IN CONTRACT.—The Secretary may not execute a concession contract that materially amends or does not incorporate the proposed terms and conditions of the concession contract as set forth in the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concession contract incorporating the material amendments or changes.

(5) SELECTION OF THE BEST PROPOSAL.—

(A) FACTORS IN SELECTION.—In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the System unit and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of the person, corporation or entity in providing the same or similar facilities or services.

(iii) The financial capability of the person, corporation, or entity submitting the proposal.

(iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the System unit and of providing necessary and appropriate facilities to the public at reasonable rates.

(B) SECONDARY FACTORS.—The Secretary may also consider such secondary factors as the Secretary considers appropriate.

(C) DEVELOPMENT OF REGULATIONS.—In developing regulations to implement this subchapter, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession contract should be identified as a factor in the selection of a best proposal under this section.

(6) CONGRESSIONAL NOTIFICATION.—

(A) IN GENERAL.—The Secretary shall submit any proposed concession contract with anticipated annual gross receipts in excess of $5,000,000 or a duration of more than 10 years to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) WAITING PERIOD.—The Secretary shall not award any proposed concession contract to which subparagraph (A) applies until at least 60 days subsequent to the notification of both Committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concession contract, or any other form of preference to a concession contract.

(B) EXCEPTION.—The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concession contracts described

by paragraph (8), subject to the requirements of that paragraph.

(C) ENTITLEMENT TO AWARD OF NEW CONTRACT.—A concessioner that successfully exercises a preferential right of renewal in accordance with the requirements of this subchapter shall be entitled to award of the proposed new concession contract to which the preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—

(A) APPLICATION.—Paragraph (7) shall apply only to the following:

(i) Subject to subparagraph (B), concession contracts that solely authorize the provision of specialized backcountry outdoor recreation guide services that require the employment of specially trained and experienced guides to accompany System unit visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in that activity.

(ii) Subject to subparagraph (C), concession contracts with anticipated annual gross receipts under $500,000.

(B) OUTFITTING AND GUIDE CONCESSIONERS.—

(i) DESCRIPTION.—Outfitting and guide concessioners, where otherwise qualified, include concessioners that provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences.

(ii) WHEN ENTITLED TO PREFERENTIAL RIGHT.—An outfitting and guide concessioner is entitled to a preferential right of renewal under this subchapter only if—

(I) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory interest, in capital improvements on land owned by the United States within a System unit, other than a capital improvement constructed by a concessioner pursuant to the terms of a concession contract prior to November 13, 1998, or constructed or owned by a concessioner or the concessioner's predecessor before the subject land was incorporated into the System;

(II) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension); and

(III) the concessioner has submitted a responsive proposal for a proposed new concession contract that satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) CONTRACT WITH ESTIMATED GROSS RECEIPTS OF LESS THAN $500,000.—A concessioner that holds a concession contract that the Secretary estimates will result in gross annual receipts of less than $500,000 if renewed shall be entitled to a preferential right of renewal under this subchapter if—

(i) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension); and

(ii) the concessioner has submitted a responsive proposal for a proposed new concession contract that satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a System unit.

(10) AUTHORITY OF SECRETARY NOT LIMITED.—Nothing in this subchapter shall be construed as limiting the authority of the Secretary to determine whether to issue a concession contract or to establish its terms and conditions in furtherance of the policies expressed in this subchapter.

(11) EXCEPTIONS.—Notwithstanding this section, the Secretary may award, without public solicitation, the following:

(A) TEMPORARY CONTRACT.—To avoid interruption of services to the public at a System unit, the Secretary may award a temporary concession contract or an extension of an existing concessions contract for a term not to exceed 3 years, except that prior to making the award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid the interruption.

(B) CONTRACT IN EXTRAORDINARY CIRCUMSTANCES.—The Secretary may award a concession contract in extraordinary circumstances where compelling and equitable considerations require the award of a concession contract to a particular party in the public interest. Award of a concession contract under this subparagraph shall not be made by the Secretary until at least 30 days after—

(i) publication in the Federal Register of notice of the Secretary's intention to award the contract and the reasons for the action; and

(ii) submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

§ 101914. Term of concession contracts

A concession contract entered into pursuant to this subchapter shall generally be awarded for a term of 10 years or less. The Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

§ 101915. Protection of concessioner investment

(a) DEFINITIONS.—In this section:

(1) CAPITAL IMPROVEMENT.—The term ''capital improvement'' means a structure, a fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concession contract and located on land of the United States within a System unit.

(2) CONSUMER PRICE INDEX.—The term ''Consumer Price Index'' means—

(A) the ''Consumer Price Index—All Urban Consumers'' published by the Bureau of Labor Statistics of the Department of Labor; or

(B) if the Index is not published, another regularly published cost-of-living index approximating the Consumer Price Index.

(b) LEASEHOLD SURRENDER INTEREST IN CAPITAL IMPROVEMENTS.—A concessioner that constructs a capital improvement on land owned by the United States within a System unit pursuant to a concession contract shall have a leasehold surrender interest in the capital improvement subject to the following terms and conditions:

(1) IN GENERAL.—A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concession contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(2) PLEDGE AS SECURITY.—A leasehold surrender interest may be pledged as security for financing of a capital improvement or the acquisition of a concession contract when approved by the Secretary pursuant to this subchapter.

(3) TRANSFER AND RELINQUISHMENT OR WAIVER OF INTEREST.—A leasehold surrender interest shall be transferred by the concessioner in connection with any transfer of the concession contract and may be relinquished or waived by the concessioner.

(4) LIMIT ON EXTINGUISHING OR TAKING INTEREST.—A leasehold surrender interest shall not be extinguished by the expiration or other termination of a concession contract and may not be taken for public use except on payment of just compensation.

(5) VALUE OF INTEREST.—The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) by the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(6) VALUE OF INTEREST IN CERTAIN NEW CONCESSION CONTRACTS.—

(A) HOW VALUE IS DETERMINED.—The Secretary may provide, in any new concession contract that the Secretary estimates will have a leasehold surrender interest of more than $10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on—

(i) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on November 12, 1998; or

(ii) an alternative formula that is consistent with the objectives of this subchapter.

(B) WHEN ALTERNATIVE FORMULA MAY BE USED.—The Secretary may use an alternative formula under subparagraph (A)(ii) only if the Secretary determines, after scrutiny of the financial and other circumstances involved in the particular concession contract (including providing notice in the Federal Register and opportunity for comment), that the alternative formula is, compared to the standard method of determining value provided for in paragraph (5), necessary to provide a fair return to the Federal Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes the alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described in paragraph (5).

(7) INCREASE IN VALUE OF INTEREST.—Where a concessioner, pursuant to the terms of a concession contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of the additional capital improvement shall be added to the then-current value of the concessioner's leasehold surrender interest.

(c) SPECIAL RULE FOR POSSESSORY INTEREST EXISTING BEFORE NOVEMBER 13, 1998.—

(1) IN GENERAL.—A concessioner that has obtained a possessory interest (as defined pursuant to the Act of October 9, 1965 (known as the National Park Service Concessions Policy Act; Public Law 89–249, 79 Stat. 969), as in effect on November 12, 1998) under the terms of a concession contract entered into before November 13, 1998, shall, on the expiration or termination of the concession contract, be entitled to receive compensation for the possessory interest improvements in the amount and manner as described by the concession contract. Where that possessory interest is not described in the existing concession contract, compensation of possessory interest shall be determined in accordance with the laws in effect on November 12, 1998.

(2) EXISTING CONCESSIONER AWARDED A NEW CONTRACT.—A concessioner awarded a new concession contract to replace an existing concession contract after November 13, 1998, instead of directly receiving the possessory interest compensation, shall have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new concession contract and shall carry over as the initial value of the leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous concession contract. In the event of a dispute between the concessioner and the Secretary as to the value

of the possessory interest, the matter shall be resolved through binding arbitration.

(3) NEW CONCESSIONER AWARDED A CONTRACT.—A new concessioner awarded a concession contract and required to pay a prior concessioner for possessory interest in prior improvements shall have a leasehold surrender interest in the prior improvements. The initial value in the leasehold surrender interest (instead of construction cost) shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous concession contract.

(4) DE NOVO REVIEW OF VALUE DETERMINATION.—If the Secretary, or either party to a value determination proceeding conducted under a Service concession contract issued before November 13, 1998, considers that the value determination decision issued pursuant to the proceeding misinterprets or misapplies relevant contractual requirements or their underlying legal authority, the Secretary or either party may seek, within 180 days after the date of the decision, de novo review of the value determination decision by the United States Court of Federal Claims. The Court of Federal Claims may make an order affirming, vacating, modifying or correcting the determination decision.

(d) TRANSITION TO SUCCESSOR CONCESSIONER.—On expiration or termination of a concession contract entered into after November 13, 1998, a concessioner shall be entitled under the terms of the concession contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of the expiration or termination. A successor concessioner shall have a leasehold surrender interest in the capital improvement under the terms of a new concession contract and the initial value of the leasehold surrender interest in the capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concession contract.

(e) TITLE TO IMPROVEMENTS.—Title to any capital improvement constructed by a concessioner on land owned by the United States in a System unit shall be vested in the United States.

§ 101916. Reasonableness of rates and charges

(a) IN GENERAL.—A concession contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

(b) APPROVAL BY SECRETARY REQUIRED.—

(1) FACTORS TO CONSIDER.—A concessioner's rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the concession contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary:

(A) Length of season.

(B) Peakloads.

(C) Average percentage of occupancy.

(D) Accessibility.

(E) Availability and costs of labor and materials.

(F) Type of patronage.

(2) RATES AND CHARGES NOT TO EXCEED MARKET RATES AND CHARGES.—Rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in paragraph (1).

(c) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months after receiving recommendations from the Advisory Board regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to Congress the reasons for not implementing the recommendations.

§ 101917. Franchise fees

(a) IN GENERAL.—A concession contract shall provide for payment to the Federal Government of a franchise fee or other monetary consideration as determined by the Secretary, on consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Probable value shall be based on a reasonable opportunity for net profit in relation to capital invested and the obligations of the concession contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving System units and of providing necessary and appropriate services for visitors at reasonable rates.

(b) PROVISIONS TO BE SPECIFIED IN CONTRACT.—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concession contract shall be specified in the concession contract and may be modified only to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the concession contract. The Secretary shall include in concession contracts with a term of more than 5 years a provision that allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of extraordinary unanticipated changes. The provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree on an adjustment to the franchise fee in those circumstances.

(c) SPECIAL ACCOUNT IN TREASURY.—

(1) DEPOSIT AND AVAILABILITY.—All franchise fees (and other monetary consideration) paid to the United States pursuant to concession contracts shall be deposited in a special account established in the Treasury. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the System regardless of the System unit in which the funds were collected. The funds deposited in the special account shall remain available until expended.

(2) SUBACCOUNT FOR EACH SYSTEM UNIT.—There shall be established within the special account a subaccount for each System unit. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single System unit under concession contracts. The funds credited to the subaccount for a System unit shall be available for expenditure by the Secretary, without further appropriation, for use at the System unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

§ 101918. Transfer or conveyance of concession contracts or leasehold surrender interests

(a) APPROVAL OF SECRETARY.—No concession contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval by, the Secretary.

(b) CONDITIONS.—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

(1) the individual, corporation, or other entity seeking to acquire a concession contract is not qualified or able to satisfy the terms and conditions of the concession contract;

(2) the transfer or conveyance would have an adverse impact on—

(A) the protection, conservation, or preservation of the resources of the System unit; or

(B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of the transfer or conveyance are likely, directly or indirectly, to—

(A) reduce the concessioner's opportunity for a reasonable profit over the remaining term of the concession contract;

(B) adversely affect the quality of facilities and services provided by the concessioner; or

(C) result in a need for increased rates and charges to the public to maintain the quality of the facilities and services.

(c) MODIFICATION OR RENEGOTIATION OF TERMS.—The terms and conditions of any concession contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a) unless the transfer or conveyance would have an adverse impact as described in subsection (b)(2).

§ 101919. National Park Service Concessions Management Advisory Board

(a) ESTABLISHMENT AND PURPOSE.—There is a National Park Service Concessions Management Advisory Board whose purpose shall be to advise the Secretary and Service on matters relating to management of concessions in the System.

(b) DUTIES.—

(1) ADVICE.—The Advisory Board shall advise on each of the following:

(A) Policies and procedures intended to ensure that services and facilities provided by concessioners—

(i) are necessary and appropriate;

(ii) meet acceptable standards at reasonable rates with a minimum of impact on System unit resources and values; and

(iii) provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make Service concession programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) RECOMMENDATIONS.—The Advisory Board shall make recommendations to the Secretary regarding each of the following:

(A) The Service contracting with the private sector to conduct appropriate elements of concession management.

(B) Ways to make the review or approval of concessioner rates and charges to the public more efficient, less burdensome, and timelier.

(C) The nature and scope of products that qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within the meaning of this subchapter.

(D) The allocation of concession fees.

(3) ANNUAL REPORT.—The Advisory Board shall provide an annual report on its activities to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than 7 individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a Service concession. Of the 7 members of the Advisory Board—

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concession business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

(5) one member shall be a State government employee with expertise in park concession management;

(6) one member shall be active in promotion of traditional arts and crafts; and

(7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

(d) SERVICE ON ADVISORY BOARD.—Service of an individual as a member of the Advisory Board shall not be deemed to be service or employment bringing the individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5 or other comparable provisions of Federal law.

(e) TERMINATION.—The Advisory Board shall continue to exist until December 31, 2009. In all other respects, it shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

§ 101920. Contracting for services

(a) CONTRACTING AUTHORIZED.—

(1) MANAGEMENT ELEMENTS FOR WHICH CONTRACT REQUIRED TO MAXIMUM EXTENT PRACTICABLE.—To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in elements of the management of the Service concession program considered by the Secretary to be suitable for non-Federal performance. Those management elements shall include each of the following:

(A) Health and safety inspections.

(B) Quality control of concession operations and facilities.

(C) Strategic capital planning for concession facilities.

(D) Analysis of rates and charges to the public.

(2) MANAGEMENT ELEMENTS FOR WHICH CONTRACT ALLOWED.—The Secretary may also contract with private entities to assist the Secretary with each of the following:

(A) Preparation of the financial aspects of prospectuses for Service concession contracts.

(B) Development of guidelines for a System capital improvement and maintenance program for all concession occupied facilities.

(C) Making recommendations to the Director regarding the conduct of annual audits of concession fee expenditures.

(b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) AUTHORITY OF SECRETARY NOT DIMINISHED.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concession contracts and activities pursuant to this subchapter and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this title. The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the Service concessions program under this section.

§ 101921. Multiple contracts within a System unit

If multiple concession contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a System unit, the Secretary shall establish a comparable franchise fee structure for those contracts or similar contracts, except that the terms and conditions of any existing concession contract shall not be subject to modification or open to renegotiation by the Secretary because of an award of a new contract at the same approximate location or resource.

§ 101922. Use of nonmonetary consideration in concession contracts

Section 1302 of title 40 shall not apply to concession contracts awarded by the Secretary pursuant to this subchapter.

§ 101923. Recordkeeping requirements

(a) IN GENERAL.—A concessioner and any subconcessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of a concession contract have been and are being faithfully performed. The Secretary and any authorized representative of the Secretary shall, for the purpose of audit and examination, have access to those records and to other records of the concessioner or subconcessioner pertinent to the concession contract and all terms and conditions of the concession contract.

(b) ACCESS TO RECORDS BY COMPTROLLER GENERAL.—The Comptroller General and any authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent records described in subsection (a) of the concessioner or subconcessioner related to the contract involved.

§ 101924. Promotion of sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts

(a) IN GENERAL.—Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of System units is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade in appropriate areas where the trade does not exist.

(b) EXEMPTION FROM FRANCHISE FEE.—In furtherance of the purposes of subsection (a), the revenue derived from the sale of United States Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this subchapter.

§ 101925. Commercial use authorizations

(a) IN GENERAL.—To the extent specified in this section, the Secretary, on request, may authorize a private person, corporation, or other entity to provide services to visitors to System units through a commercial use authorization. A commercial use authorization shall not be considered to be a concession contract under this subchapter and no other section of this subchapter shall be applicable to a commercial use authorization except where expressly stated.

(b) CRITERIA FOR ISSUANCE OF COMMERCIAL USE AUTHORIZATIONS.—

(1) REQUIRED DETERMINATIONS.—The authority of this section may be used only to authorize provision of services that the Secretary determines—

(A) will have minimal impact on resources and values of a System unit; and

(B) are consistent with the purpose for which the System unit was established and with all applicable management plans and Service policies and regulations.

(2) ELEMENTS OF COMMERCIAL USE AUTHORIZATION.—The Secretary shall—

(A) require payment of a reasonable fee for issuance of a commercial use authorization, the fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B) require that the provision of services under a commercial use authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of System unit resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under a commercial use authorization;

(D) have no authority under this section to issue more commercial use authorizations than are consistent with the preservation and proper management of System unit resources and values; and

(E) shall establish other conditions for issuance of a commercial use authorization that the Secretary determines to be appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of System unit resources and values.

(c) LIMITATIONS.—Any commercial use authorization shall be limited to—

(1) commercial operations with annual gross receipts of not more than $25,000 resulting from services originating and provided solely within a System unit pursuant to the commercial use authorization;

(2) the incidental use of resources of the System unit by commercial operations that provide services originating and terminating outside the boundaries of the System unit; or

(3)(A) uses by organized children's camps, outdoor clubs, and nonprofit institutions (including back country use); and

(B) other uses, as the Secretary determines to be appropriate.

(d) NONPROFIT INSTITUTIONS.—Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(e) PROHIBITION ON CONSTRUCTION.—A commercial use authorization shall not provide for the construction of any structure, fixture, or improvement on federally-owned land within the boundaries of a System unit.

(f) DURATION.—The term of any commercial use authorization shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(g) OTHER CONTRACTS.—A person, corporation, or other entity seeking or obtaining a commercial use authorization shall not be precluded from submitting a proposal for concession contracts.

§ 101926. Regulations

(a) IN GENERAL.—The Secretary shall prescribe regulations appropriate for the implementation of this subchapter.

(b) CONTENTS.—The regulations—

(1) shall include appropriate provisions to ensure that concession services and facilities to be provided in a System unit are not segmented or otherwise split into separate concession contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concession contract below $500,000; and

(2) shall further define the term ''United States Indian, Alaskan Native, and Native Hawaiian handicrafts'' for the purposes of this subchapter.

Chapter 1021—Privileges and Leases

§ 102101. General provisions

(a) LIMITATION.—

(1) NO LEASE OR GRANT OF A PRIVILEGE THAT INTERFERES WITH FREE ACCESS.—No natural curiosity, wonder, or object of interest shall be leased or granted to anyone on such terms as to interfere with free access by the public to any System unit.

(2) EXCEPTION FOR GRAZING LIVESTOCK.—The Secretary, under such regulations and on such terms as the Secretary may prescribe, may grant the privilege to graze livestock within a System unit when, in the Secretary's judgment, the use

is not detrimental to the primary purpose for which the System unit was created. This paragraph does not apply to Yellowstone National Park.

(b) ADVERTISING AND COMPETITIVE BIDS NOT REQUIRED.—The Secretary may grant privileges and enter into leases described in subsection (a), and enter into related contracts with responsible persons, firms, or corporations, without advertising and without securing competitive bids.

(c) ASSIGNMENT OR TRANSFER.— No contract, lease, or privilege described in subsection (a) or (b) that is entered into or granted shall be assigned or transferred by the grantee, lessee, or licensee without the prior written approval of the Secretary.

§ 102102. Authority of Secretary to enter into lease for buildings and associated property

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, and except as provided in subsection (b) and subject to subsection (c), may enter into a lease with any person or government entity for the use of buildings and associated property administered by the Secretary as part of the System.

(b) PROHIBITED ACTIVITIES.—The Secretary may not use a lease under subsection (a) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concession contract, commercial use authorization, or similar instrument.

(c) USE.—Buildings and associated property leased under subsection (a)—

(1) shall be used for an activity that is consistent with the purposes established by law for the System unit in which the building is located;

(2) shall not result in degradation of the purposes and values of the System unit; and

(3) shall be compatible with Service programs.

(d) RENTAL AMOUNTS.—

(1) IN GENERAL.—With respect to a lease under subsection (a)—

(A) payment of fair market value rental shall be required; and

(B) section 1302 of title 40 shall not apply.

(2) ADJUSTMENT.—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

(e) SPECIAL ACCOUNT.—

(1) DEPOSITS.—Rental payments under a lease under subsection (a) shall be deposited in a special account in the Treasury.

(2) AVAILABILITY.—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at System units, including—

(A) facility refurbishment;

(B) repair and replacement;

(C) infrastructure projects associated with System unit resource protection; and

(D) direct maintenance of the leased buildings and associated property.

(3) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this section and sections 100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c), 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b) and (c), 101901, 102701, and 102702 of this title.

(f) REGULATIONS.—The Secretary shall prescribe regulations implementing this section that include provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

Chapter 1023—Programs and Organizations

Sec.

§ 102301. Volunteers in parks program

(a) ESTABLISHMENT.—The Secretary may recruit, train, and accept, without regard to chapter 51 and subchapter III of chapter 53 of title 5 or regulations prescribed under that chapter or subchapter, the services of individuals without compensation as volunteers for or in aid of interpretive functions or other visitor services or activities in and related to System units and related areas. In accepting those services, the Secretary shall not permit the use of volunteers in hazardous duty or law enforcement work or in policymaking processes, or to displace any employee. The services of individuals whom the Secretary determines are skilled in performing hazardous activities may be accepted.

(b) INCIDENTAL EXPENSES.—The Secretary may provide for incidental expenses of volunteers, such as transportation, uniforms, lodging, and subsistence.

(c) FEDERAL EMPLOYEE STATUS FOR VOLUNTEERS.—

(1) EMPLOYMENT STATUS OF VOLUNTEERS.—Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) TORT CLAIMS.—For the purpose of sections 1346(b) and 2401(b) and chapter 171 of title 28, a volunteer under this chapter shall be deemed a Federal employee.

(3) VOLUNTEERS DEEMED CIVIL EMPLOYEES.—For the purposes of subchapter I of chapter 81 of title 5, volunteers under this chapter shall be deemed civil employees of the United States within the meaning of the term ''employee'' as defined in section 8101 of title 5, and subchapter I of chapter 81 of title 5 shall apply.

(4) COMPENSATION FOR LOSSES AND DAMAGES.—For the purpose of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this chapter shall be deemed a Federal employee, and section 3721 of title 31 shall apply.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not more than $3,500,000 for each fiscal year.

§ 102302. National Capital region arts and cultural affairs

(a) ESTABLISHMENT.—There is under the direction of the Service a program to support and enhance artistic and cultural activities in the National Capital region.

(b) GRANT ELIGIBILITY.—

(1) ELIGIBLE ORGANIZATIONS.—Eligibility for grants shall be limited to organizations—

(A) that are of demonstrated national significance; and

(B) that meet at least 2 of the criteria stated in paragraph (2).

(2) CRITERIA.—The criteria referred to in paragraph (1) are the following:

(A) The organization has an annual operating budget in excess of $1,000,000.

(B) The organization has an annual audience or visitation of at least 200,000 people.

(C) The organization has a paid staff of at least 100 individuals.

(D) The organization is eligible under section 320102(f) of this title.

(3) ORGANIZATIONS NOT ELIGIBLE.—Public or private colleges and universities are not eligible for grants under the program under this section.

(c) USE OF GRANTS.—Grants awarded under this section may be used to support general operations and maintenance, security, or special projects. No organization may receive a grant in excess of $500,000 in a single year.

(d) RESPONSBILITIES OF DIRECTOR.—The Director shall—

(1) establish an application process;

(2) appoint a review panel of 5 qualified individuals, at least a majority of whom reside in the National Capital region; and

(3) develop other program guidelines and definitions as required.

(e) FORD'S THEATER AND WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS.—The contractual amounts required for the support of Ford's Theater and Wolf Trap National Park for the Performing Arts shall be available within the amount provided in this section without regard to any other provision of this section.

§ 102303. National Park System Advisory Board

(a) DEFINITION.—In this section, the term ''Board'' means the National Park System Advisory Board established under subsection (b).

(b) ESTABLISHMENT AND PURPOSE.—There is established a National Park System Advisory Board, whose purpose is to advise the Director on matters relating to the Service, the System, and programs administered by the Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board.

(c) MEMBERSHIP.—

(1) APPOINTMENT AND TERM OF OFFICE.—Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary.

(2) COMPOSITION.—The Board shall be composed of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the Service. At least 6 of the members shall have outstanding expertise in one or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or natural or cultural resources management. The remaining members shall have outstanding expertise in one or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning, or business management, important to the mission of the Service. At least one individual shall be a locally elected official from an area adjacent to a park.

(3) FIRST MEETING.—The Board shall hold its 1st meeting no later than 60 days after the date on which all members of the Board who are to be appointed have been appointed.

(4) VACANCY.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) COMPENSATION.—All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5. With the exception of travel and per diem, a member of the Board who otherwise is an officer or employee of the United States Government shall serve on the Board without additional compensation.

(d) DUTIES AND POWERS OF BOARD.—

(1) ADOPT RULES.—The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(2) ADVICE AND RECOMMENDATIONS.—The Board shall advise the Secretary on matters relating to the System, to other related areas, and to the administration of chapter 3201 of this title, including matters submitted to it for consideration by the Secretary, but it shall not be required to provide recommendations as to the suitability or desirability of surplus real and related personal property for use as a historic monument. The Board shall also provide recommendations on the designation of national

historic landmarks and national natural landmarks. The Board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making the recommendations.

(3) ACTIONS ON REQUEST OF DIRECTOR.—On request of the Director, the Board is authorized to—

(A) hold such hearings and sit and act at such times;

(B) take such testimony;

(C) have such printing and binding done;

(D) enter into such contracts and other arrangements;

(E) make such expenditures; and

(F) take such other actions

as the Board may consider advisable.

(4) OATHS OR AFFIRMATIONS.—Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(5) COMMITTEES AND SUBCOMMITTEES.—The Board may establish committees or subcommittees. The subcommittees or committees shall be chaired by a voting member of the Board.

(6) USE OF MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.

(e) STAFF.—The Secretary may hire 2 full-time staffers to meet the needs of the Board.

(f) FEDERAL LAW NOT APPLICABLE TO SERVICE.—Service as a member of the Board shall not be deemed service or employment bringing the individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties relating to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member or an employee of the Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5 or comparable provisions of Federal law.

(g) COOPERATION OF FEDERAL AGENCIES.—

(1) INFORMATION.—The Board may secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each office, department, agency, establishment, or instrumentality shall furnish, to the extent permitted by law, the information, suggestions, estimates, and statistics directly to the Board, on request made by a member of the Board.

(2) FACILITIES AND SERVICES.—On request of the Board, the head of any Federal department, agency, or instrumentality may make any of the facilities and services of the department, agency, or instrumentality available to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.), with the exception of section 14(b), applies to the Board.

(i) TERMINATION.—The Board continues to exist until January 1, 2010.

§ 102304. National Park Service Advisory Council

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the National Park System Advisory Board established under section 102303 of this title.

(2) COUNCIL.—The term ''Council'' means the National Park Service Advisory Council established under subsection (b).

(b) ESTABLISHMENT AND PURPOSE.—There is established a National Park Service Advisory Council that shall provide advice and counsel to the Board.

(c) MEMBERSHIP.—

(1) ELIGIBILITY.—Membership on the Council shall be limited to individuals whose term on the Board has expired. Those individuals may serve as long as they remain active except that not more than 12 members may serve on the Council at any one time.

(2) COMPENSATION.—Members of the Council shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members.

(d) VOTING RESTRICTION.—Members of the Council shall not have a vote on the Board.

Chapter 1025—Museums

§ 102501. Purpose

The purpose of this chapter is to increase the public benefits from museums established within System units as a means of informing the public concerning the areas and preserving valuable objects and relics relating to the areas.

§ 102502. Definition of museum object

In this chapter:

(1) IN GENERAL.—The term ''museum object'' means an object that—

(A) typically is movable; and

(B) is eligible to be, or is made part of, a museum, library, or archive collection through a formal procedure, such as accessioning.

(2) INCLUSIONS.—The term ''museum object'' includes a prehistoric or historic artifact, work of art, book, document, photograph, or natural history specimen.

§ 102503. Authority of Secretary

(a) IN GENERAL.—Notwithstanding other provisions or limitations of law, the Secretary may perform the functions described in this section in the manner that the Secretary considers to be in the public interest.

(b) DONATIONS AND BEQUESTS.—The Secretary may accept donations and bequests of money or other personal property, and hold, use, expend, and administer the money or other personal property for purposes of this chapter.

(c) PURCHASES.—The Secretary may purchase museum objects and other personal property at prices that the Secretary considers to be reasonable.

(d) EXCHANGES.—The Secretary may make exchanges by accepting museum objects and other personal property and by granting in exchange for the museum objects or other personal property museum property under the administrative jurisdiction of the Secretary that no longer is needed or that may be held in duplicate among the museum properties administered by the Secretary. Exchanges shall be consummated on a basis that the Secretary considers to be equitable and in the public interest.

(e) ACCEPTANCE OF LOANS OF PROPERTY.—The Secretary may accept the loan of museum objects and other personal property and pay transportation costs incidental to the museum objects or other personal property. Loans shall be accepted on terms and conditions that the Secretary considers necessary.

(f) LOANS OF PROPERTY.—The Secretary may loan to responsible public or private organizations, institutions, or agencies, without cost to the United States, such museum objects and other personal property as the Secretary shall consider advisable. Loans shall be made on terms and conditions that the Secretary considers necessary to protect the public interest in those properties.

(g) TRANSFER OF MUSEUM OBJECTS.—The Secretary may transfer museum objects that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies, including the Smithsonian Institution, that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects for the purposes of this chapter from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects directly to the administrative jurisdiction of the Secretary for the purpose of this chapter.

(h) CONVEYANCE OF MUSEUM OBJECTS.—The Secretary may convey museum objects that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary considers necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection and subsection (g).

(i) DESTRUCTION OF MUSEUM OBJECTS.—The Secretary may destroy or cause to be destroyed museum objects that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

§ 102504. Review and approval

The Secretary shall ensure that museum objects are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (g), (h), or (i) of section 102503 of this title, the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under those subsections.

Chapter 1027—Law Enforcement and Emergency Assistance

Subchapter I—Law Enforcement

§ 102701. Law enforcement personnel within System

(a) OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF THE INTERIOR.—

(1) DESIGNATION AUTHORITY OF SECRETARY.—The Secretary, pursuant to standards prescribed in regulations by the Secretary, may designate certain officers or employees of the Department of the Interior who shall maintain law and order and protect individuals and property within System units.

(2) POWERS AND DUTIES OF DESIGNEES.—In the performance of the duties described in paragraph (1), the designated officers or employees may—

(A) carry firearms;

(B) make arrests without warrant for any offense against the United States committed in the presence of the officer or employee, or for any felony cognizable under the laws of the United States if the officer or employee has reasonable grounds to believe that the individual to be arrested has committed or is committing the felony, provided the arrests occur within the System or the individual to be arrested is fleeing from the System to avoid arrest;

(C) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in the System or, where the individual subject to the warrant or process is in the System, in connection with any Federal offense; and

(D) conduct investigations of offenses against the United States committed in the System in

the absence of investigation of the offenses by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of the other agency.

(b) SPECIAL POLICE OFFICERS.—

(1) IN GENERAL.—The Secretary may designate officers and employees of any other Federal agency, or law enforcement personnel of a State or political subdivision of a State, when determined to be economical and in the public interest and with the concurrence of that agency, State, or subdivision, to—

(A) act as special police officers in System units when supplemental law enforcement personnel may be needed; and

(B) exercise the powers and authority provided by subparagraphs (A) to (D) of subsection (a)(2).

(2) COOPERATION WITH STATES AND POLITICAL SUBDIVISIONS.—The Secretary may—

(A) cooperate, within the System, with any State or political subdivision of a State in the enforcement of supervision of the laws or ordinances of that State or subdivision;

(B) mutually waive, in any agreement pursuant to subparagraph (A) and paragraph (1) or pursuant to subparagraphs (A) and (B) of subsection (a)(2) with any State or political subdivision of a State where State law requires the waiver and indemnification, all civil claims against all the other parties to the agreement and, subject to available appropriations, indemnify and save harmless the other parties to the agreement from all claims by third parties for property damage or personal injury, that may arise out of the parties' activities outside their respective jurisdictions under the agreement; and

(C) provide limited reimbursement, to a State or political subdivisions of a State, in accordance with such regulations as the Secretary may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the System, for expenditures incurred in connection with its activities within the System that were rendered pursuant to paragraph (1).

(3) SUPPLEMENTAL AUTHORITY; DELEGATION OF SERVICE LAW ENFORCEMENT RESPONSIBILITIES NOT AUTHORIZED.—Paragraphs (1) and (2) supplement the law enforcement responsibilities of the Service and do not authorize the delegation of law enforcement responsibilities of the Service to State or local governments.

(4) SPECIAL POLICE OFFICERS NOT DEEMED FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, a law enforcement officer of a State or political subdivision of a State designated to act as a special police officer under paragraph (1) shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(B) EXCEPTIONS.—A law enforcement officer of a State or political subdivision of a State, when acting as a special police officer under paragraph (1), is deemed to be—

(i) a Federal employee for purposes of sections 1346(b) and 2401(b) and chapter 171 of title 28; and

(ii) a civil service employee of the United States within the meaning of the term ''employee'' as defined in section 8101 of title 5, for purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, and the provisions of subchapter I of chapter 81 of title 5 shall apply.

(c) FEDERAL INVESTIGATIVE JURISDICTION AND STATE CIVIL AND CRIMINAL JURISDICTION NOT PREEMPTED.—This section and sections 100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c), 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b) and (c), 101901, 102102, and 102702 of this title shall not be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the Service, and nothing shall be construed or applied to affect any right of a State or political subdivision of a State to exercise civil and criminal jurisdiction within the System.

§ 102702. Crime prevention assistance

(a) RECOMMENDATIONS FOR IMPROVEMENT.—The Secretary shall direct the chief official responsible for law enforcement within the Service to—

(1) compile a list of System units with the highest rates of violent crime;

(2) make recommendations concerning capital improvements, and other measures, needed within the System to reduce the rates of violent crime, including the rate of sexual assault; and

(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

(b) DISTRIBUTION OF FUNDS.—Based on the recommendations and list issued pursuant to subsection (a), the Secretary shall distribute the funds authorized by subsection (d) throughout the System. Priority shall be given to areas with the highest rates of sexual assault.

(c) USE OF FUNDS.—Funds provided under this section may be used—

(1) to increase lighting within or adjacent to System units;

(2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to System units;

(3) to increase security or law enforcement personnel within or adjacent to System units; or

(4) for any other project intended to increase the security and safety of System units.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Violent Crime Reduction Trust Fund not more than $10,000,000 for the Secretary to take all necessary actions to seek to reduce the incidence of violent crime in the System.

Subchapter II—Emergency Assistance

§ 102711. Authority of Secretary to use applicable appropriations for the System to render assistance to nearby law enforcement and fire prevention agencies and for related activities outside the System

To facilitate the administration of the System, the Secretary may use applicable appropriations for the System to render emergency rescue, firefighting, and cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside the System.

§ 102712. Aid to visitors, grantees, permittees, or licensees in emergencies

(a) VISITORS.—The Secretary may aid visitors within a System unit in an emergency, when no other source is available for the procurement of food or supplies, by the sale, at cost, of food or supplies in quantities sufficient to enable the visitors to reach safely a point where food or supplies can be purchased. Receipts from the sales shall be deposited as a refund to the appropriation current at the date of the deposit and shall be available for the purchase of similar food or supplies.

(b) GRANTEES, PERMITTEES, AND LICENSEES.—The Secretary may in an emergency, when no other source is available for the immediate procurement of supplies, materials, or special services, aid grantees, permittees, or licensees conducting operations for the benefit of the public in a System unit by the sale, at cost, including transportation and handling, of supplies, materials, or special services as may be necessary to relieve the emergency and ensure uninterrupted service to the public. Receipts from the sales shall be deposited as a refund to the appropriation current at the date of the deposit and shall be available for expenditure for System unit purposes.

Chapter 1029—Land Transfers

§ 102901. Conveyance of property and interests in property in System units or related areas

(a) FREEHOLD AND LEASEHOLD INTERESTS.—With respect to any property acquired by the Secretary within a System unit or related area, except property within national parks or within national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest in the property, subject to such terms and conditions as will ensure the use of the property in a manner that is, in the judgment of the Secretary, consistent with the purpose for which the System unit or related area was authorized by Congress. The Secretary shall convey the interest to the highest bidder, in accordance with such regulations as the Secretary may prescribe. The conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary, except that if the conveyance is proposed within 2 years after the property to be conveyed is acquired by the Secretary, the Secretary shall allow the last owner of record of the property 30 days following the date on which the owner is notified by the Secretary in writing that the property is to be conveyed within which to notify the Secretary that the owner wishes to acquire the interest. On receiving the timely request, the Secretary shall convey the interest to the person, in accordance with such regulations as the Secretary may prescribe, on payment or agreement to pay an amount equal to the highest bid price.

(b) EXCHANGE OF LAND.—

(1) IN GENERAL.—The Secretary may accept title to any non-Federal property or interest in property within a System unit or related area under the Secretary's administration in exchange for any Federally-owned property or interest under the Secretary's jurisdiction that the Secretary determines is suitable for exchange or other disposal and that is located in the same State as the non-Federal property to be acquired.

(2) EXCEPTION.—Timberland subject to harvest under a sustained yield program shall not be exchanged under paragraph (1).

(3) PUBLIC HEARING.—On request of a State or a political subdivision thereof, or of a party in interest, prior to an exchange under this subsection the Secretary shall hold a public hearing in the area where the properties to be exchanged are located.

(4) VALUES OF PROPERTIES EXCHANGED.—The values of the properties exchanged—

(A) shall be approximately equal; or

(B) if they are not approximately equal, shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary, as the circumstances require.

(c) PROCEEDS CREDITED TO LAND AND WATER CONSERVATION FUND.—The proceeds received from any conveyance under this section shall be credited to the Land and Water Conservation Fund.

Chapter 1031—Appropriations and Accounting

§ 103101. Availability and use of appropriations

(a) CREDITS OF RECEIPTS FOR MEALS AND QUARTERS FURNISHED FEDERAL GOVERNMENT EMPLOYEES IN THE FIELD.—Cash collections and payroll deductions made for meals and quarters furnished by the Service to employees of the Federal Government in the field and to cooperating agencies may be credited as a reimbursement to the current appropriation for the administration of the System unit in which the accommodations are furnished.

(b) AVAILABILITY FOR EXPENSE OF RECORDING DONATED LAND.—Appropriations made for the Service shall be available for any expenses incident to the preparation and recording of title evidence covering land to be donated to the United States for administration by the Service.

(c) USE OF FUNDS FOR LAW ENFORCEMENT AND EMERGENCIES.—

(1) IN GENERAL.—Funds, not to exceed $250,000 per incident, available to the Service may be used, with the approval of the Secretary, to—

(A) maintain law and order in emergency and other unforeseen law enforcement situations; and

(B) conduct emergency search and rescue operations in the System.

(2) REPLENISHMENT OF FUNDS.—If the Secretary expends funds under paragraph (1), the funds shall be replenished by a supplemental appropriation for which the Secretary shall make a request as promptly as possible.

(d) CONTRIBUTION FOR ANNUITY BENEFITS.—

(1) IN GENERAL.—Necessary amounts are appropriated for reimbursement, pursuant to the Policemen and Firemen's Retirement and Disability Act amendments of 1957 (Public Law 85–157, 71 Stat. 391), to the District of Columbia on a monthly basis for benefit payments by the District of Columbia to United States Park Police annuitants under section 12 of the Policemen and Firemen's Retirement and Disability Act (ch. 433, 39 Stat. 718), to the extent that those payments exceed contributions made by active Park Police members covered under the Policemen and Firemen's Retirement and Disability Act.

(2) NONAVAILABILITY OF APPROPRIATIONS TO THE SERVICE.—Appropriations made to the Service are not available for the purpose of making reimbursements under paragraph (1).

(e) WATERPROOF FOOTWEAR.—Appropriations for the Service that are available for the purchase of equipment may be used for purchase of waterproof footwear, which shall be regarded and listed as System equipment.

§ 103102. Appropriations authorized and available for certain purposes

Appropriations for the Service are authorized and are available for—

(1) administration, protection, improvement, and maintenance of areas, under the jurisdiction of other Federal agencies, that are devoted to recreational use pursuant to cooperative agreements;

(2) necessary local transportation and subsistence in kind of individuals selected for employment or as cooperators, serving without other compensation, while attending fire protection training camps;

(3) administration, protection, maintenance, and improvement of the Chesapeake and Ohio Canal;

(4) educational lectures in or in the vicinity of and with respect to System units, and services of field employees in cooperation with such nonprofit scientific and historical societies engaged in educational work in System units as the Secretary may designate;

(5) travel expenses of employees attending—

(A) Federal Government camps for training in forest fire prevention and suppression;

(B) the Federal Bureau of Investigation National Police Academy; and

(C) Federal, State, or municipal schools for training in building fire prevention and suppression;

(6) investigation and establishment of water rights in accordance with local custom, laws, and decisions of courts, including the acquisition of water rights or of land or interests in land or rights-of-way for use and protection of water rights necessary or beneficial in the administration and public use of System units;

(7) official telephone service in the field in the case of official telephones installed in private houses when authorized under regulations established by the Secretary; and

(8) provision of transportation for children in nearby communities to and from any System unit used in connection with organized recreation and interpretive programs of the Service.

§ 103103. Amounts provided by private entities for utility services

Notwithstanding any other provision of law, amounts provided to the Service by private entities for utility services shall be credited to the appropriate account and remain available until expended.

§ 103104. Recovery of costs associated with special use permits

Notwithstanding any other provision of law, the Service may recover all costs of providing necessary services associated with special use permits. The reimbursements shall be credited to the appropriation current at that time.

Chapter 1033—National Military Parks

§ 103301. Military maneuvers

To obtain practical benefits of great value to the country from the establishment of national military parks, the parks and their approaches are declared to be national fields for military maneuvers for the Regular Army or Regular Air Force and the National Guard or militia of the States. National military parks shall be opened for those purposes only in the discretion of the Secretary, and under such regulations as the Secretary may prescribe.

§ 103302. Camps for military instruction

(a) ASSEMBLING OF FORCES AND DETAILING OF INSTRUCTORS.—The Secretary of the Army or Secretary of the Air Force, within the limits of appropriations that may be available for that purpose, may assemble in camp at such season of the year and for such period as the Secretary of the Army or Secretary of the Air Force may designate, at the field of military maneuvers, such portions of the military forces of the United States as the Secretary of the Army or Secretary of the Air Force may think best, to receive military instruction there. The Secretary of the Army of Secretary of the Air Force may detail instructors from the Regular Army or Regular Air Force, respectively, for those forces during their exercises.

(b) REGULATIONS.—The Secretary of the Army or Secretary of the Air Force may prescribe regulations governing the assembling of the National Guard or militia of the States on the maneuvering grounds.

§ 103303. Performance of duties of commissions

The duties of commissions in charge of national military parks shall be performed under the direction of the Secretary.

§ 103304. Recovery of land withheld

(a) CIVIL ACTION.—The United States may bring a civil action in the courts of the United States against a person to whom land lying within a national military park has been leased that refuses to give up possession of the land to the United States after the termination of the lease, and after possession has been demanded for the United States by the park superintendent, or against a person retaining possession of land lying within the boundary of a national military park that the person has sold to the United States for park purposes and received payment therefor, after possession of the land has been demanded for the United States by the park superintendent, to recover possession of the land withheld. The civil action shall be brought according to the statutes of the State in which the national military park is situated.

(b) TRESPASS.—A person described in subsection (a) shall be guilty of trespass.

§ 103305. Travel expenses incident to study of battlefields

Mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, surveys, and field investigations of battlefields shall be paid from the appropriations made to meet expenses for those purposes.

§ 103306. Studies

(a) STUDY OF BATTLEFIELDS FOR COMMEMORATIVE PURPOSES.—The Secretary of the Army may make studies and investigations and, where necessary, surveys of all battlefields within the continental limits of the United States on which troops of the United States or of the original 13 colonies have been engaged against a common enemy, with a view to preparing a general plan and such detailed projects as may be required for properly commemorating such battlefields or other adjacent points of historic and military interest.

