adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas family reunification, kinship care, and domestic and inter-county adoption promote permanency and stability to a far greater degree than long-term institutionalization and long-term, often disrupted foster care;

Whereas both National Adoption Day and National Adoption Month occur in the month of November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, nearly 40,000 children have joined forever families during National Adoption Day;

Whereas in 2011, a total of 365 events were held in 47 States and the District of Columbia, finalizing the adoptions of 4,187 children from foster care and celebrating an additional 1,030 adoptions finalized during November or earlier in the year; and

Whereas the President traditionally issues an annual proclamation to declare the month of November as National Adoption Month, and National Adoption Day is on November 17, 2012: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

SENATE RESOLUTION 596—PERMITTING THE SOLICITATION OF DONATIONS IN SENATE BUILDINGS FOR THE RELIEF OF VICTIMS OF SUPERSTORM SANDY

Mr. LAUTENBERG (for himself, Mr. RUBIO, Ms. LANDRIEU, Mr. COONS, Mr. CARPER, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mr. DURBIN, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. REED, Mr. WARNER, Mr. WYDEN, Mr. LEAHY, and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

Resolved,

SECTION 1. SOLICITATION FOR SUPERSTORM SANDY RELIEF.

Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may solicit another Senator, officer of the Senate, or employee of the Senate within Senate buildings for nonmonetary donations for the relief of victims of Superstorm Sandy during the 30-day period beginning on the date on which the Senate agrees to this resolution; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

AMENDMENTS SUBMITTED AND PROPOSED

SA 2890. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

SA 2891. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2892. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2893. Mr. LEE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2894. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2895. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2896. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2897. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2898. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2899. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2900. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2901. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2902. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2904. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2905. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2906. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2907. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2908. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2909. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2910. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2911. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2912. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2913. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2914. Mr. COBURN (for himself, Mr. WEBB, Mr. WICKER, Mr. INHOFE, Mr. ROBERTS, Mr. BLUNT, Mr. ENZI, Mr. BOOZMAN, Mr. BURR, Mr. CRAPO, Mr. HATCH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2915. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2916. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2917. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2918. Mr. COBURN (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2919. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2920. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2921. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2922. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2890. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3525, to

protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—NATIONAL HERITAGE AREA REAUTHORIZATION

SEC. 301. REAUTHORIZATION OF HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 910 of the Hudson River Valley National Heritage Area Act of 1996 (16 U.S.C. 461 note; Public Law 104–333) is amended by striking ''2012'' and inserting ''2022''.

SA 2891. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 103 and insert the following:

SEC. 103. TRANSPORTING BOWS THROUGH NATIONAL PARKS.

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes $38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Interior shall issue a permit to individuals carrying bows and crossbows to traverse National Park System land if—

(A) the traverse is—

(i) for the sole purpose of hunting on adjacent public or private land during a legally established hunting season; and

(ii) the most direct means of access to the adjacent land; and

(B) the individual possesses a valid hunting permit for adjacent public or private land.

(2) USE.—Nothing in this section authorizes the use of the bows or crossbows that are being carried while on National Park System land.

SA 2892. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—FEDERAL LAND DESIGNATIONS

SEC. 301. STATE APPROVAL REQUIRED FOR FEDERAL LAND DESIGNATIONS.

(a) DEFINITION OF COVERED UNIT.—In this section, the term ''covered unit'' means—

(1) a unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or any other system established by Federal law;

(2) a national monument; or

(3) any national conservation or national recreation area.

(b) PROHIBITION.—A covered unit shall not be established unless the legislature of the State in which the proposed covered unit is located has approved the establishment of the covered unit.

SA 2893. Mr. LEE (for himself and Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—FEDERAL LAND DESIGNATIONS

SEC. 301. SALE OF CERTAIN FEDERAL LAND PREVIOUSLY IDENTIFIED AS SUITABLE FOR DISPOSAL.

(a) DEFINITIONS.—In this section:

(1) IDENTIFIED FEDERAL LANDS.—The term ''identified Federal lands'' means the parcels of Federal land under the administrative jurisdiction of the Secretary that were identified as suitable for disposal in the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1024), except the following:

(A) Lands not identified for disposal in the applicable land use plan.

(B) Lands subject to a Recreation and Public Purpose conveyance application.

(C) Lands identified for State selection.

(D) Lands identified for Indian tribe allotments.

(E) Lands identified for local government use.

(F) Lands that the Secretary chooses to dispose under the Federal Land Transaction Facilitation Act (43 U.S.C. 2301 et seq.).

(G) Lands that are segregated for exchange or under agreements for exchange.

(H) Lands subject to exchange as authorized or directed by Congress.

(I) Lands that the Secretary determines contain significant impediments for disposal including—

(i) high disposal costs;

(ii) the presence of significant natural or cultural resources;

(iii) land survey problems or title conflicts;

(iv) habitat for threatened or endangered species; and

(v) mineral leases and mining claims.

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

(b) COMPETITIVE SALE OF LANDS.—The Secretary shall offer the identified Federal lands for disposal by competitive sale for not less than fair market value as determined by an independent appraiser.

(c) EXISTING RIGHTS.—The sale of identified Federal lands under this section shall be subject to valid existing rights.

(d) PROCEEDS OF SALE OF LANDS.—All net proceeds from the sale of identified Federal lands under this section shall be deposited directly into the Treasury for reduction of the public debt.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, 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—

(1) a list of any identified Federal lands that have not been sold under subsection (b) and the reasons such lands were not sold; and

(2) an update of the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1024), including a current inventory of the Federal lands under the administrative jurisdiction of the Secretary that are suitable for disposal.

SA 2894. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 246.

SA 2895. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 245.

SA 2896. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE III—NATIONAL HISTORICAL PARKS

SEC. 301. HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK, MARYLAND.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term ''historical park'' means the Harriet Tubman Underground Railroad National Historical Park established by subsection (b)(1)(A).

(2) MAP.—The term ''map'' means the map entitled ''Authorized Acquisition Area for the Proposed Harriet Tubman Underground Railroad National Historical Park'', numbered T20/80,001, and dated July 2010.

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

(4) STATE.—The term ''State'' means the State of Maryland.

(b) HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, as a unit of the National Park System.

(B) DETERMINATION BY SECRETARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park, including an official boundary map for the historical park.

(D) AVAILABILITY OF MAP.—The official boundary map published under subparagraph (C) shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) PURPOSE.—The purpose of the historical park is to preserve and interpret for the benefit of present and future generations the

historical, cultural, and natural resources associated with the life of Harriet Tubman and the Underground Railroad.

(3) LAND ACQUISITION.—

(A) IN GENERAL.—The Secretary may acquire land and interests in land within the areas depicted on the map as ''Authorized Acquisition Areas'' by purchase from willing sellers, donation, or exchange.