(b) INCLUSION OF ESTIMATE OF COST OF PROJECTED SURVEYS IN APPROPRIATION ESTIMATES.—The Secretary of the Army shall include annually in the Department of the Interior appropriation estimates a list of the battlefields for which surveys or other field investigations are planned for the fiscal year in question, with the estimated cost of making each survey or other field investigation.

(c) PURCHASE OF REAL ESTATE FOR NATIONAL MILITARY PARK PURPOSES.—No real estate shall be purchased for national military park purposes by the Federal Government unless a report on the real estate has been made by the Secretary of the Army through the President to Congress under subsection (d).

(d) REPORT TO CONGRESS.—The Secretary of the Army, through the President, shall annually submit to Congress a detailed report of progress made under this subchapter, with recommendations for further operations.

Chapters 1035 through 1047—Reserved

Chapter 1049—Miscellaneous

§ 104901. Central warehouses at System units

(a) AUTHORITY OF SECRETARY.—The Secretary, in the administration of the System, may maintain central warehouses at System units.

(b) APPROPRIATIONS.—

(1) AVAILABILITY.—Appropriations made for the administration, protection, maintenance, and improvement of System units shall be available for the purchase of supplies and materials to be kept in central warehouses for distribution at cost, including transportation and handling, to projects under specific appropriations.

(2) TRANSFERS BETWEEN APPROPRIATIONS.—

(A) AUTHORIZATION.—Transfers between the various appropriations made for System units are authorized for the purpose of charging the cost of supplies and materials, including transportation and handling, drawn from central warehouses maintained under this authority to the particular appropriation benefited.

(B) AVAILABILITY OF SUPPLIES AND MATERIALS AND TRANSFERS IN SUBSEQUENT YEARS.—Supplies and materials that remain at the end of any fiscal year shall be continuously available for

issuance during subsequent fiscal years and shall be charged for by transfers of funds between appropriations made for the administration, protection, maintenance, and improvement of System units for the fiscal year then current without decreasing the appropriations made for that fiscal year.

(c) LIMITATION ON PURCHASE OF SUPPLIES AND MATERIALS.—Supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond reasonable requirements for any current fiscal year.

§ 104902. Services or other accommodations for public

The Secretary may contract for services or other accommodations provided in System units for the public under contract with the Department of the Interior, as may be required in the administration of the Service, at rates approved by the Secretary for the furnishing of those services or accommodations to the Federal Government and without compliance with section 6101 of title 41.

§ 104903. Care, removal, and burial of indigents

The Secretary may provide, out of amounts appropriated for the general expenses of System units, for the temporary care and removal from a System unit of indigents, and in case of death to provide for their burial in System units not under local jurisdiction for these purposes. This section does not authorize transportation of indigents or deceased for a distance of more than 50 miles from the System unit.

§ 104904. Hire of work animals, vehicles, and equipment with or without personal services

The Secretary may hire, with or without personal services, work animals and animal-drawn and motor-propelled vehicles and equipment at rates to be approved by the Secretary and without compliance with section 6101 of title 41.

§ 104905. Preparation of mats for reproduction of photographs

The Secretary shall prepare mats that may be used for the reproduction in magazines and newspapers of photographs of scenery in a System unit that, in the opinion of the Secretary, would be of interest to the people of the United States and foreign nations. The mats may be furnished, without charge and under regulations the Secretary may prescribe, to the publishers of magazines, newspapers, and any other publications that may carry photographic reproductions.

§ 104906. Protection of right of individuals to bear arms

(a) FINDINGS.—Congress finds the following:

(1) The 2d amendment to the Constitution provides that ''the right of the people to keep and bear Arms, shall not be infringed''.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that ''except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net''.

(3) The regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the 2d amendment rights of the individuals while at System units.

(4) The existence of different laws relating to the transportation and possession of firearms at different System units entrapped law-abiding gun owners while at System units.

(5) Although the Bush administration issued new regulations relating to the 2d amendment rights of law-abiding citizens in System units that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the Obama administration; and

(ii) may be altered.

(6) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the 2d amendment rights of law-abiding citizens on 83,600,000 acres of System land.

(7) Federal laws should make it clear that the 2d amendment rights of an individual at a System unit should not be infringed.

(b) PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS IN SYSTEM UNITS.—The Secretary shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, in any System unit if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the System unit is located.

§ 104907. Limitation on extension or establishment of national parks in Wyoming

No extension or establishment of national parks in Wyoming may be undertaken except by express authorization of Congress.

Division B—System Units and Related Areas—Reserved

Subtitle II—Outdoor Recreation Programs

Chapter 2001—Coordination of Programs

Sec.

§ 200101. Findings and declaration of policy

Congress finds and declares it is desirable—

(1) that all American people of present and future generations be assured adequate outdoor recreation resources; and

(2) for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize those resources for the benefit and enjoyment of the American people.

§ 200102. Definitions

As used in this chapter:

(1) STATE.—The term ''State'', to the extent practicable, as determined by the Secretary, includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(2) UNITED STATES.—The term ''United States''—

(A) includes the District of Columbia; and

(B) to the extent practicable, as determined by the Secretary, includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 200103. Authority of Secretary to carry out certain functions and activities

(a) IN GENERAL.—To carry out this chapter, the Secretary may perform the functions and activities described in this section.

(b) INVENTORY AND EVALUATION.—The Secretary may prepare and maintain a continuing inventory and evaluation of outdoor recreation needs and resources of the United States.

(c) CLASSIFICATION SYSTEM.—The Secretary may prepare a system for classification of outdoor recreation resources to assist in the effective and beneficial use and management of such resources.

(d) RECREATION PLAN.—The Secretary may formulate and maintain a comprehensive nationwide outdoor recreation plan, taking into consideration the plans of the various Federal agencies, States, and their political subdivisions. The plan shall set forth the needs and demands of the public for outdoor recreation and the current and foreseeable availability in the future of outdoor recreation resources to meet those needs. The plan shall identify critical outdoor recreation problems, recommend solutions, and recommend desirable actions to be taken at each level of government and by private interests. The Secretary shall submit the plan to the President for transmittal to Congress. Revisions of the plan shall be similarly transmitted at succeeding 5-year intervals. When a plan or revision is transmitted to the Congress, the Secretary shall transmit copies to the chief executive officials of the States.

(e) TECHNICAL ASSISTANCE AND ADVICE.—The Secretary may provide technical assistance and advice to and cooperate with States, political subdivisions, and private interests, including nonprofit organizations, with respect to outdoor recreation.

(f) INTERSTATE AND REGIONAL COOPERATION.—The Secretary may encourage interstate and regional cooperation in the planning, acquisition, and development of outdoor recreation resources.

(g) RESEARCH, INFORMATION, AND EDUCATION PROGRAMS AND ACTIVITIES.—The Secretary may—

(1) sponsor, engage in, and assist in research relating to outdoor recreation, directly or by contract or cooperative agreements, and make payments for such purposes without regard to the limitations of section 3324(a) and (b) of title 31 concerning advances of funds when the Secretary considers such action to be in the public interest;

(2) undertake studies and assemble information concerning outdoor recreation, directly or by contract or cooperative agreement, and disseminate the information without regard to section 3204 of title 39; and

(3) cooperate with educational institutions and others to assist in establishing education programs and activities and to encourage public use and benefits from outdoor recreation.

(h) COOPERATION AND COORDINATION WITH FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary may—

(A) cooperate with and provide technical assistance to Federal agencies and obtain from them information, data, reports, advice, and assistance that are needed and can reasonably be furnished in carrying out the purposes of this chapter; and

(B) promote coordination of Federal plans and activities generally relating to outdoor recreation.

(2) FUNDING.—An agency furnishing advice or assistance under this paragraph may expend its own funds for those purposes, with or without reimbursement, as may be agreed to by that agency.

(i) DONATIONS.—The Secretary may accept and use donations of money, property, personal services, or facilities for the purposes of this chapter.

§ 200104. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan

To carry out the policy declared in section 200101 of this title, the heads of Federal agencies having administrative responsibility over activities or resources the conduct or use of which is pertinent to fulfillment of that policy shall, individually or as a group—

(1) consult with and be consulted by the Secretary from time to time both with respect to their conduct of those activities and their use of those resources and with respect to the activities that the Secretary carries on under authority of this chapter that are pertinent to their work; and

(2) carry out that responsibility in general conformance with the nationwide plan authorized under section 200103(d) of this title.

Chapter 2003—Land and Water Conservation Fund

§ 200301. Definitions

In this chapter:

(1) FUND.—The term ''Fund'' means the Land and Water Conservation Fund established under section 200302 of this title.

(2) STATE.—The term ''State'' means a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 200302. Establishment of Land and Water Conservation Fund

(a) ESTABLISHMENT.—There is established in the Treasury the Land and Water Conservation Fund.

(b) DEPOSITS.—During the period ending September 30, 2015, there shall be deposited in the Fund the following revenues and collections:

(1) All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of the provisions of law set forth in section 572(a) or 574(a) to (c) of title 40 or under authority of any appropriation Act that appropriates an amount, to be derived from proceeds from the transfer of excess property and the disposal of surplus property, for necessary expenses, not otherwise provided for, incident to the utilization and disposal of excess and surplus property) received from any disposal of surplus real property and related personal property under chapter 5 of title 40, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this chapter shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(2) The amounts provided for in section 200310 of this title.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the sum of the revenues and collections estimated by the Secretary to be deposited in the Fund pursuant to this section, there are authorized to be appropriated annually to the Fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the Fund not less than $900,000,000 for each fiscal year through September 30, 2015.

(2) RECEIPTS UNDER OUTER CONTINENTAL SHELF LANDS ACT.—To the extent that amounts appropriated under paragraph (1) are not sufficient to make the total annual income of the Fund equivalent to the amounts provided in paragraph (1), an amount sufficient to cover the remainder shall be credited to the Fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) AVAILABILITY OF DEPOSITS.—Notwithstanding section 200303 of this title, money deposited in the Fund under this subsection shall remain in the Fund until appropriated by Congress to carry out this chapter.

§ 200303. Appropriations for expenditure of Fund amounts

Amounts deposited in the Fund shall be available for expenditure for the purposes of this chapter only when appropriated for those purposes. The appropriations may be made without fiscal-year limitation. Amounts made available for obligation or expenditure from the Fund may be obligated or expended only as provided in this chapter.

§ 200304. Statement of estimated requirements

There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Fund. Not less than 40 percent of such appropriations shall be available for Federal purposes.

§ 200305. Financial assistance to States

(a) AUTHORITY OF SECRETARY TO MAKE PAYMENTS.—The Secretary may provide financial assistance to the States from amounts available for State purposes. Payments may be made to the States by the Secretary as provided in this section, subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this chapter, for outdoor recreation:

(1) Planning.

(2) Acquisition of land, water, or interests in land or water.

(3) Development.

(b) APPORTIONMENT AMONG STATES.—Amounts appropriated and available for State purposes for each fiscal year shall be apportioned among the States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) Forty percent of the 1st $225,000,000; 30 percent of the next $275,000,000; and 20 percent of all additional appropriations shall be apportioned equally among the States.

(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in the Secretary's judgment will best accomplish the purposes of this chapter. The determination of need shall include consideration of—

(A) the proportion that the population of each State bears to the total population of the United States;

(B) the use of outdoor recreation resources of each State by persons from outside the State; and

(C) the Federal resources and programs in each State.

(3) The total allocation to a State under paragraphs (1) and (2) shall not exceed 10 percent of the total amount allocated to all of the States in any one year.

(4) The Secretary shall notify each State of its apportionments. The amounts shall be available for payment to the State for planning, acquisition, or development projects as prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given and for 2 fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) without regard to the 10 percent limitation to an individual State specified in this subsection.

(5) For the purposes of paragraph (1), the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands shall be deemed to be one State, and shall receive shares of the apportionment in proportion to their populations.

(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 percent of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with funds or services as shall be satisfactory to the Secretary.

(d) COMPREHENSIVE STATE PLAN.—

(1) REQUIRED FOR CONSIDERATION OF FINANCIAL ASSISTANCE.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this chapter. No plan shall be approved unless the chief executive official of the State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the chief executive official. The plan shall contain—

(A) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this chapter;

(B) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(C) a program for the implementation of the plan; and

(D) other necessary information, as determined by the Secretary.

(2) FACTORS TO BE CONSIDERED.—The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Secretary of Housing and Urban Development, any statewide outdoor recreation plan prepared for purposes of this part shall be based on the same population, growth, and other pertinent factors as are used in formulating plans financed by the Secretary of Housing and Urban Development.

(3) PROVISION OF ASSISTANCE WHEN PLAN NOT OTHERWISE AVAILABLE OR TO MAINTAIN PLAN.—The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when the plan is not otherwise available or for the maintenance of the plan.

(4) WETLANDS.—A comprehensive statewide outdoor recreation plan shall specifically address wetlands within the State as an important outdoor recreation resource as a prerequisite to approval, except that a revised comprehensive statewide outdoor recreation plan shall not be required by the Secretary, if a State submits, and the Secretary, acting through the Director, approves, as a part of and as an addendum to the existing comprehensive statewide outdoor recreation plan, a wetlands priority plan developed in consultation with the State agency with responsibility for fish and wildlife resources and consistent with the national wetlands priority conservation plan developed under section 301 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3921) or, if the national plan has not been completed, consistent with the provisions of that section.

(e) PROJECTS FOR LAND AND WATER ACQUISITION AND DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.—

(1) IN GENERAL.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the types of projects described in paragraphs (2) and (3), or combinations of those projects, if the projects are in accordance with the State comprehensive plan.

(2) ACQUISITION OF LAND OR WATER.—

(A) IN GENERAL.—Under paragraph (1), the Secretary may provide financial assistance for a project for the acquisition of land, water, or an interest in land or water, or a wetland area or an interest in a wetland area, as identified in the wetlands provisions of the comprehensive plan (other than land, water, or an interest in land or water acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

(B) RETENTION OF RIGHT OF USE AND OCCUPANCY.—When a State provides that the owner of a single-family residence may, at the owner's

option, elect to retain a right of use and occupancy for not less than 6 months after the date of acquisition of the residence and the owner elects to retain such a right—

(i) the owner shall be deemed to have waived any benefits under sections 203 to 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623 to 4626); and

(ii) for the purposes of those sections the owner shall not be deemed to be a displaced person as defined in section 101 of that Act (42 U.S.C. 4601).

(3) DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.—Under paragraph (1), the Secretary may provide financial assistance for a project for development of basic outdoor recreation facilities to serve the general public, including the development of Federal land under lease to States for terms of 25 years or more. No assistance shall be available under this chapter to enclose or shelter a facility normally used for an outdoor recreation activity, but the Secretary may permit local funding, not to exceed 10 percent of the total amount allocated to a State in any one year, to be used for construction of a sheltered facility for a swimming pool or ice skating rink in an area where the Secretary determines that the construction is justified by the severity of climatic conditions and the increased public use made possible by the construction.

(f) PAYMENTS.—

(1) CRITERIA FOR MAKING PAYMENTS.—The Secretary may make a payment to a State only for a planning, acquisition, or development project that is approved by the Secretary. The Secretary shall not make a payment for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance shall be given under any other Federal program or activity for or on account of any project with respect to which the assistance has been given or promised under this chapter. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of a project. The approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of all of the projects, and to operate and maintain by acceptable standards, at State expense, the properties or facilities acquired or developed for public outdoor recreation use.

(2) PAYMENT RECIPIENTS.—Payments for all projects shall be made by the Secretary to the chief executive official of the State or to a State official or agency designated by the chief executive official or by State law having authority and responsibility to accept and to administer funds paid under this section for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

(3) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION USE.—No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use. The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with the then-existing comprehensive statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary to ensure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. Wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within the same State that is otherwise acceptable to the Secretary, acting through the Director, shall be deemed to be of reasonably equivalent usefulness with the property proposed for conversion.

(4) REPORTS AND ACCOUNTING PROCEDURES.—No payment shall be made to any State until the State has agreed to—

(A) provide such reports to the Secretary in such form and containing such information as may be reasonably necessary to enable the Secretary to perform the Secretary's duties under this chapter; and

(B) provide such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement and accounting for Federal funds paid to the State under this chapter.

(g) RECORDS.—A recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including records that fully disclose—

(1) the amount and the disposition by the recipient of the proceeds of the assistance;

(2) the total cost of the project or undertaking in connection with which the assistance is given or used; and

(3) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(h) ACCESS TO RECORDS.—The Secretary, and the Comptroller General, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any records of the recipient that are pertinent to assistance received under this chapter.

(i) PROHIBITION OF DISCRIMINATION.—With respect to property acquired or developed with assistance from the Fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

(j) COORDINATION WITH FEDERAL AGENCIES.—To ensure consistency in policies and actions under this chapter with other related Federal programs and activities and to ensure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities—

(1) the President may issue such regulations with respect thereto as the President considers desirable; and

(2) the assistance may be provided only in accordance with the regulations.

(k) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—

(1) AVAILABILITY AND PURPOSE OF FUNDS.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated out of the Violent Crime Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed $15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

(A) increase lighting within or adjacent to public parks and recreation areas;

(B) provide emergency telephone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

(C) increase security personnel within or adjacent to public parks and recreation areas; and

(D) fund any other project intended to increase the security and safety of public parks and recreation areas.

(2) ELIGIBILITY.—In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall depend on a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

(3) FEDERAL SHARE.—Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by a State for the purposes described in this subsection.

§ 200306. Allocation of Fund amounts for Federal purposes

(a) ALLOWABLE PURPOSES AND SUBPURPOSES.—

(1) IN GENERAL.—Amounts appropriated from the Fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President for the purposes and subpurposes stated in this subsection.

(2) ACQUISITION OF LAND, WATER, OR AN INTEREST IN LAND OR WATER.—

(A) SYSTEM UNITS AND RECREATION AREAS ADMINISTERED FOR RECREATION PURPOSES.—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within the exterior boundary of—

(i) a System unit authorized or established; and

(ii) an area authorized to be administered by the Secretary for outdoor recreation purposes.

(B) NATIONAL FOREST SYSTEM.—

(i) IN GENERAL.—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within inholdings within—

(I) wilderness areas of the National Forest System; and

(II) other areas of national forests as the boundaries of those forests existed on January 1, 1965, or purchase units approved by the National Forest Reservation Commission subsequent to January 1, 1965, all of which other areas are primarily of value for outdoor recreation purposes.

(ii) ADJACENT LAND.—Land outside but adjacent to an existing national forest boundary, not to exceed 3,000 acres in the case of any one forest, that would comprise an integral part of a forest recreational management area may also be acquired with amounts appropriated from the Fund.

(iii) LIMITATION.—Except for areas specifically authorized by Act of Congress, not more than 15 percent of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

(C) ENDANGERED SPECIES AND THREATENED SPECIES; FISH AND WILDLIFE REFUGE AREAS; NATIONAL WILDLIFE REFUGE SYSTEM.—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water for—

(i) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973 (16 U.S.C. 1534(a));

(ii) areas authorized by section 2 of the Refuge Recreation Act (16 U.S.C. 460k–1);

(iii) national wildlife refuge areas under section 7(a)(4) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and wetlands acquired under section 304 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3922); and

(iv) any area authorized for the National Wildlife Refuge System by specific Acts.

(3) PAYMENT AS OFFSET OF CAPITAL COSTS.—Amounts shall be allotted for payment into miscellaneous receipts of the Treasury as a partial offset for capital costs, if any, of Federal water development projects authorized to be constructed by or pursuant to an Act of Congress that are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(4) AVAILABILITY OF APPROPRIATIONS.—Appropriations allotted for the acquisition of land, water, or an interest in land or water as set forth under subparagraphs (A) and (B) of paragraph (2) shall be available for those acquisitions notwithstanding any statutory ceiling on the appropriations contained in any other provision of law enacted prior to January 4, 1977, or, in the case of national recreation areas,

prior to January 15, 1979, except that for any such area expenditures shall not exceed a statutory ceiling during any one fiscal year by 10 percent of the ceiling or $1,000,000, whichever is greater.

(b) ACQUISITION RESTRICTIONS.—Appropriations from the Fund pursuant to this section shall not be used for acquisition unless the acquisition is otherwise authorized by law. Appropriations from the Fund may be used for preacquisition work where authorization is imminent and where substantial monetary savings could be realized.

§ 200307. Availability of Fund amounts for publicity purposes

(a) IN GENERAL.—Amounts derived from the sources listed in section 200302 of this title shall not be available for publicity purposes.

(b) EXCEPTION FOR TEMPORARY SIGNING.—In a case where significant acquisition or development is initiated, appropriate standardized temporary signing shall be located on or near the affected site, to the extent feasible, so as to indicate the action taken is a product of funding made available through the Fund. The signing may indicate the percentage amounts and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes amounts derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of the signing to ensure consistency of design and application.

§ 200308. Contracts for acquisition of land and water

Not more than $30,000,000 of the amount authorized to be appropriated from the Fund by section 200303 of this title may be obligated by contract during each fiscal year for the acquisition of land, water, or interest in land or water within areas specified in section 200306(a)(2) of this title. The contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary. The contract shall be a contractual obligation of the United States and shall be liquidated with money appropriated from the Fund specifically for liquidation of that contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless the acquisition is otherwise authorized by Federal law.

§ 200309. Contracts for options to acquire land and water in System

The Secretary may enter into contracts for options to acquire land, water, or interests in land or water within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the System. The minimum period of any such option shall be 2 years, and any sums expended for the purchase of an option shall be credited to the purchase price of the area. Not more than $500,000 of the sum authorized to be appropriated from the Fund by section 200303 of this title may be expended by the Secretary in any one fiscal year for the options.

§ 200310. Transfers to and from Fund

(a) MOTORBOAT FUEL TAXES.—There shall be set aside in the Fund the amounts specified in section 9503(c)(3)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(3)(B)).

(b) REFUNDS OF TAXES.—There shall be paid from time to time from the Fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before April 1, 2013, under section 6421 of the Internal Revenue Code of 1986 (26 U.S.C. 6421) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before April 1, 2012; and

(2) 80 percent of the floor stocks refunds made before April 1, 2013, under section 6412(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 6412(a)(1)) with respect to gasoline to be used in motorboats.

Chapter 2005—Urban Park and Recreation Recovery Program

§ 200501. Definitions

In this chapter:

(1) AT-RISK YOUTH RECREATION GRANT.—

(A) IN GENERAL.—The term ''at-risk youth recreation grant'' means a grant in a neighborhood or community with a high prevalence of crime, particularly violent crime or crime committed by youthful offenders.

(B) INCLUSIONS.—The term ''at-risk youth recreation grant'' includes—

(i) a rehabilitation grant;

(ii) an innovation grant; and

(iii) a matching grant for continuing program support for a program of demonstrated value or success in providing constructive alternatives to youth at risk for engaging in criminal behavior, including a grant for operating, or coordinating, a recreation program or service.

(C) ADDITIONAL USES OF REHABILITATION GRANT.—In addition to the purposes specified in paragraph (8), a rehabilitation grant that serves as an at-risk youth recreation grant may be used for the provision of lighting, emergency phones, or any other capital improvement that will improve the security of an urban park.

(2) GENERAL PURPOSE LOCAL GOVERNMENT.—The term ''general purpose local government'' means—

(A) a city, county, town, township, village, or other general purpose political subdivision of a State; and

(B) the District of Columbia.

(3) INNOVATION GRANT.—The term ''innovation grant'' means a matching grant to a local government to cover costs of personnel, facilities, equipment, supplies, or services designed to demonstrate innovative and cost-effective ways to augment park and recreation opportunities at the neighborhood level and to address common problems related to facility operations and improved delivery of recreation service, not including routine operation and maintenance activities.

(4) MAINTENANCE.—The term ''maintenance'' means all commonly accepted practices necessary to keep recreation areas and facilities operating in a state of good repair and to protect them from deterioration resulting from normal wear and tear.

(5) PRIVATE, NONPROFIT AGENCY.—The term ''private, nonprofit agency'' means a community-based, nonprofit organization, corporation, or association organized for purposes of providing recreational, conservation, and educational services directly to urban residents on a neighborhood or communitywide basis through voluntary donations, voluntary labor, or public or private grants.

(6) RECOVERY ACTION PROGRAM GRANT.—

(A) IN GENERAL.—The term ''recovery action program grant'' means a matching grant to a local government for development of local park and recreation recovery action programs to meet the requirements of this chapter.

(B) USE.—A recovery action program grant shall be used for resource and needs assessment, coordination, citizen involvement and planning, and program development activities to—

(i) encourage public definition of goals; and

(ii) develop priorities and strategies for overall recreation system recovery.

(7) RECREATION AREA OR FACILITY.—The term ''recreation area or facility'' means an indoor or outdoor park, building, site, or other facility that is dedicated to recreation purposes and administered by a public or private nonprofit agency to serve the recreation needs of community residents. Emphasis shall be on public facilities readily accessible to residential neighborhoods, including multiple-use community centers that have recreation as one of their primary purposes, but excluding major sports arenas, exhibition areas, and conference halls used primarily for commercial sports, spectator, or display activities.

(8) REHABILITATION GRANT.—The term ''rehabilitation grant'' means a matching capital grant to a local government for rebuilding, remodeling, expanding, or developing an existing outdoor or indoor recreation area or facility, including improvements in park landscapes, buildings, and support facilities, but excluding routine maintenance and upkeep activities.

(9) SPECIAL PURPOSE LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term ''special purpose local government'' means a local or regional special district, public-purpose corporation, or other limited political subdivision of a State.

(B) INCLUSIONS.—The term ''special purpose local government'' includes—

(i) a park authority;

(ii) a park, conservation, water, or sanitary district; and

(iii) a school district.

(10) STATE.—The term ''State'' means a State, an instrumentality of a State approved by the Governor of the State, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 200502. Federal assistance

(a) ELIGIBILITY DETERMINED BY SECRETARY.—Eligibility of general purpose local governments for assistance under this chapter shall be based on need as determined by the Secretary. The Secretary shall publish in the Federal Register a list of local governments eligible to participate in this program, to be accompanied by a discussion of criteria used in determining eligibility. Criteria shall be based on factors that the Secretary determines are related to deteriorated recreational facilities or systems and physical and economic distress.

(b) ADDITIONAL ELIGIBLE GENERAL PURPOSE LOCAL GOVERNMENTS.—In addition to eligible local governments established in accordance with subsection (a), the Secretary may establish eligibility, in accord with the findings and purpose of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95–625, 92 Stat. 3538), of other general purpose local governments in metropolitan statistical areas as defined by the Director of the Office of Management and Budget.

(c) PRIORITY CRITERIA FOR PROJECT SELECTION AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall establish priority criteria for project selection and approval that consider such factors as—

(A) population;

(B) condition of existing recreation areas and facilities;

(C) demonstrated deficiencies in access to neighborhood recreation opportunities, particularly for minority and low- and moderate-income residents;

(D) public participation in determining rehabilitation or development needs;

(E) the extent to which a project supports or complements target activities undertaken as part of a local government's overall community development and urban revitalization program;

(F) the extent to which a proposed project would provide—

(i) employment opportunities for minorities, youth, and low- and moderate-income residents in the project neighborhood;

(ii) for participation of neighborhood, nonprofit, or tenant organizations in the proposed rehabilitation activity or in subsequent maintenance, staffing, or supervision of recreation areas and facilities; or

(iii) both; and

(G) the amount of State and private support for a project as evidenced by commitments of non-Federal resources to project construction or operation.

(2) AT-RISK YOUTH RECREATION GRANTS.—For at-risk youth recreation grants, the Secretary shall give a priority to each of the following criteria:

(A) Programs that are targeted to youth who are at the greatest risk of becoming involved in violence and crime.

(B) Programs that teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

(C) Programs that offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

(D) Programs that offer services during late night or other nonschool hours.

(E) Programs that demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and nongovernmental entities, including the private sector and community and nonprofit organizations.

(F) Programs that leverage public or private recreation investments in the form of services, materials, or cash.

(G) Programs that show the greatest potential of being continued with non-Federal funds or that can serve as models for other communities.

(d) LIMITATION OF FUNDS.—Grants to discretionary applicants under subsection (b) may not be more than 15 percent of the total amount of funds appropriated under this chapter for rehabilitation grants, innovation grants, and recovery action program grants.

§ 200503. Rehabilitation grants and innovation grants

(a) MATCHING GRANTS.—The Secretary may provide 70 percent matching rehabilitation grants and innovation grants directly to eligible general purpose local governments on the Secretary's approval of applications for the grants by the chief executive officials of those governments.

(b) SPECIAL CONSIDERATIONS.—An innovation grant should be closely tied to goals, priorities, and implementation strategies expressed in local park and recreation recovery action programs, with particular regard to the special considerations listed in section 200504(c)(2) of this title.

(c) TRANSFER.—If consistent with an approved application, a grant recipient may transfer a rehabilitation grant or innovation grant in whole or in part to an independent special purpose local government, private nonprofit agency, or county or regional park authority if the assisted recreation area or facility owned or managed by the transferee offers recreation opportunities to the general population within the jurisdictional boundaries of the grant recipient.

(d) PAYMENTS.—Payments may be made only for a rehabilitation project or innovation project that has been approved by the Secretary. Payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of the project, except that the Secretary, when appropriate, may make advance payments on an approved rehabilitation project or innovation project in an amount not to exceed 20 percent of the total project cost.

(e) MODIFICATION OF PROJECT.—The Secretary may authorize modification of an approved project only when a grant recipient adequately demonstrates that the modification is necessary because of circumstances not foreseeable at the time at which the project was proposed.

§ 200504. Recovery action programs

(a) EVIDENCE OF LOCAL COMMITMENT TO ONGOING PROGRAMS.—As a requirement for project approval, local governments applying for assistance under this chapter shall submit to the Secretary evidence of their commitments to ongoing planning, rehabilitation, service, operation, and maintenance programs for their park and recreation systems. These commitments will be expressed in local park and recreation recovery action programs that maximize coordination of all community resources, including other federally supported urban development and recreation programs. During an initial interim period to be established by regulations under this chapter, this requirement may be satisfied by local government submissions of preliminary action programs that briefly define objectives, priorities, and implementation strategies for overall system recovery and maintenance and commit the applicant to a scheduled program development process. Following this interim period, all local applicants shall submit to the Secretary, as a condition of eligibility, a 5-year action program for park and recreation recovery that satisfactorily demonstrates—

(1) systematic identification of recovery objectives, priorities, and implementation strategies;

(2) adequate planning for rehabilitation of specific recreation areas and facilities, including projections of the cost of proposed projects;

(3) the capacity and commitment to ensure that facilities provided or improved under this chapter shall continue to be adequately maintained, protected, staffed, and supervised;

(4) the intention to maintain total local public outlays for park and recreation purposes at levels at least equal to those in the year preceding that in which grant assistance is sought except in any case where a reduction in park and recreation outlays is proportionate to a reduction in overall spending by the applicant; and

(5) the relationship of the park and recreation recovery program to overall community development and urban revitalization efforts.

(b) CONTINUING PLANNING PROCESS.—Where appropriate, the Secretary may encourage local governments to meet action program requirements through a continuing planning process that includes periodic improvements and updates in action program submissions to eliminate identified gaps in program information and policy development.

(c) SPECIAL CONSIDERATIONS.—Action programs shall address, but are not limited to—

(1) rehabilitation of existing recreational areas and facilities, including—

(A) general systemwide renovation;

(B) special rehabilitation requirements for recreational areas and facilities in areas of high population concentration and economic distress; and

(C) restoration of outstanding or unique structures, landscaping, or similar features in parks of historical or architectural significance; and

(2) local commitments to innovative and cost-effective programs and projects at the neighborhood level to augment recovery of park and recreation systems, including—

(A) recycling of abandoned schools and other public buildings for recreational purposes;

(B) multiple use of operating educational and other public buildings, purchase of recreation services on a contractual basis;

(C) use of mobile facilities and recreational, cultural, and educational programs or other innovative approaches to improving access for neighborhood residents;

(D) integration of recovery program with federally assisted projects to maximize recreational opportunities through conversion of abandoned railroad and highway rights of way, waterfront, and other redevelopment efforts and such other federally assisted projects as may be appropriate;

(E) conversion of recreation use of street space, derelict land, and other public land not now designated for neighborhood recreational use; and

(F) use of various forms of compensated and uncompensated land regulation, tax inducements, or other means to encourage the private sector to provide neighborhood park and recreation facilities and programs.

(d) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall establish and publish in the Federal Register requirements for preparation, submission, and updating of local park and recreation recovery action programs.

(e) ELIGIBILITY FOR AT-RISK YOUTH RECREATION GRANTS.—To be eligible to receive at-risk youth recreation grants a local government shall amend its 5-year action program to incorporate the goal of reducing crime and juvenile delinquency and to provide a description of the implementation strategies to achieve this goal. The plan shall also address how the local government is coordinating its recreation programs with crime prevention efforts of law enforcement, juvenile corrections, and youth social service agencies.

(f) MATCHING RECOVERY ACTION PROGRAM GRANTS.—The Secretary may provide up to 50 percent matching recovery action program grants to eligible local governments for program development and planning specifically to meet the objectives of this chapter.

§ 200505. State action

(a) ADDITIONAL MATCH.—The Secretary may increase rehabilitation grants or innovation grants authorized in section 200503 of this title by providing an additional match equal to the total match provided by a State of up to 15 percent of total project costs. The Federal matching amount shall not exceed 85 percent of total project cost.

(b) ADEQUATE IMPLEMENTATION OF LOCAL RECOVERY PLANS.—The Secretary shall encourage States to assist the Secretary in ensuring—

(1) that local recovery plans and programs are adequately implemented by cooperating with the Secretary in monitoring local park and recreation recovery plans and programs; and

(2) consistency of the plans and programs, where appropriate, with State recreation policies as set forth in statewide comprehensive outdoor recreation plans.

§ 200506. Non-Federal share of project costs

(a) SOURCES.—

(1) ALLOWABLE SOURCES.—The non-Federal share of project costs assisted under this chapter may be derived from general or special purpose State or local revenues, State categorical grants, special appropriations by State legislatures, donations of land, buildings, or building materials, and in-kind construction, technical, and planning services. Reasonable local costs of recovery action program development to meet the requirements of section 200504(a) of this title may be used as part of the local match only when the local government has not received a recovery action program grant.

(2) NON-ALLOWABLE SOURCES.—No amount from the Land and Water Conservation Fund or from any other Federal grant program other than the community development block grant programs shall be used to match Federal grants under this program.

(b) ENCOURAGEMENT OF STATES AND PRIVATE INTERESTS.—The Secretary shall encourage States and private interests to contribute, to the maximum extent possible, to the non-Federal share of project costs.

§ 200507. Conversion of recreation property

No property improved or developed with assistance under this chapter shall, without the approval of the Secretary, be converted to other than public recreation uses. The Secretary shall approve such a conversion only if the Secretary finds it to be in accord with the then-current local park and recreation recovery action program and only on such conditions as the Secretary considers necessary to ensure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.

§ 200508. Coordination of program

The Secretary shall—

(1) coordinate the urban park and recreation recovery program with the total urban recovery effort and cooperate to the fullest extent possible with other Federal agencies and with State

agencies that administer programs and policies affecting urban areas, including programs in housing, urban development, natural resources management, employment, transportation, community services, and voluntary action;

(2) encourage maximum coordination of the program between State agencies and local applicants; and

(3) require that local applicants include provisions for participation of community and neighborhood residents and for public-private coordination in recovery planning and project selection.

§ 200509. Recordkeeping

(a) IN GENERAL.—A recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including—

(1) records that disclose—

(A) the amount and disposition of project undertakings in connection with which assistance under this chapter is given or used; and

(B) the amount and nature of the portion of the cost of the project or undertaking that is supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(b) ACCESS.—The Secretary and the Comptroller General shall have access for the purpose of audit and examination to any records of the recipient that are pertinent to assistance received under this chapter.

§ 200510. Inapplicability of matching provisions

Amounts authorized for Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands are not subject to the matching provisions of this chapter, and may be subject only to such conditions, reports, plans, and agreements, if any, as the Secretary may determine.

§ 200511. Funding limitations

(a) LIMITATION OF FUNDS.—The amount of grants made under this chapter for projects in any one State for any fiscal year shall not be more than 15 percent of the amount made available for grants to all of the States for that fiscal year.

(b) RECOVERY ACTION PROGRAM GRANTS.—Not more than 3 percent of the amount made available for grants under this chapter for a fiscal year shall be used for recovery action program grants.

(c) INNOVATION GRANTS.—Not more than 10 percent of the amount made available for grants under this chapter for a fiscal year shall be used for innovation grants.

(d) PROGRAM SUPPORT.—Not more than 25 percent of the amount made available under this chapter to any local government shall be used for program support.

(e) NO LAND ACQUISITION.—No funds made available under this chapter shall be used for the acquisition of land or an interest in land.

Subtitle III—National Preservation Programs

Division A—Historic Preservation

Subdivision 1—General Provisions

Chapter 3001—Policy

§ 300101. Policy

It is the policy of the Federal Government, in cooperation with other nations and in partnership with States, local governments, Indian tribes, Native Hawaiian organizations, and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the historic property of the United States and of the international community of nations and in the administration of the national preservation program;

(3) administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned historic property and give maximum encouragement to organizations and individuals undertaking preservation by private means;

(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

(6) assist State and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust to expand and accelerate their historic preservation programs and activities.

Chapter 3003—Definitions

§ 300301. Agency

In this division, the term ''agency'' has the meaning given the term in section 551 of title 5.

§ 300302. Certified local government

In this division, the term ''certified local government'' means a local government whose local historic preservation program is certified pursuant to chapter 3025 of this title.

§ 300303. Council

In this division, the term ''Council'' means the Advisory Council on Historic Preservation established by section 304101 of this title.

§ 300304. Cultural park

In this division, the term ''cultural park'' means a definable area that—

(A) is distinguished by historic property, prehistoric property, and land related to that property; and

(B) constitutes an interpretive, educational, and recreational resource for the public at large.

§ 300305. Historic conservation district

In this division, the term ''historic conservation district'' means an area that contains—

(1) historic property;

(2) buildings having similar or related architectural characteristics;

(3) cultural cohesiveness; or

(4) any combination of features described in paragraphs (1) to (3).

§ 300306. Historic Preservation Fund

In this division, the term ''Historic Preservation Fund'' means the Historic Preservation Fund established under section 303101 of this title.

§ 300307. Historic preservation review commission

In this division, the term ''historic preservation review commission'' means a board, council, commission, or other similar collegial body—

(1) that is established by State or local legislation as provided in section 302503(a)(2) of this title; and

(2) the members of which are appointed by the chief elected official of a jurisdiction (unless State or local law provides for appointment by another official) from among—

(A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines, to the extent that those professionals are available in the community; and

(B) other individuals who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and will provide for an adequate and qualified commission.

§ 300308. Historic property

In this division, the term ''historic property'' means any prehistoric or historic dustruct, site, building, structure, or object included on, or eligible for inclusion on, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object.

§ 300309. Indian tribe

In this division, the term ''Indian tribe'' means an Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

§ 300310. Local government

In this division, the term ''local government'' means a city, county, township, municipality, or borough, or any other general purpose political subdivision of any State.

§ 300311. National Register

In this division, the term ''National Register'' means the National Register of Historic Places maintained under chapter 3021 of this title.

§ 300312. National Trust

In this division, the term ''National Trust'' means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

§ 300313. Native Hawaiian

In this division, the term ''Native Hawaiian'' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes Hawaii.

§ 300314. Native Hawaiian organization

(a) IN GENERAL.—In this division, the term ''Native Hawaiian organization'' means any organization that—

(1) serves and represents the interests of Native Hawaiians;

(2) has as a primary and stated purpose the provision of services to Native Hawaiians; and

(3) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

(b) INCLUSIONS.—In this division, the term ''Native Hawaiian organization'' includes the Office of Hawaiian Affairs of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii.

§ 300315. Preservation or historic preservation

In this division, the term ''preservation'' or ''historic preservation'' includes—

(1) identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, and conservation;

(2) education and training regarding the foregoing activities; or

(3) any combination of the foregoing activities.

§ 300316. Secretary

In this division, the term ''Secretary'' means the Secretary acting through the Director.

§ 300317. State

In this division, the term ''State'' means—

(1) a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands; and

(2) the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

§ 300318. State historic preservation review board

In this division, the term ''State historic preservation review board'' means a board, council, commission, or other similar collegial body established as provided in section 302301(2) of this title—

(1) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law);

(2) a majority of the members of which are professionals qualified in history, prehistoric and historic archeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, landscape architecture, and related disciplines; and

(3) that has the authority to—

(A) review National Register nominations and appeals from nominations;

(B) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(C) provide general advice and guidance to the State Historic Preservation Officer; and

(D) perform such other duties as may be appropriate.

§ 300319. Tribal land

In this division, the term ''tribal land'' means—

(1) all land within the exterior boundaries of any Indian reservation; and

(2) all dependent Indian communities.

§ 300320. Undertaking

In this division, the term ''undertaking'' means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

(1) those carried out by or on behalf of the Federal agency;

(2) those carried out with Federal financial assistance;

(3) those requiring a Federal permit, license, or approval; and

(4) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

§ 300321. World Heritage Convention

In this division, the term ''World Heritage Convention'' means the Convention concerning the Protection of the World Cultural and Natural Heritage, done at Paris November 23, 1972 (27 UST 37).

Subdivision 2—Historic Preservation Program

Chapter 3021—National Register of Historic Places

§ 302101. Maintenance by Secretary

The Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

§ 302102. Inclusion of properties on National Register

(a) IN GENERAL.—A property that meets the criteria for National Historic Landmarks established pursuant to section 302103 of this title shall be designated as a National Historic Landmark and included on the National Register, subject to the requirements of section 302107 of this title.

(b) HISTORIC PROPERTY ON NATIONAL REGISTER ON DECEMBER 12, 1980.—All historic property included on the National Register on December 12, 1980, shall be deemed to be included on the National Register as of their initial listing for purposes of this division.

(c) HISTORIC PROPERTY LISTED IN FEDERAL REGISTER OF FEBRUARY 6, 1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HISTORIC LANDMARKS.—All historic property listed in the Federal Register of February 6, 1979, or prior to December 12, 1980, as National Historic Landmarks are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing in the Federal Register for purposes of this division and chapter 3201 of this title, except that in the case of a National Historic Landmark district for which no boundaries had been established as of December 12, 1980, boundaries shall first be published in the Federal Register.

§ 302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List

The Secretary, in consultation with national historical and archeological associations, shall—

(1) establish criteria for properties to be included on the National Register and criteria for National Historic Landmarks; and

(2) promulgate regulations for—

(A) nominating properties for inclusion on, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing that designation;

(C) considering appeals from recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic property for inclusion in the World Heritage List in accordance with the World Heritage Convention;

(E) making determinations of eligibility of properties for inclusion on the National Register; and

(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark, or for nomination to the World Heritage List.

§ 302104. Nominations for inclusion on National Register

(a) NOMINATION BY STATE.—Subject to the requirements of section 302107 of this title, any State that is carrying out a program approved under chapter 3023 shall nominate to the Secretary property that meets the criteria promulgated under section 302103 of this title for inclusion on the National Register. Subject to section 302107 of this title, any property nominated under this subsection or under section 306102 of this title shall be included on the National Register on the date that is 45 days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves the nomination within the 45-day period or unless an appeal is filed under subsection (c).

(b) NOMINATION BY PERSON OR LOCAL GOVERNMENT.—Subject to the requirements of section 302107 of this title, the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if the property is located in a State where there is no program approved under chapter 3023 of this title. The Secretary may include on the National Register any property for which such a nomination is made if the Secretary determines that the property is eligible in accordance with the regulations promulgated under section 302103 of this title. The determination shall be made within 90 days from the date of the nomination unless the nomination is appealed under subsection (c).

(c) APPEAL.—Any person or local government may appeal to the Secretary—

(1) a nomination of any property for inclusion on the National Register; and

(2) the failure of a nominating authority to nominate a property in accordance with this chapter.

§ 302105. Owner participation in nomination process

(a) REGULATIONS.—The Secretary shall promulgate regulations requiring that before any property may be included on the National Register or designated as a National Historic Landmark, the owner of the property, or a majority of the owners of the individual properties within a district in the case of a historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property for inclusion or designation. The regulations shall include provisions to carry out this section in the case of multiple ownership of a single property.

(b) WHEN PROPERTY SHALL NOT BE INCLUDED ON NATIONAL REGISTER OR DESIGNATED AS NATIONAL HISTORIC LANDMARK.—If the owner of any privately owned property, or a majority of the owners of privately owned properties within the district in the case of a historic district, object to inclusion or designation, the property shall not be included on the National Register or designated as a National Historic Landmark until the objection is withdrawn.

(c) REVIEW BY SECRETARY.—The Secretary shall review the nomination of the property when an objection has been made and shall determine whether or not the property is eligible for inclusion or designation. If the Secretary determines that the property is eligible for inclusion or designation, the Secretary shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official, and the owner or owners of the property of the Secretary's determination.

§ 302106. Retention of name

Notwithstanding section 43(c) of the Act of July 5, 1946 (known as the Trademark Act of 1946) (15 U.S.C. 1125(c)), buildings and structures on or eligible for inclusion on the National Register (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.

§ 302107. Regulations

The Secretary shall promulgate regulations—

(1) ensuring that significant prehistoric and historic artifacts, and associated records, subject to subchapter I of chapter 3061, chapter 3125, or the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) are deposited in an institution with adequate long-term curatorial capabilities;

(2) establishing a uniform process and standards for documenting historic property by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records in the Library of Congress; and

(3) certifying local governments, in accordance with sections 302502 and 302503 of this title, and for the transfer of funds pursuant to section 302902(c)(4) of this title.

§ 302108. Review of threats to historic property

At least once every 4 years, the Secretary, in consultation with the Council and with State Historic Preservation Officers, shall review significant threats to historic property to—

(1) determine the kinds of historic property that may be threatened;

(2) ascertain the causes of the threats; and

(3) develop and submit to the President and Congress recommendations for appropriate action.

Chapter 3023—State Historic Preservation Programs

§ 302301. Regulations

The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust, shall promulgate regulations for State Historic Preservation Programs. The regulations shall provide that a State program submitted to the Secretary under this chapter shall be approved by the Secretary if the Secretary determines that the program provides for—

(1) the designation and appointment by the chief elected official of the State of a State Historic Preservation Officer to administer the program in accordance with section 302303 of this title and for the employment or appointment by the officer of such professionally qualified staff as may be necessary for those purposes;

(2) an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

(3) adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

§ 302302. Program evaluation

(a) WHEN EVALUATION SHOULD OCCCUR.—Periodically, but not less than every 4 years after the approval of any State program under section 302301 of this title, the Secretary, in consultation with the Council on the appropriate provisions of this division, and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this division.

(b) DISAPPROVAL OF PROGRAM.—If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this division, the Secretary shall disapprove the program and suspend in whole or in part any contracts or cooperative agreements with the State and the State Historic Preservation Officer under this division, until the program is consistent with this division, unless the Secretary determines that the program will be made consistent with this division within a reasonable period of time.

(c) OVERSIGHT.—The Secretary, in consultation with State Historic Preservation Officers, shall establish oversight methods to ensure State program consistency and quality without imposing undue review burdens on State Historic Preservation Officers.

(d) STATE FISCAL AUDIT AND MANAGEMENT SYSTEM.—

(1) SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.—At the discretion of the Secretary, a State system of fiscal audit and management may be substituted for comparable Federal systems so long as the State system—

(A) establishes and maintains substantially similar accountability standards; and

(B) provides for independent professional peer review.

(2) FISCAL AUDITS AND REVIEW BY SECRETARY.—The Secretary—

(A) may conduct periodic fiscal audits of State programs approved under this subdivision as needed; and

(B) shall ensure that the programs meet applicable accountability standards.

§ 302303. Responsibilities of State Historic Preservation Officer

(a) IN GENERAL.—It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program.

(b) PARTICULAR RESPONSIBILITIES.—It shall be the responsibility of the State Historic Preservation Officer to—

(1) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic property and maintain inventories of the property;

(2) identify and nominate eligible property to the National Register and otherwise administer applications for listing historic property on the National Register;

(3) prepare and implement a comprehensive statewide historic preservation plan;

(4) administer the State program of Federal assistance for historic preservation within the State;

(5) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

(6) cooperate with the Secretary, the Council, other Federal and State agencies, local governments, and private organizations and individuals to ensure that historic property is taken into consideration at all levels of planning and development;

(7) provide public information, education, and training and technical assistance in historic preservation;

(8) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to chapter 3025;

(9) consult with appropriate Federal agencies in accordance with this division on—

(A) Federal undertakings that may affect historic property; and

(B) the content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to that property; and

(10) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

§ 302304. Contracts and cooperative agreements

(a) STATE.—A State may carry out all or any part of its responsibilities under this chapter by contract or cooperative agreement with a qualified nonprofit organization or educational institution.

(b) SECRETARY.—

(1) IN GENERAL.—

(A) AUTHORITY TO ASSIST SECRETARY.—Subject to paragraphs (3) and (4), the Secretary may enter into contracts or cooperative agreements with a State Historic Preservation Officer for any State authorizing the Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State:

(i) Identification and preservation of historic property.

(ii) Determination of the eligibility of property for listing on the National Register.

(iii) Preparation of nominations for inclusion on the National Register.

(iv) Maintenance of historical and archeological data bases.

(v) Evaluation of eligibility for Federal preservation incentives.

(B) AUTHORITY TO MAINTAIN NATIONAL REGISTER.—Nothing in subparagraph (A) shall be construed to provide that any State Historic Preservation Officer or any other person other than the Secretary shall have the authority to maintain the National Register for properties in any State.

(2) REQUIREMENTS.—The Secretary may enter into a contract or cooperative agreement under paragraph (1) only if—

(A) the State Historic Preservation Officer has requested the additional responsibility;

(B) the Secretary has approved the State historic preservation program pursuant to sections 302301 and 302302 of this title;

(C) the State Historic Preservation Officer agrees to carry out the additional responsibility in a timely and efficient manner acceptable to the Secretary and the Secretary determines that the Officer is fully capable of carrying out the responsibility in that manner;

(D) the State Historic Preservation Officer agrees to permit the Secretary to review and revise, as appropriate in the discretion of the Secretary, decisions made by the Officer pursuant to the contract or cooperative agreement; and

(E) the Secretary and the State Historic Preservation Officer agree on the terms of additional financial assistance to the State, if there is to be any, for the costs of carrying out that responsibility.

(3) ESTABLISH CONDITIONS AND CRITERIA.—For each significant program area under the Secretary's authority, the Secretary shall establish specific conditions and criteria essential for the assumption by a State Historic Preservation Officer of the Secretary's duties in each of those programs.

(4) PRESERVATION PROGRAMS AND ACTIVITIES NOT DIMINISHED.—Nothing in this chapter shall have the effect of diminishing the preservation programs and activities of the Service.

Chapter 3025—Certification of Local Governments

§ 302501. Definitions

In this chapter:

(1) DESIGNATION.—The term ''designation'' means the identification and registration of property for protection that meets criteria established by a State or locality for significant historic property within the jurisdiction of a local government.

(2) PROTECTION.—The term ''protection'' means protection by means of a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic property designated pursuant to this chapter.

§ 302502. Certification as part of State program

Any State program approved under this subdivision shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this division and provide for the transfer, in accordance with section 302902(c)(4) of this title, of a portion of the grants received by the States under this division, to those local governments.

§ 302503. Requirements for certification

(a) APPROVED STATE PROGRAM.—Any local government shall be certified to participate under this section if the applicable State Historic Preservation Officer, and the Secretary, certify that the local government—

(1) enforces appropriate State or local legislation for the designation and protection of historic property;

(2) has established an adequate and qualified historic preservation review commission by State or local legislation;

(3) maintains a system for the survey and inventory of historic property that furthers the purposes of chapter 3023;

(4) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

(5) satisfactorily performs the responsibilities delegated to it under this division.

(b) NO APPROVED STATE PROGRAM.—Where there is no State program approved under sections 302301 and 302302 of this title, a local government may be certified by the Secretary if the Secretary determines that the local government meets the requirements of subsection (a). The Secretary may make grants to the local government certified under this subsection for purposes of this subdivision.

§ 302504. Participation of certified local governments in National Register nominations

(a) NOTICE.—Before a property within the jurisdiction of a certified local government may be considered by a State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission.

(b) REPORT.—The local historic preservation commission, after reasonable opportunity for public comment, shall prepare a report as to whether the property, in the Commission's opinion, meets the criteria of the National Register. Within 60 days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and the recommendation of the local official to the State Historic Preservation Officer.

(c) RECOMMENDATION.—

(1) PROPERTY NOMINATED TO NATIONAL REGISTER.—Except as provided in paragraph (2), after receipt of the report and recommendation, or if no report and recommendation are received within 60 days, the State shall make the nomination pursuant to section 302104 of this title. The State may expedite the process with the concurrence of the certified local government.

(2) PROPERTY NOT NOMINATED TO NATIONAL REGISTER.—If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless, within 30 days of the receipt of the recommendation by the State Historic Preservation Officer, an appeal is filed with the State. If an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 302104 of this title. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

§ 302505. Eligibility and responsibility of certified local government

Any local government—

(1) that is certified under this chapter shall be eligible for funds under section 302902(c)(4) of this title; and

(2) that is certified, or making efforts to become certified, under this chapter shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary considers necessary or advisable.

Chapter 3027—Historic Preservation Programs and Authorities for Indian Tribes and Native Hawaiian Organizations

§ 302701. Program to assist Indian tribes in preserving historic property

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their historic property.

(b) COMMUNICATION AND COOPERATION.—The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to—

(1) ensure that all types of historic property and all public interests in historic property are given due consideration; and

(2) encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic property.

(c) TRIBAL VALUES.—The program under subsection (a) shall be developed in a manner to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this subdivision to conform to the cultural setting of tribal heritage preservation goals and objectives.

(d) SCOPE OF TRIBAL PROGRAMS.—The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each Indian tribe's chief governing authority.

(e) CONSULTATION.—The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservations Officers, and other interested parties concerning the program under subsection (a).

§ 302702. Indian tribe to assume functions of State Historic Preservation Officer

An Indian tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with sections 302302 and 302303 of this title, with respect to tribal land, as those responsibilities may be modified for tribal programs through regulations issued by the Secretary, if—

(1) the Indian tribe's chief governing authority so requests;

(2) the Indian tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the Indian tribe's chief governing authority or as a tribal ordinance may otherwise provide;

(3) the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out;

(4) the Secretary determines, after consulting with the Indian tribe, the appropriate State Historic Preservation Officer, the Council (if the Indian tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 306108 of this title), and other Indian tribes, if any, whose tribal or aboriginal land may be affected by conduct of the tribal preservation program, that—

(A) the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under paragraph (3);

(B) the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer; and

(C) the plan provides, with respect to properties neither owned by a member of the Indian tribe nor held in trust by the Secretary for the benefit of the Indian tribe, at the request of the owner of the properties, that the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with sections 302302 and 302303 of this title; and

(5) based on satisfaction of the conditions stated in paragraphs (1), (2), (3), and (4), the Secretary approves the plan.

§ 302703. Apportionment of grant funds

In consultation with interested Indian tribes, other Native American organizations, and affected State Historic Preservation Officers, the Secretary shall establish and implement procedures for carrying out section 302902(c)(1)(A) of this title with respect to tribal programs that assume responsibilities under section 302702 of this title.

§ 302704. Contracts and cooperative agreements

At the request of an Indian tribe whose preservation program has been approved to assume functions and responsibilities pursuant to section 302702 of this title, the Secretary shall enter into a contract or cooperative agreement with the Indian tribe permitting the assumption by the Indian tribe of any part of the responsibilities described in section 302304(b) of this title on tribal land, if—

(1) the Secretary and the Indian tribe agree on additional financial assistance, if any, to the Indian tribe for the costs of carrying out those authorities;

(2) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this division; and

(3) the contract or cooperative agreement specifies the continuing responsibilities of the Secretary or of the appropriate State Historic Preservation Officers and provides for appropriate participation by—

(A) the Indian tribe's traditional cultural authorities;

(B) representatives of other Indian tribes whose traditional land is under the jurisdiction of the Indian tribe assuming responsibilities; and

(C) the interested public.

§ 302705. Agreement for review under tribal historic preservation regulations

The Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the Council to govern compliance with section 306108 of this title, if the Council, after consultation with the Indian tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic property consideration equivalent to that afforded by the Council's regulations.

§ 302706. Eligibility for inclusion on National Register

(a) IN GENERAL.—Property of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

(b) CONSULTATION.—In carrying out its responsibilities under section 306108 of this title, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to property described in subsection (a).

(c) HAWAII.—In carrying out responsibilities under section 302303 of this title, the State Historic Preservation Officer for Hawaii shall—

(1) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate the property to the National Register;

(2) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for the property; and

(3) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate the property to the National Register and to carry out the cultural component of the preservation program or plan.

Chapter 3029—Grants

§ 302901. Awarding of grants and availability of grant funds

(a) IN GENERAL.—No grant may be made under this division unless application for the grant is submitted to the Secretary in accordance with regulations and procedures prescribed by the Secretary.

(b) GRANT NOT TREATED AS TAXABLE INCOME.—No grant made pursuant to this division shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq).

(c) AVAILABILITY.—The Secretary shall make funding available to individual States and the National Trust as soon as practicable after execution of a grant agreement. For purposes of administration, grants to individual States and the National Trust each shall be deemed to be one grant and shall be administered by the Service as one grant.

§ 302902. Grants to States

(a) IN GENERAL.—The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this division.

(b) CONDITIONS.—

(1) In general.—No grant may be made under this division—

(A) unless the application is in accordance with the comprehensive statewide historic preservation plan that has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to chapter 2003 of this title;

(B) unless the grantee has agreed to make reports, in such form and containing such information, as the Secretary may from time to time require;

(C) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; or

(D) until the grantee has complied with such further terms and conditions as the Secretary may consider necessary or advisable.

(2) WAIVER.—The Secretary may waive the requirements of subparagraphs (A) and (C) of paragraph (1) for any grant under this division to the National Trust.

(3) AMOUNT LIMITATION.—

(A) IN GENERAL.—No grant may be made under this division for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 302303 of this title in any one fiscal year.

(B) SOURCE OF STATE SHARE OF COSTS.—Except as permitted by other law, the State share of the costs referred to in subparagraph (A) shall be contributed by non-Federal sources.

(4) RESTRICTION ON USE OF REAL PROPERTY TO MEET NON-FEDERAL SHARE OF COST OF PROJECT.—No State shall be permitted to utilize the value of real property obtained before October 15, 1966, in meeting the non-Federal share of the cost of a project for which a grant is made under this division.

(c) APPORTIONMENT OF GRANT AMOUNTS

(1) BASES FOR APPORTIONMENT.—The amounts appropriated and made available for grants to the States—

(A) for the purposes of this division shall be apportioned among the States by the Secretary on the basis of needs as determined by the Secretary; and

(B) for projects and programs under this division for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

(2) NOTIFICATION.—The Secretary shall notify each State of its apportionment under paragraph (1)(B) within 30 days after the date of enactment of legislation appropriating funds under this division.

(3) REAPPORTIONMENT.—Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given or during the 2 fiscal years after that fiscal year shall be reapportioned by the Secretary in accordance with paragraph (1)(B). The Secretary shall analyze and revise as necessary the method of apportionment. The method and any revision shall be published by the Secretary in the Federal Register.

(4) TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—Not less than 10 percent of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this division shall be transferred by the State, pursuant to the requirements of this division, to certified local governments for historic preservation projects or programs of the certified local governments. In any year in which the total annual apportionment to the States exceeds $65,000,000, 50 percent of the excess shall also be transferred by the States to certified local governments.

(5) GUIDELINES FOR USE AND DISTRIBUTION OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—The Secretary shall establish guidelines for the use and distribution of funds under paragraph (4) to ensure that no certified local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single certified local government. The guidelines shall not limit the ability of any State to distribute more than 10 percent of its annual apportionment under paragraph (4), nor shall the Secretary require any State to exceed the 10 percent minimum distribution to certified local governments.

(d) ADMINISTRATIVE COSTS.—The total direct and indirect administrative costs charged for carrying out State projects and programs shall not exceed 25 percent of the aggregate costs (except in the case of a grant to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau).

§ 302903. Grants to National Trust

(a) SECRETARY OF THE INTERIOR.—The Secretary may administer grants to the National Trust consistent with the purposes of its charter and this division.

(b) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development may make grants to the National Trust, on terms and conditions and in amounts (not exceeding $90,000 with respect to any one structure) as the Secretary of Housing and Urban Development considers appropriate, to cover the costs incurred by the National Trust in renovating or restoring structures that the National Trust considers to be of historic or architectural value and that the National Trust has accepted and will maintain (after the renovation or restoration) for historic purposes.

§ 302904. Direct grants for the preservation of properties included on National Register

(a) ADMINISTRATION OF PROGRAM.—The Secretary shall administer a program of direct grants for the preservation of properties included on the National Register.

(b) AVAILABLE AMOUNT.—Funds to support the program annually shall not exceed 10 percent of the amount appropriated annually for the Historic Preservation Fund.

(c) USES OF GRANTS.—

(1) IN GENERAL.—Grants under this section may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

(A) for the preservation of—

(i) National Historic Landmarks that are threatened with demolition or impairment; and

(ii) historic property of World Heritage significance;

(B) for demonstration projects that will provide information concerning professional methods and techniques having application to historic property;

(C) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and

(D) to assist individuals or small businesses within any historic district included on the National Register to remain within the district.

(2) LIMIT ON CERTAIN GRANTS.—A grant may be made under subparagraph (A) or (D) of paragraph (1) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 303901 of this title.

§ 302905. Religious property

(a) IN GENERAL.—Grants may be made under this chapter for the preservation, stabilization, restoration, or rehabilitation of religious property listed on the National Register if the purpose of the grant—

(1) is secular;

(2) does not promote religion; and

(3) seeks to protect qualities that are historically significant.

(b) EFFECT OF SECTION.—Nothing in this section shall be construed to authorize the use of any funds made available under this subdivision for the acquisition of any religious property listed on the National Register.

§ 302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups

The Secretary may, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this subdivision to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

§ 302907. Grants to Indian tribes and Native Hawaiian organizations

The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this division as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to an Indian tribe or Native Hawaiian organization may be used as matching funds for the purposes of the Indian tribe's or Native Hawaiian organization's conducting its responsibilities pursuant to this subdivision.

§ 302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau

(a) IN GENERAL.—As part of the program of matching grant assistance from the Historic Preservation Fund to States, the Secretary shall administer a program of direct grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau in furtherance of the Compact of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands, approved by the Compact of Free Association Act of 1985 (48 U.S.C. 1901 et seq., 2001 et seq.), and the Compact of Free Association between the United States and Palau, approved by the Joint Resolution entitled ''Joint Resolution to approve the 'Compact of Free Association' between the United States and Government of Palau, and for other purposes'' (48 U.S.C. 1931 et seq.) or any successor enactment.

(b) GOAL OF PROGRAM.—The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each of those nations so that at the termination of the compacts the programs shall be firmly established.

(c) BASIS OF ALLOCATING AMOUNTS.—The amounts to be made available under this subsection shall be allocated by the Secretary on the basis of needs as determined by the Secretary.

(d) WAIVERS AND MODIFICATIONS.—The Secretary may waive or modify the requirements of this subdivision to conform to the cultural setting of those nations. Matching funds may be waived or modified.

§ 302909. Prohibited use of grant amounts

No part of any grant made under this subdivision shall be used to compensate any person intervening in any proceeding under this division.

§ 302910. Recordkeeping

A recipient of assistance under this division shall keep—

(1) such records as the Secretary shall prescribe, including records that fully disclose—

(A) the disposition by the recipient of the proceeds of the assistance;

(B) the total cost of the project or undertaking in connection with which the assistance is given or used; and

(C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(2) such other records as will facilitate an effective audit.

Chapter 3031—Historic Preservation Fund

§ 303101. Establishment

To carry out this division (except chapter 3041) and chapter 3121, there is established in the Treasury the Historic Preservation Fund.

§ 303102. Contents

For each of fiscal years 2012 to 2015, $150,000,000 shall be deposited in the Historic Preservation Fund from revenues due and payable to the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), section 7433(b) of title 10, or both, notwithstanding any provision of law that those proceeds shall be credited to miscellaneous receipts of the Treasury.

§ 303103. Use and availability

Amounts in the Historic Preservation Fund shall be used only to carry out this division and shall be available for expenditure only when appropriated by Congress. Any amount not appropriated shall remain available in the Historic Preservation Fund until appropriated for those purposes. Appropriations made pursuant to this section may be made without fiscal year limitation.

Chapters 3033 Through 3037—Reserved

Chapter 3039—Miscellaneous

§ 303901. Loan insurance program for preservation of property included on National Register

(a) ESTABLISHMENT.—The Secretary shall establish and maintain a program by which the Secretary may, on application of a private lender, insure loans (including loans made in accordance with a mortgage) made by the lender to finance any project for the preservation of a property included on the National Register.

(b) LOAN QUALIFICATIONS.—A loan may be insured under this section if—

(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed the amount and rate established by the Secretary by regulation;

(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

(5) the repayment period of the loan does not exceed the lesser of 40 years or the expected life of the asset financed;

(6) the amount insured with respect to the loan does not exceed 90 percent of the loss sustained by the lender with respect to the loan; and

(7) the loan, the borrower, and the historic property to be preserved meet such other terms and conditions as may be prescribed by the Secretary by regulation, especially terms and conditions relating to the nature and quality of the preservation work.

(c) CONSULTATION.—The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

(d) LIMITATION ON AMOUNT OF UNPAID PRINCIPAL BALANCE OF LOANS.—The aggregate unpaid principal balance of loans insured under this section may not exceed the amount that has been deposited in the Historic Preservation Fund but which has not been appropriated for any purpose.

(e) INSURANCE CONTRACTS.—Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

(f) CONDITIONS AND METHODS OF PAYMENT AS RESULT OF LOSS.—The Secretary shall specify, by regulation and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

(g) PROTECTION OF FINANCIAL INTERESTS OF FEDERAL GOVERNMENT.—In entering into any contract to insure a loan under this section, the Secretary shall take steps to ensure adequate protection of the financial interests of the Federal Government. The Secretary may—

(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the historic property securing a loan insured under this section; and

(2) operate or lease the historic property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (h).

(h) CONVEYANCE TO GOVERNMENTAL OR NONGOVERNMENTAL ENTITY OF PROPERTY ACQUIRED BY FORECLOSURE.—

(1) ATTEMPT TO CONVEY TO ENSURE PROPERTY'S PRESERVATION AND USE.—In any case in which historic property is obtained pursuant to subsection (g), the Secretary shall attempt to convey the property to any governmental or nongovernmental entity under conditions that will ensure the property's continued preservation and use. If, after a reasonable time, the Secretary, in consultation with the Council, determines that there is no feasible and prudent means to convey the property and to ensure its continued preservation and use, the Secretary may convey the property at the fair market value of its interest in the property to any entity without restriction.

(2) DISPOSITION OF FUNDS.—Any funds obtained by the Secretary in connection with the conveyance of any historic property pursuant to paragraph (1) shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(i) ASSESSMENT OF FEES IN CONNECTION WITH INSURING LOANS.—The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. The fees shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(j) TREATMENT OF LOANS AS NON-FEDERAL FUNDS.—Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned on the use of non-Federal funds by the recipient for payment of any portion of the costs of the project or activity.

(k) INELIGIBILITY OF DEBT OBLIGATION FOR PURCHASE OR COMMITMENT TO PURCHASE BY, OR SALE OR ISSUANCE TO, FEDERAL FINANCING BANK.—No debt obligation that is made or committed to be made, or that is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.

§ 303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property

The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic property and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.

§ 303903. Preservation education and training program

The Secretary, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, shall develop and implement a comprehensive preservation education and training program. The program shall include—

(1) standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;

(2) preservation training opportunities for other Federal, State, tribal and local government workers, and students;

(3) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs; and

(4) where appropriate, coordination with the National Center for Preservation Technology and Training of—

(A) distribution of information on preservation technologies;

(B) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and

(C) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

Subdivision 3—Advisory Council on Historic Preservation

Chapter 3041—Advisory Council on Historic Preservation

§ 304101. Establishment; vacancies

(a) ESTABLISHMENT.—There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation, which shall be composed of the following members:

(1) A Chairman appointed by the President selected from the general public.

(2) The Secretary.

(3) The Architect of the Capitol.

(4) The Secretary of Agriculture and the heads of 7 other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President.

(5) One Governor appointed by the President.

(6) One mayor appointed by the President.

(7) The President of the National Conference of State Historic Preservation Officers.

(8) The Chairman of the National Trust.

(9) Four experts in the field of historic preservation appointed by the President from architecture, history, archeology, and other appropriate disciplines.

(10) Three members from the general public, appointed by the President.

(11) One member of an Indian tribe or Native Hawaiian organization who represents the interests of the Indian tribe or Native Hawaiian organization of which he or she is a member, appointed by the President.

(b) DESIGNATION OF SUBSTITUTES.—Each member of the Council specified in paragraphs (2) to (5), (7), and (8) of subsection (a) may designate another officer of the department, agency, or organization to serve on the Council instead of the member, except that, in the case of paragraphs (2) and (4), no officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be designated.

(c) TERM OF OFFICE.—Each member of the Council appointed under paragraphs (1) and (9) to (11) of subsection (a) shall serve for a term of 4 years from the expiration of the term of the member's predecessor. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of 4 years. An appointed member may not serve more than 2 terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

(d) VACANCIES.—A vacancy in the Council shall not affect its powers, but shall be filled, not later than 60 days after the vacancy commences, in the same manner as the original appointment (and for the balance of the unexpired term).

(e) DESIGNATION OF VICE CHAIRMAN.—The President shall designate a Vice Chairman from the members appointed under paragraph (5), (6), (9), or (10) of subsection (a). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(f) QUORUM.—Twelve members of the Council shall constitute a quorum.

§ 304102. Duties of Council

(a) DUTIES.—The Council shall—

(1) advise the President and Congress on matters relating to historic preservation, recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation, and advise on the dissemination of information pertaining to those activities;

(2) encourage, in cooperation with the National Trust and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as—

(A) the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments; and

(B) the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation;

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;

(6) review the policies and programs of Federal agencies and recommend to Federal agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this division; and

(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.

(b) ANNUAL REPORT.—The Council annually shall submit to the President a comprehensive report of its activities and the results of its studies and shall from time to time submit additional and special reports as it deems advisable. Each report shall propose legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out this division.

§ 304103. Cooperation between Council and instrumentalities of executive branch of Federal Government

The Council may secure directly from any Federal agency information, suggestions, estimates, and statistics for the purpose of this chapter. Each Federal agency may furnish information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

§ 304104. Compensation of members of Council

The members of the Council specified in paragraphs (2), (3), and (4) of section 304101(a) of this title shall serve without additional compensation. The other members of the Council shall receive $100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

§ 304105. Administration

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the Council who shall be appointed by the Chairman with the concurrence of the Council in the competitive service at a rate within the General Schedule, in the competitive service at a rate that may exceed the rate prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5, or in the Senior Executive Service under section 3393 of title 5. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

(b) GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—

(1) GENERAL COUNSEL.—The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor.

(2) APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director shall appoint other attorneys as may be necessary to—

(A) assist the General Counsel;

(B) represent the Council in court when appropriate, including enforcement of agreements with Federal agencies to which the Council is a party;

(C) assist the Department of Justice in handling litigation concerning the Council in court; and

(D) perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOYEES.—The Executive Director of the Council may appoint and fix the compensation of officers and employees in the competitive service who are necessary to perform the functions of the Council at rates not to exceed that prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5. The Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed 5 employees in the competitive service at rates that exceed that prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5 or in the Senior Executive Service under section 3393 of title 5.

(d) APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.—The Executive Director may appoint and fix the compensation of such additional personnel as may be necessary to carry out the Council's duties, without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5.

(e) EXPERT AND CONSULTANT SERVICES.—The Executive Director may procure expert and consultant services in accordance with section 3109 of title 5.

(f) FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRIVATE ENTITY.—Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Secretary or, at the discretion of the Council, another agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed on by the Chairman of the Council and the head of the agency or the authorized representative of the private entity that will provide the services.

(2) FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION APPLY.—When a Federal agency affords those services, the regulations of that agency under section 5514(b) of title 5 for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency under sections 1513(d) and 1514 of title 31 for the administrative control of funds shall apply to appropriations of the Council. The Council shall not be required to prescribe those regulations.

(g) FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—

(1) PROVIDED BY FEDERAL AGENCY.—Any Federal agency may provide the Council, with or without reimbursement as may be agreed on by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent

that the funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection shall be obligated by the end of the fiscal year following the fiscal year in which the funds are received by the Council.

(2) OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES AND RECEIVING DONATIONS OF MONEY.—To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise additional property, facilities, and services as may be needed to carry out its duties and may receive donations of money for that purpose. The Executive Director may accept, hold, use, expend, and administer the property, facilities, services, and money for the purposes of this division.

(h) RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOYEES.—Any employee in the competitive service of the United States transferred to the Council under section 207 of the National Historic Preservation Act (Public Law 89–665) retains all the rights, benefits, and privileges pertaining to the competitive service held prior to the transfer.

(i) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Council is exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(j) PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.—Subchapter II of chapter 5 and chapter 7 of title 5 shall govern the operations of the Council.

§ 304106. International Centre for the Study of the Preservation and Restoration of Cultural Property

(a) AUTHORIZATION OF PARTICIPATION.—The participation of the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.

(b) OFFICIAL DELEGATION.—The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation that will participate in the activities of the International Centre for the Study of the Preservation and Restoration of Cultural Property on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to the Secretary of State by the Council.

§ 304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of the recommendations, testimony, or comments to Congress. When the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of the actions in its legislative recommendations, testimony, or comments on legislation that it transmits to Congress.

§ 304108. Regulations, procedures, and guidelines

(a) IN GENERAL.—The Council may promulgate regulations as it considers necessary to govern the implementation of section 306108 of this title in its entirety.

(b) PARTICIPATION BY LOCAL GOVERNMENTS.—The Council shall by regulation establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 306108 of this title that affect the local governments.

(c) EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.—The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this division when the exemption is determined to be consistent with the purposes of this division, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic property.

§ 304109. Budget submission

(a) TIME AND MANNER OF SUBMISSION.—The Council shall submit its budget annually as a related agency of the Department of the Interior.

(b) TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.—Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the Committee on Natural Resources and Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate.

§ 304110. Report by Secretary to Council

To assist the Council in discharging its responsibilities under this division, the Secretary at the request of the Chairman shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

§ 304111. Reimbursements from State and local agencies

Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of this division.

§ 304112. Effectiveness of Federal grant and assistance programs

(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of the program in meeting the purposes and policies of this division. The cooperative agreement may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this division or that allow the Council to participate in the selection of recipients, if those provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of the program in meeting the purposes and policies of this division;

(2) make recommendations to the head of any Federal agency that administers the program to further the consistency of the program with the purposes and policies of this division and to improve its effectiveness in carrying out those purposes and policies; and

(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this division, including recommendations with regard to appropriate funding levels.

Subdivision 4—Other Organizations and Programs

Chapter 3051—Historic Light Station Preservation

Sec.
305101. Definitions.
305102. Duties of Secretary in providing a national historic light station program.
305103. Selection of eligible entity and conveyance of historic light stations.
305104. Terms of conveyance.
305105. Description of property.
305106. Historic light station sales.

§ 305101. Definitions

In this chapter:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

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

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which a historic light station is located, the local government of the community in which a historic light station is located, a nonprofit corporation, an educational agency, or a community development organization that—

(i) has agreed to comply with the conditions set forth in section 305104 of this title and to have the conditions recorded with the deed of title to the historic light station; and

(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in section 305104 of this title.

(3) FEDERAL AID TO NAVIGATION.—

(A) IN GENERAL.—The term ''Federal aid to navigation'' means any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(B) INCLUSIONS.—The term ''Federal aid to navigation'' includes a light, lens, lantern, antenna, sound signal, camera, sensor, piece of electronic navigation equipment, power source, or other piece of equipment associated with a device described in subparagraph (A).

(4) HISTORIC LIGHT STATION.—The term ''historic light station'' includes the light tower, lighthouse, keeper's dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated with a historic light station that is a historic property.

§ 305102. Duties of Secretary in providing a national historic light station program

To provide a national historic light station program, the Secretary shall—

(1) collect and disseminate information concerning historic light stations;

(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

(3) sponsor or conduct research and study into the history of light stations;

(4) maintain a listing of historic light stations; and

(5) assess the effectiveness of the program established by this chapter regarding the conveyance of historic light stations.

§ 305103. Selection of eligible entity and conveyance of historic light stations

(a) PROCESS AND POLICIES.—The Secretary and the Administrator shall maintain a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of the light station by the eligible entity.

(b) APPLICATION REVIEW.—

(1) IN GENERAL.—The Secretary shall—

(A) review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be excess property (as that term is defined in section 102 of title 40); and

(B) forward to the Administrator a single approved application for the conveyance of the historic light station.

(2) CONSULTATION.—When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.

(c) CONVEYANCE OR SALE OF HISTORIC LIGHT STATIONS.—

(1) CONVEYANCE BY ADMINISTRATOR.—Except as provided in paragraph (2), after the Secretary's selection of an eligible entity, the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to a historic light station, subject to the conditions set forth in section 305104 of this title. The conveyance of a historic light station under this chapter shall not be subject to the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105–383, 14 U.S.C. 93 note).

(2) HISTORIC LIGHT STATION LOCATED WITHIN A SYSTEM UNIT OR A REFUGE WITHIN NATIONAL WILDLIFE REFUGE SYSTEM.—

(A) APPROVAL OF SECRETARY REQUIRED.—A historic light station located within the exterior boundaries of a System unit or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

(B) CONDITIONS OF CONVEYANCE.—If the Secretary approves the conveyance of a historic light station described in subparagraph (A), the conveyance shall be subject to the conditions set forth in section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(C) CONDITIONS OF SALE.—If the Secretary approves the sale of a historic light station described in subparagraph (A), the sale shall be subject to the conditions set forth in paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(D) COOPERATIVE AGREEMENTS.—The Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities with respect to historic light stations described in subparagraph (A), as provided in this division, to the extent that the cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the System unit or wildlife refuge.

§ 305104. Terms of conveyance

(a) IN GENERAL.—The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, that the Administrator considers necessary to ensure that—

(1) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(2) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

(3) the eligible entity to which the historic light station is conveyed shall not interfere or allow interference in any manner with any Federal aid to navigation or hinder activities required for the operation and maintenance of any Federal aid to navigation without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

(4)(A) the eligible entity to which the historic light station is conveyed shall, at its own cost and expense, use and maintain the historic light station in accordance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws; and

(B) any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with section 800.5(a)(2)(vii) of title 36, Code of Federal Regulations and the Secretary's Standards for Rehabilitation contained in section 67.7 of title 36, Code of Federal Regulations;

(5) the eligible entity to which the historic light station is conveyed shall make the historic light station available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

(6) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part of the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, unless the sale, conveyance, assignment, exchange, or encumbrance is approved by the Secretary;

(7) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activity at the historic light station, at any part of the historic light station, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless the commercial activity is approved by the Secretary; and

(8) the United States shall have the right, at any time, to enter the historic light station without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this section, to the extent that it is not possible to provide advance notice.

(b) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which a historic light station is conveyed shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aid to navigation permitted to the eligible entity under section 83 of title 14.

(c) REVERSION.—In addition to any term or condition established pursuant to this section, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions that shall be set forth in the eligible entity's application;

(2) the historic light station or any part of the historic light station ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

(3) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be maintained in compliance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws;

(4) the eligible entity to which the historic light station is conveyed sells, conveys, assigns, exchanges, or encumbers the historic light station, any part of the historic light fixture, or any associated historic artifact, without approval of the Secretary;

(5) the eligible entity to which the historic light station is conveyed conducts any commercial activity at the historic light station, at any part of the historic light station, or in conjunction with any associated historic artifact, without approval of the Secretary; or

(6) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part of the historic light station is needed for national security purposes.

(d) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—On receiving notice of an executed or intended conveyance by an owner that received from the Federal Government under authority other than this division a historic light station in which the United States retains a reversionary or other interest and that is conveying it to another person by sale, gift, or any other manner, the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide information as is necessary to complete the review. If the Secretary determines that the new owner has not complied or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take other action as may be necessary to protect the interests of the United States.

§ 305105. Description of property

(a) IN GENERAL.—The Administrator shall prepare the legal description of any historic light station conveyed under this chapter. The Administrator, in consultation with the Secretary of Homeland Security and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the historic light station at the time of conveyance. Wherever possible, the historical artifacts should be used in interpreting the historic light station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the historic light station, if they meet loan requirements.

(b) ARTIFACTS.—Artifacts associated with, but not located at, a historic light station at the time of conveyance shall remain the property of the United States under the administrative control of the Secretary of Homeland Security.

(c) COVENANTS.—All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

(d) SUBMERGED LAND.—No submerged land shall be conveyed under this chapter.

§ 305106. Historic light station sales

(a) IN GENERAL.—

(1) WHEN SALE MAY OCCUR.—If no applicant is approved for the conveyance of a historic light station pursuant to sections 305101 through 305105 of this title, the historic light station shall be offered for sale.

(2) TERMS OF SALE.—Terms of the sales—

(A) shall be developed by the Administrator; and

(B) shall be consistent with the requirements of paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title.

(3) COVENANTS TO BE INCLUDED IN CONVEYANCE DOCUMENTS.—Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

(b) NET SALE PROCEEDS.—

(1) DISPOSITION AND USE OF FUNDS.—Net sale proceeds from the disposal of a historic light station—

(A) located on public domain land shall be transferred to the National Maritime Heritage Grants Program established under chapter 3087 in the Department of the Interior; and

(B) under the administrative control of the Secretary of Homeland Security—

(i) shall be credited to the Coast Guard's Operating Expenses appropriation account; and

(ii) shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Secretary of Homeland Security.

(2) AVAILABILITY OF FUNDS.—The funds referred to in paragraph (1)(B) shall remain available until expended and shall be available in addition to funds available in the Coast Guard's Operating Expense appropriation for that purpose.

Chapter 3053—National Center for Preservation Technology and Training

§ 305301. Definitions

In this chapter:

(1) BOARD.—The term ''Board'' means the Preservation Technology and Training Board established pursuant to section 305303 of this title.

(2) CENTER.—The term ''Center'' means the National Center for Preservation Technology and Training established pursuant to section 305302 of this title.

§ 305302. National Center for Preservation Technology and Training

(a) ESTABLISHMENT.—There is established within the Department of the Interior a National Center for Preservation Technology and Training. The Center shall be located at Northwestern State University of Louisiana in Natchitoches, Louisiana.

(b) PURPOSES.—The purposes of the Center shall be to—

(1) develop and distribute preservation and conservation skills and technologies for the identification, evaluation, conservation, and interpretation of historic property;

(2) develop and facilitate training for Federal, State, and local resource preservation professionals, cultural resource managers, maintenance personnel, and others working in the preservation field;

(3) take steps to apply preservation technology benefits from ongoing research by other agencies and institutions;

(4) facilitate the transfer of preservation technology among Federal agencies, State and local governments, universities, international organizations, and the private sector; and

(5) cooperate with related international organizations including the International Council on Monuments and Sites, the International Center for the Study of Preservation and Restoration of Cultural Property, and the International Council on Museums.

(c) PROGRAMS.—The purposes shall be carried out through research, professional training, technical assistance, and programs for public awareness, and through a program of grants established under section 305304 of this title.

(d) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive Director with demonstrated expertise in historic preservation appointed by the Secretary with advice of the Board.

(e) ASSISTANCE FROM SECRETARY.—The Secretary shall provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

§ 305303. Preservation Technology and Training Board

(a) ESTABLISHMENT.—There is established a Preservation Technology and Training Board.

(b) DUTIES.—The Board shall—

(1) provide leadership, policy advice, and professional oversight to the Center;

(2) advise the Secretary on priorities and the allocation of grants among the activities of the Center; and

(3) submit an annual report to the President and Congress.

(c) MEMBERSHIP.—The Board shall be comprised of—

(1) the Secretary;

(2) 6 members appointed by the Secretary, who shall represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international organizations; and

(3) 6 members appointed by the Secretary on the basis of outstanding professional qualifications, who represent major organizations in the fields of archeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

§ 305304. Preservation grants

(a) IN GENERAL.—The Secretary, in consultation with the Board, shall provide preservation technology and training grants to eligible applicants with a demonstrated institutional capability and commitment to the purposes of the Center, in order to ensure an effective and efficient system of research, information distribution, and skills training in all the related historic preservation fields.

(b) GRANT REQUIREMENTS.—

(1) ALLOCATION.—Grants provided under this section shall be allocated in such a fashion as to reflect the diversity of the historic preservation fields and shall be geographically distributed.

(2) LIMIT ON AMOUNT A RECIPIENT MAY RECEIVE.—No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

(3) LIMIT ON ADMINISTRATIVE COSTS.—The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

(c) ELIGIBLE APPLICANTS.—Eligible applicants may include—

(1) Federal and non-Federal laboratories;

(2) accredited museums;

(3) universities;

(4) nonprofit organizations;

(5) System units and offices and Cooperative Park Study Units of the System;

(6) State Historic Preservation Offices;

(7) tribal preservation offices; and

(8) Native Hawaiian organizations.

(d) STANDARDS AND METHODS.—Grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

§ 305305. General provisions

(a) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may accept—

(1) grants and donations from private individuals, groups, organizations, corporations, foundations, and other entities; and

(2) transfers of funds from other Federal agencies.

(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—Subject to appropriations, the Center may enter into contracts and cooperative agreements with Federal, State, local, and tribal governments, Native Hawaiian organizations, educational institutions, and other public entities to carry out the Center's responsibilities under this chapter.

(c) ADDITIONAL FUNDS.—Funds appropriated for the Center shall be in addition to funds appropriated for Service programs, centers, and offices in existence on October 30, 1992.

§ 305306. Service preservation centers and offices

To improve the use of existing Service resources, the Secretary shall fully utilize and further develop the Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of the centers and offices within the Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

Chapter 3055—National Building Museum

§ 305501. Definitions

In this chapter:

(1) BUILDING ARTS.—The term ''building arts'' includes all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.

(2) COMMITTEE.—The term ''Committee'' means the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor.

§ 305502. Cooperative agreement to operate museum

To provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building that exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of General Services shall enter into a cooperative agreement with the Committee for the operation of a National Building Museum in the Federal building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. The cooperative agreement shall include provisions that—

(1) make the site available to the Committee without charge;

(2) provide, subject to available appropriations, such maintenance, security, information, janitorial, and other services as may be necessary to ensure the preservation and operation of the site; and

(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this division.

§ 305503. Activities and functions

The National Building Museum shall—

(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;

(2) foster educational programs relating to the history, practice, and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;

(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;

(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and

(5) encourage contributions to the building arts.

§ 305504. Matching grants to Committee

The Secretary shall provide matching grants to the Committee for its programs related to historic preservation. The Committee shall match the grants in such a manner and with such funds and services as shall be satisfactory to the Secretary, except that not more than $500,000 may be provided to the Committee in any one fiscal year.

§ 305505. Annual report

The Committee shall submit an annual report to the Secretary and the Administrator of General Services concerning its activities under this chapter and shall provide the Secretary and the Administrator of General Services with such other information as the Secretary may consider necessary or advisable.

Subdivision 5—Federal Agency Historic Preservation Responsibilities

Chapter 3061—Program Responsibilities and Authorities

Subchapter I—In General

§ 306101. Assumption of responsibility for preservation of historic property

(a) IN GENERAL.—

(1) AGENCY HEAD RESPONSIBILITY.—The head of each Federal agency shall assume responsibility for the preservation of historic property that is owned or controlled by the agency.

(2) USE OF AVAILABLE HISTORIC PROPERTY.—Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic property available to the agency, in accordance with Executive Order No. 13006 (40 U.S.C. 3306 note).

(3) NECESSARY PRESERVATION.—Each Federal agency shall undertake, consistent with the preservation of historic property, the mission of the agency, and the professional standards established pursuant to subsection (c), any preservation as may be necessary to carry out this chapter.

(b) GUIDELINES FOR FEDERAL AGENCY RESPONSIBILITY FOR AGENCY-OWNED HISTORIC PROPERTY.—In consultation with the Council, the Secretary shall promulgate guidelines for Federal agency responsibilities under this subchapter (except section 306108).

(c) PROFESSIONAL STANDARDS FOR PRESERVATION OF FEDERALLY OWNED OR CONTROLLED HISTORIC PROPERTY.—The Secretary shall establish, in consultation with the Secretary of Agriculture, the Secretary of Defense, the Smithsonian Institution, and the Administrator of General Services, professional standards for the preservation of historic property in Federal ownership or control.