(B) BOUNDARY ADJUSTMENT.—On acquisition of land or an interest in land under subparagraph (A), the boundary of the historical park shall be adjusted to reflect the acquisition.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this section and the laws generally applicable to units of the National Park System, including—

(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) INTERAGENCY AGREEMENT.—Not later than 1 year after the date on which the historical park is established, the Director of the National Park Service and the Director of the United States Fish and Wildlife Service shall enter into an agreement to allow the National Park Service to provide for public interpretation of historic resources located within the boundary of the Blackwater National Wildlife Refuge that are associated with the life of Harriet Tubman, consistent with the management requirements of the Refuge.

(3) INTERPRETIVE TOURS.—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the historical park in Caroline, Dorchester, and Talbot Counties, Maryland, relating to the life of Harriet Tubman and the Underground Railroad.

(4) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into a cooperative agreement with the State, political subdivisions of the State, colleges and universities, non-profit organizations, and individuals—

(i) to mark, interpret, and restore nationally significant historic or cultural resources relating to the life of Harriet Tubman or the Underground Railroad within the boundaries of the historical park, if the agreement provides for reasonable public access; or

(ii) to conduct research relating to the life of Harriet Tubman and the Underground Railroad.

(B) VISITOR CENTER.—The Secretary may enter into a cooperative agreement with the State to design, construct, operate, and maintain a joint visitor center on land owned by the State—

(i) to provide for National Park Service visitor and interpretive facilities for the historical park; and

(ii) to provide to the Secretary, at no additional cost, sufficient office space to administer the historical park.

(C) COST-SHARING REQUIREMENT.—

(i) FEDERAL SHARE.—The Federal share of the total cost of any activity carried out under this paragraph shall not exceed 50 percent.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity under this paragraph may be in the form of in-kind contributions or goods or services fairly valued.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the historical park in accordance with section 12(b) of the National Park Service General Authorities Act (16 U.S.C. 1a–7(b)).

(2) CONSULTATION.—The general management plan shall be prepared in consultation with the State (including political subdivisions of the State).

(3) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the management plan with—

(A) the Blackwater National Wildlife Refuge;

(B) the Harriet Tubman National Historical Park established by section 302(b)(1)(A); and

(C) the National Underground Railroad Network to Freedom.

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

SEC. 302. HARRIET TUBMAN NATIONAL HISTORICAL PARK, AUBURN, NEW YORK.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term ''historical park'' means the Harriet Tubman National Historical Park established by subsection (b)(1)(A).

(2) HOME.—The term ''Home'' means The Harriet Tubman Home, Inc., located in Auburn, New York.

(3) MAP.—The term ''map'' means the map entitled ''Harriet Tubman National Historical Park'', numbered T18/80,000, and dated March 2009.

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

(5) STATE.—The term ''State'' means the State of New York.

(b) HARRIET TUBMAN NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established the Harriet Tubman National Historical Park in Auburn, New York, as a unit of the National Park System.

(B) DETERMINATION BY SECRETARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park.

(D) MAP.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) BOUNDARY.—The historical park shall include the Harriet Tubman Home, the Tubman Home for the Aged, the Thompson Memorial AME Zion Church and Rectory, and associated land, as identified in the area entitled ''National Historical Park Proposed Boundary'' on the map.

(3) PURPOSE.—The purpose of the historical park is to preserve and interpret for the benefit of present and future generations the historical, cultural, and natural resources associated with the life of Harriet Tubman.

(4) LAND ACQUISITION.—The Secretary may acquire land and interests in land within the areas depicted on the map by purchase from a willing seller, donation, or exchange.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this section and the laws generally applicable to units of the National Park System, including—

(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) INTERPRETIVE TOURS.—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the historical park in Auburn, New York, relating to the life of Harriet Tubman.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into a cooperative agreement with the owner of any land within the historical park to mark, interpret, or restore nationally significant historic or cultural resources relating to the life of Harriet Tubman, if the agreement provides that—

(i) the Secretary shall have the right of access to any public portions of the land covered by the agreement to allow for—

(I) access at reasonable times by historical park visitors to the land; and

(II) interpretation of the land for the public; and

(ii) no changes or alterations shall be made to the land except by mutual agreement of the Secretary and the owner of the land.

(B) RESEARCH.—The Secretary may enter into a cooperative agreement with the State, political subdivisions of the State, institutions of higher education, the Home and other nonprofit organizations, and individuals to conduct research relating to the life of Harriet Tubman.

(C) COST-SHARING REQUIREMENT.—

(i) FEDERAL SHARE.—The Federal share of the total cost of any activity carried out under this paragraph shall not exceed 50 percent.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions or goods or services fairly valued.

(D) ATTORNEY GENERAL.—

(i) IN GENERAL.—The Secretary shall submit to the Attorney General for review any cooperative agreement under this paragraph involving religious property or property owned by a religious institution.

(ii) FINDING.—No cooperative agreement subject to review under this subparagraph shall take effect until the date on which the Attorney General issues a finding that the proposed agreement does not violate the Establishment Clause of the first amendment to the Constitution.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the historical park in accordance with section 12(b) of the National Park Service General Authorities Act (16 U.S.C. 1a–7(b)).

(2) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the management plan with—

(A) the Harriet Tubman Underground Railroad National Historical Park established by section 301(b)(1); and

(B) the National Underground Railroad Network to Freedom.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, except that not more than $7,500,000 shall be available to provide financial assistance under subsection (c)(3).

SA 2897. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 2___. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y–4(g)) is amended by striking ''40'' and inserting ''50''.

SA 2898. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 2___. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.

Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking ''fiscal years'' and all that follows through the period at the end and inserting ''fiscal years 2013 through 2017.''.

SA 2899. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. WATER RESOURCES RESEARCH ACT AMENDMENTS.

(a) CONGRESSIONAL FINDINGS AND DECLARATIONS.—Section 102 of the Water Resources Research Act of 1984 (42 U.S.C. 10301) is amended—

(1) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(2) in paragraph (8) (as so redesignated), by striking ''and'' at the end; and

(3) by inserting after paragraph (6) the following:

''(7) additional research is required into increasing the effectiveness and efficiency of new and existing treatment works through alternative approaches, including—

''(A) nonstructural alternatives;

''(B) decentralized approaches;

''(C) water use efficiency; and

''(D) actions to reduce energy consumption or extract energy from wastewater;''.

(b) CLARIFICATION OF RESEARCH ACTIVITIES.—Section 104(b)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''water-related phenomena'' and inserting ''water resources''; and

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''.

(c) COMPLIANCE REPORT.—Section 104(c) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(c)) is amended—

(1) by striking ''From the'' and inserting ''(1) IN GENERAL.—From the''; and

(2) by adding at the end the following:

''(2) REPORT.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.''.

(d) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (e) and inserting the following:

''(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 5 years to determine—

''(A) the quality and relevance of the water resources research of the institute;

''(B) the effectiveness of the institute at producing measured results and applied water supply research; and

''(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

''(2) PROHIBITION ON FURTHER SUPPORT.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking ''$12,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$7,500,000 for each of fiscal years 2012 through 2017''.

(f) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended by striking ''$6,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$1,500,000 for each of fiscal years 2012 through 2017''.

SA 2900. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—WATER INFRASTRUCTURE

SEC. 301. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) HYDROLOGIC CONDITION.—The term ''hydrologic condition'' means the quality, quantity, or reliability of the water resources of a region of the United States.

(3) OWNER OR OPERATOR OF A WATER SYSTEM.—

(A) IN GENERAL.—The term ''owner or operator of a water system'' means an entity (including a regional, State, tribal, local, municipal, or private entity) that owns or operates a water system.

(B) INCLUSIONS.—The term ''owner or operator of a water system'' includes—

(i) a non-Federal entity that has operational responsibilities for a federally-, tribally-, or State-owned water system; and

(ii) an entity established by an agreement between—

(I) an entity that owns or operates a water system; and

(II) at least 1 other entity.

(4) WATER SYSTEM.—The term ''water system'' means—

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

(B) a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), including a municipal separate storm sewer system (as such term is used in that Act (33 U.S.C. 1251 et seq.));

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

(D) a groundwater storage and replenishment system;

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

(F) a natural or engineered system that manages floodwater.

SEC. 302. WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY.

(a) PROGRAM.—The Administrator shall establish and implement a program, to be known as the ''Water Infrastructure Resiliency and Sustainability Program'', under which the Administrator shall award grants for each of fiscal years 2013 through 2017 to owners or operators of water systems for the purpose of increasing the resiliency or adaptability of the water systems to any ongoing or forecasted changes (based on the best available research and data) to the hydrologic conditions of a region of the United States.

(b) USE OF FUNDS.—As a condition on receipt of a grant under this title, an owner or operator of a water system shall agree to use the grant funds exclusively to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that meets the purpose described in subsection (a) by—

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

(2) modifying or relocating existing water system infrastructure made or projected to be significantly impaired by changing hydrologic conditions;

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

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

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

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

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

(8) modifying or replacing existing systems or constructing new systems for existing communities or land that is being used for agricultural production to improve water supply, reliability, storage, or conveyance in a manner that—

(A) promotes conservation or improves the efficiency of use of available water supplies; and

(B) does not further exacerbate stresses on ecosystems or cause redirected impacts by degrading water quality or increasing net greenhouse gas emissions;

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

(10) reducing flood damage, risk, and vulnerability by—

(A) restoring floodplains, wetland, and upland integral to flood management, protection, prevention, and response;

(B) modifying levees, floodwalls, and other structures through setbacks, notches, gates, removal, or similar means to facilitate reconnection of rivers to floodplains, reduce flood stage height, and reduce damage to properties and populations;

(C) providing for acquisition and easement of flood-prone land and properties in order to reduce damage to property and risk to populations; or

(D) promoting land use planning that prevents future floodplain development;

(11) conducting and completing studies or assessments to project how changing hydrologic conditions may impact the future operations and sustainability of water systems; or

(12) developing and implementing measures to increase the resilience of water systems and regional and hydrological basins, including the Colorado River Basin, to rapid hydrologic change or a natural disaster (such as tsunami, earthquake, flood, or volcanic eruption).

(c) APPLICATION.—To seek a grant under this title, the owner or operator of a water system shall submit to the Administrator an application that—

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

(2) provides the best available research or data that demonstrate—

(A) the risk to the water resources or infrastructure of the water system as a result of ongoing or forecasted changes to the hydrological system of a region, including rising sea levels and changes in precipitation patterns; and

(B) the manner in which the proposed program, strategy, or infrastructure improvement would perform under the anticipated hydrologic conditions;

(3) describes the manner in which the proposed program, strategy, or infrastructure improvement is expected—

(A) to enhance the resiliency of the water system, including source water protection for community water systems, to the anticipated hydrologic conditions; or

(B) to increase efficiency in the use of energy or water of the water system; and

(4) describes the manner in which the proposed program, strategy, or infrastructure improvement is consistent with an applicable State, tribal, or local climate adaptation plan, if any.

(d) PRIORITY.—

(1) WATER SYSTEMS AT GREATEST AND MOST IMMEDIATE RISK.—In selecting grantees under this title, subject to section 303(b), the Administrator shall give priority to owners or operators of water systems that are, based on the best available research and data, at the greatest and most immediate risk of facing significant negative impacts due to changing hydrologic conditions.

(2) GOALS.—In selecting among applicants described in paragraph (1), the Administrator shall ensure that, to the maximum extent practicable, the final list of applications funded for each year includes a substantial number that propose to use innovative approaches to meet 1 or more of the following goals:

(A) Promoting more efficient water use, water conservation, water reuse, or recycling.

(B) Using decentralized, low-impact development technologies and nonstructural approaches, including practices that use, enhance, or mimic the natural hydrological cycle or protect natural flows.

(C) Reducing stormwater runoff or flooding by protecting or enhancing natural ecosystem functions.

(D) Modifying, upgrading, enhancing, or replacing existing water system infrastructure in response to changing hydrologic conditions.

(E) Improving water quality or quantity for agricultural and municipal uses, including through salinity reduction.

(F) Providing multiple benefits, including to water supply enhancement or demand reduction, water quality protection or improvement, increased flood protection, and ecosystem protection or improvement.

(e) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The share of the cost of any program, strategy, or infrastructure improvement that is the subject of a grant awarded by the Administrator to the owner or operator of a water system under subsection (a) paid through funds distributed under this title shall not exceed 50 percent of the cost of the program, strategy, or infrastructure improvement.

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

(A) include the value of any in-kind services that are integral to the completion of the program, strategy, or infrastructure improvement, including reasonable administrative and overhead costs; and

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

(f) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator shall submit to Congress a report that—

(1) describes the progress in implementing this title; and

(2) includes information on project applications received and funded annually under this title.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $50,000,000 for each of fiscal years 2013 through 2017.

(b) REDUCTION OF FLOOD DAMAGE, RISK, AND VULNERABILITY.—Of the amount made available to carry out this title for a fiscal year, not more than 20 percent may be made available to grantees for activities described in section 302(b)(10).

SA 2901. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121.

SA 2902. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121 and insert the following:

SEC. 121. NO REGULATION OF AMMUNITION OR FISHING TACKLE PENDING STUDY OF HEALTH AND ENVIRONMENTAL EFFECTS.

(a) NO REGULATION OF AMMUNITION OR FISHING TACKLE.—The Administrator of the Environmental Protection Agency shall not issue any proposed or final rule or guidance to regulate any chemical substance or mixture in ammunition or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) during the period beginning on the date of enactment of this Act and ending on the date of the publication of the study required by subsection (b).

(b) STUDY OF POTENTIAL HUMAN HEALTH AND ENVIRONMENTAL EFFECTS.—

(1) IN GENERAL.—Not later than December 31, 2014, the Secretary of Health and Human Services, the Commissioner of Food and Drugs, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior shall jointly prepare and publish a study that describes the potential threats to human health (including to pregnant women, children, and other vulnerable populations) and to the environment from the use of—

(A) lead and toxic substances in ammunition and fishing tackle; and

(B) commercially available and less toxic alternatives to lead and toxic substances in ammunition and fishing tackle.