§ 306102. Preservation program

(a) ESTABLISHMENT.—Each Federal agency shall establish (except for programs or undertakings exempted pursuant to section 304108(c) of this title), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register, and protection, of historic property.

(b) REQUIREMENTS.—The program shall ensure that—

(1) historic property under the jurisdiction or control of the agency is identified, evaluated, and nominated to the National Register;

(2) historic property under the jurisdiction or control of the agency is managed and maintained in a way that considers the preservation of their historic, archeological, architectural, and cultural values in compliance with section 306108 of this title and gives special consideration to the preservation of those values in the case of property designated as having national significance;

(3) the preservation of property not under the jurisdiction or control of the agency but potentially affected by agency actions is given full consideration in planning;

(4) the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and the private sector; and

(5) the agency's procedures for compliance with section 306108 of this title—

(A) are consistent with regulations promulgated by the Council pursuant to section 304108(a) and (b) of this title;

(B) provide a process for the identification and evaluation of historic property for listing on the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on historic property will be considered; and

(C) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c)).

§ 306103. Recordation of historic property prior to alteration or demolition

Each Federal agency shall initiate measures to ensure that where, as a result of Federal action or assistance carried out by the agency, a historic property is to be substantially altered or demolished—

(1) timely steps are taken to make or have made appropriate records; and

(2) the records are deposited, in accordance with section 302107 of this title, in the Library of Congress or with such other appropriate agency as the Secretary may designate, for future use and reference.

§ 306104. Agency Preservation Officer

The head of each Federal agency (except an agency that is exempted under section 304108(c) of this title) shall designate a qualified official as the agency's Preservation Officer who shall be responsible for coordinating the agency's activities under this division. Each Preservation Officer may, to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 306101(c) of this title.

§ 306105. Agency programs and projects

Consistent with the agency's missions and mandates, each Federal agency shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this division and give consideration to programs and projects that will further the purposes of this division.

§ 306106. Review of plans of transferees of surplus federally owned historic property

The Secretary shall review and approve the plans of transferees of surplus federally owned historic property not later than 90 days after receipt of the plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

§ 306107. Planning and actions to minimize harm to National Historic Landmarks

Prior to the approval of any Federal undertaking that may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall to the maximum extent possible undertake such planning and actions as may be necessary to minimize harm to the landmark. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

§ 306108. Effect of undertaking on historic property

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

§ 306109. Costs of preservation as eligible project costs

A Federal agency may include the costs of preservation activities of the agency under this division as eligible project costs in all undertakings of the agency or assisted by the agency. The eligible project costs may include amounts paid by a Federal agency to a State to be used in carrying out the preservation responsibilities of the Federal agency under this division, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit.

§ 306110. Annual preservation awards program

The Secretary shall establish an annual preservation awards program under which the Secretary may make monetary awards in amounts of not to exceed $1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic property. The program may include the issuance of annual awards by the President to any citizen of the United States recommended for the award by the Secretary.

§ 306111. Environmental impact statement

Nothing in this division shall be construed to—

(1) require the preparation of an environmental impact statement where the statement would not otherwise be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) provide any exemption from any requirement respecting the preparation of an environmental impact statement under that Act.

§ 306112. Waiver of provisions in event of natural disaster or imminent threat to national security

The Secretary shall promulgate regulations under which the requirements of this subchapter

(except section 306108) may be waived in whole or in part in the event of a major natural disaster or an imminent threat to national security.

§ 306113. Anticipatory demolition

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.

§ 306114. Documentation of decisions respecting undertakings

With respect to any undertaking subject to section 306108 of this title that adversely affects any historic property for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of the agency shall document any decision made pursuant to section 306108 of this title. The head of the agency may not delegate the responsibility to document a decision pursuant to this section. Where an agreement pursuant to regulations issued by the Council has been executed with respect to an undertaking, the agreement shall govern the undertaking and all of its parts.

Subchapter II—Lease, Exchange, or Management of Historic Property

§ 306121. Lease or exchange

(a) AUTHORITY TO LEASE OR EXCHANGE.—Notwithstanding any other provision of law, each Federal agency, after consultation with the Council—

(1) shall, to the extent practicable, establish and implement alternatives (including adaptive use) for historic property that is not needed for current or projected agency purposes; and

(2) may lease historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately ensure the preservation of the historic property.

(b) PROCEEDS OF LEASE.—Notwithstanding any other provision of law, the proceeds of a lease under subsection (a) may be retained by the agency entering into the lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to that property or other property that is on the National Register that is owned by, or are under the jurisdiction or control of, the agency. Any surplus proceeds from the leases shall be deposited in the Treasury at the end of the 2d fiscal year following the fiscal year in which the proceeds are received.

§ 306122. Contracts for management of historic property

The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Council, enter into a contract for the management of the property. The contract shall contain terms and conditions that the head of the agency considers necessary or appropriate to protect the interests of the United States and ensure adequate preservation of the historic property.

Subchapter III—Protection and Preservation of Resources

§ 306131. Standards and guidelines

(a) STANDARDS.—

(1) IN GENERAL.—Each Federal agency that is responsible for the protection of historic property (including archeological property) pursuant to this division or any other law shall ensure that—

(A) all actions taken by employees or contractors of the agency meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of archeology, architecture, conservation, history, landscape architecture, and planning;

(B) agency personnel or contractors responsible for historic property meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of archeology, architecture, conservation, curation, history, landscape architecture, and planning; and

(C) records and other data, including data produced by historical research and archeological surveys and excavations, are permanently maintained in appropriate databases and made available to potential users pursuant to such regulations as the Secretary shall promulgate.

(2) CONSIDERATIONS.—The standards referred to in paragraph (1)(B) shall consider the particular skills and expertise needed for the preservation of historic property and shall be equivalent requirements for the disciplines involved.

(3) REVISION.—The Office of Management and Budget shall revise qualification standards for the disciplines involved.

(b) GUIDELINES.—To promote the preservation of historic property eligible for listing on the National Register, the Secretary shall, in consultation with the Council, promulgate guidelines to ensure that Federal, State, and tribal historic preservation programs subject to this division include plans to—

(1) provide information to the owners of historic property (including architectural, curatorial, and archeological property) with demonstrated or likely research significance, about the need for protection of the historic property, and the available means of protection;

(2) encourage owners to preserve historic property intact and in place and offer the owners of historic property information on the tax and grant assistance available for the donation of the historic property or of a preservation easement of the historic property;

(3) encourage the protection of Native American cultural items (within the meaning of section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)) and of property of religious or cultural importance to Indian tribes, Native Hawaiian organizations, or other Native American groups; and

(4) encourage owners that are undertaking archeological excavations to—

(A) conduct excavations and analyses that meet standards for federally-sponsored excavations established by the Secretary;

(B) donate or lend artifacts of research significance to an appropriate research institution;

(C) allow access to artifacts for research purposes; and

(D) prior to excavating or disposing of a Native American cultural item in which an Indian tribe or Native Hawaiian organization may have an interest under subparagraph (B) or (C) of section 3(a)(2) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(a)(2)(B), (C)), give notice to and consult with the Indian tribe or Native Hawaiian organization.

Subdivision 6—Miscellaneous

Chapter 3071—Miscellaneous

§ 307101. World Heritage Convention

(a) AUTHORITY OF SECRETARY.—In carrying out this section, the Secretary of the Interior may act directly or through an appropriate officer in the Department of the Interior.

(b) PARTICIPATION BY UNITED STATES.—The Secretary shall direct and coordinate participation by the United States in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the Council. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

(c) NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.—The Secretary shall periodically nominate property that the Secretary determines is of international significance to the World Heritage Committee on behalf of the United States. No property may be nominated unless it has previously been determined to be of national significance. Each nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any nomination, the Secretary shall notify the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE COMMITTEE REQUIRES WRITTEN CONCURRENCE OF OWNER.—No non-Federal property may be nominated by the Secretary to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in the nomination in writing.

(e) CONSIDERATION OF UNDERTAKING ON PROPERTY.—Prior to the approval of any undertaking outside the United States that may directly and adversely affect a property that is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over the undertaking shall take into account the effect of the undertaking on the property for purposes of avoiding or mitigating any adverse effect.

§ 307102. Effective date of regulations

(a) PUBLICATION IN FEDERAL REGISTER.—No final regulation of the Secretary shall become effective prior to the expiration of 30 calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

(b) DISAPPROVAL OF REGULATION BY RESOLUTION OF CONGRESS.—The regulation shall not become effective if, within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: ''That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of , which regulation was transmitted to Congress on , '' the blank spaces in the resolution being appropriately filled.

(c) FAILURE OF CONGRESS TO ADOPT RESOLUTION OF DISAPPROVAL OF REGULATION.—If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within the 60 calendar days, a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(d) SESSIONS OF CONGRESS.—For purposes of this section—

(1) continuity of session is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 60 and 90 calendar days of continuous session of Congress.

(e) CONGRESSIONAL INACTION OR REJECTION OF RESOLUTION OF DISAPPROVAL NOT DEEMED APPROVAL OF REGULATION.—Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of the regulation.

§ 307103. Access to information

(a) AUTHORITY TO WITHHOLD FROM DISCLOSURE.—The head of a Federal agency, or other public official receiving grant assistance pursuant to this division, after consultation with the Secretary, shall withhold from disclosure to the public information about the location, character, or ownership of a historic property if the Secretary and the agency determine that disclosure may—

(1) cause a significant invasion of privacy;

(2) risk harm to the historic property; or

(3) impede the use of a traditional religious site by practitioners.

(b) ACCESS DETERMINATION.—When the head of a Federal agency or other public official determines that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with the Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this division.

(c) CONSULTATION WITH COUNCIL.—When information described in subsection (a) has been developed in the course of an agency's compliance with section 306107 or 306108 of this title, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).

§ 307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol

Nothing in this division applies to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

§ 307105. Attorney's fees and costs to prevailing parties in civil actions

In any civil action brought in any United States district court by any interested person to enforce this division, if the person substantially prevails in the action, the court may award attorney's fees, expert witness fees, and other costs of participating in the civil action, as the court considers reasonable.

§ 307106. Authorization for expenditure of appropriated funds

Where appropriate, each Federal agency may expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this division, except to the extent that appropriations legislation expressly provides otherwise.

§ 307107. Donations and bequests of money, personal property, and less than fee interests in historic property

(a) MONEY AND PERSONAL PROPERTY.—The Secretary may accept donations and bequests of money and personal property for the purposes of this division and shall hold, use, expend, and administer the money and personal property for those purposes.

(b) LESS THAN FEE INTEREST IN HISTORIC PROPERTY.—The Secretary may accept gifts or donations of less than fee interests in any historic property where the acceptance of an interest will facilitate the conservation or preservation of the historic property. Nothing in this section or in any provision of this division shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

§ 307108. Privately donated funds

(a) PROJECTS FOR WHICH FUNDS MAY BE USED.—In furtherance of the purposes of this division, the Secretary may accept the donation of funds that may be expended by the Secretary for projects to acquire, restore, preserve, or recover data from any property included on the National Register, as long as the project is owned by a State, any unit of local government, or any nonprofit entity.

(b) CONSIDERATION OF FACTORS RESPECTING EXPENDITURE OF FUNDS.—

(1) IN GENERAL.—In expending the funds, the Secretary shall give due consideration to—

(A) the national significance of the project;

(B) its historical value to the community;

(C) the imminence of its destruction or loss; and

(D) the expressed intentions of the donor.

(2) FUNDS AVAILABLE WITHOUT REGARD TO MATCHING REQUIREMENTS.—Funds expended under this subsection shall be made available without regard to the matching requirements established by sections 302901 and 302902(b) of this title, but the recipient of the funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund.

(c) TRANSFER OF UNOBLIGATED FUNDS.—The Secretary may transfer unobligated funds previously donated to the Secretary for the purposes of the Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with this division.

Division B—Organizations and Programs

Subdivision 1—Administered by National Park Service

Chapter 3081—American Battlefield Protection Program

§ 308101. Definition

In this chapter, the term ''Secretary'' means the Secretary, acting through the American Battlefield Protection Program.

§ 308102. Preservation assistance

(a) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a national, State, and local level.

(b) FINANCIAL ASSISTANCE.—To carry out subsection (a), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each fiscal year, to remain available until expended.

§ 308103. Battlefield acquisition grant program

(a) DEFINITION.—In this section, the term ''eligible site'' means a site—

(1) that is not within the exterior boundaries of a System unit; and

(2) that is identified in the document entitled ''Report on the Nation's Civil War Battlefields'', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(b) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to State and local governments to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(c) NONPROFIT PARTNERS.—A State or local government may acquire an interest in an eligible site using a grant under this section in partnership with a nonprofit organization.

(d) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this section shall be not less than 50 percent.

(e) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this section shall be subject to section 200305(f)(3) of this title.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section $10,000,000 for each of fiscal years 2012 and 2013.

Chapter 3083—National Underground Railroad Network to Freedom

§ 308301. Definition

In this chapter, the term ''national network'' means the National Underground Railroad Network to Freedom established under section 308302 of this title.

§ 308302. Program

(a) ESTABLISHMENT; RESPONSIBILITIES OF SECRETARY.—The Secretary shall establish in the Service the National Underground Railroad Network to Freedom. Under the national network, the Secretary shall—

(1) produce and disseminate appropriate educational materials, such as handbooks, maps, interpretive guides, or electronic information;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and

(3) create and adopt an official, uniform symbol or device for the national network and issue regulations for its use.

(b) ELEMENTS.—The national network shall encompass the following elements:

(1) All System units and programs of the Service determined by the Secretary to pertain to the Underground Railroad.

(2) Other Federal, State, local, and privately owned properties pertaining to the Underground Railroad that have a verifiable connection to the Underground Railroad and that are included on, or determined by the Secretary to be eligible for inclusion on, the National Register of Historic Places.

(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the Underground Railroad.

(c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this chapter and to ensure effective coordination of the Federal and non-Federal elements of the national network with System units and programs of the Service, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance—

(1) to the heads of other Federal agencies, States, localities, regional governmental bodies, and private entities; and

(2) in cooperation with the Secretary of State, to the governments of Canada, Mexico, and any appropriate country in the Caribbean.

§ 308303. Preservation and interpretation of Underground Railroad history, historic sites, and structures

(a) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants in accordance with this section for the preservation and restoration of historic buildings or structures associated with

the Underground Railroad, and for related research and documentation to sites, programs, or facilities that have been included in the national network.

(b) GRANT CONDITIONS.—Any grant made under this section shall provide that—

(1) no change or alteration may be made in property for which the grant is used except with the agreement of the property owner and the Secretary;

(2) the Secretary shall have the right of access at reasonable times to the public portions of the property for interpretive and other purposes; and

(3) conversion, use, or disposal of the property for purposes contrary to the purposes of this chapter, as determined by the Secretary, shall result in a right of the United States to compensation equal to all Federal funds made available to the grantee under this chapter.

(c) MATCHING REQUIREMENT.—The Secretary may obligate funds made available for a grant under this section only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal to or greater than the grant. The Secretary may waive the requirement if the Secretary determines that an extreme emergency exists or that a waiver is in the public interest to ensure the preservation of historically significant resources.

§ 308304. Authorization of appropriations

(a) AMOUNTS.—There is authorized to be appropriated to carry out this chapter $2,500,000 for each fiscal year, of which—

(1) $2,000,000 shall be used to carry out section 308302 of this title; and

(2) $500,000 shall be used to carry out section 308303 of this title.

(b) LIMITATION.—No amount may be appropriated for the purposes of this chapter except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this chapter.

Chapter 3085—National Women's Rights History Project

§ 308501. National women's rights history project national registry

(a) IN GENERAL.—The Secretary may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women's rights history properties.

(b) ELIGIBILITY.—In making grants under subsection (a), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women's rights movement, such as politics, economics, education, religion, and social and family rights.

(c) UPDATES.—The Secretary shall ensure that the National Register travel itinerary website entitled ''Places Where Women Made History'' is updated to contain—

(1) the results of the inventory conducted under subsection (a); and

(2) any links to websites related to places on the inventory.

(d) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2012 and 2013.

§ 308502. National women's rights history project partnerships network

(a) GRANTS.—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this section as the ''network''), the purpose of which is to provide interpretive and educational program development of national women's rights history, including historic preservation.

(b) MANAGEMENT OF NETWORK.—

(1) IN GENERAL.—Through a competitive process, the Secretary shall designate a nongovernmental managing entity to manage the network.

(2) COORDINATION.—The nongovernmental managing entity designated under paragraph (1) shall work in partnership with the Director and State historic preservation offices to coordinate operation of the network.

(c) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(2) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2012 and 2013.

Chapter 3087—National Maritime Heritage

§ 308701. Policy

It shall be the policy of the Federal Government, in partnership with the States and local governments and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic maritime resources can exist in productive harmony;

(2) provide leadership in the preservation of the historic maritime resources of the United States;

(3) contribute to the preservation of historic maritime resources and give maximum encouragement to organizations and individuals undertaking preservation by private means; and

(4) assist State and local governments to expand their maritime historic preservation programs and activities.

§ 308702. Definitions

In this chapter:

(1) NATIONAL TRUST.—The term ''National Trust'' means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

(2) PRIVATE NONPROFIT ORGANIZATION.—The term ''private nonprofit organization'' means any person that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)) and described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(3) PROGRAM.—The term ''Program'' means the National Maritime Heritage Grants Program established under section 308703(a) of this title.

(4) STATE HISTORIC PRESERVATION OFFICER.—The term ''State Historic Preservation Officer'' means a State Historic Preservation Officer appointed pursuant to section 302301(1) of this title by the chief executive official of a State having a State Historic Preservation Program approved by the Secretary under that section.

§ 308703. National Maritime Heritage Grants Program

(a) ESTABLISHMENT.—There is established in the Department of the Interior the National Maritime Heritage Grants Program, to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation's history and culture. The Program shall consist of—

(1) annual grants to the National Trust for subgrants administered by the National Trust for maritime heritage education projects under subsection (b); and

(2) grants to State Historic Preservation Officers for maritime heritage preservation projects carried out or administered by those Officers under subsection (c).

(b) GRANTS FOR MARITIME HERITAGE EDUCATION PROJECTS.—

(1) GRANTS TO NATIONAL TRUST.—The Secretary, subject to paragraph (2), and the availability of amounts for that purpose under section 308704(b)(1)(A) of this title, shall make an annual grant to the National Trust for maritime heritage education projects.

(2) USE OF GRANTS.—Amounts received by the National Trust as an annual grant under this subsection shall be used to make subgrants to State and local governments and private nonprofit organizations to carry out education projects that have been approved by the Secretary under subsection (f) and that consist of—

(A) assistance to any maritime museum or historical society for—

(i) existing and new educational programs, exhibits, educational activities, conservation, and interpretation of artifacts and collections;

(ii) minor improvements to educational and museum facilities; and

(iii) other similar activities;

(B) activities designed to encourage the preservation of traditional maritime skills, including—

(i) building and operation of vessels of all sizes and types for educational purposes;

(ii) special skills such as wood carving, sail making, and rigging;

(iii) traditional maritime art forms; and

(iv) sail training;

(C) other educational activities relating to historic maritime resources, including—

(i) maritime educational waterborne-experience programs in historic vessels or vessel reproductions;

(ii) maritime archeological field schools; and

(iii) educational programs on other aspects of maritime history;

(D) heritage programs focusing on maritime historic resources, including maritime heritage trails and corridors; or

(E) the construction and use of reproductions of historic maritime resources for educational purposes, if a historic maritime resource no longer exists or would be damaged or consumed through direct use.

(c) GRANTS FOR MARITIME HERITAGE PRESERVATION PROJECTS.—

(1) GRANTS TO STATE HISTORIC PRESERVATION OFFICERS.—The Secretary, acting through the National Maritime Initiative of the Service and subject to paragraph (2), and the availability of amounts for that purpose under section 308704(b)(1)(B) of this title, shall make grants to State Historic Preservation Officers for maritime heritage preservation projects.

(2) USE OF GRANTS.—Amounts received by a State Historic Preservation Officer as a grant under this subsection shall be used by the Officer to carry out, or to make subgrants to local governments and private nonprofit organizations to carry out, projects that have been approved by the Secretary under subsection (f) for the preservation of historic maritime resources through—

(A) identification of historic maritime resources, including underwater archeological sites;

(B) acquisition of historic maritime resources for the purposes of preservation;

(C) repair, restoration, stabilization, maintenance, or other capital improvements to historic maritime resources, in accordance with standards prescribed by the Secretary; and

(D) research, recording (through drawings, photographs, or otherwise), planning (through

feasibility studies, architectural and engineering services, or otherwise), and other services carried out as part of a preservation program for historic maritime resources.

(d) CRITERIA FOR DIRECT GRANT AND SUBGRANT ELIGIBILITY.—To qualify for a subgrant from the National Trust under subsection (b), or a direct grant to or a subgrant from a State Historic Preservation Officer under subsection (c), a person shall—

(1) demonstrate that the project for which the direct grant or subgrant will be used has the potential for reaching a broad audience with an effective educational program based on American maritime history, technology, or the role of maritime endeavors in American culture;

(2) match the amount of the direct grant or subgrant, on a 1-to-1 basis, with non-Federal assets from non-Federal sources, which may include cash or donated services fairly valued as determined by the Secretary;

(3) maintain records as may be reasonably necessary to fully disclose—

(A) the amount and the disposition of the proceeds of the direct grant or subgrant;

(B) the total cost of the project for which the direct grant or subgrant is made; and

(C) other records as may be required by the Secretary, including such records as will facilitate an effective accounting for project funds;

(4) provide access to the Secretary for the purposes of any required audit and examination of any records of the person; and

(5) be a unit of State or local government, or a private nonprofit organization.

(e) PROCEDURES, TERMS, AND CONDITIONS.—

(1) APPLICATION PROCEDURES.—An application for a subgrant under subsection (b), or a direct grant or subgrant under subsection (c), shall be submitted under procedures prescribed by the Secretary.

(2) TERMS AND CONDITIONS.—A person may not receive a subgrant under subsection (b), or a direct grant or subgrant under subsection (c), unless the person agrees to assume, after completion of the project for which the direct grant or subgrant is awarded, the total cost of the continued maintenance, repair, and administration of any property for which the subgrant will be used in a manner satisfactory to the Secretary.

(f) ALLOCATION OF, AND LIMITATION ON, GRANT FUNDING.—

(1) ALLOCATION.—To the extent feasible, the Secretary shall ensure that the amount made available under subsection (b) for maritime heritage education projects is equal to the amount made available under subsection (c) for maritime heritage preservation projects.

(2) LIMITATION.—The amount provided by the Secretary in a fiscal year as grants under this section for projects relating to historic maritime resources owned or operated by the Federal Government shall not exceed 40 percent of the total amount available for the fiscal year for grants under this section.

(g) PUBLICATION OF DIRECT GRANT AND SUBGRANT INFORMATION.—The Secretary shall publish annually in the Federal Register and otherwise as the Secretary considers appropriate—

(1) a solicitation of applications for direct grants and subgrants under this section;

(2) a list of priorities for the making of those direct grants and subgrants;

(3) a single deadline for the submission of applications for those direct grants and subgrants; and

(4) other relevant information.

(h) DIRECT GRANT AND SUBGRANT ADMINISTRATION.—

(1) RESPONSIBILITY.—

(A) NATIONAL TRUST.—The National Trust is responsible for administering subgrants for maritime heritage education projects under subsection (b).

(B) SECRETARY.—The Secretary is responsible for administering direct grants for maritime heritage preservation projects under subsection (c).

(C) STATE HISTORIC PRESERVATION OFFICERS.—State Historic Preservation Officers are responsible for administering subgrants for maritime heritage preservation projects under subsection (c).

(2) ACTIONS.—The appropriate responsible party under paragraph (1) shall administer direct grants or subgrants by—

(A) publicizing the Program to prospective grantees, subgrantees, and the public at large, in cooperation with the Service, the Maritime Administration, and other appropriate government agencies and private institutions;

(B) answering inquiries from the public, including providing information on the Program as requested;

(C) distributing direct grant and subgrant applications;

(D) receiving direct grant and subgrant applications and ensuring their completeness;

(E) keeping records of all direct grant and subgrant awards and expenditures of funds;

(F) monitoring progress of projects carried out with direct grants and subgrants; and

(G) providing to the Secretary such progress reports as may be required by the Secretary.

(i) ASSISTANCE OF MARITIME PRESERVATION ORGANIZATIONS.—The Secretary, the National Trust, and the State Historic Preservation Officers may, individually or jointly, enter into cooperative agreements with any private nonprofit organization with appropriate expertise in maritime preservation issues, or other qualified maritime preservation organizations, to assist in the administration of the Program.

(j) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report on the Program, including—

(1) a description of each project funded under the Program in the period covered by the report;

(2) the results or accomplishments of each such project; and

(3) recommended priorities for achieving the policy set forth in section 308701 of this title.

§ 308704. Funding

(a) AVAILABILITY OF FUNDS FROM SALE AND SCRAPPING OF OBSOLETE VESSELS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the amount of funds credited in a fiscal year to the Vessel Operations Revolving Fund established by section 50301(a) of title 46 that is attributable to the sale of obsolete vessels in the National Defense Reserve Fleet that are scrapped or sold under section 57102, 57103, or 57104 of title 46 shall be available until expended as follows:

(A) Fifty percent shall be available to the Administrator of the Maritime Administration for such acquisition, maintenance, repair, reconditioning, or improvement of vessels in the National Defense Reserve Fleet as is authorized under other Federal law.

(B) Twenty five percent shall be available to the Administrator of the Maritime Administration for the payment or reimbursement of expenses incurred by or on behalf of State maritime academies or the United States Merchant Marine Academy for facility and training ship maintenance, repair, and modernization, and for the purchase of simulators and fuel.

(C) The remainder shall be available—

(i) to the Secretary to carry out the Program, as provided in subsection (b); or

(ii) if otherwise determined by the Administrator of the Maritime Administration, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.

(2) APPLICABILITY.—Paragraph (1) does not apply to amounts credited to the Vessel Operations Revolving Fund before July 1, 1994.

(b) USE OF AMOUNTS FOR PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), of amounts available each fiscal year for the Program under subsection (a)(1)(C)—

(A) one half shall be used for grants under section 308703(b) of this title; and

(B) one half shall be used for grants under section 308703(c) of this title.

(2) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—Not more than 15 percent or $500,000, whichever is less, of the amount available for the Program under subsection (a)(1)(C) for a fiscal year may be used for expenses of administering the Program.

(B) ALLOCATION.—Of the amount available under subparagraph (A) for a fiscal year—

(i) one half shall be allocated to the National Trust for expenses incurred in administering grants under section 308703(b) of this title; and

(ii) one half shall be allocated as appropriate by the Secretary to the Service and participating State Historic Preservation Officers.

(c) DISPOSAL OF VESSELS.—

(1) REQUIREMENT.—The Secretary of Transportation shall dispose (by sale or by purchase of disposal services) of all vessels described in paragraph (2)—

(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, that shall include provisions requiring the Maritime Administration to—

(i) dispose of all deteriorated high priority ships that are available for disposal within 12 months of their designation as available for disposal; and

(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;

(B) in the manner that provides the best value to the Federal Government, except in any case in which obtaining the best value would require towing a vessel and the towing poses a serious threat to the environment; and

(C) in accordance with the plan of the Department of Transportation for disposal of those vessels and requirements under sections 57102 to 57104 of title 46.

(2) DESCRIPTION OF VESSELS.—The vessels referred to in paragraph (1) are the vessels in the National Defense Reserve Fleet after July 1, 1994, that—

(A) are not assigned to the Ready Reserve Force component of the National Defense Reserve Fleet; and

(B) are not specifically authorized or required by statute to be used for a particular purpose.

(d) TREATMENT OF AVAILABLE AMOUNTS.—Amounts available under this section shall not be considered in any determination of the amounts available to the Department of the Interior.

§ 308705. Designation of America's National Maritime Museum

(a) IN GENERAL.—America's National Maritime Museum shall be composed of the museums designated by law to be museums of America's National Maritime Museum on the basis that the museums—

(1) house a collection of maritime artifacts clearly representing the Nation's maritime heritage; and

(2) provide outreach programs to educate the public about the Nation's maritime heritage.

(b) INITIAL DESIGNATION.—The following museums (meeting the criteria specified in subsection (a)) are designated as museums of America's National Maritime Museum:

(1) The Mariners' Museum, located at 100 Museum Drive, Newport News, Virginia.

(2) The South Street Seaport Museum, located at 207 Front Street, New York, New York.

(c) FUTURE DESIGNATION OF OTHER MUSEUMS NOT PRECLUDED.—The designation of the museums referred to in subsection (b) as museums of America's National Maritime Museum does not preclude the designation by law of any other museum that meets the criteria specified in subsection (a) as a museum of America's National Maritime Museum.

(d) REFERENCE TO MUSEUMS.—Any reference in any law, map, regulation, document, paper, or other record of the United States to a museum designated by law to be a museum of America's

National Maritime Museum shall be deemed to be a reference to that museum as a museum of America's National Maritime Museum.

§ 308706. Regulations

The Secretary, after consultation with the National Trust, the National Conference of State Historic Preservation Officers, and appropriate members of the maritime heritage community, shall prescribe appropriate guidelines, procedures, and regulations to carry out the chapter, including direct grant and subgrant priorities, the method of solicitation and review of direct grant and subgrant proposals, criteria for review of direct grant and subgrant proposals, administrative requirements, reporting and recordkeeping requirements, and any other requirements the Secretary considers appropriate.

§ 308707. Applicability of other authorities

The authorities contained in this chapter shall be in addition to, and shall not be construed to supersede or modify those contained in division A of this subtitle.

Chapter 3089—Save America's Treasures Program

Sec.

§ 308901. Definitions

In this chapter:

(1) COLLECTION.—The term ''collection'' means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term ''historic property'' has the meaning given the term in section 300308 of this title.

(4) NATIONALLY SIGNIFICANT.—The term ''nationally significant'', in reference to a collection or historic property, means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 302103 of this title.

(5) PROGRAM.—The term ''program'' means the Save America's Treasures Program established under section 308902(a) of this title.

(6) SECRETARY.—The term ''Secretary'' means the Secretary, acting through the Director.

§ 308902. Establishment

(a) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures Program.

(b) PARTICIPANTS.—In consultation and partnership with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation in the United States, the National Conference of State Historic Preservation Officers, the National Association of Tribal Historic Preservation Officers, and the President's Committee on the Arts and the Humanities, the Secretary shall use the amounts made available under section 308905 of this title to provide grants to eligible entities for projects to preserve nationally significant collections and historic property.

§ 308903. Grants

(a) DETERMINATION OF GRANTS.—Of the amounts made available for grants under section 308905 of this title, not less than 50 percent shall be made available for grants for projects to preserve collections and historic property, to be distributed through a competitive grant process administered by the Secretary, subject to the selection criteria established under subsection (d).

(b) APPLICATION FOR GRANTS.—To be considered for a grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(c) COLLECTIONS AND HISTORIC PROPERTY ELIGIBLE FOR GRANTS.—

(1) IN GENERAL.—A collection or historic property shall be provided a grant under the program only if the Secretary determines that the collection or historic property is—

(A) nationally significant; and

(B) threatened or endangered.

(2) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of a collection under paragraph (1)(A) shall be made in consultation with the organizations described in section 308902(b) of this title, as appropriate.

(3) ELIGIBLE HISTORIC PROPERTY.—To be eligible for a grant under the program, a historic property shall, as of the date of the grant application—

(A) be listed on the National Register of Historic Places at the national level of significance; or

(B) be designated as a National Historic Landmark.

(d) SELECTION CRITERIA.—

(1) IN GENERAL.—The Secretary shall not provide a grant under this chapter to a project for a collection or historic property unless the project—

(A) eliminates or substantially mitigates the threat of destruction or deterioration of the collection or historic property;

(B) has a clear public benefit; and

(C) is able to be completed on schedule and within the budget described in the grant application.

(2) PREFERENCE.—In providing grants under this chapter, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(3) LIMITATION.—In providing grants under this chapter, the Secretary shall provide only one grant to each project selected for a grant.

(e) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(1) CONSULTATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall consult with the organizations described in section 308902(b) of this title in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) LIMITATION.—If an organization described in section 308902(b) of this title has submitted an application for a grant under the program, the organization shall be recused by the Secretary from the consultation requirements under subparagraph (A) and section 308902(b) of this title.

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Natural Resources and Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(f) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this chapter shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies or related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

§ 308904. Guidelines and regulations

The Secretary shall develop any guidelines and prescribe any regulations that the Secretary determines to be necessary to carry out this chapter.

§ 308905. Authorization of appropriations

There is authorized to be appropriated to carry out this chapter $50,000,000 for each fiscal year, to remain available until expended.

Chapter 3091—Commemoration of Former Presidents

Sec.

§ 309101. Sites and structures that commemorate former Presidents

(a) SURVEY.—The Secretary may conduct a survey of sites that the Secretary considers exhibit qualities most appropriate for the commemoration of each former President. The survey may—

(1) include sites associated with the deeds, leadership, or lifework of a former President; and

(2) identify sites or structures historically unrelated to a former President but that may be suitable as a memorial to honor that President.

(b) REPORTS.—The Secretary shall, from time to time, prepare and transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate reports on individual sites and structures identified in a survey under subsection (a), together with the Secretary's recommendation as to whether the site or structure is suitable for establishment as a national historic site or national memorial to commemorate a former President. Each report shall include pertinent information with respect to the need for acquisition of land and interests in land, the development of facilities, and the operation and maintenance of the site or structure and the estimated cost of the operation and maintenance.

(c) ESTABLISHMENT AS NATIONAL HISTORIC SITE.—If during the 6-month period following the transmittal of a report pursuant to subsection (b) neither Committee has by vote of a majority of its members disapproved a recommendation of the Secretary that a site or structure is suitable for establishment as a national historic site, the Secretary may by appropriate order establish the site or structure as a national historic site, including the land and interests in land identified in the report accompanying the recommendation of the Secretary.

(d) ACQUISTION OF LAND AND INTERESTS IN LAND.—The Secretary may acquire the land and interests in land by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

(e) EFFECT OF SECTION.—Nothing in this section shall be construed as diminishing the authority of the Secretary under chapter 3201 of this title or as authorizing the Secretary to establish any national memorial, creation of which is expressly reserved to Congress.

Subdivision 2—Administered Jointly With National Park Service

Chapter 3111—Preserve America Program

Sec.

§ 311101. Definitions

In this chapter:

(1) COUNCIL.—The term ''Council'' means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term ''heritage tourism'' means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term ''program'' means the Preserve America Program established under section 311102(a).

§ 311102. Establishment

(a) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under section 311103 of this title, Indian tribes, communities designated as Preserve America Communities under section 311103 of this title, State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—The following projects shall be eligible for a grant under this chapter:

(A) A project for the conduct of—

(i) research on, and documentation of, the history of a community; and

(ii) surveys of the historic resources of a community.

(B) An education and interpretation project that conveys the history of a community or site.

(C) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(D) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(E) A project to support heritage tourism in a Preserve America Community designated under section 311103 of this title.

(F) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this chapter.

(2) LIMITATION.—In providing grants under this chapter, the Secretary shall provide only one grant to each eligible project selected for a grant.

(c) PREFERENCE.—In providing grants under this chapter, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(d) CONSULTATION AND NOTIFICATION.—

(1) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Natural Resources and Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(e) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this chapter shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies and related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

§ 311103. Designation of Preserve America Communities

(a) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(b) CRITERIA.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under subsection (a) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(1) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(2) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(3) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(c) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 302502 of this title.

(d) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

§ 311104. Regulations

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this chapter.

§ 311105. Authorization of appropriations

There is authorized to be appropriated to carry out this chapter $25,000,000 for each fiscal year, to remain available until expended.

Subdivision 3—Administered by Other Than National Park Service

Chapter 3121—National Trust for Historic Preservation in the United Sstates

§ 312101. Definitions

In this chapter:

(1) BOARD.—The term ''Board'' means the board of trustees of the National Trust.

(2) NATIONAL TRUST.—The term ''National Trust'' means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

§ 312102. Establishment and purposes

(a) ESTABLISHMENT.—To further the policy enunciated in chapter 3201 of this title, and to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest, there is established a charitable, educational, and nonprofit corporation to be known as the National Trust for Historic Preservation in the United States.

(b) PURPOSES.—The purposes of the National Trust shall be to—

(1) receive donations of sites, buildings, and objects significant in American history and culture;

(2) preserve and administer the sites, buildings, and objects for public benefit;

(3) accept, hold, and administer gifts of money, securities, or other property of any character for the purpose of carrying out the preservation program; and

(4) execute other functions vested in the National Trust by this chapter.

§ 312103. Principal office

The National Trust shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident of the District of Columbia. The National Trust may establish offices in other places as it may consider necessary or appropriate in the conduct of its business.

§ 312104. Board of trustees

(a) MEMBERSHIP.—The affairs of the National Trust shall be under the general direction of a board of trustees composed as follows:

(1) The Attorney General, the Secretary, and the Director of the National Gallery of Art, ex officio.

(2) Not fewer than 6 general trustees who shall be citizens of the United States.

(b) DESIGNATION OF ANOTHER OFFICER.—The Attorney General and the Secretary, when it appears desirable in the interest of the conduct of the business of the Board and to such extent as they consider it advisable, may, by written notice to the National Trust, designate any officer of their respective departments to act for them in the discharge of their duties as a member of the Board.

(c) GENERAL TRUSTEES.—

(1) NUMBER AND SELECTION.—The number of general trustees shall be fixed by the Board and shall be chosen by the members of the National Trust from its members at any regular meeting of the National Trust.

(2) TERM OF OFFICE.—The respective terms of office of the general trustees shall be as prescribed by the Board but in no case shall exceed a period of 5 years from the date of election.

(3) SUCCESSOR.—A successor to a general trustee shall be chosen in the same manner and shall have a term expiring 5 years from the date of the expiration of the term for which the predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of a term shall be chosen only for the remainder of that term.

(d) CHAIRMAN.—The chairman of the Board shall be elected by a majority vote of the members of the Board.

(e) COMPENSATION AND REIMBURSEMENT.—No compensation shall be paid to the members of the Board for their services as such members, but they shall be reimbursed for travel and actual expenses necessarily incurred by them in attending board meetings and performing other official duties on behalf of the National Trust at the direction of the Board.

§ 312105. Powers

(a) IN GENERAL.—To the extent necessary to enable it to carry out the functions vested in it by this chapter, the National Trust has the general powers described in this section.

(b) SUCCESSION.—The National Trust has succession until dissolved by Act of Congress, in which event title to the property of the National Trust, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the National Trust, pass to and become vested in the United States.

(c) SUE AND BE SUED.—The National Trust may sue and be sued in its corporate name.

(d) CORPORATE SEAL.—The National Trust may adopt, alter, and use a corporate seal that shall be judicially noticed.

(e) CONSTITUTION, BYLAWS, AND REGULATIONS.—The National Trust may adopt a constitution and prescribe such bylaws and regulations, not inconsistent with the laws of the United States or of any State, as it considers necessary for the administration of its functions under this chapter, including among other matters, bylaws and regulations governing visitation to historic properties, administration of corporate funds, and the organization and procedure of the Board.

(f) PERSONAL PROPERTY—The National Trust may accept, hold, and administer gifts and bequests of money, securities, or other personal property of any character, absolutely or in trust, for the purposes for which the National Trust is created. Unless otherwise restricted by

the terms of a gift or bequest, the National Trust may sell, exchange, or otherwise dispose of, and invest or reinvest in investments as it may determine from time to time, the moneys, securities, or other property given or bequeathed to it. The principal of corporate funds and the income from those funds and all other revenues received by the National Trust from any source shall be placed in such depositories as the National Trust shall determine and shall be subject to expenditure by the National Trust for its corporate purposes.

(g) REAL PROPERTY.—The National Trust may acquire by gift, devise, purchase, or otherwise, absolutely or in trust, and hold and, unless otherwise restricted by the terms of the gift or devise, encumber, convey, or otherwise dispose of, any real property, or any estate or interest in real property (except property within the exterior boundaries of a System unit), as may be necessary and proper in carrying into effect the purposes of the National Trust.

(h) CONTRACTS AND COOPERATIVE AGREEMENTS RESPECTING PROTECTION, PRESERVATION, MAINTENANCE, OR OPERATION.—The National Trust may contract and make cooperative agreements with Federal, State, or local agencies, corporations, associations, or individuals, under terms and conditions that the National Trust considers advisable, respecting the protection, preservation, maintenance, or operation of any historic site, building, object, or property used in connection with the site, building, object, or property for public use, regardless of whether the National Trust has acquired title to the property, or any interest in the property.

(i) ENTER INTO CONTRACTS AND EXECUTE INSTRUMENTS.—The National Trust may enter into contracts generally and execute all instruments necessary or appropriate to carry out its corporate purposes, including concession contracts, leases, or permits for the use of land, buildings, or other property considered desirable either to accommodate the public or to facilitate administration.

(j) OFFICERS, AGENTS, AND EMPLOYEES.—The National Trust may appoint and prescribe the duties of officers, agents, and employees as may be necessary to carry out its functions, and fix and pay compensation to them for their services as the National Trust may determine.

(k) LAWFUL ACTS.—The National Trust may generally do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Trust is created.

§ 312106. Consultation with National Park System Advisory Board

In carrying out its functions under this chapter, the National Trust may consult with the National Park System Advisory Board on matters relating to the selection of sites, buildings, and objects to be preserved and protected pursuant to this chapter.

Chapter 3123—Commission for the Preservation of America's Heritage Abroad

§ 312301. Definition

In this chapter, the term ''Commission'' means the Commission for the Preservation of America's Heritage Abroad established under section 312303 of this title.

§ 312302. Declaration of national interest

Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

§ 312303. Establishment

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad.

(b) MEMBERSHIP.—The Commission shall consist of 21 members appointed by the President, 7 of whom shall be appointed after consultation with the Speaker of the House of Representatives and 7 of whom shall be appointed after consultation with the President pro tempore of the Senate.

(c) TERM.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall be appointed for a term of 3 years.

(2) VACANCY.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

(3) MEMBER UNTIL SUCCESSOR APPOINTED.—A member may retain membership on the Commission until the member's successor has been appointed.

(d) CHAIRMAN.—The President shall designate the Chairman of the Commission from among its members.

(e) MEETINGS.—The Commission shall meet at least once every 6 months.

(f) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission.

(2) EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as individuals employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

§ 312304. Duties and powers; administrative support

(a) DUTIES.—The Commission shall—

(1) identify and publish a list of cemeteries, monuments, and historic buildings located abroad that are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly cemeteries, monuments, and buildings that are in danger of deterioration or destruction;

(2) encourage the preservation and protection of those cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Secretary of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of, and the progress toward preserving and protecting, those cemeteries, monuments, and historic buildings.

(b) POWERS.—

(1) HOLD HEARINGS, REQUEST ATTENDANCE, TAKE TESTIMONY, AND RECEIVE EVIDENCE.—The Commission or any member it authorizes may, for the purposes of carrying out this chapter, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) APPOINT PERSONNEL AND FIX PAY.—The Commission may appoint such personnel (subject to the provisions of title 5 governing appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5), as the Commission considers desirable.

(3) PROCURE TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect under section 5376 of title 5.

(4) DETAIL PERSONNEL TO COMMISISON.—On request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this chapter.

(5) SECURE INFORMATION.—The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this chapter. On the request of the Chairman of the Commission, the head of the department or agency shall furnish the information to the Commission.

(6) GIFTS OR DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) USE OF MAILS.—The Commission may use the United States mails in the same manner and on the same conditions as other departments and agencies of the United States.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support services as the Commission may request.

§ 312305. Reports

As soon as practicable after the end of each fiscal year, the Commission shall transmit to the President a report that includes—

(1) a detailed statement of the activities and accomplishments of the Commission during the fiscal year; and

(2) any recommendations of the Commission for legislation and administrative actions.

Chapter 3125—Preservation of Historical and Archeological Data

§ 312501. Definition

In this chapter, the term ''State'' includes a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 312502. Threat of irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data by Federal construction projects

(a) ACTIVITY OF FEDERAL AGENCY.—

(1) NOTIFICATION OF SECRETARY.—When any Federal agency finds, or is notified, in writing, by an appropriate historical or archeological authority, that its activities in connection with any Federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, the agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity.

(2) RECOVERY, PROTECTION, AND PRESERVATION OF DATA.—The agency—

(A) may request the Secretary to undertake the recovery, protection, and preservation of the data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from the investigation); or

(B) may, with funds appropriated for the project, program, or activity, undertake those activities.

(3) AVAILABILITY OF REPORTS.—Copies of reports of any investigations made pursuant to this section shall be submitted to the Secretary, who shall make them available to the public for inspection and review.

(b) ACTIVITY OF PRIVATE PERSON, ASSOCIATION, OR PUBLIC ENTITY.—

(1) RECOVERY BY SECRETARY.—When any Federal agency provides financial assistance by loan, grant, or otherwise to any private person, association, or public entity, the Secretary, if the Secretary determines that significant scientific, prehistorical, historical, or archeological data might be irrevocably lost or destroyed, may, with funds appropriated expressly for this purpose—

(A) conduct, with the consent of all persons, associations, or public entities having a legal interest in the property, a survey of the affected site; and

(B) undertake the recovery, protection, and preservation of the data (including analysis and publication).

(2) COMPENSATION.—The Secretary shall, unless otherwise agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or any nonfederally owned land.

§312503. Survey and recovery by Secretary

(a) IN GENERAL.—The Secretary, on notification, in writing, by any Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data are being or may be irrevocably lost or destroyed by any Federal or federally assisted or licensed project, activity, or program, shall, if the Secretary determines that the data are significant and are being or may be irrevocably lost or destroyed and after reasonable notice to the agency responsible for funding or licensing the project, activity, or program—

(1) conduct or cause to be conducted a survey and other investigation of the areas that are or may be affected; and

(2) recover and preserve the data (including analysis and publication) that, in the opinion of the Secretary, are not being, but should be, recovered and preserved in the public interest.

(b) WHEN SURVEY OR RECOVERY NOT REQUIRED.—No survey or recovery work shall be required pursuant to this section that, in the determination of the head of the responsible agency, would impede Federal or federally assisted or licensed projects or activities undertaken in connection with any emergency, including projects or activities undertaken in anticipation of, or as a result of, a natural disaster.

(c) INITIATION OF SURVEY.—The Secretary shall initiate the survey or recovery effort within—

(1) 60 days after notification pursuant to subsection (a); or

(2) such time as may be agreed on with the head of the agency responsible for funding or licensing the project, activity, or program in all other cases.

(d) COMPENSATION BY SECRETARY.—The Secretary shall, unless otherwise agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or nonfederally owned land.

§312504. Progress reports by Secretary on surveys and work undertaken as result of surveys

(a) PROGRESS REPORTS TO FUNDING OR LICENSING AGENCY.—The Secretary shall keep the agency responsible for funding or licensing the project notified at all times of the progress of any survey made under this chapter or of any work undertaken as a result of a survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of the agency. The survey and recovery programs shall terminate at a time agreed on by the Secretary and the head of the agency unless extended by agreement.

(b) DISPOSITION OF RELICS AND SPECIMENS.—The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, private institutions, and qualified individuals, with a view to determining the ownership of, and the most appropriate repository for, any relics and specimens recovered as a result of any work performed as provided for in this section.

(c) COORDINATION OF ACTIVITIES.—The Secretary shall coordinate all Federal survey and recovery activities authorized under this chapter.

§312505. Notice of dam construction

(a) IN GENERAL.—Before any Federal agency undertakes the construction of a dam, or issues a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if construction is undertaken.

(b) DAMS WITH CERTAIN DETENTION CAPACITY OR RESERVOIR.—With respect to any flood water retarding dam that provides fewer than 5,000 acre-feet of detention capacity, and with respect to any other type of dam that creates a reservoir of fewer than 40 surface acres, this section shall apply only when the constructing agency, in its preliminary surveys, finds or is presented with evidence that historical or archeological materials exist or may be present in the proposed reservoir area.

§312506. Administration

In the administration of this chapter, the Secretary may—

(1) enter into contracts or make cooperative agreements with any Federal or State agency, educational or scientific organization, or institution, corporation, association, or qualified individual;

(2) obtain the services of experts and consultants or organizations of experts and consultants in accordance with section 3109 of title 5; and

(3) accept and utilize funds made available for salvage archeological purposes by any private person or corporation or transferred to the Secretary by any Federal agency.

§312507. Assistance to Secretary by Federal agencies responsible for construction projects

(a) ASSISTANCE OF FEDERAL AGENCIES.—To carry out this chapter, any Federal agency responsible for a construction project may assist the Secretary or may transfer to the Secretary funds as may be agreed on, but not more than 1 percent of the total amount authorized to be appropriated for the project, except that the 1 percent limitation under this section shall not apply if the cost of the project is $50,000 or less. The costs of the survey, recovery, analysis, and publication shall be deemed nonreimbursable project costs.

(b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated for purposes of this section shall remain available until expended.

§312508. Costs for identification, surveys, evaluation, and data recovery with respect to historic property

Notwithstanding section 312507(a) of this title or any other provision of law—

(1) identification, surveys, and evaluation carried out with respect to historic property within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

(2) reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic property within project areas may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit; and

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, may waive, in appropriate cases, the 1 percent limitation under section 312507(a) of this title.

Division C—American Antiquities

Chapter 3201—Policy and Administrative Provisions

§320101. Declaration of national policy

It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

§320102. Powers and duties of Secretary

(a) IN GENERAL.—The Secretary, acting through the Director, for the purpose of effectuating the policy expressed in section 320101 of this title, has the powers and shall perform the duties set out in this section.

(b) PRESERVATION OF DATA.—The Secretary shall secure, collate, and preserve drawings, plans, photographs, and other data of historic and archeologic sites, buildings, and objects.

(c) SURVEY.—The Secretary shall make a survey of historic and archeologic sites, buildings, and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States.

(d) INVESTIGATIONS AND RESEARCHES.—The Secretary shall make necessary investigations and researches in the United States relating to particular sites, buildings, and objects to obtain accurate historical and archeological facts and information concerning the sites, buildings, and objects.

(e) ACQUISITION OF PROPERTY.—The Secretary may, for the purpose of this chapter, acquire in the name of the United States by gift, purchase, or otherwise any property, personal or real, or any interest or estate in property, title to any real property to be satisfactory to the Secretary. Property that is owned by any religious or educational institution or that is owned or administered for the benefit of the public shall not be acquired without the consent of the owner. No property shall be acquired or contract or agreement for the acquisition of the property made that will obligate the general fund of the Treasury for the payment of the property, unless Congress has appropriated money that is available for that purpose.

(f) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, with proper bond where considered advisable, to protect, preserve, maintain, or operate any historic or archeologic building, site, or object, or property used in connection with the building, site, or object, for public use, regardless whether the title to the building, site, object, or property is in the United States. No contract or cooperative agreement shall be made or entered into that will obligate the general fund of the Treasury unless or until Congress has appropriated money for that purpose.

(g) PROTECTION OF SITES, BUILDINGS, OBJECTS, AND PROPERTY.—The Secretary shall restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and property of national historical or archeological significance and where considered desirable establish and maintain museums in connection with the sites, buildings, objects, and property.

(h) TABLETS TO MARK OR COMMEMORATE PLACES AND EVENTS.—The Secretary shall erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historical or archeological significance.

(i) OPERATION FOR BENEFIT OF PUBLIC.—The Secretary may operate and manage historic and archeologic sites, buildings, and property acquired under this chapter together with land and subordinate buildings for the benefit of the public and may charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable either to accommodate the public or to facilitate administration. The Secretary may grant those concessions, leases, or permits and enter into contracts relating to the contracts, leases, or permits with responsible persons, firms, or corporations without advertising and without securing competitive bids.

(j) CORPORATION TO CARRY OUT DUTIES.—When the Secretary determines that it would be administratively burdensome to restore, reconstruct, operate, or maintain any particular historic or archeologic site, building, or property donated to the United States through the Service, the Secretary may cause the restoration, reconstruction, operation, or maintenance to be done by organizing a corporation for that purpose under the laws of the District of Columbia or any State.

(k) EDUCATIONAL PROGRAM AND SERVICE.—The Secretary shall develop an educational program and service for the purpose of making available to the public information pertaining to American historic and archeologic sites, buildings, and properties of national significance. Reasonable charges may be made for the dissemination of any such information.

(l) ACTIONS AND REGULATIONS NECESSARY TO CARRY OUT CHAPTER.—The Secretary shall perform any and all acts and make regulations not inconsistent with this chapter that may be necessary and proper to carry out this chapter.

§ 320103. Cooperation with governmental and private agencies and individuals

(a) AUTHORIZATION OF SECRETARY.—The Secretary may cooperate with and may seek and accept the assistance of any Federal, State, or local agency, educational or scientific institution, patriotic association, or individual.

(b) TECHNICAL ADVISORY COMMITTEES.—When the Secretary considers it necessary, the Secretary may establish technical advisory committees to act in an advisory capacity in connection with the restoration or reconstruction of any historic or prehistoric building or other structure.

(c) EMPLOYMENT OF ASSISTANCE.—The Secretary may employ professional and technical assistance and establish service as may be required to accomplish the purposes of this chapter and for which money may be appropriated by Congress or made available by gifts for those purposes.

§ 320104. Jurisdiction of States in acquired land

Nothing in this chapter shall be held to deprive any State, or political subdivision of a State, of its civil and criminal jurisdiction in and over land acquired by the United States under this chapter.

§ 320105. Criminal penalties

Criminal penalties for a violation of a regulation authorized by this chapter are provided by section 1866 of title 18.

§ 320106. Limitation on obligation or expenditure of appropriated amounts

Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary to carry out subsection (f) or (g) of section 320102 of this title may be obligated or expended—

(1) unless the appropriation of the funds has been specifically authorized by law enacted on or after October 30, 1992; or

(2) in excess of the amount prescribed by law enacted on or after October 30, 1992.

Chaper 3203—Monuments, Ruins, Sites, and Objects of Antiquity

Sec.
320301. National monuments.
320302. Permits.
320303. Regulations.

§ 320301. National monuments

(a) PRESIDENTIAL DECLARATION.—The President may, in the President's discretion, declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.

(b) RESERVATION OF LAND.—The President may reserve parcels of land as a part of the national monuments. The limits of the parcels shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

(c) RELINQUISHMENT TO FEDERAL GOVERNMENT.—When an object is situated on a parcel covered by a bona fide unperfected claim or held in private ownership, the parcel, or so much of the parcel as may be necessary for the proper care and management of the object, may be relinquished to the Federal Government and the Secretary may accept the relinquishment of the parcel on behalf of the Federal Government.

(d) LIMITATION ON EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN WYOMING.—No extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.

§ 320302. Permits

(a) AUTHORITY TO GRANT PERMIT.—The Secretary, the Secretary of Agriculture, or the Secretary of the Army may grant a permit for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity on land under their respective jurisdictions to an institution that the Secretary concerned considers properly qualified to conduct the examination, excavation, or gathering, subject to such regulations as the Secretary concerned may prescribe.

(b) PURPOSE OF EXAMINATION, EXCAVATION, OR GATHERING.—A permit may be granted only if—

(1) the examination, excavation, or gathering is undertaken for the benefit of a reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of the objects; and

(2) the gathering shall be made for permanent preservation in a public museum.

§ 320303. Regulations

The Secretary, the Secretary of Agriculture, and the Secretary of the Army shall make and publish uniform regulations for the purpose of carrying out this chapter.

SEC. 4. CONFORMING AMENDMENTS.

(a) TITLE 18.—

(1) IN GENERAL.—Chapter 91 of title 18, United States Code, is amended by adding at the end the following:

"§ 1865. National Park Service

''(a) VIOLATION OF REGULATIONS RELATING TO USE AND MANAGEMENT OF NATIONAL PARK SYSTEM UNITS.—A person that violates any regulation authorized by section 100751(a) of title 54 shall be imprisoned not more than 6 months, fined under this title, or both, and be adjudged to pay all cost of the proceedings.

''(b) FINANCIAL DISCLOSURE BY OFFICERS OR EMPLOYEES PERFORMING FUNCTIONS OR DUTIES UNDER SUBCHAPTER III OF CHAPTER 1007 OF TITLE 54.—An officer or employee of the Department of the Interior who is subject to, and knowingly violates, section 100737 of title 54 or any regulation prescribed under that section shall be imprisoned not more than one year, fined under this title, or both.

''(c) OFFENSES RELATING TO STRUCTURES AND VEGETATION.—A person that willfully destroys, mutilates, defaces, injures, or removes any monument, statue, marker, guidepost, or other structure, or that willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within a national military park shall be imprisoned not less than 15 days nor more than one year, fined under this title but not less than $10 for each monument, statue, marker, guidepost, or other structure, tree, shrub, or plant that is destroyed, defaced, injured, cut, or removed, or both.

''(d) TRESPASSING IN A NATIONAL MILITARY PARK TO HUNT OR SHOOT.—An individual who trespasses in a national military park to hunt or shoot, or hunts game of any kind in a national military park with a gun or dog, or sets a trap or net or other device in a national military park to hunt or catch game of any kind, shall be imprisoned not less than 5 nor more than 30 days, fined under this title, or both.

"§ 1866. Historic, archeologic, or prehistoric items and antiquities

''(a) VIOLATION OF REGULATIONS AUTHORIZED BY CHAPTER 3201 OF TITLE 54.—A person that violates any of the regulations authorized by chapter 3201 of title 54 shall be fined under this title and be adjudged to pay all cost of the proceedings.

''(b) APPROPRIATION OF, INJURY TO, OR DESTRUCTION OF HISTORIC OR PREHISTORIC RUIN OR MONUMENT OR OBJECT OF ANTIQUITY.—A person that appropriates, excavates, injures, or destroys any historic or prehistoric ruin or monument or any other object of antiquity that is situated on land owned or controlled by the Federal Government without the permission of the head of the Federal agency having jurisdiction over the land on which the object is situated, shall be imprisoned not more than 90 days, fined under this title, or both.''.

(2) TABLE OF CONTENTS.—The table of contents of chapter 91 of title 18, United States Code, is amended by adding at the end the following:

''1865. National Park Service.
''1866. Historic, archeologic, or prehistoric items and antiquities.''.

(b) TITLE 28.—

(1) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 190—MISCELLANEOUS

''Sec.
''5001. Civil action for death or personal injury in a place subject to exclusive jurisdiction of United States.

"§ 5001. Civil action for death or personal injury in a place subject to exclusive jurisdiction of United States

''(a) DEATH.—In the case of the death of an individual by the neglect or wrongful act of another in a place subject to the exclusive jurisdiction of the United States within a State, a right of action shall exist as though the place were under the jurisdiction of the State in which the place is located.

''(b) PERSONAL INJURY.—In a civil action brought to recover on account of an injury sustained in a place described in subsection (a), the rights of the parties shall be governed by the law of the State in which the place is located.''.

(2) TABLE OF CONTENTS.—The table of contents of part VI of title 28, United States Code, is amended by adding at the end the following:

"190. Miscellaneous ..... 5001".

(c) ACT OF MAY 26, 2000.—Section 1 of Public Law 106–206 (114 Stat. 314) is amended to read as follows:

"SECTION 1. COMMERCIAL FILMING.

''(a) COMMERCIAL FILMING FEE.—

''(1) IN GENERAL.—The Secretary of the Interior or the Secretary of Agriculture (hereafter individually referred to as the 'Secretary' with respect to land (except land in a System unit as

defined in section 100102 of title 54, United States Code) under their respective jurisdictions) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal land administered by the Secretary. The fee shall provide a fair return to the United States and shall be based on the following criteria:

''(A) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.

''(B) The size of the film crew present on Federal land under the Secretary's jurisdiction.

''(C) The amount and type of equipment present.

''(2) OTHER FACTORS.—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

''(b) RECOVERY OF COSTS.—The Secretary shall collect any costs incurred as a result of filming activities or similar project, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

''(c) STILL PHOTOGRAPHY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on land administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

''(2) EXCEPTION.—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

''(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

''(1) there is a likelihood of resource damage;

''(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

''(3) the activity poses health or safety risks to the public.

''(e) USE OF PROCEEDS.—

''(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

''(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

''(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.''.

(d) PUBLIC LAW 111–24.—Section 512 of Public Law 111–24 (123 Stat. 1764) is amended to read as follows:

''SEC. 512. PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS

''(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

''(1) The 2d amendment to the Constitution provides that 'the right of the people to keep and bear Arms, shall not be infringed'.

''(2) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not 'possess, use, or transport firearms on national wildlife refuges' of the United States Fish and Wildlife Service.

''(3) The regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the 2d amendment rights of the individuals while at units of the National Wildlife Refuge System.

''(4) The existence of different laws relating to the transportation and possession of firearms at different units of the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Wildlife Refuge System.

''(5) Although the Bush administration issued new regulations relating to the 2d amendment rights of law-abiding citizens in units of the National Wildlife Refuge System that went into effect on January 9, 2009—

''(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

''(B) the new regulations—

''(i) are under review by the Obama administration; and

''(ii) may be altered.

''(6) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the 2d amendment rights of law-abiding citizens on 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

''(7) Federal laws should make it clear that the 2d amendment rights of an individual at a unit of the National Wildlife Refuge System should not be infringed.

''(b) PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, in any unit of the National Wildlife Refuge System if—

''(1) the individual is not otherwise prohibited by law from possessing the firearm; and

''(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Wildlife Refuge System is located.''.

SEC. 5. CONFORMING CROSS-REFERENCES.

(a) TITLE 7, UNITED STATES CODE.—Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and substituting ''chapter 2003 of title 54, United States Code''.

(b) TITLE 10, UNITED STATES CODE.—Section 2684(c)(1) of title 10, United States Code, is amended by striking ''section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a))'' and substituting ''section 2023.01 of title 54''.

(c) TITLE 15, UNITED STATES CODE.—Section 1072(a)(3)(D) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720(a)(3)(D)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''chapter 2003 of title 54, United States Code''.

(d) TITLE 16, UNITED STATES CODE.—

(1) Section 6 of Public Law 89–72 (16 U.S.C. 460l–17) is amended—

(A) in subsection (a), by striking ''subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and substituting ''section 200305(d) of title 54, United States Code''; and

(B) in subsection (g), by striking ''Subsection 6(a)(2) of the Land and Water Development Fund Act of 1965 (78 Stat. 897)'' and substituting ''section 200306(a)(3) of title 54, United States Code,''.

(2) Section 8 of Public Law 90–540 (16 U.S.C. 460v–7) is amended by striking ''section 6 of the Act of September 3, 1964 (78 Stat. 897, 903)'' and substituting ''section 200306 of title 54, United States Code''.

(3) Section 7(c) of the Springs Mountain National Recreation Area Act (16 U.S.C. 460hhh–5(c)) is amended by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)'' and substituting ''section 100506 of title 54, United States Code''.

(4) Section 5(b) of Public Law 103–64 (16 U.S.C. 460iii–4(b)) is amended by striking ''section 7(a) of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 460l–9(a))'' and substituting ''section 200306(a) of title 54, United States Code''.

(5) Section 702(a) of the Steens Mountain Cooperative Management and Protection Act of 2000 (16 U.S.C. 460nnn-122(a)) is amended by striking ''section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5)'' and substituting ''section 200302 of title 54, United States Code,''.

(6) Section 4 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470cc) is amended—

(A) in subsection (h)—

(i) in paragraph (1), by striking ''the Act of June 8, 1906 (16 U.S.C. 431–433)'' and substituting ''chapter 3203 of title 54, United States Code''; and

(ii) in paragraph (2), by striking ''the Act of June 8, 1906'' each place it appears and substituting ''chapter 3203 of title 54, United States Code''; and

(B) in subsection (i), by striking ''section 106 of the Act of October 15, 1966 (80 Stat. 917, 16 U.S.C. 470f)'' and substituting ''section 306108 of title 54, United States Code''.

(7) Section 5 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470dd) is amended by striking ''the Act of June 27, 1960 (16 U.S.C. 469–469c) or the Act of June 8, 1906 (16 U.S.C. 431–433)'' and substituting ''chapter 3125 or chapter 3203 of title 54, United States Code''.

(8) Section 9(a)(2) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470hh(a)(2)) is amended by striking ''the Act of June 27, 1960 (16 U.S.C. 469–469c)'' and substituting ''chapter 3125 of title 54, United States Code''.

(9) Section 6311(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 470aaa–10(1)) is amended by striking ''Public Law 94–429 (commonly known as the 'Mining in the Parks Act' (16 U.S.C. 1901 et seq.)'' and substituting ''subchapter 3 of chapter 1007 of title 54, United States Code''.

(10) Section 502(h)(1)(B) of the National Parks and Recreation Act of 1998 (16 U.S.C. 471i(h)(1)(B)) is amended by striking ''the Land and Water Conservation Fund Act'' and substituting ''chapter 2003 of title 54, United States Code''.

(11) Section 339(f)(4)(H) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (Public Law 106–113, div. B, §1000(a)(3), title III, 16 U.S.C. 528 note), is amended by striking ''Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a)'' and substituting ''Section 100904 of title 54, United States Code''.

(12) Section 6(d) of the Alaska Land Status Technical Corrections Act of 1992 (Public Law 102–415, 16 U.S.C. 539 note) is amended by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)'' and substituting ''section 100506 of title 54, United States Code''.

(13) Section 2(b) of the Greer Spring Acquisition and Protection Act of 1991 (Public Law 102–220, 16 U.S.C. 539h note) is amended by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)'' and substituting ''section 100506 of title 54, United States Code''.

(14) Section 606 of the Interstate 90 Land Exchange Act of 1998 (Public Law 105–277, div. A, §101(e), title VI, 16 U.S.C. 539k note) is amended—

(A) in subsection (a)(3), by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)'' and substituting ''section 100506 of title 54, United States Code,'';

(B) in subsection (b)(2), by striking ''the National Historic Preservation Act'' and substituting ''division A of subtitle III of title 54, United States Code''; and

(C) in subsection (g)(1), by striking ''the National Historic Preservation Act'' and substituting ''division A of subtitle III of title 54, United States Code,''.

(15) Section 6 of Public Law 93–535 (16 U.S.C. 541e) is amended by striking ''clause 7(a)(1) of the Act of September 3, 1964 (78 Stat. 903), as amended'' and substituting ''section 200306(a)(2) of title 54, United States Code''.

(16) Section 14(e)(3)(D)(iii) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544l(e)(3)(D)(iii)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 through 11)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(17) Section 16(a)(1) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544n(a)(1) is amended by striking ''the Land and Water Conservation Fund (16 U.S.C. 460l–4 and following)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(18) Section 3(b) of the Saint Helena Island National Scenic Area Act (16 U.S.C. 546a(b)) is amended by striking ''section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)'' and substituting ''section 100506 of title 54, United States Code''.

(19) Section 6(a) of the Act of June 22, 1948 (known as the Thye-Blatnik Act) (16 U.S.C. 577h(a)) is amended by striking ''the Land and Water Conservation Fund Act (78 Stat. 897), as amended'' and substituting ''chapter 2003 of title 54, United States Code''.

(20) Section 104(f) of the Valles Caldera Preservation Act (16 U.S.C. 688v–2(f)) is amended by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)'' and substituting ''section 100506 of title 54, United States Code''.

(21) Section 4(a)(3) of the Wilderness Act (16 U.S.C. 1133(a)(3)) is amended—

(A) by striking ''the Act of August 25, 1916'' and substituting ''section 100101(b)(1), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code''; and

(B) by striking ''the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.)'' and substituting ''section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and chapters 3201 and 3203 of title 54, United States Code''.

(22) Section 5 of Public Law 90–454 (16 U.S.C. 1225) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and substituting ''chapter 2003 of title 54, United States Code''.

(23) Section 7(h)(1) of the National Trails System Act (16 U.S.C. 1246(h)(1) is amended by striking ''the Volunteers in the Parks Act of 1969'' and substituting ''section 102301 of title 54, United States Code,''.

(24) Section 8(a) of the National Trails System Act (16 U.S.C. 1247(a)) is amended—

(A) by striking ''the Land and Water Conservation Fund Act'' and substituting ''chapter 2003 of title 54, United States Code'';

(B) by striking ''the Act of October 15, 1966 (80 Stat. 915), as amended'' and substituting ''division A of subtitle III of title 54, United States Code''; and

(C) by striking ''the Act of May 28, 1963 (77 Stat. 49'' and substituting ''chapter 2003 of title 54, United States Code''.

(25) Section 9(e)(3) of the National Trails System Act (16 U.S.C. 1248 (e)(3)) is amended by striking ''section 2 of the Land and Water Conservation Fund Act of 1965'' and substituting ''section 200302 of title 54, United States Code''.

(26) Section 10(a)(1) of the National Trails System Act (16 U.S.C. 1249(a)(1)) is amended by striking ''the Land and Water Conservation Fund Act (78 Stat. 897), as amended'' and substituting ''chapter 2003 of title 54, United States Code''.

(27) Section 11(a)(2) of the National Trails System Act (16 U.S.C. 1250(a)(2)) is amended—

(A) by striking ''the Volunteers in the Parks Act of 1969'' and substituting ''section 102301 of title 54, United States Code''; and

(B) by striking ''section 6 of the Land and Water Conservation Fund Act of 1965'' and substituting ''200305 of title 54, United States Code''.

(28) Section 12(4) of the National Trails System Act (16 U.S.C. 1251(4)) is amended by striking ''the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code,''.

(29) Section 2(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)) is amended by striking ''the Land and Water Conservation Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code,''.

(30) Section 7(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(d)) is amended by striking ''the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code''.

(31) Section 11 of the Wild and Scenic Rivers Act (16 U.S.C. 1282) is amended—

(A) in subsection (a), by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat. 897'' and substituting ''chapter 2003 of title 54, United States Code''; and

(B) in subsection (b)(2)—

(i) in subparagraph (A), by striking ''the Volunteers in the Parks Act of 1969'' and substituting ''section 102301 of title 54, United States Code,''; and

(ii) in subparagraph (B), by striking ''the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code''.

(32) Section 5(b) of the Endangered Species Act of 1973 (16 U.S.C. 1534(b) is amended by striking ''the Land and Water Conservation Fund Act of 1965, as amended'' and substituting ''chapter 2003 of title 54, United States Code''.

(33) Section 815(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3125(4)'' is amended—

(A) by striking ''the National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1, 2, 3, 4)'' and substituting''section 100101(b)(1), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code''; and

(B) by adding ''or such title'' after ''such Acts''.

(34) Section 6(a)(6)(C) of the Coastal Barrier Act of 1968 (16 U.S.C. 3505(a)(6)(C)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 through 11)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(35) Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by striking ''Public Law 90–209 (16 U.S.C. 19e et seq.)'' and substituting ''subchapter II of chapter 1011 of title 54, United States Code''.

(36) Section 805(f)(1) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(f)(1)) is amended—

(A) by striking ''(16 U.S.C. 460l–6a)''; and

(B) by striking ''; 16 U.S.C. 5991–5995''.

(37) Section 813 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812) is amended—

(A) in subsection (A), by striking ''(16 U.S.C. 460l–6a et seq.)'';

(B) in subsection (b), by striking ''; 16 U.S.C. 460l–6a'';

(C) in subsection (c)—

(i) in paragraph (1), by striking ''; 16 U.S.C. 5982''; and

(ii) in paragraph (2), by striking ''; 16 U.S.C. 5991–5995''; and

(D) in subsection (e)—

(i) in paragraph (1), by striking ''(16 U.S.C. 460l–6a(i)(1))'';

(ii) in paragraph (2), by striking ''; 16 U.S.C. 5991–5995''; and

(iii) in paragraph (3), by striking ''; 16 U.S.C. 460l–6a''.

(e) TITLE 20, UNITED STATES CODE.—

(1) Section 2 of the Act of August 15, 1949 (20 U.S.C. 78a) is amended by striking ''the Act of June 8, 1906 (16 U.S.C. 432, 433)'' and substituting ''section 1866(b) of title 18, United States Code, and sections 320302 and 320303 of title 54, United States Code''.

(2) Section 1517(a)(3) of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4424(a)(3)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(3) Section 7202(13)(E) of the Native Hawaiian Education Act (20 U.S.C. 7512(13)(D)) is amended by striking '' the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(f) TITLE 23, UNITED STATES CODE.—

(1) Section 103(c)(5) of title 23, United States Code, is amended—

(A) in subparagraph (B), by striking ''section 106 of the National Historic Preservation Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54''; and

(B) in subparagraph (C), by striking ''section 106 of the National Historic Preservation Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54''.

(2) Section 133(e)(5)(B) of title 23, United States Code, is amended—

(A) by striking ''title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.)'' and substituting ''section 304101 of title 54''; and

(B) by striking ''section 106 of such Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54''.

(3) Section 138(b)(2)(A) of title 23, United States Code, is amended by striking ''section 106 of the National Historic Preservation Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54''.

(4) Section 206 of title 23, United States Code, is amended—

(A) in subsection (d)(1)(B), by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54'';

(B) in subsection (d)(2)(D)(ii), by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54''; and

(C) in subsection (h)(3), by striking ''section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3))'' and substituting ''section 200305(f)(3) of title 54''.

(g) TITLE 25, UNITED STATES CODE.—Section 509(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa–8(a)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(h) TITLE 26, UNITED STATES CODE.—Section 9503(c)(3)(A)(i) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(3)(A)(i)) is amended by striking ''title I of the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54''.

(i) TITLE 36, UNITED STATES CODE.—Section 153513(a)(1) of title 36, United States Code, is amended by striking ''the Act of August 25, 1916 (16 U.S.C. 1 et seq.) (known as the National Park Service Organic Act)'' and substituting ''section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code''.

(j) TITLE 40, UNITED STATES CODE.—

(1) Section 549(c)(3)(B)(ix) of title 40, United States code, is amended—

(A) by striking ''section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(e)(2))'' and substituting ''section 305101(4) of title 54''; and

(B) by striking ''subsection (b) of that section'' and substituting ''section 305103 of title 54''.

(2) Section 550(h)(1)(B) of title 40, United States Code, is amended by striking ''section 3 of the Act of August 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings, and Antiquities Act)'' and substituting ''section 102303 of title 54''.

(3) Section 1303(c) of title 40, United States Code, is amended by striking ''the Act of August 21, 1935 (16 U.S.C. 461 et seq.) (known as the Historic Sites, Buildings, and Antiquities Act)'' and substituting ''chapter 3201 of title 54''.

(4) Section 1314(a)(2)(A)(ii) of title 40, United States Code, is amended by striking ''the Act of August 25, 1916 (16 U.S.C. 1, 2, 3, 4) (known as the National Park Service Organic Act)'' and substituting ''section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54''.

(5) Section 3303(c) of title 40, United States Code, is amended by striking ''title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.)'' and substituting ''section 304101 of title 54''.

(6) Section 3306(a)(4) of title 40, United States Code, is amended by striking ''section 101 of the National Historic Preservation Act (16 U.S.C. 470a)'' and substituting ''chapter 3021 of title 54''.

(7) Section 14507(a)(1)(A)(ii) of title 40, United States Code, is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54''.

(k) TITLE 42, UNITED STATES CODE.—

(1) Section 303(2) of the Water Resources Planning Act (42 U.S.C. 1962c–2(2)) is amended by striking ''the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code''.

(2) Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by striking ''section 5(e) of the Land And Water Conservation Fund Act of 1965'' and substituting ''section 200305(e) of title 54, United States Code''.

(3) Section 5(c) of the Department of Housing and Urban Development Act (42 U.S.C. 3534(c)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(4) Section 121 of the Housing and Community Development Act of 1974 (42 U.S.C. 5320) is amended—

(A) by amending subsection (a) to read as follows:

''(a) With respect to applications for assistance under section 5318 of this title, the Secretary of the Interior, after consulting with the Secretary, shall prescribe and implement regulations concerning projects funded under section 5318 of this title and their relationship with division A of substitle III and chapter 3125 of title 54, United States Code.'';

and

(B) in subsection (c), by striking ''section 106 of the Act referred to in subsection (a)(1)'' and substituting ''section 306108 of title 54, United States Code,''.

(5) Section 504(c)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12204(c)(2)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(6) Section 999H(c)(2) of the Energy Policy Act of 2005 Energy Research, Development, Demonstration, and Commercial Application Act of 2005 (42 U.S.C. 16378(c)(2)) is amended—

(A) in subparagraph (B), by striking ''section 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5(c))'' and substituting ''section 200302(c) of title 54, United States Code''; and

(B) in subparagraph (C), by striking ''section 108 of the National Historic Preservation Act (16 U.S.C. 470h)'' and substituting ''chapter 3031 of title 54, United States Code''.

(l) TITLE 43, UNITED STATES CODE.—

(1) The second paragraph under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''BUREAU OF RECLAMATION'' (43 U.S.C. 377b) is amended by striking ''the Acts of August 21, 1935 (16 U.S.C. 461–467) and June 27 1960 (16 U.S.C. 469)'' and substituting ''chapters 3125 and 3201 of title 54, United States Code''.

(2) Section 105 of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432, div. C, title I, 43 U.S.C. 1331 note) is amended—

(A) in subsection (a)(2)(B)—

(i) by striking ''section 6 of the Land And Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8)'' and substituting ''section 200305 of title 54, United States Code''; and

(ii) by striking ''section 2 of that Act (16 U.S.C. 460l–5)'' and substituting ''section 200302 of that title''; and

(B) in subsection (e)(3)(B), by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54, United States Code''.

(3) Section 1401(b) of the Omnibus Budget Reconciliation Act of 1981 (43 U.S.C. 1457a(b)) is amended—

(A) by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat; 897; 16 U.S.C. 460z)'' and substituting ''chapter 2003 of title 54, United States Code'';

(B) by striking ''the National Historic Preservation Act of 1966 (80 Stat. 915; 16 U.S.C. 470)'' and substituting ''division A of subtitle III of title 54, United States Code''; and

(C) by striking ''the Urban Park and Recreation Recovery Act of 1978 (92 Stat. 3538; 16 U.S.C. 2501, et seq.)'' and substituting ''chapter 2005 of title 54, United States Code''.

(4) The paragraph under the heading ''NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND'' under the heading ''UNITED STATES FISH AND WILDLIFE SERVICE'' in Public Law 103–138 (43 U.S.C. 1474b–1) is omitted by striking ''the Act of July 27, 1990 (Public Law 101–337)'' and substituting ''subchapter II of chapter 1007 of title 54, United States Code,''.

(5) Section 7(e)(3) of the Colorado River Floodway Protection Act (43 U.S.C. 1600e(e)(3)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 through 11)'' and substituting ''chapter 2003 of title 54, United States Code''.

(6) Section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)) is amended by striking ''the Act of September 3, 1964 (78 Stat. 897), as amended'' and substituting ''chapter 2003 of title 54, United States Code''.

(7) Section 204(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714(j)) is amended by striking ''the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433)'' and substituting ''chapter 3203 of title 54, United States Code''.

(8) Section 201(d)(3)(E) of the Consolidated Natural Resources Act of 2008 (43 U.S.C. 1786(d)(3)(E)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code,''.

(9) Section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) is amended—

(A) in subsection (e), by striking ''the Land and Water Conservation Fund Act (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54, United States Code''; and

(B) in subsection (f)(2), by striking ''section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6)'' and substituting ''section 200303 of title 54, United States Code''.

(m) TITLE 45, UNITED STATES CODE.—

(1) Section 1168(a) of the Omnibus Budget Reconciliation Act of 1981 (45 U.S.C. 1111(a)) is amended by striking ''the National Historic Preservation Act'' and substituting ''division A of subtitle III of title 54, United States Code''.

(2) Section 613(a) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1212(a)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(n) TITLE 46, UNITED STATES CODE.—Section 13102(b)(2) of title 46, United States Code, is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4—460–11)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(o) TITLE 48, UNITED STATES CODE.—

(1) Section 105(l) of Public Law 99–239 (known as the Compact of Free Association Amendments Act of 2003) (48 U.S.C. 1905(l)) is amended by striking ''the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470t)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(2) Section 105(j) of Public Law 108–188 (known as the Compact of Free Association Act of 1985) (48 U.S.C. 1921(d)) is amended by striking ''the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470t)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(p) TITLE 49, UNITED STATES CODE.—Section 303(d)(2) of title 49, United States Code, is amended by striking ''section 106 of the National Historic Preservation Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54, United States Code''.

SEC. 6. TRANSITIONAL AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) SOURCE PROVISION.—The term ''source provision'' means a provision of law that is replaced by a title 54 provision.

(2) TITLE 54 PROVISION.—The term ''title 54 provision'' means a provision of title 54, United States Code, that is enacted by section 3.

(b) CUTOFF DATE.—The title 54 provisions replace certain provisions of law enacted on or before January 3, 2012. If a law enacted after that date amends or repeals a source provision, that law is deemed to amend or repeal, as the case may be, the corresponding title 54 provision. If a law enacted after that date is otherwise inconsistent with a title 54 provision or a provision of this Act, that law supersedes the title 54 provision or provision of this Act to the extent of the inconsistency.

(c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, a title 54 provision is deemed to have been enacted on the date of enactment of the source provision that the title 54 provision replaces.

(d) REFERENCES TO TITLE 54 PROVISIONS.—A reference to a title 54 provision is deemed to refer to the corresponding source provision.

(e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding title 54 provision.

(f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a source provision continues in effect under the corresponding title 54 provision.

(g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a source provision is deemed to have been taken or committed under the corresponding title 54 provision.

SEC. 7. REPEALS.

The following provisions of law are repealed, except with respect to rights and duties that matured, penalties that were incurred, or proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Act	*Section*	*United States Code Former Classification*
Act of February 15, 1901 (ch. 372 relating to System units)		*16 U.S.C. 79.*
Act of June 8, 1906 (ch. 3060)	*1*	*16 U.S.C. 433.*
	2	*16 U.S.C. 431.*
	3	*16 U.S.C. 432.*
	4	*16 U.S.C. 432.*
Act of March 4, 1911 (ch. 238 (4th and last paragraphs (relating to System units) under heading ''IMPROVEMENT OF THE NATIONAL FOREST'' under heading ''FOREST SERVICE'')		*16 U.S.C. 5.*
Act of August 25, 1916 (ch. 408)	*1*	*16 U.S.C. 1.*
	2	*16 U.S.C. 2.*
	3	*16 U.S.C. 3.*
	4	*16 U.S.C. 4.*
Act of June 12, 1917 (ch. 27)	*1 (21st undesignated paragraph under heading ''NATIONAL PARKS'').*	*16 U.S.C. 452.*
Act of June 5, 1920 (ch. 235)	*1 (2d undesignated paragraph under heading ''NATIONAL PARKS'').*	*16 U.S.C. 6.*
Act of May 24, 1922 (ch. 199)	*(1st sentence in 9th undesignated paragraph under heading ''NATIONAL PARKS'').*	*16 U.S.C. 452.*
Act of April 9, 1924 (ch. 86)	*1*	*16 U.S.C. 8.*
	4	*16 U.S.C. 8a.*
	5	*16 U.S.C. 8b.*
	6	*16 U.S.C. 8c.*
Act of May 10, 1926 (ch. 277)	*1 (28th undesignated paragraph under heading ''NATIONAL PARKS'').*	*16 U.S.C. 456.*
	1 (last undesignated paragraph under heading ''NATIONAL PARKS'').	*16 U.S.C. 11.*
Act of June 11, 1926 (ch. 555)	*1*	*16 U.S.C. 455.*
	2	*16 U.S.C. 455a.*
	3	*16 U.S.C. 455b.*
	4	*16 U.S.C. 455c.*
Act of July 3, 1926 (ch. 792)	*1*	*16 U.S.C. 12.*
	2	*16 U.S.C. 13.*
Act of February 1, 1928 (ch. 15)		*16 U.S.C. 457.*
Act of March 7, 1928 (ch. 137)	*1 (28th undesignated paragraph under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 15.*
Act of March 8, 1928 (ch. 152)		*16 U.S.C. 458.*
Act of April 18, 1930 (ch. 187)		*16 U.S.C. 16.*
Act of May 26, 1930 (ch. 324)	*1*	*16 U.S.C. 17.*
	3	*16 U.S.C. 17b.*
	4	*16 U.S.C. 17c.*
	5	*16 U.S.C. 17d.*
	6	*16 U.S.C. 17e.*
	7	*16 U.S.C. 17f.*
	8	*16 U.S.C. 17g.*
	9	*16 U.S.C. 17h.*
	10	*16 U.S.C. 17i.*
	11	*16 U.S.C. 17j.*
Act of March 4, 1931 (ch. 522)	*title I (proviso in last undesignated paragraph under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 9a.*
Act of March 2, 1933 (ch. 180)	*1*	*16 U.S.C. 9a.*
Act of May 9, 1935 (ch. 101)	*1 (34th undesignated paragraph under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 14b, 456a.*
Act of August 21, 1935 (ch. 593)	*1*	*16 U.S.C. 461.*
	2	*16 U.S.C. 462.*
	3	*16 U.S.C. 463.*
	4	*16 U.S.C. 464.*
	5	*16 U.S.C. 465.*
	6	*16 U.S.C. 466.*
	7	*16 U.S.C. 467.*
Act of June 23, 1936 (ch. 735)	*1*	*16 U.S.C. 17k.*
	2	*16 U.S.C. 17l.*
	3	*16 U.S.C. 17m.*
	4	*16 U.S.C. 17n.*
Act of May 10, 1939 (ch. 119)	*1 (41st undesignated paragraph under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 14a.*
Act of June 18, 1940 (ch. 395)	*1 (proviso in 3d undesignated paragraph under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 17j–1.*
Act of August 27, 1940 (ch. 690)	*1*	*16 U.S.C. 458a.*
Act of June 28, 1941 (ch. 259)	*1 (41st undesignated paragraph under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 14c.*
Act of August 7, 1946 (ch. 788)	*(b) through (g)*	*16 U.S.C. 17j–2(b) through (g).*

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	(i), (j)	16 U.S.C. 17j–2(i), (j).
Act of June 3, 1948 (ch. 401)	1	16 U.S.C. 8e.
	2	16 U.S.C. 8f.
Act of October 26, 1949 (ch. 755)	1	16 U.S.C. 468.
	2	16 U.S.C. 468a.
	3	16 U.S.C. 468b.
	4	16 U.S.C. 468c.
	5	16 U.S.C. 468d.
Act of March 18, 1950 (ch. 72)	1	16 U.S.C. 7a.
	2	16 U.S.C. 7b.
	3	16 U.S.C. 7c.
	4	16 U.S.C. 7d.
	5	16 U.S.C. 7e.
Act of September 14, 1950 (ch. 950)	1 (last sentence proviso relating to national monuments).	16 U.S.C. 431a.
	1 (last sentence proviso relating to national parks).	16 U.S.C. 451a.
Act of August 8, 1953 (ch. 384)	1 (less (3))	16 U.S.C. 1b (less (3)).
	2	16 U.S.C. 1c.
	3	16 U.S.C. 1d.
Act of August 31, 1954 (ch. 1163)		16 U.S.C. 452a.
Act of July 1, 1955 (ch. 259)	1	16 U.S.C. 18f.
	2	16 U.S.C. 18f–2.
	3	16 U.S.C. 18f–3.
Public Law 86–523	2	16 U.S.C. 469a.
	3	16 U.S.C. 469a–1.
	4	16 U.S.C. 469a–2.
	5	16 U.S.C. 469a–3.
	6	16 U.S.C. 469b.
	7	16 U.S.C. 469c.
	8	16 U.S.C. 469c–1.
Public Law 87–608		16 U.S.C. 3b.
Public Law 88–29	1	16 U.S.C. 460l.
	2	16 U.S.C. 460l–1.
	3	16 U.S.C. 460l–2.
	4	16 U.S.C. 460l–3.
Land and Water Conservation Fund Act of 1965 (Pub. L. 88–578)	title I, § 2	16 U.S.C. 460l–5.
	title I, § 3	16 U.S.C. 460l–6.
	title I, § 4(i)(1)(C)	16 U.S.C. 460l–6a(i)(1)(C).
	title I, § 4(j) through (n)	16 U.S.C. 460l–6a(j) through (n).
	title I, § 5	16 U.S.C. 460l–7.
	title I, § 6	16 U.S.C. 460l–8.
	title I, § 7	16 U.S.C. 460l–9.
	title I, § 8	16 U.S.C. 460l–10.
	title I, § 9	16 U.S.C. 460l–10a.
	title I, § 10	16 U.S.C. 460l–10b.
	title I, § 11	16 U.S.C. 460l–10c.
	title I, § 12	16 U.S.C. 460l–10d.
	title I, § 13	16 U.S.C. 460l–10e.
	title II, § 201	16 U.S.C. 460l–11.
National Historic Preservation Act (Pub. L. 89–665)	2	16 U.S.C. 470–1.
	101	16 U.S.C. 470a.
	102	16 U.S.C. 470b.
	103	16 U.S.C. 470c.
	104	16 U.S.C. 470d.
	105	16 U.S.C. 470e.
	106	16 U.S.C. 470f.
	107	16 U.S.C. 470g.
	108	16 U.S.C. 470h.
	109	16 U.S.C. 470h–1.
	110	16 U.S.C. 470h–2.
	111	16 U.S.C. 470h–3.
	112	16 U.S.C. 470h–4.
	113	16 U.S.C. 470h–5.
	201	16 U.S.C. 470i.
	202	16 U.S.C. 470j.
	203	16 U.S.C. 470k.
	204	16 U.S.C. 470l.
	205	16 U.S.C. 470m.
	206	16 U.S.C. 470n.
	207	16 U.S.C. 470o.
	208	16 U.S.C. 470p.
	209	16 U.S.C. 470q.
	210	16 U.S.C. 470r.
	211	16 U.S.C. 470s.
	212	16 U.S.C. 470t.
	213	16 U.S.C. 470u.
	214	16 U.S.C. 470v.
	215	16 U.S.C. 470v–1.
	216	16 U.S.C. 470v–2.
	301	16 U.S.C. 470w.
	302	16 U.S.C. 470w–1.
	303	16 U.S.C. 470w–2.
	304	16 U.S.C. 470w–3.
	305	16 U.S.C. 470w–4.
	306	16 U.S.C. 470w–5.
	307	16 U.S.C. 470w–6.
	308	16 U.S.C. 470w–7.
	309	16 U.S.C. 470w–8.
	401	16 U.S.C. 470x.
	402	16 U.S.C. 470x–1.