(2) USE.—The Administrator of the Environmental Protection Agency shall use, as appropriate, the findings of the report required by paragraph (1) when considering any potential future decision related to a chemical substance or mixture when the substance or mixture is used in ammunition or fishing tackle.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 1___. HUNTING IN KISATCHIE NATIONAL FOREST.

(a) IN GENERAL.—Consistent with the eleventh undesignated paragraph under the heading ''SURVEYING THE PUBLIC LANDS'' of the Act of June 4, 1897 (16 U.S.C. 551), the Secretary of Agriculture (referred to in this section as the ''Secretary'') may not impose restrictions on the use of dogs in deer hunting activities in Kisatchie National Forest, unless the restrictions—

(1) apply to the smallest practicable portions of the unit; and

(2) are necessary to reduce or control trespass onto land adjacent to the unit.

(b) PRIOR RESTRICTIONS VOID.—Any restrictions regarding the use of dogs in deer hunting activities in Kisatchie National Forest in force on the date of enactment of this Act shall be void and have no force or effect.

(c) ADJACENT LANDOWNERS.—

(1) IN GENERAL.—The owner of land that is adjacent to a unit of the Kisatchie National Forest may submit to the Secretary a petition to restrict the use of dogs in deer hunting activities that take place on the unit that is adjacent to the land.

(2) RESTRICTIONS.—If the Secretary receives a petition from an adjacent landowner

under paragraph (2), the Secretary, after notice and opportunity for a hearing, may impose restrictions on the use of dogs in deer hunting that are—

(A) limited to units of the Kisatchie National Forest within 300 yards of the boundary of the land of the petitioning landowner; and

(B) consistent with subsection (a).

SA 2904. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE III—ENDANGERED OR THREATENED SPECIES

SEC. 301. REMOVAL OF GRAY WOLF IN THE STATE OF UTAH FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.

(a) DEFINITIONS.—In this section:

(1) GRAY WOLF.—The term ''gray wolf'' means any taxonomic group traditionally associated with the gray wolf, including Canus lupus baileyi, regardless of specific taxonomy of any particular gray wolf variety as a species, subspecies, or other designation.

(2) SECRETARY.—The term ''Secretary'' has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(b) REMOVAL OF GRAY WOLF IN THE STATE OF UTAH FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this section, the Secretary shall promulgate regulations removing from the list of endangered or threatened species under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)) the gray wolf within the borders of the State of Utah.

SA 2905. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—LAND CONVEYANCE

SEC. 301. DEFINITIONS.

In this title:

(1) FEDERAL LAND.—The term ''Federal land'' means any land (including mineral rights) under the jurisdiction of the Secretary in the State, including any public land in the State (as defined in section 103 of the Federal Land Policy And Management Act of 1976 (43 U.S.C. 1702)).

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

(3) STATE.—The term ''State'' means the state of Utah.

SEC. 302. CONVEYANCE OF FEDERAL LAND TO THE STATE OF UTAH.

(a) IN GENERAL.—Not later than December 31, 2014, the Secretary shall convey to the State all right, title, and interest of the United States in and to the Federal land.

(b) RECONVEYANCE.—If the State reconveys any Federal land conveyed to the State under subsection (a), the State shall, as soon as practicable after the date of the reconveyance, pay to the Secretary concerned an amount equal to 95 percent of the amount received by the State in consideration for the Federal land reconveyed.

SA 2906. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—LAND CONVEYANCE

SEC. 301. DEFINITIONS.

In this title:

(1) CITY.—The term ''City'' means the city of Fruit Heights, Utah.

(2) MAP.—The term ''map'' means the map entitled ''Proposed Fruit Heights City Conveyance'' and dated 2012.

(3) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the approximately 100 acres of National Forest System land, as depicted on the map.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 302. CONVEYANCE OF CERTAIN LAND TO THE CITY OF FRUIT HEIGHTS, UTAH.

(a) IN GENERAL.—The Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the National Forest System land.

(b) SURVEY.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) COSTS.—The City shall pay the reasonable survey and other administrative costs associated with a survey conducted under paragraph (1).

(c) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (a), the City shall use the National Forest System land only for public purposes.

(d) REVERSIONARY INTEREST.—In the quitclaim deed to the City for the National Forest System land, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary, if the National Forest System land is used for other than a public purpose.

SA 2907. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—CLARIFICATION OF AUTHORITY, UINTAH AND OURAY INDIAN RESERVATION

SEC. 301. CLARIFICATION OF AUTHORITY.

The Act entitled ''An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes'', approved March 11, 1948 (62 Stat. 72), as amended by the Act entitled ''An Act to amend the Act extending the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah so as to authorize such State to exchange certain mineral lands for other lands mineral in character'' approved August 9, 1955, (69 Stat. 544), is further amended by adding at the end the following:

''SEC. 5. In order to further clarify authorizations under this Act, the State of Utah is hereby authorized to relinquish to the United States, for the benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation, State school trust or other State-owned subsurface mineral lands located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and south of the border between Grand County, Utah, and Uintah County, Utah, and select in lieu of such relinquished lands, on an acre-for-acre basis, any subsurface mineral lands of the United States located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and north of the border between Grand County, Utah, and Uintah County, Utah, subject to the following conditions:

''(1) RESERVATION BY UNITED STATES.—The Secretary of the Interior shall reserve an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 171 et seq) in any mineral lands conveyed to the State.

''(2) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the United States under paragraph (1) shall consist of—

''(A) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop such mineral resources;

''(B) 50 percent of any rental or other payments received by the State as consideration for the lease or authorization to develop such mineral resources;

''(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

''(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

''(3) RESERVATION BY STATE OF UTAH.—The State of Utah shall reserve, for the benefit of its State school trust, an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq) in any mineral lands relinquished by the State to the United States.

''(4) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the State under paragraph (3) shall consist of—

''(A) 50 percent of any bonus bid or other payment received by the United States as consideration for securing any lease or authorization to develop such mineral resources on the relinquished lands;

''(B) 50 percent of any rental or other payments received by the United States as consideration for the lease or authorization to develop such mineral resources;

''(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

''(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

''(5) NO OBLIGATION TO LEASE.—Neither the United States nor the State shall be obligated to lease or otherwise develop oil and gas resources in which the other party retains an overriding interest under this section.

''(6) COOPERATIVE AGREEMENTS.—The Secretary of the Interior is authorized to enter into cooperative agreements with the State and the Ute Indian Tribe of the Uintah and

Ouray Reservation to facilitate the relinquishment and selection of lands to be conveyed under this section, and the administration of the overriding interests reserved hereunder.

''(7) TERMINATION.—The overriding interest reserved by the Secretary of the Interior under paragraph (1), and the overriding interest reserved by the State under paragraph (3), shall automatically terminate 30 years after the date of enactment of this section.''.

SA 2908. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—NATIONAL MONUMENTS IN UTAH

SEC. 301. LIMITATION ON FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN UTAH.

This proviso of the last sentence of the first section of the Act of September 14, 1950 (64 Stat. 849, chapter 950; 16 U.S.C. 431a), is amended by inserting ''or Utah'' after ''Wyoming''.

SA 2909. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—LAND CONVEYANCE

SEC. 301. LAND CONVEYANCE, UINTA-WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) CONVEYANCE REQUIRED.—On the request of Brigham Young University submitted to the Secretary of Agriculture not later than one year after the date of the enactment of this Act, the Secretary shall convey, not later than one year after receiving the request, to Brigham Young University all right, title, and interest of the United States in and to an approximately 80-acre parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in the State of Utah consisting of the SE¼SE¼ of section 32, T. 6 S., R. 3 E., and the NE¼NE¼ of section 5, T. 7 S., R. 3 E., Salt Lake Base & Meridian. The conveyance shall be subject to valid existing rights and shall be made by quitclaim deed.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the land conveyed under subsection (a), Brigham Young University shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved by the Secretary and conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) DEPOSIT.—The consideration received by the Secretary under paragraph (1) shall be deposited in the general fund of the Treasury to reduce the Federal deficit.

(c) GUARANTEED PUBLIC ACCESS TO Y MOUNTAIN TRAIL.—After the conveyance under subsection (a), Brigham Young University represents that it will—

(1) continue to allow the same reasonable public access to the trailhead and portion of the Y Mountain Trail already owned by Brigham Young University as of the date of the enactment of this Act that Brigham Young University has historically allowed; and

(2) allow that same reasonable public access to the portion of the Y Mountain Trail and the ''Y'' symbol located on the land described in subsection (a).

(d) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Brigham Young University shall pay the reasonable costs of survey, appraisal, and any administrative analyses required by law.

SA 2910. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—TIMBER SALE CONTRACTS

SEC. 301. EXTENDING NATIONAL FOREST SYSTEM TIMBER SALE CONTRACTS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract (including an integrated resource timber contract) for the sale of timber on National Forest System land—

(A) that was awarded before January 1, 2010;

(B) for which the original contract term was for 2 or more years;

(C) for which there is unharvested volume of timber remaining;

(D) for which, not later than 90 days after the date of enactment of this Act, the contract awardee makes a written request to the Secretary for an extension of time;

(E) for which the Secretary determines there is not an urgent need to harvest due to deteriorating timber conditions;

(F) for which the Secretary determines there is not an urgent need to harvest to accomplish fuel reduction objectives in wildland-urban interface areas; and

(G) that is not in breach or default.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) EXTENSION OF TIME.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to the conditions described in paragraph (2), the Secretary may extend the term of a qualifying contract for not more than 2 years after the applicable contract termination date.

(2) CONDITIONS.—An extension of a qualifying contract under paragraph (1) shall be subject to the following conditions:

(A) The total contract term shall not exceed 10 years, including the extension granted under this section.

(B) A qualifying contract that receives a 1-year substantial overriding public interest extension authorized by the Chief of the Forest Service in 2012 may only receive an extension of 1 year under this section.

(C) Periodic payment dates that have not been reached as of the date of a request by a contract awardee under this section shall be adjusted in accordance with applicable law and policies.

(c) EFFECT.—

(1) NO SURRENDER OF CLAIMS.—Nothing in this section shall result in the surrendering of any claim by the United States against any contract awardee that arose under a qualifying contract before the date on which the Secretary extends the qualifying contract term under this section.

(2) RELEASE OF LIABILITY.—Before receiving an extension of a contract term under this section, the contract awardee shall release the United States from all liability, including further consideration or compensation, resulting from—

(A) the extension of the qualifying contract term; or

(B) a determination by the Secretary under this section to not extend the contract term.

(3) FUTURE ADMINISTRATIVE ACTIONS.—Nothing in this section precludes the Secretary from modifying a qualifying contract extended under this section to grant administrative relief consistent with applicable law (including regulations) and policy.

SA 2911. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—PUTTING THE GULF OF MEXICO BACK TO WORK

SEC. 301. SHORT TITLE.

This title may be cited as the ''Putting the Gulf of Mexico Back to Work Act''.

SEC. 302. DEFINITIONS.

In this title:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project in the Gulf of Mexico.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term ''covered energy project'' means the leasing of Federal land of the outer Continental Shelf for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy in the Gulf of Mexico, and any action under a lease.

(B) EXCLUSION.—The term ''covered energy project'' does not include any dispute between the parties to a lease regarding the obligations under the lease, including any alleged breach of the lease.

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

Subtitle A—Outer Continental Shelf Land

SEC. 311. DRILLING PERMITS.

Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended by striking subsection (d) and inserting the following:

''(d) DRILLING PERMITS.—

''(1) IN GENERAL.—The Secretary shall by regulation require that any lessee operating under an approved exploration plan—

''(A) obtain a permit before drilling any well in accordance with the plan; and

''(B) obtain a new permit before drilling any well of a design that is significantly different than the design for which the existing permit was issued.

''(2) SAFETY REVIEW REQUIRED.—The Secretary shall not issue a permit under paragraph (1) without ensuring that the proposed drilling operations meet all—

''(A) critical safety system requirements, including blowout prevention; and

''(B) oil spill response and containment requirements.

''(3) TIMELINE.—

''(A) IN GENERAL.—The Secretary shall determine whether to issue a permit under paragraph (1) not later than 30 days after the date on which the Secretary receives the application for a permit.

''(B) EXTENSION OF TIME.—

''(i) IN GENERAL.—The Secretary may extend the period in which to consider an application for a permit for up to 2 periods of 15 days each if the Secretary has given written notice of the delay to the applicant.

''(ii) NOTICE.—The notice described in clause (i) shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) include—

''(aa) the name and title of each individual processing the application;

''(bb) the reason for the delay; and

''(cc) the date on which the Secretary expects to make a final decision on the application.

''(4) DENIAL OF APPLICATION.—If the Secretary denies the application, the Secretary shall provide the applicant—

''(A) a written statement that provides clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiency; and

''(B) an opportunity to remedy any deficiencies.

''(5) FAILURE TO MAKE DECISION WITHIN 60 DAYS.—If the Secretary does not make a decision on the application by the date that is 60 days from the date on which the Secretary receives the application, the application shall be considered approved.''.

Subtitle B—Judicial Review of Agency Actions Relating to Outer Continental Shelf Activities in Gulf of Mexico

SEC. 322. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS IN GULF OF MEXICO.

A covered civil action shall be brought only in a judicial district in the Fifth Circuit unless there is no district in that circuit in which the action may be brought.

SEC. 323. TIME LIMITATION ON FILING.

A covered civil action is barred unless the action is filed not later than the date that is 60 days after the date of the final Federal agency action.

SEC. 324. EXPEDITION IN HEARING AND DETERMINING ACTION.

A court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

SEC. 325. STANDARD OF REVIEW.

(a) IN GENERAL.—In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct.

(b) STANDARD.—The presumption described in subsection (a) may be rebutted only by a preponderance of the evidence contained in the administrative record.

SEC. 326. LIMITATION ON PROSPECTIVE RELIEF.

In a covered civil action, a court shall not grant or approve any prospective relief unless the court finds that the relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation.