Schedule of Laws Repealed—Continued

Act	*Section*	*United States Code Former Classification*
	403	*16 U.S.C. 470x–2.*
	404	*16 U.S.C. 470x–3.*
	405	*16 U.S.C. 470x–4.*
	406	*16 U.S.C. 470x–5.*
	407	*16 U.S.C. 470x–6.*
Demonstration Cities and Metropolitan Development Act of 1966 (Pub. L. 89–754)	*603*	*16 U.S.C. 470b–1.*
Public Law 90–209	*1*	*16 U.S.C. 19e.*
	2	*16 U.S.C. 19f.*
	3	*16 U.S.C. 19g.*
	4	*16 U.S.C. 19h.*
	5	*16 U.S.C. 19i.*
	6	*16 U.S.C. 19j.*
	7	*16 U.S.C. 19k.*
	8	*16 U.S.C. 19l.*
	9	*16 U.S.C. 19m.*
	10	*16 U.S.C. 19n.*
	11	*16 U.S.C. 19o.*
Public Law 90–401	*5*	*16 U.S.C. 460l–22.*
Volunteers in the Parks Act of 1969 (Pub. L. 91–357)	*1*	*16 U.S.C. 18g.*
	2	*16 U.S.C. 18h.*
	3	*16 U.S.C. 18i.*
	4	*16 U.S.C. 18j.*
Public Law 91–383	*1*	*16 U.S.C. 1a–1.*
	3	*16 U.S.C. 1a–2.*
	6	*16 U.S.C. 1a–3.*
	7	*16 U.S.C. 1a–4.*
	8	*16 U.S.C. 1a–5.*
	10	*16 U.S.C. 1a–6.*
	12	*16 U.S.C. 1a–7.*
	13	*16 U.S.C. 1a–7a.*
Public Law 94–429	*1*	*16 U.S.C. 1901.*
	2	*16 U.S.C. 1902.*
	4	*16 U.S.C. 1903.*
	5	*16 U.S.C. 1904.*
	6	*16 U.S.C. 1905.*
	7	*16 U.S.C. 1906.*
	8	*16 U.S.C. 1907.*
	9	*16 U.S.C. 1908.*
	10	*16 U.S.C. 1909.*
	11	*16 U.S.C. 1910.*
	12	*16 U.S.C. 1911.*
	13	*16 U.S.C. 1912.*
Public Law 95–344	*title III, § 302*	*16 U.S.C. 2302.*
	title III, § 303	*16 U.S.C. 2303.*
	title III, § 304	*16 U.S.C. 2304.*
	title III, § 305	*16 U.S.C. 2305.*
	title III, § 306	*16 U.S.C. 2306.*
Urban Park and Recreation Recovery Act of 1978 (Pub. L. 95–625)	*title X, § 1004*	*16 U.S.C. 2503.*
	title X, § 1005	*16 U.S.C. 2304.*
	title X, § 1006	*16 U.S.C. 2305.*
	title X, § 1007	*16 U.S.C. 2306.*
	title X, § 1008	*16 U.S.C. 2307.*
	title X, § 1009	*16 U.S.C. 2308.*
	title X, § 1010	*16 U.S.C. 2309.*
	title X, § 1011	*16 U.S.C. 2310.*
	title X, § 1012	*16 U.S.C. 2311.*
	title X, § 1013	*16 U.S.C. 2312.*
	title X, § 1014	*16 U.S.C. 2313.*
	title X, § 1015	*16 U.S.C. 2314.*
Public Law 96–199	*title I, § 120*	*16 U.S.C. 467b.*
National Historic Preservation Act Amendments of 1980 (Pub. L. 96–515)	*208*	*16 U.S.C. 469c–2.*
	401	*16 U.S.C. 470a–1.*
	402	*16 U.S.C. 470a–2.*
Public Law. 98–473	*title I, § 101(c) [title I, § 100].*	*16 U.S.C. 1e.*
Public Law 98–540	*4(a)*	*16 U.S.C. 1a–8(a).*
International Security and Development Cooperation Act of 1985 (Pub. L. 99–83)	*1303*	*16 U.S.C. 469j.*
Public Law 101–337	*1*	*19jj.*
	2	*19jj–1.*
	3	*19jj–2.*
	4	*19jj–3.*
	5	*19jj–4.*
Public Law 101–628	*title XII, § 1213*	*16 U.S.C. 1a–9.*
	title XII, § 1214	*16 U.S.C. 1a–10.*
	title XII, § 1215	*16 U.S.C. 1a–11.*
	title XII, § 1216	*16 U.S.C. 1a–12.*
	title XII, § 1217	*16 U.S.C. 1a–13.*
Department of the Interior and Related Agencies Appropriations Act, 1993 (Pub. L. 102–381)	*title I (1st proviso in paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 14d.*
Public Law 102–525	*title III, § 301*	*16 U.S.C. 1a–14.*
Department of the Interior and Related Agencies Appropriations Act, 1994 (Pub. L. 103–138)	*title I (3d proviso in paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 3a.*
National Maritime Heritage Act of 1994 (Pub. L. 103–451)	*3*	*16 U.S.C. 5402.*
	4	*16 U.S.C. 5403.*

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	5	16 U.S.C. 5404.
	6	16 U.S.C. 5405.
	7	16 U.S.C. 5406.
	8	16 U.S.C. 5407.
	9	16 U.S.C. 5408.
Omnibus Consolidated Appropriations Act, 1997 (Pub. L. 104–208)	div. A, title I, §101(d) [title I (3d undesignated paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'')].	16 U.S.C. 1g.
Omnibus Parks and Public Lands Management Act of 1996 (Pub. L. 104–333)	div. I, title VI, §604	16 U.S.C. 469k.
	div. I, title VIII, §814(a)(2) through (19).	16 U.S.C. 17o(2) through (19).
	div. I, title VIII, §814(g)	16 U.S.C. 1f.
National Underground Railroad Network to Freedom Act of 1998 (Pub. L. 105–203)	3	16 U.S.C. 469l–1.
	4	16 U.S.C. 469l–2.
	5	16 U.S.C. 469l–3.
Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261)	div. A, title X, §1068	16 U.S.C. 5409.
National Parks Omnibus Management Act of 1998 (Pub. L. 105–391)	2	16 U.S.C. 5901.
	101	16 U.S.C. 5911.
	102	16 U.S.C. 5912.
	103	16 U.S.C. 5913.
	104	16 U.S.C. 5914.
	201	16 U.S.C. 5931.
	202	16 U.S.C. 5932.
	203	16 U.S.C. 5933.
	204	16 U.S.C. 5934.
	205	16 U.S.C. 5935.
	206	16 U.S.C. 5936.
	207	16 U.S.C. 5937.
	402	16 U.S.C. 5951.
	403	16 U.S.C. 5952.
	404	16 U.S.C. 5953.
	405	16 U.S.C. 5954.
	406	16 U.S.C. 5955.
	407	16 U.S.C. 5956.
	408	16 U.S.C. 5957.
	409	16 U.S.C. 5958.
	410	16 U.S.C. 5959.
	411	16 U.S.C. 5960.
	412	16 U.S.C. 5961.
	413	16 U.S C. 5962.
	414	16 U.S.C. 5963.
	416	16 U.S.C. 5964.
	417	16 U.S.C. 5965.
	418	16 U.S.C. 5966.
	501	16 U.S.C. 5981.
	801	16 U.S.C. 6011.
Public Law 106–206	1 (relating to National Park System).	16 U.S.C. 460l–6d (relating to National Park System).
Department of the Interior and Related Agencies Appropriations Act, 2002 (Pub. L. 107–63)	title I (paragraph under heading ''CONTRIBUTION FOR ANNUITY BENEFITS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 14e.
Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7)	div. F, title I (words before proviso in last undesignated paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 1h.
	div. F, title I (proviso in last undesignated paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 1i.
Consolidated Appropriations Act of 2008 (Pub. L. 110–161)	div. F, title I (1st paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 5954 note.
Consolidated Natural Resources Act of 2008 (Pub. L. 110–229)	title III, subtitle A, §301	16 U.S.C. 1j.
Omnibus Public Land Management Act of 2009 (Pub. L. 111–11)	title VII, subtitle B, §7111(b).	16 U.S.C. 469m(b).
	title VII, subtitle B, §7111(c).	16 U.S.C. 469m(c).
	title VII, subtitle D, §7301(b), (c).	16 U.S.C. 469k–1)(b), (c).
	title VII, subtitle D, §7302(b) through (f).	16 U.S.C. 469n(b) through (f).
	title VII, subtitle D, §7303.	16 U.S.C. 469o.

Schedule of Laws Repealed—Continued

Act	*Section*	*United States Code Former Classification*
Credit Card Accountability Responsibility and Disclosure Act of 2009 (Pub. L. 111–24)	*title V, § 512 (relating to National Park System).*	*16 U.S.C. 1a–7b (relating to National Park System).*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1950, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rules of the House entrust to the Judiciary Committee the responsibilities of revision and codification of the statutes of the United States. This power does not give our committee substantive legislative jurisdiction over all areas of law; it merely confers the authority to organize duly enacted laws into an efficient codification system.

The nonpartisan Office of the Law Revision Counsel is responsible for properly codifying public laws into titles and sections of the United States Code. From time to time, that office provides the Judiciary Committee advice as to how to enact a more user-friendly and cohesive statutory system.

This spring, Republican and Democratic committee staff worked cooperatively with the Office of the Law Revision Counsel to develop H.R. 1950. The bill creates a new title of positive law—title 54—to compile all of the laws that relate to the National Park System.

Codification bills do not make any substantive changes to existing law. Before the Judiciary Committee marked up H.R. 1950, industries, government, and interested parties commented on the draft. Based on their comments, I offered a manager's amendment in committee to further ensure this bill makes no changes to substantive law.

I encourage my colleagues to support this bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1950. Dating back to the mid-19th century, numerous laws have been enacted pertaining to the organization and management of the National Park System by the National Park Service.

The Service is also responsible for carrying out the Historic Sites, Buildings, and Antiquities Act, the National Historic Preservation Act, and other laws relating to the protection and preservation of sites that illustrate America's history.

Over the ensuing years, laws specifying the Service's responsibilities have been codified in various sections of title 16 of the United States Code. And as laws relating to the National Park Service were amended and new laws were added to the Code, classifications have become more cumbersome to use.

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H.R. 1950 simply gathers all of these provisions pertaining to the National Park Service and restates them in a new positive law title of the United States Code. The new title 54 of the Code replaces and repeals these provisions of the former law.

All changes in existing law made by H.R. 1950 are purely technical, and they reflect the understood policy, intent, and purpose of Congress in the original enactments. These changes include corrections to remove ambiguities, contradictions, and other imperfections.

We should note that this measure was drafted by the Office of the Law Revision Counsel as part of that office's ongoing statutory responsibility to ''prepare a complete compilation, restatement, and revision of the general and permanent laws of the United States.''

I commend the Office of the Law Revision Counsel for its good work on H.R. 1950 and for its many valuable contributions to our legislative process.

Mr. Speaker, accordingly, I urge my colleagues to support the measure.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1950, 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. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

STUDENT VISA REFORM ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3120) to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3120

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Visa Reform Act''.

SEC. 2. ACCREDITATION REQUIREMENT FOR COLLEGES AND UNIVERSITIES.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(F)(i)—

(A) by striking ''section 214(l) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in an accredited language training program in the United States'' and inserting ''section 214(m) at an accredited college, university, or language training program, or at an established seminary, conservatory, academic high school, elementary school, or other academic institution in the United States''; and

(B) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) by amending paragraph (52) to read as follows:

''(52) Except as provided in section 214(m)(4), the term 'accredited college, university, or language training program' means a college, university, or language training program that is accredited by an accrediting agency recognized by the Secretary of Education.''.

SEC. 3. OTHER REQUIREMENTS FOR ACADEMIC INSTITUTIONS.

Section 214(m) of the Immigration and Nationality Act (8 U.S.C. 1184(m)) is amended by adding at the end the following:

''(3) The Secretary of Homeland Security, in the Secretary's discretion, may require accreditation of an academic institution (except for seminaries or other religious institutions) for purposes of section 101(a)(15)(F) if—

''(A) that institution is not already required to be accredited under section 101(a)(15)(F)(i);

''(B) an appropriate accrediting agency recognized by the Secretary of Education is able to provide such accreditation; and

''(C) the institution has or will have 25 or more alien students accorded status as nonimmigrants under clause (i) or (iii) of section 101(a)(15)(F) pursuing a course of study at that institution.

''(4) The Secretary of Homeland Security, in the Secretary's discretion, may waive the accreditation requirement in section 101(a)(15)(F)(i) with respect to an established college, university, or language training program if the academic institution—

''(A) is otherwise in compliance with the requirements of such section; and

''(B) is making a good faith effort to satisfy the accreditation requirement.

''(5)(A) No person convicted of an offense referred to in subparagraph (B) shall be permitted

by any academic institution having authorization for attendance by nonimmigrant students under section 101(a)(15)(F)(i) to be involved with the institution as its principal, owner, officer, board member, general partner, or other similar position of substantive authority for the operations or management of the institution, including serving as an individual designated by the institution to maintain records required by the Student and Exchange Visitor Information System established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

''(B) An offense referred to in this subparagraph includes a violation, punishable by a term of imprisonment of more than 1 year, of any of the following:

''(i) Chapter 77 of title 18, United States Code (relating to peonage, slavery and trafficking in persons).

''(ii) Chapter 117 of title 18, United States Code (relating to transportation for illegal sexual activity and related crimes).

''(iii) Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to unlawful bringing of aliens into the United States).

''(iv) Section 1546 of title 18, United States Code (relating to fraud and misuse of visas, permits, and other documents) relating to an academic institution's participation in the Student and Exchange Visitor Program.''.

SEC. 4. CONFORMING AMENDMENT.

Section 212(a)(6)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(G)) is amended by striking ''section 214(l)'' and inserting ''section 214(m)''.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by sections 2 and 3—

(1) shall take effect on the date that is 180 days after the date of the enactment of this Act; and

(2) shall apply with respect to applications for a nonimmigrant visa under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) that are filed on or after the effective date described in paragraph (1).

(b) TEMPORARY EXCEPTION.—

(1) IN GENERAL.—During the 3-year period beginning on the date of enactment of this Act, an alien seeking to enter the United States to pursue a course of study at a college or university that has been certified by the Secretary of Homeland Security may be granted a nonimmigrant visa under clause (i) or clause (iii) of section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) without regard to whether or not that college or university has been accredited or been denied accreditation by an entity described in section 101(a)(52) of such Act (8 U.S.C. 1101(a)(52)), as amended by section 2(2) of this Act.

(2) ADDITIONAL REQUIREMENT.—An alien may not be granted a nonimmigrant visa under paragraph (1) if the college or university to which the alien seeks to enroll does not—

(A) submit an application for the accreditation of such institution to a regional or national accrediting agency recognized by the Secretary of Education on or before the date that is 1 year after the effective date described in subsection (a)(1); and

(B) comply with the applicable accrediting requirements of such agency.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3120, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would first like to thank the gentlewoman from California (Ms. LOFGREN) for introducing this legislation.

H.R. 3120 helps prevent student visa fraud by requiring that any college or university that admits foreign students on F visas must be accredited by an accrediting body recognized by the Department of Education. Accreditation of academic institutions ensures that foreign students in the United States on temporary visas receive the high-level education they deserve and expect as opposed to an education from a sham school only interested in the student's money.

Under the Immigration and Nationality Act, a foreign national can get a student visa to study at a U.S. college or university. Those schools must be officially recognized, but that sometimes means that there's just a windshield check to see that the building actually exists.

Foreign students were admitted to the US 1.5 million times on F visas during fiscal year 2010. We must ensure that the colleges or universities they attend are not simply visa mills that exist only to provide the students with a way to enter the United States. Examples of rampant student visa fraud can be found in many recent news reports.

H.R. 3120 helps ensure a school's legitimacy for foreign students who want to come to the United States in order to receive an education. It also helps ensure the integrity of our immigration system by reducing the opportunities for visa fraud.

I urge my colleagues to support H.R. 3120.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill, the Student Visa Reform Act.

Our U.S. student visa program has a long and proud history. For decades, it's helped American colleges and universities attract some of the brightest young minds in the world, while offering those students the opportunity to study in the world's leading institutions of higher education.

The benefits to our country have been great. International students have expanded and enriched the educational experiences for all students at U.S. universities and colleges. And by immersing foreign students in American culture, the program often creates a lasting and favorable understanding of our country that pays dividends in foreign nations for years to come.

Unfortunately, some institutions have been undermining the laudable mission of this visa program. Last year, the U.S. Immigration and Customs Enforcement took down two schools in California after they were found to have engaged in widespread visa fraud and exploitation of students.

Among other things, these schools misled students as to their accreditation. They lied about the ability of students to transfer credits to other institutions. Commonly known as ''visa mills,'' these schools took enormous sums of money from the students but provided questionable academic courses and essentially worthless degrees.

To prevent this type of fraud in the future, H.R. 3120 requires that colleges and universities be accredited in order to host foreign students. Such accreditation would need to be given by a regional or national accrediting agency recognized by the Secretary of Education. Seminaries and other religious institutions would be exempt from this requirement.

This bill follows in the footsteps of legislation enacted in the 111th Congress that requires the accreditation of language training programs before they can host foreign students. That bill, sponsored by my good friend, Representative BARNEY FRANK, and the chairman of the Judiciary Committee, Congressman LAMAR SMITH, has already helped the Department of Homeland Security crack down on fraud in language training programs.

Like the Frank-Smith bill, the accreditation requirements instituted by this bill will prevent illegitimate institutions from cheating foreign students who legitimately seek a bona fide education in the United States. In addition, this requirement will prevent fly-by-night institutions from engaging in student visa fraud to smuggle or traffic persons into the country.

Finally, in committee, I worked with the chairman to add a provision that would prevent persons who have committed certain crimes from owning or running an academic institution that seeks to host foreign students. Persons would be barred if they had been convicted of human trafficking, transportation for illegal sexual activity, alien smuggling, or harboring or visa fraud under the student visa program.

We also added a provision to give the Secretary of Homeland Security additional flexibility with respect to schools that are playing by the rules and trying to get accreditation but may be running into bureaucratic delays. Specifically, the Secretary is given the ability to waive the accreditation requirements in cases where an educational institution is otherwise in compliance with the law and is taking good faith steps to obtain accreditation.

I thank Chairman SMITH for working with me to bring this bill to the floor and for working with me to improve and strengthen the bill in committee. I urge my colleagues to support the bill.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3120, 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. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6029

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Foreign and Economic Espionage Penalty Enhancement Act of 2012''.

SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5)—

(1) by striking ''15 years'' and inserting ''20 years''; and

(2) by striking ''not more than $500,000'' and inserting ''not more than $5,000,000''.

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of such title is amended by striking ''not more than $10,000,000'' and inserting ''not more than the greater of $10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided''.

SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete its consideration and review under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6029 currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Ranking Member JOHN CONYERS, IP Subcommittee Chairman BOB GOODLATTE, IP Subcommittee Ranking Member MEL WATT, and the other Members of the House from both sides of the aisle who joined as original cosponsors of this commonsense bill.

The Foreign and Economic Espionage Penalty Enhancement Act of 2012 focuses on one goal: to deter and punish criminals who target U.S. economic and security interests on behalf of foreign interests.

In 1975, tangible assets, such as real estate and equipment, made up 83 percent of the market value of S&P 500 companies. Intangible assets, which include trade secrets, proprietary data, source code, business processes, and marketing plans, constituted only 17 percent of these companies' market value.

□ 1950

By 2009, these percentages had nearly reversed. Tangible assets accounted for only 19 percent of S&P 500 companies' market value while their intangible assets had soared to 81 percent. In a dynamic and globally connected information economy, the protection of intangible assets is vital not only to the success of individual enterprises but also to the future of entire industries.

A global study released last year by McAfee, the world's largest security technology company, and Science Applications International Corporation concluded that corporate trade secrets and other sensitive intellectual capital are the newest ''currency'' of cybercriminals. The study found the motivation for such crimes in the cyber underground is almost always financial. In recent years, cybercriminals have shifted from targeting the theft of personal information, such as credit cards and Social Security numbers, to the theft of corporate intellectual capital. Corporate intellectual capital is vulnerable, of great value to competitors and foreign governments, and its theft is not always discovered by victims.

Our intelligence community warns that foreign interests place a high priority on acquiring sensitive U.S. economic information and technologies. Targets include information and communications technologies, business information, military technologies, and rapidly growing civilian and dual-use technologies, such as those that relate to clean energy, health care, and pharmaceuticals.

We know that certain actors intentionally seek out U.S. information and trade secrets. The most recent report from the Office of the National Counterintelligence Executive identified Chinese actors as ''the world's most active and persistent perpetrators of economic espionage.'' The report also described Russia's intelligence services as responsible for ''conducting a range of activities to collect economic information and technology from U.S. targets.'' Of seven Economic Espionage Act cases resolved in fiscal year 2010, six involved links to China. Five companies were accused of the theft of trade secrets earlier this year. Four are Chinese state-owned enterprises or subsidiaries.

In the U.S., the EEA serves as the primary tool the Federal Government

uses to protect secret, valuable commercial information from theft. The EEA addresses two types of trade secret theft. Section 1831 punishes the theft of a trade secret to benefit a foreign entity. Section 1832 punishes the commercial theft of trade secrets carried out for economic advantage whether or not the theft benefits a foreign entity.

Since enacting the EEA in 1996, Congress has not adjusted its penalties to take into account the increasing importance of intellectual property to the economic and national security of the U.S. The bill increases the maximum penalties for an individual convicted of committing espionage on behalf of a foreign entity. Currently, the maximum penalty for someone convicted under section 1831 of the EEA is 15 years imprisonment and a fine of up to $500,000. This bill increases the maximum penalty to 20 years imprisonment and a fine of up to $5 million. Earlier this year, the FBI estimated that U.S. companies had lost $13 billion to trade secret theft in just over 6 months. Over the past 6 years, losses to individual U.S. companies have ranged from $20 million to as much as $1 billion.

Our intelligence community has recognized a ''significant and growing threat to our Nation's prosperity and security'' posed by criminals, both inside and outside our borders, who commit espionage. Congress should also recognize this increasing threat and enhance deterrence and more aggressively punish those criminals who knowingly target U.S. companies for espionage.

So I urge my colleagues to support H.R. 6029, which was unanimously reported by the Judiciary Committee this month.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6029, the Foreign and Economic Espionage Penalty Enhancement Act of 2012.

This legislation will help to protect the intellectual property and competitive strengths of American businesses by increasing the maximum penalties for engaging in the Federal offense of economic espionage. This crime, which has serious repercussions for the victim companies and our economy, consists of knowingly misappropriating trade secrets with the intent or knowledge that the offense will benefit a foreign government.

As reported by the U.S. Intellectual Property Enforcement Coordinator, economic espionage is a serious threat to American businesses by foreign governments. Economic espionage inflicts a significant cost on victim companies and threatens the economic security of the United States. These companies incur extensive costs resulting from the loss of unique intellectual property, the loss of expenditures related to research and development, and the loss of future revenues and profits. Many companies do not even know when their sensitive data has been stolen, and those that do find out are often reluctant to report the losses, fearing potential damage to their reputations with investors, customers, and employees.

Unfortunately, the pace of the economic espionage collection of information and industrial espionage activities against major United States corporations is accelerating. During fiscal year 2011, the Department of Justice and the FBI saw an increase of 29 percent in economic espionage and trade secret theft investigations compared to the prior year. Foreign competitors of United States corporations with ties to companies owned by foreign governments are increasing their efforts to steal trade secret information and intellectual property by infiltrating our computer networks.

Evidence suggests that economic espionage and trade secret theft on behalf of companies located in China is an emerging trend. For example, at least 34 companies were reportedly victimized by attacks originating from China in 2010. Over the course of these attacks, computer viruses were spread via emails to corporate employees, allowing the attackers to have access to emails and sensitive documents. In response to these growing threats, the United States Intellectual Property Coordinator, in her 2011 annual report, called upon Congress to increase the penalties for economic espionage, and this bill is consistent with that recommendation.

I want to commend Members on both sides of the aisle for their work on this bill, particularly the gentleman from Texas, the Judiciary Committee chairman, Mr. SMITH; the gentleman from Michigan, the ranking member of the committee, Mr. CONYERS; my colleague from Virginia (Mr. GOODLATTE); and the gentleman from North Carolina (Mr. WATT).

I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6029.

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. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

CHILD PROTECTION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6063) to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6063

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Protection Act of 2012''.

SEC. 2. ENHANCED PENALTIES FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(b)(2) of title 18, United States Code, is amended by inserting after ''but if'' the following: ''any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if''.

(b) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting after ''but, if'' the following: ''any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if''.

SEC. 3. PROTECTION OF CHILD WITNESSES.

(a) CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS.—Section 1514 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''or its own motion,'' after ''attorney for the Government,''; and

(ii) by inserting ''or investigation'' after ''Federal criminal case'' each place it appears;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

''(2) In the case of a minor witness or victim, the court shall issue a protective order prohibiting harassment or intimidation of the minor victim or witness if the court finds evidence that the conduct at issue is reasonably likely to adversely affect the willingness of the minor witness or victim to testify or otherwise participate in the Federal criminal case or investigation. Any hearing regarding a protective order under this paragraph shall be conducted in accordance with paragraphs (1) and (3), except that the court may issue an ex parte emergency protective order in advance of a hearing if exigent circumstances are present. If such an ex parte order is applied for or issued, the court shall hold a hearing not later than 14 days after the date such order was applied for or is issued.'';

(D) in paragraph (4), as so redesignated, by striking ''(and not by reference to the complaint or other document)''; and

(E) in paragraph (5), as so redesignated, in the second sentence, by inserting before the period at the end the following: '', except that in the case of a minor victim or witness, the court may order that such protective order expires on the later of 3 years after the date of issuance or the date of the eighteenth birthday of that minor victim or witness''; and

(2) by striking subsection (c) and inserting the following:

''(c) Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

''(d)(1) As used in this section—

''(A) the term 'course of conduct' means a series of acts over a period of time, however short, indicating a continuity of purpose;

''(B) the term 'harassment' means a serious act or course of conduct directed at a specific person that—

''(i) causes substantial emotional distress in such person; and

''(ii) serves no legitimate purpose;

''(C) the term 'immediate family member' has the meaning given that term in section 115 and includes grandchildren;

''(D) the term 'intimidation' means a serious act or course of conduct directed at a specific person that—

''(i) causes fear or apprehension in such person; and

''(ii) serves no legitimate purpose;

''(E) the term 'restricted personal information' has the meaning give that term in section 119;

''(F) the term 'serious act' means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation; and

''(G) the term 'specific person' means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.

''(2) For purposes of subparagraphs (B)(ii) and (D)(ii) of paragraph (1), a court shall presume, subject to rebuttal by the person, that the distribution or publication using the Internet of a photograph of, or restricted personal information regarding, a specific person serves no legitimate purpose, unless that use is authorized by that specific person, is for news reporting purposes, is designed to locate that specific person (who has been reported to law enforcement as a missing person), or is part of a government-authorized effort to locate a fugitive or person of interest in a criminal, antiterrorism, or national security investigation.''.

(b) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure—

(1) that the guidelines provide an additional penalty increase above the sentence otherwise applicable in Part J of Chapter 2 of the Guidelines Manual if the defendant was convicted of a violation of section 1591 of title 18, United States Code, or chapters 109A, 109B, 110, or 117 of title 18, United States Code; and

(2) if the offense described in paragraph (1) involved causing or threatening to cause physical injury to a person under 18 years of age, in order to obstruct the administration of justice, an additional penalty increase above the sentence otherwise applicable in Part J of Chapter 2 of the Guidelines Manual.

SEC. 4. SUBPOENAS TO FACILITATE THE ARREST OF FUGITIVE SEX OFFENDERS.

(a) ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—Section 3486(a)(1) of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''or'' at the end;

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following:

''(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or''; and

(B) in subparagraph (D)—

(i) by striking ''paragraph, the term'' and inserting the following: ''paragraph—

''(i) the term'';

(ii) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(ii) the term 'sex offender' means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(A) in paragraph (6)(A), by striking ''United State'' and inserting ''United States'';

(B) in paragraph (9), by striking ''(1)(A)(ii)'' and inserting ''(1)(A)(iii)''; and

(C) in paragraph (10), by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''.

(b) JUDICIAL SUBPOENAS.—Section 566(e)(1) of title 28, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) issue administrative subpoenas in accordance with section 3486 of title 18, solely for the purpose of investigating unregistered sex offenders (as defined in such section 3486).''.

SEC. 5. INCREASE IN FUNDING LIMITATION FOR TRAINING COURSES FOR ICAC TASK FORCES.

Section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (42 U.S.C. 17612(b)(4)(B)) is amended by striking ''$2,000,000'' and inserting ''$4,000,000''.

SEC. 6. NATIONAL COORDINATOR FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION .

Section 101(d)(1) of the PROTECT Our Children Act of 2008 (42 U.S.C. 17611(d)(1)) is amended—

(1) by striking ''to be responsible'' and inserting the following: ''with experience in investigating or prosecuting child exploitation cases as the National Coordinator for Child Exploitation Prevention and Interdiction who shall be responsible''; and

(2) by adding at the end the following: ''The National Coordinator for Child Exploitation Prevention and Interdiction shall be a position in the Senior Executive Service.''

SEC. 7. REAUTHORIZATION OF ICAC TASK FORCES.

Section 107(a) of the PROTECT Our Children Act of 2008 (42 U.S.C. 17617(a)) is amended—

(1) in paragraph (4), by striking ''and'';

(2) in paragraph (5), by striking the period at the end; and

(3) by inserting after paragraph (5) the following:

''(6) $60,000,000 for fiscal year 2014;

''(7) $60,000,000 for fiscal year 2015;

''(8) $60,000,000 for fiscal year 2016;

''(9) $60,000,000 for fiscal year 2017; and

''(10) $60,000,000 for fiscal year 2018.''.

SEC. 8. CLARIFICATION OF "HIGH-PRIORITY SUSPECT".

Section 105(e)(1)(B)(i) of the PROTECT Our Children Act of 2008 (42 U.S.C. 17615(e)(1)(B)(i)) is amended by striking ''the volume'' and all that follows through ''or other''.

SEC. 9. REPORT TO CONGRESS.

Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the status of the Attorney General's establishment of the National Internet Crimes Against Children Data System required to be established under section 105 of the PROTECT Our Children Act of 2008 (42 U.S.C. 17615).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6063, the bill currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Internet child pornography may be the fastest-growing crime in America, increasing by an average of 150 percent per year. Every day, online criminals prey on America's children with virtual anonymity, and according to recent estimates there are as many as 100,000 fugitive sex offenders in the U.S. Congress has taken important steps to combat child exploitation, including the passage of the Adam Walsh Act in 2006 and the PROTECT Our Children Act in 2008.

But our work is not yet done.

That is why Representative DEBBIE WASSERMAN SCHULTZ and I introduced H.R. 6063, the Child Protection Act of 2012, that provides law enforcement officials with important tools and additional resources to combat the growing threat of child pornography and exploitation. This bipartisan legislation increases penalties for child pornography offenses that involve young children and strengthens protections for child witnesses and victims.

□ 2000

The bill allows a Federal court to issue a protective order if it determines that a child victim or witness is being harassed or intimidated and imposes criminal penalties for a violation of that protective order. The Child Protection Act ensures that paperwork does not stand in the way of the apprehension of dangerous criminals. This bill gives the U.S. marshals limited subpoena authority to locate and apprehend fugitive sex offenders.

Unlike the other 300 Federal administrative subpoena powers, which are used at the beginning of a criminal investigation, a marshal's use of subpoena authority under this bill will occur only after, and only after, these actions occur:

The fugitive is arrested pursuant to a judge-issued warrant, indicted for committing a sex offense, convicted by

proof beyond a reasonable doubt, and sentenced in a court of law;

The fugitive is required to register as a sex offender;

The fugitive pleas or otherwise violates their registration requirements; and

A State or Federal arrest warrant is issued for violation of the registration requirements.

This narrow subpoena authority is critical to help take convicted sex offenders off the streets.

H.R. 6063 also reauthorizes, for 5 years, the Internet Crimes Against Children task forces. The ICAC task forces were launched in 1998 and officially authorized by Congress in the PROTECT Our Children Act of 2008.

The ICAC Task Force Program is a national network of 61 coordinated task forces that represent over 3,000 Federal, State, and local law enforcement and prosecutorial agencies dedicated to child exploitation investigations. Since 1998, the ICAC task forces have reviewed more than 280,000 complaints of alleged child sexual abuse and arrested more than 30,000 individuals. The Child Protection Act increases the cap on grant funds for ICAC training programs and makes several clarifications to provisions enacted as a part of the PROTECT Our Children Act.

Finally, the bill requests a report from the Justice Department on implementation of a national Internet crimes against children data system. Yesterday, Senator BLUMENTHAL and Senator CORNYN introduced the companion bill in the Senate. This bipartisan, bicameral bill is supported by a number of outside organizations, which include the National Center for Missing and Exploited Children, the Major City Chiefs of Police, Futures Without Violence, the Fraternal Order of Police, the International Association of Chiefs of Police, the National Alliance to End Sexual Violence, the National District Attorneys Association, the National White Collar Crime Center, the National Sheriffs' Association, the Surviving Parents Coalition, the Rape Abuse Incest National Network, the National Alliance to End Sexual Violence, and the National Association to Protect Children.

Once again, Mr. Speaker, I want to thank Congresswoman DEBBIE WASSERMAN SCHULTZ for her great work on this issue, and I urge my colleagues to join me in support of this important legislation to protect America's children.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 6063. While I can appreciate the apparent attempt in the bill to better protect children who are victims of sexual abuse, it not only fails to achieve that objective, but it also presents serious constitutional concerns and other problematic provisions.

First, the bill creates a rebuttable presumption in 18 U.S.C. section 1514 that, if an individual posts a photograph or personal identifying information about a person subject to a protective order, it ''serves no legitimate purpose,'' which is an essentiable element of the offense of harassment and intimidation. This rebuttable presumption would shift the burden of proof in these cases from the accuser to the accused by requiring the accused to prove that posting of the photograph or information about the person served a legitimate purpose. Therefore, under current law and the fundamental principles of the Constitution, the burden is on the accuser to prove beyond a reasonable doubt this element of the offense, not the obligation of the accused to prove his innocence. This provision violates the constitutional rights of defendants who may be innocent of the underlying charge and who are entitled to be presumed innocent.

The coincidental inclusion of a protected person in a family photo posted over Facebook or an email, which may be unintentional and coincidental, should not be presumed to be a crime.

What's wrong with the normal process by which the accuser has to show that the posting was for harassment or intimidation? To make an innocent person prove his innocence is not only unnecessary and unfair, but unconstitutional.

In Francis v. Franklin, a 1985 Supreme Court case, the government argued that the constitutional issue regarding the rebuttable presumption there was overcome by the defendant's ability to rebut the presumption. The Supreme Court, however, found that argument unpersuasive. The Court said that a mandatory presumption instructs the jury that it must infer the presumed fact if the State presumes certain predicate facts. Such a presumption can be conclusive or rebuttable. The key is whether it is mandatory, that is, whether the jury must make a presumption, possibly subject to rebuttal, if the State proves certain facts.

In light of the fact that section 3(d)(2) of H.R. 6063 explicitly mandates the court shall presume there was no legitimate purpose, this provision is exactly the kind of mandatory rebuttable presumption that the Court repudiated in the Francis decision.

Another problem with the bill is it adds a new criminal offense of violating a protective order. Minor activities that are not intended to cause harm or distress, such as a phone call or an email, can result in a Federal criminal charge, not as a violation of Federal law protecting a witness from harassment or intimidation—there are already laws against that—but as a technical violation of a civil order.

Judges already have plenty of laws and authority to protect victims and witnesses. There's already a comprehensive statutory scheme in place to assist judges and law enforcement in protecting witnesses in Federal criminal proceedings. In addition to Federal criminal provisions with heavy penalties and the authority for judges to enter protective orders for the protection of all witnesses, including children, the judges have immense contempt and other powers to accomplish this goal. Thus, the additional criminal offense is unnecessary and unproductive. We should stop adding unnecessary criminal laws to the criminal code.

In the previous Congress, we held hearings regarding the general problem of over-criminalization of conduct and the over-federalization of criminal law. Members of both parties then expressed concern over this. We already have over 4,000 Federal criminal offenses in the code, along with an estimated 300,000 Federal regulations that impose criminal penalties, often without clearly setting out what will be subject to criminal liability.

This bill is yet another example of adding more unnecessary crimes and penalties to the Federal code. Moreover, such a provision moves the protection responsibility from the judge in the case to a prosecutor who decides when there is a violation and when to bring charges for the violations. Given the fact that many proceedings involving child witnesses also involve family members of the child witness in emotionally charged situations, the addition of more criminal provisions to this mix is not helpful.

This provision allows the imposition of a Federal felony up to 5 years in prison for a violation. It is unnecessary, overbroad, and harsh, especially given a restraining order can be violated by simply making an innocent phone call.

A further problem with H.R. 6063 is that it would give U.S. marshals the authority to issue administrative subpoenas to investigate unregistered sex offenders. I'm not convinced that extending this extraordinary ex parte judicial authority is appropriate.

Research has clearly shown that registered sex offenders who may not be compliant with the law are actually no more apt to commit a criminal offense than those who are compliant. So there is no compelling reason to create a special authority for U.S. marshals in the case of registered or unregistered sex offenders. There's no urgent or imminent threat context in rounding up alleged noncompliant sex offenders which, as we said, are no more likely to commit a crime than those who are compliant with all of the technicalities of the law.

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The existing statutory scheme for administrative subpoenas for law enforcement focuses on extreme situations, such as the Presidential threat protection administrative subpoena. We approved that power a few years ago to assist in the protection of the President when the director of the Secret

Service has determined that an imminent threat is posed against the life of the President of the United States, and he has to certify the same to the Secretary of the Treasury. And the Attorney General has the same kind of power in child exploitation cases. Both are Cabinet-level officials.

I offered an amendment to remove the provisions extending this type of judicial authority to the U.S. Marshals Service. Upon the failure of that amendment, I then offered an amendment to continue limiting the authority to issue administrative subpoenas to Cabinet officials to ensure that this extraordinary judicial power is used discreetly and only in circumstances where it is absolutely warranted. Those amendments were defeated; and, therefore, this bill gives more power to the Marshals Service in cases where there is no proven need for the power, more power than the Secret Service has when faced with an imminent threat to the President of the United States.

Despite serious constitutional issues and these other problems, this bill was introduced on June 29 and was marked up in committee 12 days later, on July 10, which was the very next day that Congress was in session. Clearly these provisions need more consideration. For these reasons, I urge that we defeat H.R. 6063.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time on this side and reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ), a cosponsor of the bill.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of the Child Protection Act of 2012, which I am honored to cosponsor with my good friend from Texas, Chairman LAMAR SMITH. Chairman SMITH and I are proof-positive of what bipartisan working relationships can accomplish, especially because we both agree that protecting the safety and well-being of our Nation's children is our highest priority. That's why I am so pleased that this bill, which was reported favorably out of committee on voice vote, is before us today. This is an opportunity to make a real difference in the lives of children nationwide, thousands of whom are plagued by abuse, terror, and assaults that we cannot even imagine.

In 2008, I was honored to sponsor the PROTECT Our Children Act of 2008, which provides the safety net and resources the law enforcement agents who fight child sexual predators so desperately need. This commonsense bill builds on the progress that we started in PROTECT to ensure that law enforcement can combat one of the fastest-growing crimes in the United States, child pornography.

We must ensure that investigators have every available resource to track down predators and protect our children. This bill ensures that paperwork does not stand in the way of protecting our kids.

Mr. Speaker, I have learned far too much about the world of child pornography since I first took on this cause 4 years ago. There are many aspects of it that are disturbing beyond words to describe, like the fact that in a survey of convicted offenders, more than 83 percent of them had images of children younger than 12 years old, and almost 20 percent of them had images of babies and toddlers who were less than 3 years old. And let's remember that these aren't just images of naked children. These are crime scene photographs and videos taken of children being beaten, raped, and abused beyond our worst nightmares for the sexual pleasure of the person looking at the photo or video.

Let's also remember that these are children who are often being victimized by someone in their circle of trust, someone who was supposed to protect them, and someone who, instead, chose to do them harm. These children only have the law to protect them because their protectors failed them and caused them harm.

While it's not often that we have an opportunity to pass a bill here that quite literally means the difference between life or death, this is one of those times. That's why, as a Member of Congress, I know that I, as well as Chairman SMITH and the Members of Congress here today fighting to protect the children of this country, will stand strong and continue to press forward on their behalf.

I am proud and honored to be the lead Democratic sponsor of this bill, and I am thankful to my friend Chairman SMITH for his continued leadership and support on this crucial cause.

While the chairman listed some of the organizations that are supporting this bill, I will add some others. This bill is supported by the Rape, Abuse, and Incest National Network; the National Council of Jewish Women; Men Can Stop Rape; and the Florida Council Against Sexual Violence, among the other worthy and proud organizations that Chairman SMITH listed.

We are grateful to all of these organizations for their endorsement of this bill and for their continued support for all victims of sexual assault and abuse. I urge all of my colleagues to join us in supporting this critical legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6063.

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. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

STOPPING TAX OFFENDERS AND PROSECUTING IDENTITY THEFT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4362) to provide effective criminal prosecutions for certain identity thefts, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4362

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012'' or the ''STOP Identity Theft Act of 2012''.

SEC. 2. USE OF DEPARTMENT OF JUSTICE RESOURCES WITH REGARD TO TAX RETURN IDENTITY THEFT.

(a) IN GENERAL.—The Attorney General should make use of all existing resources of the Department of Justice, including any appropriate task forces, to bring more perpetrators of tax return identity theft to justice.

(b) CONSIDERATIONS TO BE TAKEN INTO ACCOUNT.—In carrying out this section, the Attorney General should take into account the following:

(1) The need to concentrate efforts in those areas of the country where the crime is most frequently reported.

(2) The need to coordinate with State and local authorities for the most efficient use of their laws and resources to prosecute and prevent the crime.

(3) The need to protect vulnerable groups, such as veterans, seniors, and minors (especially foster children) from becoming victims or otherwise used in the offense.

SEC. 3. VICTIMS OF IDENTITY THEFT MAY INCLUDE ORGANIZATIONS.

Section 1028(d)(7) of title 18, United States Code, is amended by striking ''specific individual'' and inserting ''specific person''.

SEC. 4. TAX FRAUD AS A PREDICATE FOR AGGRAVATED IDENTITY THEFT.

Section 1028A(c) of title 18, United States Code, is amended—

(1) in paragraph (10), by striking ''or'';

(2) in paragraph (11), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(12) section 7206 or 7207 of the Internal Revenue Code of 1986.''.

SEC. 5. REPORTING REQUIREMENT.

(a) GENERALLY.—Beginning with the first report made more than 9 months after the date of the enactment of this Act under section 1116 of title 31, United States Code, the Attorney General shall include in such report the information described in subsection (b) of this section as to progress in implementing this Act and the amendments made by this Act.

(b) CONTENTS.—The information referred to in subsection (a) is as follows:

(1) Information readily available to the Department of Justice about trends in the incidence of tax return identity theft.

(2) The effectiveness of statutory tools, including those provided by this Act, in aiding the Department of Justice in the prosecution of tax return identity theft.

(3) Recommendations on additional statutory tools that would aid in removing barriers to effective prosecution of tax return identity theft.

(4) The status on implementing the recommendations of the Department's March 2010 Audit Report 10–21 entitled ''The Department of Justice's Efforts to Combat Identity Theft''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4362 currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to be an original cosponsor of H.R. 4362, the Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012, with my good friend and colleague, the distinguished gentlewoman from Florida, DEBBIE WASSERMAN SCHULTZ. This is a bipartisan bill that strengthens criminal penalties for tax return identity thieves.

Tax fraud is a very real problem, and Congress should do all it can to protect citizens from this costly crime. Tax fraud through identity theft is a rapidly growing criminal enterprise in the United States. Criminals use stolen identities to steal income tax refunds from unsuspecting victims and from the Federal Government.

With nothing more than stolen identity information—Social Security numbers and their corresponding names and birth dates—criminals have electronically filed thousands of false tax returns and have received hundreds of millions of dollars in wrongful refunds.

The thieves deceive the Internal Revenue Service and file a return before the legitimate taxpayer files. The criminals then receive the refund, sometimes by check but often through a convenient but hard-to-trace prepaid debit card. The criminals then wait for the mail to deliver the cards and checks at abandoned addresses. According to reports in the media, postal workers have been harassed, robbed, and, in one case, murdered as they have made their rounds with their mail truck full of debit cards and master keys to mailboxes.

Tax thieves victimize innocent taxpayers in a number of ways. These thieves will file fake returns under a false name or claim someone who is no longer living as a dependent on their own forms. Often, the fraud is not detected until an individual files a tax return that is rejected by the IRS because someone else has already falsely filed and claimed their return.

The IRS has detected 940,000 fake returns for 2010 alone, from which identity thieves would have received $6.5 billion in refunds. And those are just the ones they caught early. It is estimated by the IRS that they missed an additional 1.5 million returns with possibly fraudulent refunds worth more than $5.2 billion. The number of these cases has increased by approximately 300 percent every year since 2008.

H.R. 4362 is a bipartisan bill that strengthens criminal penalties for tax return identity thieves. It adds tax return fraud to the list of predicate offenses for aggravated identity theft and expands the definition of an ''identity theft victim'' to include businesses and charitable organizations.

H.R. 4362 also improves coordination between the Justice Department and State and local law enforcement officials in order to better protect groups that are most vulnerable to tax fraud from becoming future victims. The changes to Federal law proposed by H.R. 4362 are important to keep pace with this ever-increasing crime.

Tax identity theft costs American families and taxpayers millions of dollars each year. It also results in confusion and needless worry, as taxpayers must work to correct the ID problem created by the false filers. It is critical that we take further steps to reduce the number of people who are victimized by this crime.

Again, I want to thank Congresswoman DEBBIE WASSERMAN SCHULTZ for her great work on this issue, and I urge my colleagues to join me in support of H.R. 4362.

I reserve the balance of my time.

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Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume. I rise in opposition to H.R. 4362. It amends the Federal aggravated identity theft statute to add tax fraud to the list of predicate offenses. The penalty for aggravated identity theft is a mandatory term of imprisonment of 2 years or, for a terrorism offense, 5 years. This bill would, therefore, subject more people to mandatory minimum sentences and, therefore, to all of the problems that have been repeatedly shown to be associated with mandatory minimum sentences.

Fraud and identity theft are a serious and growing problem. But what we do to address the problems of fraud and identity theft should be measured and effective. While I appreciate the sentiments and efforts behind H.R. 4362, I cannot support an effort that seeks to stop one injustice by applying another. Because of the mandatory minimum sentences included in H.R. 4362, this bill is not an appropriate or effective solution to the problem of identity theft.

I'm not saying someone who commits these crimes should not be sentenced to 2 or 5 years, or even more. But it is inappropriate and unjust for Congress to sentence an offender based solely on the name of the crime, years before any of the facts or circumstances of the case, or their role in the particular case and the character of the defendant, are known and taken into account.

Mandatory minimum sentences have been studied extensively, and have been found to distort rational sentencing systems, to discriminate against minorities, to waste the taxpayers' money, and often to violate common sense. Even if everyone involved in the case, from the arresting officer, the prosecutor, the judge, and even the victim, after all of the facts and circumstances of the case are presented at trial by the prosecution and defense, if they all conclude that the mandatory minimum sentence would be an unjust sentence for a particular defendant in a particular case, it must still be imposed. Mandatory minimum sentences, based merely on the name of the crime, remove the sentencing discretion and rationality from the judge, and often require him to impose sentences that violate common sense. This is what brings about the result such as girlfriends who end up with much more time than their crack-dealing boyfriends, and often have to serve terms of 10–20 years or more, teenagers having consensual sex with their girlfriends getting 10 years, or a recent case of Marissa Alexander in Florida, a mother of three and a graduate student, who was sentenced to a mandatory minimum of 20 years for discharging a gun to warn off an abusive husband during a dispute. A warning shot. Ironically, if she had intentionally shot and killed him under those circumstances, the maximum penalty for voluntary manslaughter in that State is 15 years. If you want to know how those mandatory minimums pass, just watch this bill.

I offered an amendment at the committee markup of the bill which would have provided a maximum sentence of 4 years and 10 years instead of the 2 or 5, respectively. That way, offenders whose conduct warranted it could be sentenced to higher amounts of time, if it was appropriate, but for those whose conduct did not, such as bit players and those who play a minor role in a minor offense, the judge could arrive at a proper sentence. It is the height of legislative arrogance, in my view, for Congress to conclude that it has a better perspective to arrive at an appropriate sentence in advance, knowing nothing about the facts and circumstances of the case, than a judge charged with that responsibility who has heard all of the facts and circumstances of the case.

In addition, Mr. Speaker, the Department of Justice has recently expressed

concerns with the bill which indicate that we should have had a legislative hearing on the bill to hear from stakeholders and those who have concerns about the legislation. Even though I support the intent of the sponsors to do more to address identity theft, for the reasons stated, the 2 and 5 year mandatory minimum sentences make this bill indefensible, and I cannot support it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ), the sponsor of the legislation.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to urge my colleagues to support H.R. 4362, the Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012, or simply the STOP Identity Theft Act.

Many of you have seen the recent headlines calling attention to the escalating nationwide epidemic of tax return identity theft. An unsuspecting taxpayer goes to file their tax return only to be told by the Internal Revenue Service that someone else has already filed and claimed their hard-earned tax refund.

This happened to one of my constituents, Joan Rubenstein, who was a 64-year-old teacher. When her accountant filed her 2010 tax return in April of last year, he was told by the IRS that she had already filed. Joan followed advice and filed a police report and reached out to the IRS. But after 10 months, she still had not received her refund. Only after working with my district office were we able secure her refund, which she desperately needed to assist her daughter with her student loan payments.

For her 2011 tax return, Joan was informed by the IRS taxpayer advocates office that she was okay to proceed with filing her return this year. Yet, shockingly, Joan's accountant filed only to learn that she was once again a victim of tax return identity theft for a second year in a row.

No one should have to go through the trauma of having their hard-earned tax refund stolen, and certainly not 2 years in a row. And Joan is not alone. This case, unfortunately, is not an anomaly. My office has been inundated with constituents who have also had their tax refunds stolen, and I know this is a rampant problem in Chairman SMITH's district, and his home State of Texas as well. The amount of theft that goes on with this type of case is really astronomical.

It's stories like Joan's that prompted me to file this legislation that is before us on the floor today. The crime of tax return identity theft has quickly emerged over the last few years, and Congress must act to quickly address this epidemic. Tax return identity theft wreaks emotional and financial havoc on hardworking taxpayers like Joan and costs the Federal Government billions of dollars.

In 2011 alone, Mr. Speaker, the IRS reported that—listen to these numbers—851,602 tax returns and $5.8 billion were associated with fraudulent tax returns involving identity theft. That's a 280 percent increase since just 2010.

These tax return identity thieves hide behind a veil of technology by stealing Social Security numbers and filing false electronic returns where the payoffs are almost instantaneous. Right now, more thieves and criminal organizations are turning to this lucrative, low-risk, high-reward crime because law enforcement lacks the kind of stiff criminal penalties afforded many other forms of identity theft. Essentially, because of the small likelihood of getting caught, and the very minimal current penalty, it makes sense for these thieves to roll the dice because the chances of getting caught and actually doing any time at all is very low.

In this instance, technology has simply outstripped the enforcement tools that are currently on the books. Basically, this crime is worth it for the criminals who are committing it, and we need to make sure that it is not worth it any more so they don't have incentive to continue and they move on to the next thing, and then we can go after them for that.

We must protect the thousands of taxpayers like Joan who fall victim to this crime, many of whom belong to vulnerable groups like seniors, veterans, and even minors. The STOP Identity Theft Act brings together several measures to strengthen criminal penalties and increase the prosecution rate of tax return identity thieves.

H.R. 4362 will add tax return fraud to the list of predicate offenses for aggravated identity theft. The aggravated identity theft statute was created in 2004 to fight identity theft crimes committed to facilitate other types of felonies. However, at the time, the problem of tax return identity theft was very new, and it wasn't included as part of the predicate offenses under aggravated identity theft.

Today, it has become an urgent nationwide problem, and we must give law enforcement the additional tools needed to combat this crime. Each of the last two administrations have called for adding tax fraud to the predicate offenses under aggravated identity theft. With this change, the STOP Identity Theft Act will toughen sentencing for tax return identity thieves, which will help deter this kind of crime.

Importantly, the legislation also expands the definition of an identity theft victim to include businesses and charitable organizations. Often these organizations have their identities stolen and used in phishing schemes to extract the sensitive information from unsuspecting taxpayers used in tax return thefts. Essentially what happens, and we've all been warned about this, you get an email from what you think is your bank or the charitable organization that you are used to giving donations to, but it's really not because these thieves have stolen that organization's identity, and they are asking for your personal information, and unsuspecting victims give them that information.

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By the way, you should never do that because your bank and charitable organization won't ask you for personal information.

These thieves then use the harvested information to file thousands of fraudulent tax returns. In fact, on the IRS Web site, it is noted that this type of phishing scheme is the most common one seen by the IRS. This amendment to the identity theft statutes will ensure that thieves who misappropriate the identities of any business, be it a small business or a nonprofit organization, can be prosecuted.

The STOP Identity Theft Act also calls for better coordination between the Department of Justice and State and local law enforcement to make the most efficient use of the law and resources. My own local law enforcement agencies in south Florida have been flooded with crime reports of tax return identity theft, and they need all the help they can get.

Finally, the legislation also calls for the Department of Justice to report back on trends, progress on prosecuting tax return identity theft, and recommendations for additional legal tools to combat it. Information and data about trends on tax return identity theft can be valuable tools to detect and prevent future fraud, and it will inform Congress of additional legislative actions that will help in the effort.

This legislation is just the strong beginning of the congressional effort to combat tax return identity theft. I know this issue is deeply concerning to many of my colleagues, and I look forward to working with them in their efforts.

This legislation is intended to provide targeted tools for law enforcement right away so that it is better prepared before next tax season rolls around and we have more victims who are really going to have months and months of problems and billions of dollars lost.

I want to thank Chairman SMITH for your support and your leadership on this issue. It really is a pleasure to work with you. And as to the various organizations that have supported and helped craft this legislation, in particular I would like to recognize the National Conference of CPA Practitioners and the American Coalition for Taxpayers Rights for their support and efforts with this bill.

We must ensure that Federal laws are keeping pace with emerging crimes such as tax return identity theft. It is time to make prosecution of tax return identity theft a greater priority. The

STOP Identity Theft Act is an important step toward this goal, and I urge my colleagues to support this legislation.

Once again, I thank Chairman SMITH for working with me on this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of H.R. 4362, the Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012.

Tax-related identity theft is a wide-spread problem that must be addressed. The Internal Revenue Service (IRS) has reported that 641,052 taxpayers were affected by identity theft last year, more than double the number from 2010. This year, all indications point to an even greater number of incidents of tax-related identity theft. In April, the IRS had already blocked more than $1.3 billion in potentially fraudulent tax refunds.

While many taxpayers throughout the country have fallen victim to identity theft, the Tampa Bay area that I have the privilege to represent has unfortunately become a hotbed for this criminal activity. Local police have arrested street criminals with hundreds of Social Security Numbers, online tax preparation software, and prepaid debit cards containing tax refunds. Thieves are selling innocent people's identities for as little as $10 per Social Security Number.

After these criminals have stolen an identity, they file a false tax return using the victim's name and information. The IRS will send the criminal a refund on a prepaid debit card that is virtually untraceable. The IRS says that these fraudulent refunds could cost the taxpayers $26 billion over the next five years.

When the victim attempts to file his legal tax return, the IRS flags the account as having already received a refund and then begins an investigation to determine which return was actually filed by the valid taxpayer. Unfortunately, this process can take more than a year to complete and the victims are given no indication when they will receive their refund check. So now, not only has the victim's identity been stolen, the IRS will not give him the money that he or she is rightfully owed.

H.R. 4362 is good legislation in that it calls on the Department of Justice to do more to prosecute tax-related identity theft and strengthens criminal penalties on the thieves. However, I believe there is much more that can be done to combat this growing problem.

It is clear that the IRS needs to do a better job addressing this crime. There are steps that the IRS can and should take to prevent identity theft before it sends out fraudulent refunds. The IRS needs to do much better assisting the victims in getting their proper refunds. In May, the Treasury Inspector General for Tax Administration released a report titled, ''Most Taxpayers Whose Identities Have Been Stolen to Commit Refund Fraud Do Not Receive Quality Customer Service.'' More than 40 of my constituents have contacted me to express their personal experiences with tax-related identity theft and frustrations in getting the refunds they are owed from the IRS.

In April, I wrote to IRS Commissioner Douglas Shulman, to call on him to address the growing problem of identity theft. I asked the Commissioner to respond to me about the actions the IRS has taken to combat fraud, how the IRS can better utilize its resources to deal with identity theft, how we can ensure that victims receive their proper refunds in a timely manner, and how the IRS can better collaborate with law enforcement to identify and prosecute identity thieves. Despite the public's increasing concerns regarding this important issue, it took the IRS until the end of June to respond to my original inquiry. I would like to insert into the RECORD my letter to Commissioner Shulman as well as the response from the IRS.

The House Appropriations Committee, of which I am a senior member, has also indicated its strong concerns regarding the IRS's efforts to combat identity theft in the Fiscal Year 2013 Financial Services and General Government Appropriations bill. Section 103 of the legislation would require the IRS to ''institute policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.'' Additionally, the Committee Report directs the IRS to report to the Congress regarding the number of cases of tax-related identity theft, the time it takes to resolve cases, and the agency's efforts to expedite resolution for these taxpayers.

The Stopping Tax Offenders and Prosecuting Identity Theft Act is a good start for addressing tax-related identity theft. But it is only a start. As our national debt approaches $16 trillion, we cannot afford to send out billions in fraudulent refunds to criminals. At the same time, the victims of this crime should not have to wait more than a year to receive the money that is owed to them. There is much the IRS can do on its own to address these issues. However, if more legislative changes are needed, I stand ready to work with my colleagues in the House to combat this problem.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 2012.

Hon. DOUGLAS H. SHULMAN,
Commissioner, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC.

DEAR COMMISSIONER SHULMAN: As the deadline for individuals to file their tax returns approaches, I would like to take this opportunity to call on the IRS to address the issue of tax fraud by identity theft.

As you arc well aware, this crime has been particularly prevalent in the Tampa Bay region that I have the privilege to represent. Several of my constituents have been victims of identity theft and I thank you and your staff for your efforts to help resolve their cases.

Tax season is stressful enough without the threat of identity theft. The taxpayers we work for should not have to worry that their identity has been stolen while they are complying with the law and simply filing their tax returns.

Victims of identity theft can also experience significant delays in receiving their refunds, depriving them of money that many were counting on to help in these difficult economic times. Often, these innocent citizens are left with no idea of when they will be able to get the refund that is rightly theirs.

At a time when the federal government is again projected to run a deficit of more than $1 trillion, we should not be paying out fraudulent tax refunds to identity thieves. The IRS should do everything in its power to prevent this crime and quickly assist victims. If the IRS requires additional statutory authority to take these steps, I would urge you to work with the Congress to find appropriate solutions.

To this end, I ask that you to respond to the following questions:

1. What actions has the IRS taken in this tax filing season to address the growing number of tax-related identity theft cases?

2. How can the IRS better focus its resources to deal with identity theft and assist victims?

3. What steps has the IRS taken to ensure the timely issuance of refunds to victims of identity theft?

4. How can the IRS better work with federal, state, and local law enforcement agencies to identify, investigate, and prosecute identity thieves while protecting the privacy of victims?

Again, thank you for your work to help the victims of tax-related identity theft and your prompt reply to these questions. With best wishes and personal regards, I am.

Very truly yours,

C.W. BILL YOUNG,
Member of Congress.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Atlanta, GA, June 28, 2012.

Hon. C.W. BILL YOUNG,
House of Representatives, Washington, DC.

DEAR MR. YOUNG: thank you for your letter of April 12, 2012, on our policy and processes for identity theft. We appreciate your concern as this is an ongoing problem in the country and continues to worsen. We understand and sympathize with your constituents who have experienced identity theft problems.

Identity theft is a complex problem. The nature of the problem is constantly changing, as identity thieves continue to find new ways to steal personal information. Over the past few years, we have seen a significant increase in refund fraud schemes that involve identity theft. As a result, we have developed a comprehensive identity theft strategy that focuses on preventing, detecting, and resolving these cases.

What actions has the IRS taken in this tax filing season to address the growing number of tax-related identity theft cases?

We have taken a number of additional steps this tax filing season to prevent identity theft and detect refund fraud before it occurs. We designed new identity theft screening filters that improved our ability to identify false returns before we processed them and issued a refund. We also placed more identity theft indicators on taxpayer accounts to track and manage identity theft incidents.

How can the IRS better focus its resources to deal with identity theft and assist victims?

We continue to assess our needs and resources, and, as a result, we are currently undergoing training an additional 1,200 employees to assist with the processing of identity theft cases. We will train these employees to assist identity theft victims.

What steps has the IRS taken to ensure the timely issuance of refunds to victims of identity theft?

In identity theft situations, our employees work to resolve all the issues affecting both the taxpayer and the IRS. When we receive a fraudulent tax return, we conduct an in-depth review to identify the ''valid'' taxpayer, verify the amounts claimed on the tax return, and complete all tax account adjustments. Unfortunately, this process can be time consuming.

Once we verify the taxpayer is a victim of tax-related identity theft, we place an identity theft indicator on his or her account. This indicator triggers a review of any tax

return submitted with the taxpayer's social security number to confirm the validity of the return. We continue working to correct the taxpayer's account until we complete the correction.

How can the IRS better work with federal, state, and local law enforcement agencies to identify, investigate, and prosecute identity thieves while protecting the privacy of victims?

Recently, we, with the Justice Department, announced the results of a nationwide investigation of suspected identity theft perpetrators. Working with the Justice Department's Tax Division and local U.S. Attorneys' Offices, the nationwide effort targeted 105 people in 23 states. This coast-to-coast effort included indictments, arrests, and the execution of search warrants involving the potential theft of thousands of identities and taxpayer refunds. In all, the resulting indictments included 939 criminal charges.

Local law enforcement and other federal agencies play a critical role in combating identity theft. Thus, an important part of our effort to stop identity thieves involves collaborating with law enforcement agencies. Although the rules for protecting taxpayer privacy often make it difficult for us to share information that local law enforcement might find helpful, we are developing a procedure that would enable us to share falsified returns with local law enforcement after obtaining a privacy waiver from the innocent taxpayer. Also, proposed legislation H.R. 3482 (the Tax Crimes and Identity Theft Prevention Act) would expand section 6103 of the U.S. tax code to allow limited disclosure of returns and return information to law enforcement for the purpose of combating tax crimes.

We share your concerns about identity theft. We will continue to review our processes to ensure that we are doing everything possible to minimize the affect of identity theft to taxpayers and help those who are victims of this crime.

I hope this information is helpful. If you need further assistance, please call me at (559) 454–6004 or Mr. James Denning (Identification Number 1000160482) at (559) 454–6691 if we can assist you further.

Sincerely,

ROSALIND C. KOCHMANSKI,
Field Director, Accounts Management.

The SPEAKER pro tempore (Mr. MEEHAN). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4362.

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. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM REAUTHORIZATION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6062) to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6062

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012''.

SEC. 2. REAUTHORIZATION OF BYRNE JAG GRANTS.

Section 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3758) is amended by inserting before the period the following: '', and $800,000,000 for each of the fiscal years 2013 through 2017''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6062 currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my Judiciary Committee colleague Mr. MARINO for his leadership on this law enforcement priority.

The Edward Byrne Memorial Justice Assistance Grant Program is the centerpiece of the federal government's assistance for state and local criminal justice initiatives. It was created in 2005 when two existing federal grant programs were combined.

Byrne JAG is a streamlined block grant program that empowers states and localities to address specific law enforcement challenges.

Byrne JAG funding is distributed by the Justice Department based on a formula that considers the jurisdictions' population and crime rates.

Some of the money is kept at the state level but much of it is distributed to localities.

Jurisdictions can tailor their spending based on their own communities' needs. These include prosecution and court programs, drug treatment programs and crime victims programs.

In my district, Byrne JAG funds have been used by the City of Austin to hire additional 911–call operators, purchase protective gear for law enforcement officers and provide training on forensics technology. These are all important public safety initiatives that were prioritized by local leaders.

Byrne JAG is currently authorized at $1.1 billion per year, although this authorization is set to expire at the end of September when the current fiscal year ends.

In fiscal year 2012, Congress appropriated $470 million for the Byrne JAG program, although $100 million of this money was a one-time set aside for this year's presidential nomination conventions.

H.R. 6062 reauthorizes the Byrne JAG program for five years at $800 million a year.

H.R. 6062 enjoys bipartisan support and is widely supported by the law enforcement community.

I thank my Judiciary Committee colleague, Mr. MARINO, for his work on this issue and I urge my colleagues to support the bill.

I would like to yield as much time as he may consume to the gentleman from Pennsylvania (Mr. MARINO), who is a member of the Judiciary Committee and the sponsor of this legislation.

Mr. MARINO. Mr. Speaker, Chairman SMITH, I rise today in strong support of legislation I introduced, H.R. 6062, the Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.

The Edward Byrne Memorial JAG Program is the primary provider of Federal criminal justice funding to State and local jurisdictions, and it has been referred to as the ''cornerstone Federal crime-fighting program.''

The JAG program provides State and local governments with critically needed resources to support a wide range of law enforcement activities, including prosecution, prevention, education, planning, corrections, treatment, evaluation, and technology.

As a former district attorney and United States attorney, I understand the tremendous value of JAG-funded projects in fighting crime by improving the processes, procedures, and operations of criminal justice systems.

My legislation being considered today reauthorizes the JAG program for 5 years—I repeat, for 5 years—through fiscal year 2017.

This legislation is supported by the National Criminal Justice Association, the International Association of Chiefs of Police, the Major Cities Chiefs Association, the National Sheriffs' Association, the National District Attorneys Association, and many more law enforcement organizations.

H.R. 6062 enjoys bipartisan support, including Chairman SMITH and Ranking Member CONYERS of the House Judiciary Committee, who are cosponsors. The legislation was considered by the House Judiciary Committee and approved by a voice vote on July 18.

I would like to thank the chairman and the committee for their help in ensuring that the authorization for this critical program does not lapse. I urge all of my colleagues to join in the support of our State and local law enforcement agencies by voting in favor of H.R. 6062.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6062, the Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.

The Federal justice grants reauthorized under this legislation provide critical funding to State and local jurisdictions in their efforts to combat crime.

Especially during periods of national budgetary constraints affecting the bottom lines of States and local governments, the Byrne JAG grants are particularly important. Across our Nation, many jurisdictions, to shore up their budgets, are actually laying off police officers. When many of our citizens are experiencing economic hardship, we must not add to their burden by allowing public safety to suffer.

H.R. 6062 reaffirms the Federal Government's commitment to assisting State and local governments in their effort to prevent and fight crime. But reauthorization of the Byrne JAG grant program is obviously just a first step. We must also follow through with actually appropriating sufficient funds for the program.

In addition, we should encourage allocation of grant funds to the full range of programs that State and local governments are allowed to fund. Under current law, State and local governments may use Byrne JAG funding for programs or projects that improve law enforcement efforts; prosecution and court programs; prevention and education programs; corrections and community corrections; drug treatment programs; planning, evaluation, and technology projects; and crime victim and witness programs.

Each of these are essential to a comprehensive effort to protect us from crime, and, therefore, all of them should receive significant funding under the Byrne JAG grant program. An imbalance in justice assistance funding creates an imbalance in anticrime efforts. Specifically, an appropriate amount of funding should be allocated to prevent crime, which will help reduce the amount of money needed to fund the after-crime cost of investigation, prosecution, incarceration, and victim assistance.

We must also assist State and local governments to fund public defender programs in recognition of the fact that the public is also protected from injustice when we safeguard the Sixth Amendment rights of our citizens.

Finally, it is essential that the full range of other programs that assist State and local public safety initiatives, including the COPS program, are adequately funded. The COPS program has funded the hiring of more than 123,000 State and local police officers and sheriff's deputies in communities across our Nation, and it has been proven to be extremely effective in reducing crime.

□ 2040

I am proud to be a cosponsor of H.R. 6062, and I commend the gentleman from Pennsylvania (Mr. MARINO) for his work on the bill.

Mr. Speaker, I urge adoption of H.R. 6062 so that we can reaffirm our commitment to funding public safety programs, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time as well.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I want to thank my colleague from Virginia for yielding me the time.

I just want to reiterate what Mr. SCOTT just said. I have to say I have never had more requests and concern about programs from mayors and elected officials in my municipalities than I get for programs like this Byrne JAG program, like the COPS program, like the SAFER program that deals with fire prevention.

I think a lot of it has to do with the fact that many of my towns—and I'm sure this is true across the country—because of the recession, because of budgetary constraints are laying off police, laying off firemen, don't have the resources, if you will, to deal with a lot of the crime prevention problems, so these programs are crucial to them.

I want to reiterate what Mr. SCOTT said about the fact that right now it's not only a question of reauthorizing, but also making sure that there's adequate funding for it. If I could just use an example in my own district, and that is that last week I was able to announce that several towns in my district, the Sixth District, have been awarded grants under the Byrne JAG program to support a broad range of activities to prevent and control crime. One grant is administered by Neptune and is benefiting both Asbury Park and Long Branch—Long Branch being my home town. Another grant is administered by New Brunswick, and it's helping Perth Amboy, Edison, and Woodbridge.

The funding is used to purchase law enforcement equipment and supplies. In New Brunswick, it's being used for a police vehicle, which will have mobile video and data equipment. This is really all about community safety, which is of utmost importance. At a time when our local law enforcement has to cope with difficult funding levels, these Federal grants make it possible for towns to support critical crime-prevention activities that protect New Jersey families and their residents. I can't stress enough how important this is.

So I'm just very pleased today that on a bipartisan basis we are reauthorizing this, I think, for 5 years. And as Mr. SCOTT said, the next step is to make sure that there's adequate funding because this is a crucial program. That's why I came down here tonight to speak about it.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from New Jersey, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6062.

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. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6169, PATHWAY TO JOB CREATION THROUGH A SIMPLER, FAIRER TAX CODE ACT OF 2012; PROVIDING FOR CONSIDERATION OF H.R. 8, JOB PROTECTION AND RECESSION PREVENTION ACT OF 2012; PROVIDING FOR PROCEEDINGS FROM AUGUST 3, 2012, THROUGH SEPTEMBER 7, 2012; PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES; AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112–641) on the resolution (H. Res. 747) providing for consideration of the bill (H.R. 6169) to provide for expedited consideration of a bill providing for comprehensive tax reform; providing for consideration of the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes; providing for proceedings during the period from August 3, 2012, through September 7, 2012; providing for consideration of motions to suspend the rules; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

FEDERAL LAW ENFORCEMENT PERSONNEL AND RESOURCES ALLOCATION IMPROVEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1550) to establish programs in the Department of Justice and in the Department of Homeland Security to help States that have high rates of homicide and other violent crime, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1550

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Law Enforcement Personnel and Resources Allocation Improvement Act of 2012''.

SEC. 2. PRIORITY FOR ALLOCATION OF FEDERAL LAW ENFORCEMENT PERSONNEL AND RESOURCES.

(a) REQUIREMENT.—In the allocation of Federal law enforcement personnel and resources, the Attorney General shall give priority to placing and retaining those personnel and resources in States and local jurisdictions that have a high incidence of homicide or other violent crime, based on records of crime acquired under section 534 of title 28, United States Code, including reports of crime under the system known as the National Uniform Crime Reports, or on the best and most current information otherwise available to the Attorney General.

(b) DESIGNATION OF EXISTING FEDERAL OFFICIAL.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall designate an existing official within the Department of Justice—

(1) to develop practices and procedures to carry out the requirement established in subsection (a); and

(2) to monitor compliance with those practices and procedures by the bureaus, agencies, and other subdivisions of the Department.

SEC. 3. ANNUAL REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on Appropriations and the Committees on the Judiciary of the Senate and the House of Representatives a report on the implementation of the requirement established in section 2. The report shall, for the year it covers—

(1) specify which States and local jurisdictions have a high incidence of homicide or other violent crime;

(2) identify the specific steps taken by the Attorney General to implement the requirement with respect to each of those States and local jurisdictions; and

(3) provide a description of the methodology (including any changes made in that methodology) that the Attorney General has used to determine the total number of authorized Federal law enforcement positions, to allocate those authorized positions among States and local jurisdictions, and to assign personnel to fill those authorized positions.

SEC. 4. DEFINITIONS.

In this Act, the following definitions apply:

(1) FEDERAL LAW ENFORCEMENT PERSONNEL.—The term ''Federal law enforcement personnel'' means law enforcement personnel employed by the Department of Justice, including law enforcement personnel in any of the following agencies of the Department:

(A) The Drug Enforcement Administration.

(B) The Federal Bureau of Investigation.

(C) The Bureau of Alcohol, Tobacco, Firearms and Explosives.

(D) The United States Marshals Service.

(2) LOCAL JURISDICTION.—The term ''local jurisdiction'' has the meaning given the term ''unit of local government'' in section 901(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(3)).

(3) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, American Samoa, Guam, or the Northern Mariana Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1550, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1550, the Federal Law Enforcement Recruitment and Retention Act of 2012, was introduced by my friend and colleague on the Judiciary Committee, Mr. PIERLUISI of Puerto Rico. It helps focus the Justice Department's law enforcement efforts on the areas of the country that need them the most.

Crime in the United States began to rise sharply in the 1960s and continued up to its peak in the early 1990s. In response, Congress and the States reformed their criminal laws to include tougher penalties and truth-in-sentencing laws, and they dedicated additional resources to target the rising crime rate.

To a great extent, our national focus on crime has been successful. The national violent crime rate in 2010 was almost half of what it was in 1991, and crime in the United States has continued to fall in spite of difficult economic times. The violent crime rate fell 5 percent from 2008 to 2009, and another 5 percent from 2009 to 2010.

Despite this good news, we are far from a solution to the problem of violent crime in all areas of the country. There are still areas where violent crime remains a very serious issue and is even on the rise. For example, in my district, the number of murders in the city of Austin nearly doubled in 1 year, going from 22 homicides in 2009 to 38 homicides in 2010. Puerto Rico, home to the sponsor of this bill, has experienced an increase in drug-related violent crime. With more than 1,100 deaths in 2011, the homicide rate in Puerto Rico last year was more than five times the national average. The majority of this violence is attributed to the area's growing drug trafficking trade, which has implications, of course, for mainland U.S.

The problem with high-crime areas may increase if there are not sufficient Federal law enforcement officers in these communities. To address this situation, the Justice Department started to dispatch surges of Federal law enforcement officers to prevent and investigate crime in high-crime cities like Philadelphia, Pennsylvania and Oakland, California. H.R. 1550 continues this momentum. It directs the Department of Justice to consider, in coordination with State and local governments, the need to recruit, assign, and retain Federal law enforcement personnel in areas of the country with high rates of homicides and other violent crimes, which of course should include Puerto Rico.

H.R. 1550 has bipartisan support and has been endorsed by the law enforcement community. The bill was reported out of the Judiciary Committee on a voice vote, and once again I want to thank Mr. PIERLUISI for sponsoring this legislation.

H.R. 1550 improves the safety of the many Americans who live in fear of violent crime in their neighborhoods. So I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1550, the Federal Law Enforcement Recruitment and Retention Act. This bill would require the Department of Justice to prioritize the placement and retention of personnel in those States and local jurisdictions that have high incidences of homicide and other violent crimes.

The recruitment and retention of law enforcement officers has become increasingly difficult in recent years. These challenges are faced not only by State and local police agencies, but also by Federal law enforcement agencies. Difficulty in recruiting and retaining law enforcement officers is particularly acute in jurisdictions that experience high rates of violent crime.

□ 2050

In fact, the high incidence of crime in a jurisdiction can deter a Federal law enforcement officer from seeking assignment in that jurisdiction and can frequently lead to high turnover. The failure to retain a law enforcement officer has been estimated to result in approximately $100,000 in additional costs for the Department of Justice.

H.R. 1550, as amended, aims to address this problem by directing the Attorney General to give priority in placing and retaining agents in jurisdictions with particularly high crime rates. This bill also requires the Department of Justice to annually provide Congress with a detailed report on how it is implementing this directive.

H.R. 1550 is a modest, but necessary, measure to focus our crime-fighting efforts on the areas most in need.

I, too, want to commend our colleague, the gentleman from Puerto Rico (Mr. PIERLUISI), for his work in developing this bill. I urge my colleagues to support H.R. 1550.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. PIERLUISI), the sponsor of the legislation.

Mr. PIERLUISI. Thank you, Ranking Member SCOTT.

Mr. Speaker, I want to begin by expressing my gratitude to the chairman of the Judiciary Committee, LAMAR SMITH, for supporting H.R. 1550 and for

working with House leadership to schedule the bill for floor consideration.

I also want to thank the ranking member of the Judiciary Committee, Congressman CONYERS, the chairman of the Crime Subcommittee, Congressman SENSENBRENNER, and the ranking member of the Crime Subcommittee, Congressman SCOTT, for their support.

H.R. 1550 was unanimously approved by the Judiciary Committee and has been endorsed by the Federal Law Enforcement Officers Association, which represents over 25,000 Federal law enforcement officers employed by 65 agencies.

The short title of this bill, as modified, is the Federal Law Enforcement Personnel and Resources Allocation Improvement Act of 2012. The bill would direct the Department of Justice, when allocating law enforcement personnel and resources among U.S. jurisdictions, to give priority to those areas of the country that have high rates of homicide and other violent crime, including forcible rape, robbery and aggravated assault.

The bill would require the Attorney General to designate an existing official within the Department of Justice who will be responsible for developing practices and procedures to implement this directive and for monitoring compliance with the directive by the Department's component agencies, including the Federal Bureau of Investigation; the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; and the United States Marshals Service.

Finally, the bill would require the Attorney General to submit an annual report to the appropriate congressional committees. The report would specify which jurisdictions have a high incidence of homicide or other violent crime and would identify the steps that the Department of Justice is taking to prioritize the allocation of law enforcement personnel and resources to those high-crime areas.

In addition, the report would describe the methodology the Department is using to determine the total number of authorized Federal law enforcement positions nationwide, to allocate those authorized positions among different jurisdictions, and to assign personnel to fill those authorized positions.

The basis for H.R. 1550 is as follows: in recent years, the number of murders and other violent crimes nationwide has decreased substantially. Between 2007 and 2011, for example, the total number of murders in the United States decreased by over 20 percent, and the total number of violent crimes decreased by nearly 18 percent.

Most U.S. jurisdictions, whether urban, suburban or rural, have experienced a meaningful reduction in murders and other violent crimes. From the macro-perspective, the progress we have witnessed has been real and, in many cases, remarkable. Much of the credit is due to law enforcement officers on the Federal and local levels. Enhanced and effective policing can make, and has made, a tremendous difference in our communities.

Unfortunately, certain jurisdictions, sometimes referred to as ''hot spots,'' have been exceptions to this steady downward trend in violent crime. My own district, Puerto Rico, is a case in point. Today, the number of annual murders in Puerto Rico is nearly 90 percent higher than it was in 1990. Between 2007 and 2011 alone, homicides rose by 55 percent, with most of the violence linked to the drug trade. Yet the Federal law enforcement footprint in the U.S. Territory has not evolved in light of these changed circumstances. Instead, it has remained stagnant.

Puerto Rico may be the most dramatic example of a U.S. jurisdiction where violent crime has increased rather than decreased, but it's by no means alone. For example, Flint, Michigan, experienced a 73 percent increase in homicides between 2007 and 2011, while a major metropolitan area in the Central Valley of California witnessed a 100 percent increase in murders.

Moreover, there are numerous other areas where there has been some progress in reducing crime, but where violence remains far too high. Examples of such areas include Detroit, St. Louis, Memphis, Oakland, Little Rock, Birmingham, Atlanta, Baltimore, Philadelphia, Chicago, Miami, and New Orleans.

H.R. 1550 would promote and institutionalize steps that the Department of Justice, to its credit, has already begun to take. Recently, the Department developed a new initiative known as the Violent Crime Reduction Partnership to help target Federal resources to areas in need of additional law enforcement support.

Pursuant to this initiative, for example, more than 50 officials from the FBI, DEA, ATF, the U.S. Attorney's Office, and DOJ's criminal division have begun a 4-month surge of Federal law enforcement resources in order to prevent and combat violent crime in the Philadelphia metropolitan area. This is a positive step that should be encouraged and replicated in other high-crime jurisdictions, which is the precise result that H.R. 1550 seeks to bring about.

To be clear, it is well understood that the methods that DOJ may successfully employ to reduce violent crime in, say, Philadelphia or Baltimore may need to be adjusted for use in San Juan or St. Louis, with the specific approach dependent upon the nature of the crime problem that each jurisdiction confronts and other relevant factors.

For that reason, my bill does not in any way try to micromanage the Department or to promote a one-size-fits-all approach to fighting crime. H.R. 1550 simply seeks to ensure, in this time of fiscal constraint on both the Federal and local levels, that DOJ has in place a carefully crafted and consistently applied policy of allocating limited law enforcement personnel and resources to those areas where they are needed the most.

Again, I thank Chairman SMITH, Ranking Member SCOTT; and I hope my colleagues on both sides of the aisle will support this bill.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. I thank the ranking member for yielding.

Mr. Speaker, I too rise in very strong support of H.R. 1550, the Federal Law Enforcement Personnel and Resources Allocation Improvement Act of 2012, which would require the Attorney General, in the allocation of Federal law enforcement personnel and resources, to give priority to placing and retaining such personnel and resources in States and local jurisdictions that have a high incidence of homicide or other violent crime.

I commend my friend, the Congressman from Puerto Rico (Mr. PIERLUISI) for its introduction, for his hard work, and for his leadership in getting it to the floor today.

If this bill were to become law, my district, along with Congressman PIERLUISI's, will be one of the local jurisdictions that would qualify for having that high incidence of homicide and violent crime. This is not a fact that we're proud of, but it is a reality; and it's the by-product of the USVI and Puerto Rico being a trans-shipment point for illegal drugs traveling from Central and South America to mainland United States.

There are many other communities in our country that are facing the same or similar incidence of violence; and the blame, in most cases, can be traced to drug trafficking. In the case of the Virgin Islands and Puerto Rico, it stems from the fact that we have become the route of choice for drug shipments to the east coast of the United States.

According to Department of Justice statistics, in 2011, 165,000 metric tons of illegal drugs were seized in the Caribbean, Bahamas and Gulf of Mexico, up 36 percent over 4 years. And up to 80 percent of cocaine trafficked through the Virgin Islands and Puerto Rico is directed to U.S. east coast cities.

□ 2100

Congressman PIERLUISI and I were recently at the Coast Guard station in Puerto Rico, and we had the opportunity to meet with the commander of the ship that had recently captured 1.4 kilos of cocaine off of St. Croix in the U.S. Virgin Islands. That was the port's largest capture in its history. These routes are also a threat to America's national security. In addition to the guns, assault weapons and drugs, the Caribbean region is susceptible to smuggling nuclear and all other kinds

of materials that could easily be used as staging areas for violence against our country.

The most tragic of all are the young people who had been killed or who are now in jail, many of whom I knew and took care of as a family physician. Unfortunately, we, too, have one of the highest murder rates per 100,000 in our country. Our community was shocked a few months ago when two of our young policemen, who were in a high crime area but who were on what seemed to be a routine patrol, were shot earlier this year. Both sustained injuries which go beyond the physical. One is paralyzed and will require lifelong care and support.

Our community, though, is fighting back. Our law enforcement has been meeting with those from across the Caribbean region. We are working with the Federal law enforcement that does exist in the Territory. Both of us, Puerto Rico and the U.S. Virgin Islands, are high-intensity drug trafficking areas. We have a well-integrated but still incomplete team led by Adjutant General Vicens from Puerto Rico and Executive Director Catherine Mills from the Virgin Islands, but we do need more Federal help in order to restore the safety of our communities and to protect the lives of our children. This is not only important to my constituents and me; it is critical to the well-being of the constituents of all of our colleagues but especially to those whose communities have high homicide and violent crime rates.

In this legislation, which I am pleased to cosponsor, we are pleading for this critically important help in order to bring the vital Federal resources to save our communities—to save all of our communities—and to protect our Nation. I urge my colleagues to support H.R. 1550.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlelady from the Virgin Islands and the gentleman from Puerto Rico.

I urge the passage of the bill, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1550, 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. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

SEQUESTRATION: THE DESTRUCTION OF THE UNITED STATES MILITARY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 28 minutes as the designee of the majority leader.

Mr. CARTER. I thank you, Mr. Speaker.

Mr. Speaker, we have got a lot of hard work to do in about the next 3 months around this place. I want to talk tonight about a process that we have brought upon ourselves so that now we are faced with what, I think, could be one of the greatest catastrophes in the modern history of the United States—and that is almost the complete destruction of our military through a process called ''sequester.''

We use a lot of big words around this House, and half of the people who sit in this room on a daily basis don't even know what it means, to be honest with you, but they know what the process does: across-the-board cuts at every level of government. The reality of these cuts is that, at least in the current makeup of our government and with so many of our expenses in this government being mandatory spending and what we call ''entitlements,'' the lion's share automatically falls upon the military, on the Defense Department.

Even more critical to this particular agreement, which was made in the earlier part of this year when we had one of our many shutdown-the-government risks that have come upon this body in the last couple of years, the White House with the President, along with the majority leader of the Senate and the Speaker of the House, met to discuss how to keep from having a shutdown of the government and how to raise the debt ceiling so we could continue to operate this government. With everyone recognizing that there was a looming crisis from having spent more than we make for as long as we can remember, quite honestly, and, therefore, that we are now in a problem of debt which is drowning this Nation and the Members of this body wanting to address that, the discussion was about how we would do it.

They came up with a concept of a supercommittee. Most of you who keep up with current events know that we formed a supercommittee, the purpose of which was to come up with the cuts from the appropriate parts of this government so that we would reduce the spending of over $1 trillion, thus starting ourselves down the road to fiscal responsibility. This is what we set out to do. It was an honest effort, let's be frank. It was an honest effort. Everybody, whether elected to do it or not, recognized that this was the issue that was before us. The question was how to do this, and they came up with this supercommittee.

They agreed that, if the supercommittee failed, then the process of sequester would replace the actions of the supercommittee. There will be a political debate that will go back and forth as to who killed the effort in the supercommittee; but wherever the fault may lie, the supercommittee failed. Those of us who were in this House asked about the sequester and looked at it and worried about it as the vote came up as to whether or not this was the right thing to do. We then asked the question of the leaders here, which I'm sure was asked on both sides of the aisle: So what happens if the supercommittee doesn't perform?

We were told sequester, which was the worst possible thing to happen to this House, and I think both sides of the aisle agreed with that. But don't worry, it has never happened. It never will happen. We will do the right thing.

The committee failed.

It is almost August. Quite honestly, the number of legislative days left before the election can almost be counted on these two hands, and we haven't addressed how we are going to do this; but the folks who may most be affected have no choice but to address it.