SEC. 327. LIMITATION ON ATTORNEYS' FEES.

(a) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code, do not apply to a covered civil action.

(b) PAYMENT FROM FEDERAL GOVERNMENT.—No party to a covered civil action shall receive from the Federal Government payment for attorneys' fees, expenses, and other court costs.

TITLE IV—RESTARTING AMERICAN OFFSHORE LEASING NOW

SEC. 401. SHORT TITLE.

This title may be cited as the ''Restarting American Offshore Leasing Now Act''.

SEC. 402. DEFINITIONS.

In this title:

(1) ENVIRONMENTAL IMPACT STATEMENT FOR THE 2007-2012 5-YEAR OCS PLAN.—The term ''environmental impact statement for the 2007–2012 5-Year OCS plan'' means the final environmental impact statement prepared by the Secretary entitled ''Outer Continental Shelf Oil and Gas Leasing Program: 2007–2012'', and dated April 2007.

(2) MULTISALE ENVIRONMENTAL IMPACT STATEMENT.—The term ''multisale environmental impact statement'' means the environmental impact statement prepared by the Secretary relating to proposed Western Gulf of Mexico OCS Oil and Gas Lease Sales 204, 207, 210, 215, and 218, and proposed Central Gulf of Mexico OCS Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222, and dated September 2008.

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

SEC. 403. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—As soon as practicable, but not later than 60 days after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) .

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007–2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 404. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.

(a) IN GENERAL.—As soon as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337).

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007–2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 405. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—As soon as practicable, but not later than 60 days after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337).

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007–2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE V—REVERSING PRESIDENT OBAMA'S OFFSHORE MORATORIUM

SEC. 501. SHORT TITLE.

This title may be cited as the ''Reversing President Obama's Offshore Moratorium Act''.

SEC. 502. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5)(A) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales that include—

''(i) at least 50 percent of the available unleased acreage within each outer Continental Shelf planning area considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based upon the most recent national geological assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

''(ii) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.

''(B) In this paragraph, the term 'available unleased acreage' means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by law.

''(6)(A) For the 2012–2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning areas that are estimated to contain more than—

''(i) 2,500,000,000 barrels of oil; or

''(ii) 7,500,000,000,000 cubic feet of natural gas.

''(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document entitled 'Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006'.''.

SEC. 503. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

''(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

''(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, subject to paragraph (2), the Secretary shall determine a domestic strategic production goal for the development of oil and natural gas as a result of that program, which goal shall be—

''(A) the best estimate of the practicable increase in domestic production of oil and natural gas from the outer Continental Shelf;

''(B) focused on meeting domestic demand for oil and natural gas and reducing the dependence of the United States on foreign energy; and

''(C) focused on the production increases achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

''(2) 2012–2017 PROGRAM GOAL.—For purposes of the 2012–2017 5-year oil and gas leasing program, the production goal referred to in paragraph (1) shall be an increase by 2027 of not less than—

''(A) 3,000,000 barrels in the quantity of oil produced per day; and

''(B) 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

''(3) REPORTING.—Beginning at the end of the 5-year period for which the program applies and annually thereafter, 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 report on the

progress of the program in meeting the production goal that includes an identification of projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.''.

TITLE VI—JOBS AND ENERGY PERMITTING

SEC. 601. SHORT TITLE.

This title may be cited as the ''Jobs and Energy Permitting Act of 2012''.

SEC. 602. AIR QUALITY MEASUREMENT.

Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended in the second sentence by inserting before the period at the end the following: '', except that any air quality impact of any OCS source shall be measured or modeled, as appropriate, and determined solely with respect to the impacts in the corresponding onshore area''.

SEC. 603. OCS SOURCE.

Section 328(a)(4)(C) of the Clean Air Act (42 U.S.C. 7627(a)(4)(C)) is amended in the second sentence of the matter following clause (iii) by striking ''shall be considered direct emissions from the OCS source'' and inserting ''shall be considered direct emissions from the OCS source but shall not be subject to any emission control requirement applicable to the source under subpart 1 of part C of title I of this Act. For platform or drill ship exploration, an OCS source is established at the point in time when drilling commences at a location and ceases to exist when drilling activity ends at the location or is temporarily interrupted because the platform or drill ship relocates for weather or other reasons''.

SEC. 604. PERMITS.

(a) PERMITS.—Section 328 of the Clean Air Act (42 U.S.C. 7627) is amended by adding at the end the following:

''(d) PERMIT APPLICATION.—In the case of a completed application for a permit under this Act for platform or drill ship exploration for an OCS source—

''(1) final agency action (including any reconsideration of the issuance or denial of such a permit) shall be taken not later than 180 days after the date on which the completed application is filed;

''(2) the Environmental Appeals Board of the Environmental Protection Agency shall have no authority to consider any matter regarding the consideration, issuance, or denial of the permit;

''(3) no administrative stay of the effectiveness of the permit may extend beyond the date that is 180 days after the date on which the completed application is filed;

''(4) that final agency action shall be considered to be nationally applicable under section 307(b); and

''(5) judicial review of that final agency action shall be available only in accordance with section 307(b) without additional administrative review or adjudication.''.

(b) CONFORMING AMENDMENT.—Section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) is amended by striking ''For purposes of subsections (a) and (b) of this section—'' and inserting ''For purposes of subsections (a), (b), and (d):''.

TITLE VII—SACRAMENTO-SAN JOAQUIN VALLEY WATER RELIABILITY

SEC. 701. SHORT TITLE.

This title may be cited as the ''Sacramento-San Joaquin Valley Water Reliability Act''.

Subtitle A—Central Valley Project Water Reliability

SEC. 711. AMENDMENT TO PURPOSES.

Section 3402 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) is amended—

(1) in subsection (f), by striking the period at the end; and

(2) by adding at the end the following:

''(g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors not later than December 31, 2016, at the lowest cost reasonably achievable; and

''(h) to facilitate and expedite water transfers in accordance with this title.''.

SEC. 712. AMENDMENT TO DEFINITION.

Section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4707) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) the term 'anadromous fish' means those native stocks of salmon (including steelhead) and sturgeon that—

''(1) as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and the tributaries of the Sacramento and San Joaquin Rivers; and

''(2) ascend those rivers and tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;'';

(2) by redesignating subsections (i) through (m) as subsections (j) through (n), respectively; and

(3) by inserting after subsection (h) the following:

''(i) the term 'reasonable flows' means water flows capable of being maintained taking into account competing consumptive uses of water and economic, environmental, and social factors.''.

SEC. 713. CONTRACTS.

Section 3404 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4708) is amended to read as follows:

''SEC. 3404. CONTRACTS.

''(a) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—On request of the contractor, the Secretary shall renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years.

''(b) ADMINISTRATION OF CONTRACTS.—Except as expressly provided by this title, any existing long-term repayment or water service contract for the delivery of water from the Central Valley Project shall be administered pursuant to the Act of July 2, 1956 (chapter 492; 70 Stat. 483).

''(c) DELIVERY CHARGE.—Beginning on the date of enactment of this Act, a contract entered into or renewed pursuant to this section shall include a provision that requires the Secretary to charge any other party to the contract only for water actually delivered by the Secretary.''.

SEC. 714. WATER TRANSFERS, IMPROVED WATER MANAGEMENT, AND CONSERVATION.

Section 3405 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4709) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking ''Except as provided herein'' and inserting ''The Secretary shall take all actions necessary to facilitate and expedite transfers of Central Valley Project water in accordance with this title or any other provision of Federal reclamation law and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Except as provided in this subsection,'';

(B) in paragraph (1)(A), by striking ''to combination'' and inserting ''or combination'';

(C) in paragraph (2), by adding at the end the following:

''(E) WRITTEN TRANSFER PROPOSALS.—

''(i) IN GENERAL.—The contracting district from which the water is supplied, the agency, or the Secretary, as applicable, shall determine whether a written transfer proposal is complete not later than 45 days after the date on which the proposal is submitted.

''(ii) DETERMINATION.—If the contracting district, the agency, or the Secretary determines that the proposal described in clause (i) is incomplete, the contracting district, agency, or Secretary shall state, in writing and with specificity, the conditions under which the proposal would be considered complete.

''(F) NO MITIGATION REQUIREMENTS.—

''(i) IN GENERAL.—Except as provided in this section, the Secretary shall not impose mitigation or other requirements on a proposed transfer.

''(ii) APPLICABILITY.—This section shall have no effect on the authority of the contracting district from which the water is supplied or the agency under State law to approve or condition a proposed transfer.''; and

(D) by adding at the end the following:

''(4) APPLICABILITY.—Notwithstanding any other provision of Federal reclamation law—

''(A) the authority to transfer, exchange, bank, or make recharging arrangements using Central Valley Project water that could have been carried out before October 30, 1992, is valid, and those transfers, exchanges, or arrangements shall not be subject to, limited, or conditioned by this title; and

''(B) this title does not supersede or revoke the authority to transfer, exchange, bank, or recharge Central Valley Project water in effect before October 30, 1992.'';

(2) in subsection (b)—

(A) in the heading, by striking ''METERING'' and inserting ''MEASUREMENT'';

(B) in the first sentence, by striking ''All Central Valley'' and inserting the following:

''(1) IN GENERAL.—All Central Valley'';

(C) in the second sentence, by striking ''The contracting district'' and inserting the following:

''(3) ANNUAL REPORT.—The contracting district''; and

(D) by inserting after paragraph (1) (as designated by subparagraph (B)) the following:

''(2) MEASUREMENT REQUIREMENTS.—The contracting district or agency, not including contracting districts serving multiple agencies with separate governing boards, shall ensure that all contractor-owned water delivery systems within the boundaries of the contracting district or agency measure surface water at the facilities of the contracting district or agency up to the point at which the surface water is commingled with other water supplies.'';

(3) by striking subsection (d);

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(5) by striking subsection (e) (as redesignated by paragraph (4)) and inserting the following:

''(e) INCREASED REVENUES.—All revenues received by the Secretary that exceed the cost-of-service rates applicable to the delivery of water transferred from irrigation use to municipal and industrial use under subsection (a) shall be covered to the Restoration Fund.''.

SEC. 715. FISH, WILDLIFE, AND HABITAT RESTORATION.

Section 3406 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4714) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1)(B) and inserting the following:

''(B) ADMINISTRATION.—

''(i) IN GENERAL.—As needed to carry out the goals of the Central Valley Project, the Secretary may modify Central Valley Project operations to provide reasonable flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish.

''(ii) REQUIREMENTS.—The flows under clause (i) shall be provided from the quantity of water dedicated to fish, wildlife, and habitat restoration purposes under paragraph (2) from the water supplies acquired pursuant to paragraph (3) and from other sources which do not conflict with fulfillment of the remaining contractual obligations of the Secretary to provide Central Valley Project water for other authorized purposes.

''(iii) DETERMINATION OF NEEDS.—The Secretary shall determine the instream reasonable flow needs for all Central Valley Project controlled streams and rivers based on recommendations of the United States Fish and Wildlife Service and the National Marine Fisheries Service after consultation with the United States Geological Survey.''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) in the first sentence, by striking ''primary purpose'' and inserting ''purposes'';

(II) by striking ''but not limited to additional obligations under the Federal Endangered Species Act'' and inserting ''additional obligations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)''; and

(III) by adding at the end the following: ''All Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph by determining how the dedication and management of that water would affect the delivery capability of the Central Valley Project yield. To the maximum extent practicable and in accordance with section 3411, Central Valley Project water dedicated and managed pursuant to this paragraph shall be reused to fulfill the remaining contractual obligations of the Secretary to provide Central Valley Project water for agricultural or municipal and industrial purposes.''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) MANDATORY REDUCTION.—If on March 15 of a given year, the quantity of Central Valley Project water forecasted to be made available to water service or repayment contractors in the Delta Division of the Central Valley Project is less than 75 percent of the total quantity of water to be made available under those contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.''; and

(2) by adding at the end the following:

''(i) SATISFACTION OF PURPOSES.—In carrying out this section, the Secretary shall be considered to have met the mitigation, protection, restoration, and enhancement purposes of this title.''.

SEC. 716. RESTORATION FUND.

(a) IN GENERAL.—Section 3407(a) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726) is amended—

(1) by striking ''There is hereby'' and inserting the following:

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—There is'';

(2) in paragraph (1)(A) (as designated by paragraph (1)), by striking ''Not less than 67 percent'' and all that follows through ''Monies'' and inserting the following:

''(B) USE OF DONATED AMOUNTS.—Amounts''; and

(3) by adding at the end the following:

''(2) RESTRICTIONS.—The Secretary may not directly or indirectly require a donation or other payment (including environmental restoration or mitigation fees not otherwise provided by law) to the Restoration Fund—

''(A) as a condition of—

''(i) providing for the storage or conveyance of non-Central Valley Project water pursuant to Federal reclamation laws; or

''(ii) the delivery of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97–293; 96 Stat. 1270); or

''(B) for any water that is delivered with the sole intent of groundwater recharge.''.

(b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726) is amended—

(1) by striking ''mitigation and restoration payments, in addition to charges provided for or'' and inserting ''payments, in addition to charges''; and

(2) by striking ''of fish, wildlife'' and all that follows through the period and inserting ''of carrying out this title.''.

(c) ADJUSTMENT AND ASSESSMENT OF MITIGATION AND RESTORATION PAYMENTS.—Section 3407(d) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4727) is amended—

(1) in paragraph (2)(A)—

(A) by striking '', and $12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project'' and inserting ''$12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project, and after October 1, 2013, $4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2013 price levels)''; and

(B) by inserting '' but not later than December 31, 2020,'' after ''That upon the completion of the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of this title,''; and

(2) by adding at the end the following:

''(g) REPORT ON EXPENDITURE OF FUNDS.—

''(1) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited in the Restoration Fund during the preceding fiscal year.

''(2) CONTENTS.—The plan shall include an analysis of the cost-effectiveness of each expenditure.