The agreement that came out of the meeting between the President and the Congress was that roughly half the $1.1 trillion number, I believe it is, would come out of the Defense Department and that the other half would come out of domestic spending. Well, the Defense Department being the Defense Department—and it cannot function without planning—is already planning what it would have to do in case this occurs.

We talk in big ideas and issues around here, but the reality is this: this is about a bunch of people who chose the profession for their lives, that of defending our Nation.

□ 2110

We should never forget that the ordinary soldier, sailor, airman, marine, and Coast Guardsman volunteered to join their branch of the service, most of them, as their profession. This is not the old drafted military of World War II or the Korean war or the Vietnam war or the Cold War. This is a volunteer military. This is a young man or woman saying: I choose the job of fighting for my country. This is what I choose to do with my life. I will earn my way. I will earn my promotions by being a good warrior.

My wife and I, when we first learned that we were going to have the honor of representing what we call a great place, Fort Hood in Texas, we wanted to meet with soldiers, and the place we could find them to meet with us around Thanksgiving time was in Korea. We went and met with Fort Hood soldiers in Korea. Most of them were from Texas at our table where they were talking to us, and I asked a question. I was new to getting to talk to the ordinary soldier. These were just ordinary soldiers. There may have been a couple of sergeants there, but most of them were not highly ranked.

I said, How long are you guys and gals going to be in Korea? They said,

Oh, 3 months, 6 months, whatever the time period was. I said, What do you want to do next in the Army? They responded, We want to go to Afghanistan or Iraq. This is back in '04. From someone of my age who has the memory of the draft Army, that was a shocking answer: We want to go from this place in Korea to the place where the war is, and we would like to go directly there. These were 19-year-old kids, kids like my son coaches in football and baseball back home. These were kids that could have been the same kids that played on the team the year before who were sitting there at the table telling us they wanted to go to war.

I was kind of taken aback by that answer. It was unanimous, by the way. There were eight people around the table that were all unanimous: we want to go to war. Then this young towheaded 19-year-old soldier said, Sir, that's what we are. We're trained warriors. That's what we do for a living. We fight wars. We want to go where our country needs us. We want to go to war. Not because we like war, but because we are professional soldiers. We do this for a living.

This is the mindset that goes back in history a long ways. Some of the greatest armies in the world had that mindset, that this was the job they chose for their life. Now, because we have not been willing to live within a budget in the United States—we're all at fault, every one of us. The people in this House, both sides of the aisle, we're all at fault. We spend more than we make, and we wonder why in the world it doesn't work. How many people sit at home and look at their household budgets and say, My gosh, we're spending more than we make. No wonder it doesn't work. That's like the law of gravity. It's a natural thing that you can't spend more than you make and not ultimately be in trouble, even when you can take it out of other people's pockets like the government.

Now we are faced with a crisis, and we're talking about a solution for that crisis that's going to fall on the back of that 19-year-old kid that talked to me in Korea because his goal in life was to rise in the ranks by being a good soldier. As a good soldier, if he did a good job, he would be promoted and he would rise in rank. Maybe in his heart his goal was to some day be a command sergeant major of one of the commands in the Army, kind of the pinnacle of the career of an ordinary soldier. Because we spend too much and can't agree on how to cut it and we're going to have to go to automatic cuts, that young man's job is at risk. The President says he's going to protect the jobs of the soldiers. I hope what he means he's not going to fire anybody. Although one of the papers that I was reading an article in it said he's not going to cut the pay of the soldiers.

I happen to be blessed. One of the things that I'm very proud of in this body is I am a cochair of the Army Caucus here in the Congress, and I've heard the generals talk about what sequester means to the Army. It means cuts of 100,000 to 180,000 soldiers. That means that kid that I talked to in Korea, who's probably now done three tours in Afghanistan or Iraq, who has done a good job, fought for his country, performed in an excellent manner, has been promoted, he's in the beginning of the middle of his career, and because we can't agree on how to reduce our runaway spending, that kid is going to lose his job.

He will not only lose his job, but he's going to lose his career. He chose our United States Army partially out of the job he wanted to do, but in a great many cases out of patriotism for this country. He didn't sign on to be in somebody else's Army. He signed on to be in our Army. He's done everything right; and yet because we can't control our spending, that young man and those young men and women at that table could lose their careers that they chose for their lives, careers to be proud of as Americans. There are young people willing to do this for our country.

When we talk these big numbers and throw around big words, we've got to remember it affects human beings. We've got some charts here I want to show you so you get some idea of what we're talking about. Where is the spending? This is entitlements. The spending is at $26.1 trillion. Nondefense spending is at $11.3 trillion. Defense spending at $3.6 trillion. That's where the spending is in our country today.

Let's look at what we propose to do as a solution under sequester. From entitlements we're taking $171 billion out of $26.1 trillion. From nondefense spending, we're taking $322 billion out of $11.37 trillion. Over here in defense we're taking $422 billion, the highest of any of these numbers, out of $3.6 trillion. This is about a 42 percent cut. This is out of whack.

What's this out of whack going to do to our military? Let's start off with what we're talking about right now in the country. We're talking about our economy, we're talking about getting ourselves out of this slump we're in and putting Americans back to work. Does anybody think it's a good idea to create a program that loses American jobs? To me, I just can't fathom it. But according to CNN, 1 million jobs will be lost under sequester. That's not military jobs. That's the people who provide goods and services either directly for the military or sell it to the military.

□ 2120

And here is something else that's pretty frightening. As we look down the road at this sequester program, the law that was created by the Congress and which was signed into law says, if we anticipate the loss in an industry of jobs based upon the actions of this body, they have to pass out pink slips 60 days before that might happen and in some cases 90 days.

Well, the drop-dead date on sequester is January 2 of next year. So if we do nothing by January 2, we are going to have these across-the-board cuts. We are going to have 1 million people get pink slips in either October or November. Now, is that going to raise the enthusiasm for growing our economy in America? It is absolutely as destructive as it could be.

We have a responsibility to try to do something about this, and we can't keep kicking cans down the road in this body. If we do, one of these days, we are going to get a broken foot, and already there seems to be a brick in the can.

This is serious stuff. We've got real people's lives being affected in the military. We've got real people's jobs being affected in the defense industry. These are people who go to work, just like everybody else in this country. Somehow we hear the words ''defense industry,'' and we assume some kind of fat cats. Go over to one of the defense industries and see the machinists and the guys that do all kinds of jobs, that create these great instruments that are instruments of war and also instruments of peace that we use in our military. All of these things are at risk, and the people who do those jobs are at risk right now as they relate directly to the sequester.

I am joined by my friend Mr. BISHOP from Utah. Would you like to jump in here and talk a little bit about this? You are on the Armed Services Committee, I believe.

We had 20-some minutes to start. So we are down to 10 minutes, I believe. Tell us your view from the committee.

Mr. BISHOP of Utah. Well, I appreciate the gentleman from Texas taking up this particular issue. I promise you, you will get a few minutes here to finish this one up here as well.

I will start just by moving off where we are for just 1 second and going back to my real love, which is still baseball. If you recall, back in 1962 they created the amazing New York Mets, a team that set the standard for ineptitude in professional sports. Anyone who wants to seek that, to fall that low, now has a perfect standard by which to judge your effectiveness in becoming bad.

The New York Mets, in 1962, lost 120 out of 160 games. That's the standard by which people now judge themselves. And it's amazing to think of how the leadership of the New York Mets could cobble together a team of athletes so inept at working together as a particular team, leaving such luminary names as Jay Hook and Ken MacKenzie, Choo Choo Coleman and Hobie Landrith there together.

Probably the best of all those names was Marvelous Marv Throneberry, a big first baseman who I think, in his third year with the Mets, actually hit a triple, which is amazing considering he's not really one of those fast runners. But as he was rounding the bases going to third, he missed second base, which was spotted by the opposing

team. So they waited until the play was back in, called for the ball, stepped on second base, and he was out.

Well, obviously Casey Stengel went running out there to complain about this and argued the case up and down and lost, and Throneberry was out. As Stengel went back to the dugout, he passed the first base coach, Cookie Lavagetto, and said, ''Why weren't you out there at least arguing with me?'' And Cookie looked at him and said, ''Because he missed first base, too.'' And that was the end of the discussion.

Now, eventually, the management was able to take the amazing '62 Mets and turn them into the miracle '69 Mets that were the world champions. But the administration of the Mets had to do some fancy work to do that.

The situation we have right now is where we have an administration in this country that is doing that same kind of work that the Mets leadership did, except in reverse. We are going from the '69 Mets back to the '62 Mets, an administration that took over the best defense, the best military in the world and is, bit by bit, pulling it down to the form of mediocrity, even to the level of the '62 amazing New York Mets.

We have faced three potential cuts to the military. With the first one, then-Secretary of Defense Gates said, If you go beyond this first $600 billion cut, it could have devastating effects. This administration took a second cut beyond it, and now what the gentleman from Texas is talking about is the potential for a third cut to the military.

Now, what has been the net effect of this administration's efforts on behalf of defense altogether? Well, for the first time, there are 50 major defense programs that have been canceled. This is the first time there is not a single aircraft modernization going on in this country. And if you consider the fact that modernization takes between 10 and 20 years to effect, that means regardless of what happens in November, this country is without a new modernization program for our aircraft for at least two decades after President Obama leaves the White House.

We were spending 4 percent of our GDP on military before this President came in. We're now down to 2.5 percent. That is the percent we have been complaining about our allies in Europe spending, and that compares to 6 percent under Reagan, 10 percent under Kennedy, 12 percent during Korea, 35 percent during World War II.

We have platforms in our military that are over 25 years of age and are not getting any younger. We have the smallest Army since World War II. We have the smallest Navy since World War I. In World War II, we had over 6,000 ships; today, we have 280.

We will have the smallest Air Force ever. Several years ago, two of our F–15Cs literally broke in flight and two F–18s caught fire while on the aircraft carrier. Our A–10 Warthogs have cracks in the fuselage. We only have one fifth-generation fighter in production while the Chinese and the Russians have a combined 12 fighter and bomber lines open for business.

We are moving the defense of this country backwards into an area that is frighteningly fearful. We are going from the '69 to the '62 Mets when we should be trying to go in the opposite direction, and that's what happens before sequestration goes into effect.

If, indeed, we add the sequestration—a third cut on top of the other two—we will do what the Secretary of Defense has said: We will hollow out our military. We will put our defense at danger—not just the defense of this country but, as was previously mentioned, the jobs that are in the private sector—the military base, the industrial base that help us defend ourselves, and we will take away from the table the potential of foreign affairs options that we have.

Our ability two decades from today to conduct foreign policy is dependent on the decisions we make now to define and have an adequate military backup for what we need to do. These are the decisions we need to be making, and it is essential that we recognize what we are doing now is wrong.

To change and reverse our defense cuts even for 1 year would take $109 billion. But, oddly enough, that is 1 month of borrowing that is being done by this administration.

We can't afford this sequestration as a country. And I find it sad that the President of the United States will actually say that he will veto any effort to get rid of these automatic spending cuts, using the defense of this country as a hostage in a high-stakes battle with Congress over what our future tax policy will be. That is not what a good administration should be doing. That is not what this country needs. We need to do something different.

I appreciate the gentleman from Texas allowing me to rant a little on this particular issue. This is important to every American. This affects not just what we're doing today but what happens two decades from this day, when we are probably long gone from this body.

Mr. CARTER. Reclaiming my time, and we may get a little more time, so don't run off.

What you just had to say was really important. That's the kind of shock that the American people need to hear. We are going to take the most powerful and the strongest military force on Earth and hollow it out. And when you ask a commander to explain a hollow force, he will say, On paper, it will look like a combat brigade; but when you go down into the various jobs that must be done to have an effective fighting combat brigade, you will find there is no one in those jobs. Therefore, it is not an effective combat brigade. This is simple stuff using just people as an example.

When you are using carrier forces and you are saying, We're going to take out the carrier and all their supporting ships—so we're going to give up a carrier and its ships or maybe two carriers and its ships to meet this sequester—you gut the Navy.

□ 2130

You gut the way they deliver force to a fight. They are one of our major deliverers of force to a fight. We take their claws away from them. The long-range Stryker and our new ships that are coming online, that as I understand it—and I forget what they call that—but that is gone.

And the thing about the Air Force, my gosh, we have known for a long time, since I first came to this Congress, that we were behind the eight ball in developing the next generation of combat fighting aircraft. We were behind the eight ball. This is when I came in 2002 and the discussion I was having with the folks in those days, we are working on it, we have them on the assembly line, we are trying to finish them up, but we're behind the eight ball. The Chinese and the Russians already have the next generation of fighting aircraft, and they're developing more, just as you said. And yet, we're talking about ours are going to go away. You have much more experience with this than I do, but I think everybody has common enough sense to know that if you shut it down, bringing it back is going to take a long time. It's just that simple. It's complicated. It's not easy.

And then of course, if we're not going to reduce the numbers of our fighting force, we're going to reduce the way they go to battle because you've got to cut something in the Army. If you're not cutting people, and I don't know if that's what the President means when he says he's not going to go after the personnel, whether he means he's not going to lower their pay or he's not going to lower their numbers. I don't know the answer. But if they lower the numbers, this is the vehicle the next generation is supposed to go to war in. We're not going to have that vehicle to go to war in.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair is prepared to recognize a Member from the minority party. There being none, under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. CARTER) for the remaining time until 10 p.m.

Mr. CARTER. Thank you. We'll try not to use it all so somebody can go get some rest around here for all the good work you people do here. But I am grateful to have a little more time so I can visit with my good friend, Mr. BISHOP.

That's what you've been saying to us here. And one of the things you hear around this House is, well, there's soft power. I've had debates with some of my colleagues that we don't use soft power effectively. We try to always use hard power. I would argue you can't

have soft power unless you've got hard power. All the sweet talk in the world, if you don't have somebody to back you up that you can ultimately punch them in the nose, it ain't getting you anywhere. And if we're taking the punch out of our military, what are we left with?

By the way, I think those young kids who are not getting the kind of history lessons they should get these days probably know from somebody telling them that the last time we took our military down to this level, we had an event called Pearl Harbor. And that shows what happens when your readiness is not ready. And this is a world full of very, very dangerous things right now. We've been looking at terrorism for the last 10 years, and terrorism remains a big, big problem for this country. But there are others who would do us harm out there that if we don't have the ability to defend ourselves, we could fall into serious harm's way.

I yield to my friend.

Mr. BISHOP of Utah. I thank the gentleman again, and I would just like to reiterate a couple of things that he has said and build on those points that are there. It is extremely important to realize that we are about the people's business, and we are doing the constitutionally required things that a Congress ought to do.

You know, we all say that it is significant, that we do have a problem with our budget. Which is true. We all recognize that. But there are certain core constitutional responsibilities that were given by the Founding Fathers to Congress to make sure that we maintained those responsibilities in those areas. The Constitution tells us that we have the responsibility to promote general welfare, which is nice. We probably don't understand what they meant by general welfare anymore, but we are to promote it. But we have the obligation to provide for the common defense. And that verb differentiation was not done by accident by those who wrote the Constitution. It is the mandate that this Congress has to provide for the common defense, not simply because it's a fun thing to do, but because it defends this country, and it provides our ability to do foreign policy in the future as well as providing some jobs for people who are necessary to make sure that this happens.

I reiterate what we said earlier. This sequestration is not a simple decrease or cut to the military. It would be the third major cut to the military. Remember, we cut, number one, $600 billion, at which time the Secretary of Defense said you cannot go much more than that. And then this administration put another cut, number two, of $400 billion. And now if sequestration were to go through, were the President to follow through on his threat to veto any legislation that would stop the sequestration, it would be cut number three of an additional $600 billion. And that is what everybody who works with the system says would destroy and hollow out our military, and we would be in violation of our constitutional obligations to provide for the common defense.

Now, I am actually fairly proud of the House. We have on several occasions sent legislation over to the Senate that would stop this process and make sure that this core constitutional responsibility we have is actually fulfilled by Congress and we do not let this cut number three, sequestration, go into effect.

Right now, they are sitting on Senator REID's desk. He needs to take up the responsibility of putting those to a vote and passing that legislation and putting this on the desk of the President, who needs to take up his responsibility as Commander in Chief and pass those bills and make sure that these devastating cuts, which as the gentleman from Texas quite correctly said, would hollow out our military, would be devastating to our military posture, not just for today, but for decades to come; make sure that those do not go into effect and those are properly signed by the President and properly passed by Congress.

The House has done our share. The House has done our responsibility. I need to call upon the Senate now to pick up the mantle and do their part of this effort to make sure that we defend this country, as we ought to.

Mr. CARTER. I thank the gentleman for pointing that out, and reclaiming my time, we've already done work to show the direction we can go to head off this absolute disaster for our national defense. It is in the hands of the Democratic-controlled Senate. It is in the hands of the majority leader in the Senate, and it is time for him to put the partisan politics aside and fund our military and make the cuts across other areas.

Let's keep to our word to make cuts. Let's don't break that word, but let's don't destroy the military and violate the Constitution, which says we are supposed to provide for the common defense of this country.

You know, sometimes we get kind of provincial in this country, so just for the fun of it, let's talk a little bit about all those jobs, who's going to lose those jobs.

Let me put that chart up here. Potential job losses across the board: California, 125,800; Virginia, 122,800; Texas, 91,600; Florida, 39,200; Massachusetts, 38,200; Maryland, 36,200; Pennsylvania, 36,200; Connecticut, 34,200; Arizona, 33,200; Missouri, 31,200. That's the top. That's the top 10, I think it is.

But the truth is the defense industry and those who provide for the defense industry are a major part of our economy. We're all going to feel this. But if you're one of those States, and you're already worried about where are your kids, when they get out of school, going to get a job with jobs being lost, look at that list and see that we're all in this together. As we make this crazy move of weakening our national defense to the point of disaster, we're also weakening the very economy we're struggling to strengthen.

□ 2140

How can this possibly be good sense to anybody in this country? To me, it doesn't register. We're looking to create jobs, not destroy jobs. This is going to be a major impact on our country. I think we have the real potential to go back into a deep, double-dip recession and hopefully just being able to head it off at that.

Meanwhile, as these cuts take place and our military gets weaker and weaker and weaker, what do we do about the enemies of the United States? Is that where we want to be? Have we become that kind of country? I don't think so. I think we all need to gut up and put the politics aside. Let's don't hold hostage these jobs and hold hostage our military so somebody can get their tax policy different from someone else's tax policy. Let's debate that without holding anybody hostage. Let's debate it, let's vote on it, and let's get it done. Let's go to conference and let's work on taxes the way we're supposed to, but let's don't hold anybody hostage with threatening to destroy our military and get half the country laid off because we want it our way.

I would argue that that's exactly what HARRY REID is doing right now in the Senate. And I think that is something we need to stand up and shout on behalf of those warriors who go to war for us and who, by the way, have gone to war for us multiple times in the last decade.

This is exactly what Congressman BISHOP was talking about. We have a resolution that was sent over there, H.R. 5652. It replaces $78 billion in defense cuts with $316 billion in cuts over 10 years, and the cuts come from across the board—Agriculture, Energy and Commerce, Financial Services, Judiciary, Oversight and Government Reform, and Ways and Means—instead of all out of the Defense Department. And the committee chairmen of the committees in the House did the work, held the hearings, and came up with these solutions. This is how this place is supposed to work.

Now, why can't we let it work? Why do we have to play political games that hold the greatest defense in the world hostage? It's a crime. It's absolutely a crime not only to our institutions of the military, but to our individuals in the military who gave us 10 years of war and did it voluntarily. Not one of them was drafted into the fight. They all marched to war voluntarily. And some of them suffered horrendously on behalf of this country. They got promoted, and they were rising in the military; and with one fell swoop, because we refused to do it the right way, and the Senate wants to hold tax policy before the goodness of the Defense Department, these guys are going to

lose their jobs. And those people aren't in those unemployment figures. These are industry figures we're talking about.

But what about the guy that fought for you for 10 years and you've thrown him out of a job when he's been promoted? He may be a staff sergeant for all I know, that kid that I met in Korea almost 10 years ago. And yet do you know what? We're going to fire the kid even though he has been a good soldier. What are you going to do with him? He's got to find a new job and a new career. He chose defending his country as his career.

Through no fault of his own, but through the political will of the Senate, at least the majority of the Senate, he gets his job taken away from him, and he's out on the unemployment line. Something is bad wrong with this whole picture.

I'm not going to take all the rest of the time, Mr. BISHOP. I'll yield back to you if you have anything you'd like to say in conclusion, and then I'll wrap it up. I'm really grateful for you coming down here because your insight coming from the committee and hearing this day in and day out, I know you all have held numerous hearings on every issue, and I really appreciate your coming and sharing that with us.

Mr. BISHOP of Utah. I'm just grateful to the gentleman from Texas for actually broaching this issue. Jobs are important, but it's not just jobs for the sake of creating a job. This is a job that is essential for the defense of this country. This is our constitutional responsibility, and we need to take that seriously.

Sequestration is basically, as you said I think at the very beginning, it's not what was planned here; it just kind of happened. It was a failed policy that happened. Now is the time to actually become adults about this and recognize that sequestration will not only destroy jobs, but it will destroy the defense of this country; and our responsibility is to make sure we defend this country and give every capability that when we send somebody into harm's way they have the equipment that is necessary to make sure they come back successfully.

We don't want a fair fight. We want America to have the best equipment, and that flat out won't happen if we go through this big cut number three that we call ''sequestration.''

I thank the gentleman for allowing me to say something about this important issue, and I thank you for bringing it to the attention of the American people, sir.

Mr. CARTER. I think a good point that you've clearly made, ''sequestration'' should be a definition of our failure to meet our constitutional responsibility. And it just can't happen. So I want to end by encouraging both sides of the aisle and all my colleagues in this House, let's get this deal done, let's don't gut our military, let's come up with other solutions, and for goodness' sakes, let's don't sell out the people who have gone to war for us for the last 10 years.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. HEINRICH (at the request of Ms. PELOSI) for today.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today on account of pressing business.

Ms. SUTTON (at the request of Ms. PELOSI) for today on account of travel delays.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 27, 2012, she presented to the President of the United States, for his approval, the following bill.

H.R. 5872. To require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

ADJOURNMENT

Mr. BISHOP of Utah. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, August 1, 2012, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the second quarter of 2012 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ETHICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JO BONNER, Chairman, July 9, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DANIEL E. LUNGREN, Chairman, July 10, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Louis Gohmert	4/19	4/21	United Arab Emirates		194.66		7,504.70				7,699.36
	4/21	4/22	Afghanistan								
	4/22	4/23	United Arab Emirates								
CODEL Expenses:											
Cell Phone									295.67		
Embassy Personal									2,738.90		
Embassy Vehicles									414.14		
Gifts									60.54		
Total Expenses											3,509.25
Committee totals					194.66		7,504.70		3,509.25		11,208.61

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LAMAR SMITH, Chairman, July 18, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	5/21	5/25	Egypt		1,402.38		8,788.60				10,190.98
Brad Smith	5/21	5/25	Egypt		1,330.24		8,788.60				10,118.84
Hon. David Dreier	6/11	6/18	Egypt		1,795.00		11,640.80				13,435.80
Brad Smith	6/11	6/18	Egypt		1,795.00		11,640.80				13,435.80
Committee total					6,322.62		40,858.80				47,181.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID DREIER, Chairman, July 24, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Erika Schlager	4/15	4/19	Austria		1,409.00		2,598.50				4,007.50
	4/19	4/22	Poland		842.00						842.00
Mischa Thompson	4/19	4/21	Austria		1,277.46		3,820.80				5,098.26
	4/21	4/25	Copenhagen		626.20						626.20
Allison Hollabaugh	4/17	4/19	Russia		633.67		2,722.00				3,355.67
	5/13	5/17	Poland		845.91		2,351.00				3,196.91
	5/17	5/19	Austria		511.49						511.49
Shelly Han	4/22	4/24	Ireland		533.38		2,322.60				2,855.98
	4/24	4/27	Belgium		1,617.00						1,617.00
	6/17	6/20	Ireland		904.07		1,022.70				1,926.77
Winsome Packer	5/20	5/22	Georgia		1,432.70		11,252.10				12,684.80
	5/22	5/26	Azerbaijan		597.03						597.03
	6/24	6/29	Austria		1,631.40		1,603.50				3,234.90
Alex Johnson	4/15	6/30	Austria		25,830.02		1,580.30				27,410.32
	5/11	5/14	Georgia		762.00		710.61				1,472.61
	5/27	5/29	Italy		850.93		732.57				1,583.50
Committee total					39,453.33		29,984.11				69,437.44

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARK MILOSCH, July 24, 2012.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7135. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerance [EPA-HQ-OPP-2011-0458; FRL-9354-8] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7136. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Difenoconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0300; FRL-9354-9] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7137. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding Definitions of Mortgage Related Security and Small Business Related Security [Release No.: 34-67448; File No. S7-06-12] received July 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7138. A letter from the Assistant General Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Federal Pell Grant Program [Docket ID: ED-2012-OPE-0006] received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7139. A letter from the Director, Office of the Whistleblower Protection Program, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Retaliation Complaints Under Section 219 of the Consumer Product Safety Improvement Act of 2008 [Docket Number: OSHA-2010-0006] (RIN: 1218-AC47) received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7140. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Indirect Food Additives: Polymers [Docket No.: FDA-2012-F-0031] received July 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7141. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; [EPA-R03-OAR-2012-0042; FRL-9702-2] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7142. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Administrative Requirements from the Regulation for the Control of

Motor Vehicle Emissions in Northern Virginia [EPA-R03-OAR-2012-0443; FRL-9702-4] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7143. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin; Redesignation of the Milwaukee-Racine Area to Attainment for 1997 8-hour Ozone Standard [EPA-R05-OAR-2009-0730; FRL-9702-9] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7144. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee; 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards [EPA-R04-OAR-2011-0353; FRL-9699-5] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7145. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on a Certain Chemical Substance; Removal of Significant New Use Rules [EPA-HQ-OPPT-2011-0577; FRL-9356-1] (RIN: 2070-AB27) received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7146. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2010-1075; FRL-9354-2] (RIN: 2070-AB27) received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7147. A letter from the Deputy Bureau Chief CGB, Federal Communications Commission, transmitting the Commission's final rule — Misuse of Internet Protocol (IP) Relay Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No.: 12-38] [CG Docket No.: 03-123] received July 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7148. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Regulations under section 367(d) applicable to certain outbound asset reorganizations [Notice 2012-39] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7149. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tribal Economic Development Bonds [Notice 2012-48] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1950. A bill to enact title 54, United States Code, ''National Park System'', as positive law; with an amendment (Rept. 112–631). Referred to the House Calendar.

Mr. CAMP: Committee on Ways and Means. H.R. 6156. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian federation with its obligations as a member of the World Trade Organization, and for other purposes (Rept. 112–632). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHUS: Committee on Financial Services. H.R. 2446. A bill to clarify the treatment of homeowner warranties under current law, and for other purposes; with an amendment (Rept. 112–633). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 5797. A bill to amend title 46, United States Code, with respect to Mille Lacs Lake, Minnesota, and for other purposes; with amendments (Rept. 112–634). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3609. A bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes; with amendments (Rept. 112–635 Pt. 1). Ordered to be printed.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 6062. A bill to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017 (Rept. 112–636). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3796. A bill to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006; with an amendment (Rept. 112–637). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 6063. A bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses, with an amendment (Rept. 112–638). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 4362. A bill to provide effective criminal prosecutions for certain identity thefts, and for other purposes (Rept. 112–639). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3803. A bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes; with an amendment (Rept. 112–640, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 747. Resolution providing for consideration of the bill (H.R. 6169) to provide for expedited consideration of a bill providing for comprehensive tax reform; providing for consideration of the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes; providing for proceedings during the period from August 3, 2012, through September 7, 2012; providing for consideration of motions to suspend the rules; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 112–641). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 3803 referred to the Committee of the Whole House on the state of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3609. A bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes; with an amendment; referred to the Committee on House Administration for a period ending not later than October 1, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PAULSEN (for himself, Mr. KIND, Mr. GRIFFIN of Arkansas, and Ms. FUDGE):

H.R. 6232. A bill to establish a program to provide incentive payments to participating Medicare beneficiaries who voluntarily establish and maintain better health; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS:

H.R. 6233. A bill to make supplemental agricultural disaster assistance available for fiscal year 2012 with the costs of such assistance offset by changes to certain conservation programs, and for other purposes; to the Committee on Agriculture.

By Mr. HALL (for himself and Mr. THORNBERRY):

H.R. 6234. A bill to amend the Patient Protection and Affordable Care Act to provide for savings to the Federal Government by permitting pass-through funding for State authorized public entity health benefits pools; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLORES:

H.R. 6235. A bill to delay further action on the proposed rule regarding well stimulation on Federal and Indian lands until such date the Secretary of the Interior submits a report examining certain effects of such rule; to the Committee on Natural Resources.

By Mr. AMODEI:

H.R. 6236. A bill to direct the Secretary of the Interior, acting through the Bureau of Land Management and the Bureau of Reclamation, to convey, by quitclaim deed, to the City of Fernley, Nevada, all right, title, and interest of the United States, to any Federal land within that city that is under the jurisdiction of either of those agencies; to the Committee on Natural Resources.

By Mr. BRALEY of Iowa:

H.R. 6237. A bill to amend the Small Business Act to provide for grants to small business development centers, and for other purposes; to the Committee on Small Business.

By Mrs. DAVIS of California (for herself, Mr. BILBRAY, and Mr. FILNER):

H.R. 6238. A bill to amend title 39, United States Code, to authorize the United States Postal Service to sell, at fair market value, any post office building subject to relocation, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. GRAVES of Missouri:

H.R. 6239. A bill to amend the Food and Nutrition Act of 2008 to prevent the payment of cash to recipients of supplemental nutrition assistance for the return of empty bottles and cans used to contain food purchased with benefits provided under such Act; to the Committee on Agriculture.

By Mr. GRAVES of Missouri:

H.R. 6240. A bill to make reforms to taxes, regulations, and workforce development programs in order to increase employment in the manufacturing sector and overall economy; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, the Judiciary, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Ms. DEGETTE, Mr. CONYERS, Mr. HOLT, Mr. VAN HOLLEN, Mr. MARKEY, Mrs. MALONEY, Ms. HAHN, Mr. NADLER, Mr. TIERNEY, Mr. CICILLINE, Mr. MORAN, Ms. ESHOO, Mrs. LOWEY, Mr. ELLISON, Mr. GRIJALVA, and Mr. SERRANO):

H.R. 6241. A bill to require face to face purchases of ammunition, to require licensing of ammunition dealers, and to require reporting regarding bulk purchases of ammunition; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. POE of Texas, Mr. CROWLEY, and Mr. TURNER of New York):

H.R. 6242. A bill to direct the President to submit to Congress a report on actions the executive branch has taken relating to the resolution of the issue of Jewish refugees from Arab countries; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska:

H.R. 6243. A bill to exempt certain air taxi services from taxes on transportation by air; to the Committee on Ways and Means.

By Mr. CROWLEY:

H. Con. Res. 135. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her leadership and perseverance in the struggle for freedom and democracy in Burma; to the Committee on House Administration.

By Mr. MACK (for himself, Mr. ENGEL, Ms. ROS-LEHTINEN, Mr. SIRES, Mr. DIAZ-BALART, Mr. RIVERA, Mr. BURTON of Indiana, Mr. HARPER, and Mrs. SCHMIDT):

H. Res. 745. A resolution expressing concern regarding the conditions of democracy, freedom of the press, human rights, business and investment climate, counternarcotics cooperation, and the relationship with Iran, in Ecuador prior to the July 31, 2013, expiration of the Andean Trade Preference Act and the Andean Trade Promotion and Drug Eradication Act; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER:

H. Res. 746. A resolution prohibiting the consideration of a concurrent resolution providing for adjournment or adjournment sine die unless a law is enacted to provide for the extension of certain expired or expiring tax provisions that apply to middle-income taxpayers; to the Committee on Rules.

By Ms. DELAURO (for herself, Mr. ISRAEL, Mr. BURTON of Indiana, and Mr. ISSA):

H. Res. 748. A resolution expressing support for designation of September 2012 as National Ovarian Cancer Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Mr. MCKINLEY, Ms. RICHARDSON, Mr. KEATING, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. LEVIN, Mr. MORAN, Ms. WATERS, Ms. SPEIER, Ms. LEE of California, and Ms. WILSON of Florida):

H. Res. 749. A resolution expressing support for the XIX International AIDS Conference and the sense of the House of Representatives that continued commitment by the United States to HIV/AIDS research, prevention, and treatment programs is crucial to protecting global health; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. PAULSEN:

H.R. 6232.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8—to provide for the common Defence and general Welfare of the United States.

By Mr. LUCAS:

H.R. 6233.

Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce pursuant to Article 1, Section 8, Clause 3.

By Mr. HALL:

H.R. 6234.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to:

1. regulate commerce . . . among the several states . . . as enumerated in Article I, Section 8, Clause 3 of the United States Constitution, and

2. provide for the general welfare of the United States as enumerated in Article I, Section 8, Clause 1 of the Constitution.

By Mr. FLORES:

H.R. 6235.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2

By Mr. AMODEI:

H.R. 6236.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. BRALEY of Iowa:

H.R. 6237.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mrs. DAVIS of California:

H.R. 6238.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. GRAVES of Missouri:

H.R. 6239.

Congress has the power to enact this legislation pursuant to the following:

Article 1; Section 8; Necessary and Proper Clause

Congress created the SNAP program, formerly known as food stamps, to provide a social safety net for the least fortunate in our society. However, that social safety net and the tax payers who support it are being defrauded to the tune of millions of dollars a year. Therefore, it is both necessary and proper to protect the taxpayers' money through policies which aim to prevent fraud within the SNAP program.

By Mr. GRAVES of Missouri:

H.R. 6240.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1—taxation

''The congress shall have the power to lay and collect taxes. . .''

This bill makes several revisions to the current tax code which Congress has the power to do under the first clause in Article 1 section 8.

Article 1, Section 8, Clause 3—Commerce

''To regulate commerce . . . among the several states. . .''

This bill makes reforms to the way regulations are promulgated which affect and govern the way businesses and states conduct commerce.

By Mrs. MCCARTHY OF New York:

H.R. 6241.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. NADLER:

H.R. 6242.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 11 and 18.

By Mr. YOUNG of Alaska:

H.R. 6243.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution, and Amendment XVI of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. DINGELL, Mr. MCGOVERN, Mr. MARKEY, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mr. HOLT, Mr. LARSEN of Washington, Ms. CASTOR of Florida, Mr. GRIJALVA, Ms. MCCOLLUM, and Ms. DELAURO.

H.R. 16: Mr. DINGELL and Mr. WELCH.

H.R. 122: Mr. WOMACK.

H.R. 127: Mr. PAUL and Mr. ROKITA.

H.R. 288: Ms. CHU, Mr. WELCH, Mr. FALEOMAVAEGA, Ms. LEE of California, Mr. CLAY, Mr. ISRAEL, Mr. SABLAN, and Ms. MATSUI.

H.R. 289: Ms. HOCHUL, Mr. CARNAHAN, and Mr. BERMAN.

H.R. 303: Mr. GARAMENDI.
H.R. 360: Mr. DIAZ-BALART.
H.R. 409: Mr. FITZPATRICK.
H.R. 458: Mr. BRALEY of Iowa, Mr. MARKEY, Mr. VAN HOLLEN, Mr. LYNCH, Mr. KISSELL, and Mr. CARSON of Indiana.
H.R. 591: Mr. NADLER, Mrs. MALONEY, and Mrs. LOWEY.
H.R. 616: Ms. LORETTA SANCHEZ of California.
H.R. 687: Ms. BONAMICI and Mr. MURPHY of Pennsylvania.
H.R. 694: Mr. MATHESON.
H.R. 718: Mr. MURPHY of Pennsylvania.
H.R. 733: Mr. DUFFY, Mr. SIMPSON, and Mr. MCINTYRE.
H.R. 735: Mr. RENACCI.
H.R. 816: Ms. GRANGER, Mr. GUTHRIE, and Mr. ROGERS of Michigan.
H.R. 860: Mr. HARRIS.
H.R. 867: Mr. SCOTT of South Carolina.
H.R. 904: Mr. COBLE.
H.R. 931: Mr. NUNES.
H.R. 965: Mr. CICILLINE.
H.R. 972: Mr. CANSECO.
H.R. 997: Mr. MICA.
H.R. 998: Mr. CLYBURN.
H.R. 1063: Mr. HULTGREN.
H.R. 1111: Mr. SCOTT of South Carolina.
H.R. 1112: Mr. BUCSHON.
H.R. 1265: Mr. JORDAN.
H.R. 1370: Mr. DREIER.
H.R. 1381: Mr. SCHIFF.
H.R. 1448: Mr. CLAY.
H.R. 1589: Mr. MCDERMOTT.
H.R. 1614: Mr. BUTTERFIELD.
H.R. 1755: Mr. MICA.
H.R. 1775: Mr. ROKITA and Mr. CANSECO.
H.R. 1781: Mrs. LOWEY.
H.R. 1825: Ms. SLAUGHTER.
H.R. 1995: Mr. PLATTS.
H.R. 2010: Mr. ROKITA.
H.R. 2016: Mr. DEUTCH, Mr. BRALEY of Iowa, Mr. VAN HOLLEN, Mr. CARSON of Indiana, and Ms. PINGREE of Maine.
H.R. 2040: Mr. FINCHER, Mr. BERG, and Mr. HALL.
H.R. 2094: Ms. NORTON and Mrs. DAVIS of California.
H.R. 2139: Mr. ANDREWS, Mr. LEVIN, and Ms. SUTTON.
H.R. 2284: Mr. SHUSTER.
H.R. 2492: Mr. NUGENT, Mr. WAXMAN, and Mr. ANDREWS.
H.R. 2499: Mr. CLAY.
H.R. 2501: Mr. HIGGINS.
H.R. 2557: Mr. FITZPATRICK and Ms. MCCOLLUM.
H.R. 2580: Ms. BUERKLE.
H.R. 2672: Mr. PETERS.
H.R. 2720: Mr. GENE GREEN of Texas.
H.R. 2794: Mr. KISSELL and Mr. SMITH of Washington.
H.R. 2925: Mr. HULTGREN.
H.R. 3102: Mrs. LOWEY.
H.R. 3158: Mr. BARLETTA and Mr. MICHAUD.
H.R. 3179: Mr. CONYERS and Mr. SMITH of Washington.
H.R. 3187: Mr. SCOTT of Virginia.
H.R. 3195: Mr. SCHOCK.
H.R. 3339: Mr. ROKITA.
H.R. 3395: Mr. MICA.
H.R. 3399: Mr. BARBER.
H.R. 3423: Ms. DELAURO and Mr. PEARCE.
H.R. 3429: Mr. NUGENT.
H.R. 3496: Mr. MORAN.
H.R. 3506: Mr. LEWIS of Georgia and Mr. PEARCE.
H.R. 3612: Mr. OLVER, Mr. BARTLETT, Mr. YOUNG of Alaska, Ms. SCHWARTZ, and Mr. POE of Texas.
H.R. 3627: Mr. DOLD and Mr. POLIS.
H.R. 3701: Mr. HASTINGS of Florida and Mr. GRIJALVA.
H.R. 3798: Mr. HEINRICH, Ms. SCHWARTZ, and Ms. ESHOO.
H.R. 4057: Mr. CICILLINE.
H.R. 4063: Mr. MCGOVERN.
H.R. 4070: Mr. MURPHY of Pennsylvania.
H.R. 4122: Mr. SHERMAN and Mr. OLVER.
H.R. 4137: Mr. LEWIS of Georgia and Mr. RANGEL.
H.R. 4158: Ms. WOOLSEY.
H.R. 4165: Mr. BRALEY of Iowa.
H.R. 4170: Mr. ELLISON.
H.R. 4269: Mr. GENE GREEN of Texas.
H.R. 4331: Mr. LABRADOR.
H.R. 4336: Mr. RIBBLE.
H.R. 5129: Ms. RICHARDSON.
H.R. 5684: Mr. DEUTCH and Mr. BLUMENAUER.
H.R. 5735: Mr. ROTHMAN of New Jersey.
H.R. 5747: Mr. CICILLINE.
H.R. 5796: Mr. BARROW, Mr. ROKITA, and Ms. MCCOLLUM.
H.R. 5815: Mr. CLAY.
H.R. 5817: Mr. HINOJOSA.
H.R. 5830: Mr. MCKEON.
H.R. 5848: Mr. HONDA.
H.R. 5850: Mr. MICHAUD.
H.R. 5864: Ms. LEE of California.
H.R. 5873: Mrs. NOEM, Mr. HURT, and Mr. PLATTS.
H.R. 5906: Ms. TSONGAS.
H.R. 5911: Mr. CASSIDY.
H.R. 5914: Mr. ROKITA and Mr. WOMACK.
H.R. 5943: Mr. CONAWAY and Mr. PLATTS.
H.R. 5998: Mr. BONNER.
H.R. 6004: Mr. HEINRICH.
H.R. 6007: Mr. FLORES.
H.R. 6025: Mr. COBLE.
H.R. 6063: Mr. THOMPSON of Pennsylvania and Mr. ISRAEL.
H.R. 6075: Mr. LABRADOR.
H.R. 6077: Mr. MORAN.
H.R. 6088: Mr. ROKITA and Mr. NUGENT.
H.R. 6089: Mr. MCCLINTOCK.
H.R. 6107: Mr. FILNER and Mr. GRIJALVA.
H.R. 6117: Mr. ELLISON and Mr. CARSON of Indiana.
H.R. 6131: Mr. UPTON, Mr. WAXMAN, and Mr. BARTON of Texas.
H.R. 6135: Ms. SCHAKOWSKY.
H.R. 6136: Mr. PAUL.
H.R. 6140: Mr. BILIRAKIS, Mrs. BACHMANN, Mr. FRANKS of Arizona, Mr. POE of Texas, Mr. CARTER, Mrs. HARTZLER, Mr. SCHOCK, Mr. JOHNSON of Ohio, and Mr. MANZULLO.
H.R. 6149: Ms. KAPTUR and Ms. SLAUGHTER.
H.R. 6150: Mr. KUCINICH, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. HIGGINS, Mr. CONYERS, Mr. HOLT, Ms. LEE of California, Ms. Hahn, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Ms. HOCHUL, Ms. MCCOLLUM, and Ms. MATSUI.
H.R. 6151: Ms. BROWN of Florida.
H.R. 6156: Mr. MEEKS.
H.R. 6166: Ms. WATERS.
H.R. 6167: Ms. SLAUGHTER.
H.R. 6170: Mr. LOBIONDO, Mr. RIGELL, Mr. HIGGINS, Ms. HAHN, Mr. MICHAUD, Ms. SUTTON, Mr. ROTHMAN of New Jersey, Mr. GENE GREEN of Texas, Ms. HIRONO, and Mr. GIBSON.
H.R. 6173: Mr. DUNCAN of Tennessee and Mr. LUETKEMEYER.
H.R. 6181: Ms. DELAURO.
H.R. 6185: Mr. SMITH of Texas, Mr. CONYERS, and Mr. SABLAN.
H.R. 6192: Ms. SLAUGHTER.
H.R. 6195: Mr. BISHOP of New York.
H.R. 6200: Mr. RANGEL and Mr. HASTINGS of Florida.
H.R. 6211: Mr. ENGEL, Mr. RUSH, Mr. SCOTT of Virginia, Ms. SLAUGHTER, and Mr. ISRAEL.
H.J. Res. 47: Ms. SCHAKOWSKY.
H.J. Res. 110: Mr. JOHNSON of Ohio.
H. Con. Res. 116: Mr. CARSON of Indiana, Mr. COSTELLO, Mr. REYES, and Mr. WALSH of Illinois.
H. Con. Res. 129: Mr. CONNOLLY of Virginia.
H. Res. 87: Mr. CLAY.
H. Res. 111: Mr. HALL.
H. Res. 134: Mr. HECK.
H. Res. 298: Mr. SCHOCK, Mr. KINZINGER of Illinois, and Mr. RUPPERSBERGER.
H. Res. 506: Mr. SHULER.
H. Res. 609: Ms. NORTON and Ms. DELAURO.
H. Res. 618: Mrs. CAPPS.
H. Res. 705: Mr. DINGELL, Mr. GRIJALVA, Ms. SUTTON, Mr. BUTTERFIELD, and Mr. KINZINGER of Illinois.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative LEVIN, or a designee to H.R. 8, the Job Protection and Recession Prevention Act of 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative SLAUGHTER, or a designee to H.R. 6169, the Pathway to Job Creation through a Simpler, Fairer Tax Code Act of 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3009: Mr. ROSS of Florida.