''(h) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—There is established the Restoration Fund Advisory Board (referred to in this section as the 'Advisory Board'), which shall be composed of 12 members appointed by the Secretary.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Secretary shall appoint members to the Advisory Board that represent the various Central Valley Project stakeholders, of whom—

''(i) 4 members shall be agricultural users of the Central Valley Project;

''(ii) 3 members shall be municipal and industrial users of the Central Valley Project;

''(iii) 3 members shall be power contractors of the Central Valley Project; and

''(iv) 2 members shall be appointed at the discretion of the Secretary.

''(B) OBSERVERS.—The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

''(C) CHAIRMAN.—The Secretary shall appoint 1 of the members described in subparagraph (A) to serve as Chairman of the Advisory Board.

''(3) TERMS.—The term of each member of the Advisory Board shall be for a period of 4 years.

''(4) DUTIES.—The duties of the Advisory Board are—

''(A) to meet not less frequently than semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out under this title;

''(B) to ensure that any advice given or recommendation made by the Advisory Board reflects the independent judgment of the Advisory Board;

''(C) not later than December 31, 2013, and annually thereafter, to submit to the Secretary and Congress the recommendations under subparagraph (A); and

''(D) not later than December 31, 2013, and biennially thereafter, to submit to Congress a report that details the progress made in achieving the actions required under section 3406.

''(5) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.''.

SEC. 717. ADDITIONAL AUTHORITIES.

(a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section 3408 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4728) is amended by striking subsection (c) and inserting the following:

''(c) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.—

''(1) IN GENERAL.—The Secretary may enter into contracts under the reclamation laws and this title with any Federal agency, California water user or water agency, State agency, or private organization for the exchange, impoundment, storage, carriage, and delivery of nonproject water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

''(2) LIMITATION.—Nothing in this subsection supersedes section 2(d) of the Act of August 26, 1937 (chapter 832; 50 Stat. 850; 100 Stat. 3051).

''(3) AUTHORITY FOR CERTAIN ACTIVITIES.—The Secretary shall use the authority granted by this subsection in connection with requests to exchange, impound, store, carry, or deliver nonproject water using Central Valley Project facilities for any beneficial purpose.

''(4) RATES.—

''(A) IN GENERAL.—The Secretary shall develop rates not to exceed the amount required to recover the reasonable costs incurred by the Secretary in connection with a beneficial purpose under this subsection.

''(B) ADMINISTRATION.—The rates shall be charged to a party using Central Valley Project facilities for a beneficial purpose, but the costs described in subparagraph (A) shall not include any donation or other payment to the Restoration Fund.

''(5) CONSTRUCTION.—This subsection shall be construed and implemented to facilitate and encourage the use of Central Valley Project facilities to exchange, impound, store, carry, or deliver nonproject water for any beneficial purpose.''.

(b) REPORTING REQUIREMENTS.—Section 3408(f) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4729) is amended—

(1) in the first sentence, by striking ''Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries'' and inserting ''Natural Resources'';

(2) in the second sentence, by inserting '', including progress on the plan under subsection (j)'' before the period at the end; and

(3) by adding at the end the following: ''The filing and adequacy of the report shall be personally certified to the Committees by the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation.''.

(c) PROJECT YIELD INCREASE.—Section 3408(j) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4730) is amended—

(1) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively, and indenting appropriately;

(2) by striking ''In order to minimize adverse effects, if any, upon'' and inserting the following:

''(1) IN GENERAL.—In order to minimize adverse effects upon'';

(3) in the second sentence, by striking ''The plan'' and all that follows through ''options:'' and inserting the following:

''(2) CONTENTS.—The plan shall include recommendations on appropriate cost-sharing arrangements and authorizing legislation or other measures needed to implement the intent, purposes, and provisions of this subsection, as well as a description of how the Secretary intends to use—'';

(4) in paragraph (1) (as designated by paragraph (2))—

(A) by striking ''needs, the Secretary, shall'' and all that follows through ''to the Congress,'' and inserting ''needs, the Secretary, on a priority basis and not later than September 30, 2013, shall submit to Congress''; and

(B) by striking ''increase,'' and all that follows through ''under this title'' and inserting ''increase, as soon as practicable, but not later than September 30, 2016 (except that the construction of new facilities shall not be limited by that deadline), the water of the Central Valley Project by the quantity dedicated and managed for fish and wildlife purposes under this title and otherwise required to meet the purposes of the Central Valley Project, including satisfying contractual obligations'';

(5) in paragraph (2)(A) (as designated by paragraph (1)), by inserting ''and construction of new water storage facilities'' before the semicolon;

(6) in paragraph (2)(F) (as designated by paragraph (1)), by striking ''and'' at the end;

(7) in paragraph (2)(G) (as designated by paragraph (1)), by striking the period and all that follows through the end of the subsection and inserting ''; and''; and

(8) by adding after paragraph (2)(G) the following:

''(H) water banking and recharge.

''(3) IMPLEMENTATION OF PLAN.—

''(A) IN GENERAL.—The Secretary shall implement the plan under paragraph (1) beginning on October 1, 2013.

''(B) COORDINATION.—In carrying out this subsection, the Secretary shall coordinate with the State of California in implementing measures for the long-term resolution of problems in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

''(4) FAILURE OF PLAN.—Notwithstanding any other provision of the reclamation laws, if by September 30, 2016, the plan under paragraph (1) fails to increase the annual delivery capability of the Central Valley Project by 800,000 acre-feet, implementation of any nonmandatory action under section 3406(b)(2) shall be suspended until the date on which the plan achieves an increase in the annual delivery capability of the Central Valley Project of 800,000 acre-feet.''.

(d) TECHNICAL CORRECTIONS.—Section 3408(h) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4729) is amended—

(1) in paragraph (1), by striking ''paragraph (h)(2)'' and inserting ''paragraph (2)''; and

(2) in paragraph (2), by striking ''paragraph (h)(i)'' and inserting ''paragraph (1)''.

(e) WATER STORAGE PROJECT CONSTRUCTION.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may partner or enter into an agreement relating to the water storage projects described in section 103(d)(1) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361; 118 Stat. 1684) with local joint powers authorities formed under State law by irrigation districts and other local governments or water districts within the applicable hydrological region to advance those water storage projects.

(2) NO ADDITIONAL FEDERAL AMOUNTS.—

(A) IN GENERAL.—Subject to subparagraph (B), no additional Federal amounts are authorized to be appropriated to carry out the activities described in clauses (i) through (iii) of sections 103(d)(1)(A) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361; 118 Stat. 1684) Public Law 108–361.

(B) EXCEPTION.—Additional Federal amounts may be appropriated for construction of a project described in subparagraph (A) if non-Federal amounts are used to finance and construct the project.

SEC. 718. BAY-DELTA ACCORD.

(a) CONGRESSIONAL DIRECTION REGARDING CENTRAL VALLEY PROJECT AND CALIFORNIA STATE WATER PROJECT OPERATIONS.—

(1) IN GENERAL.—The Central Valley Project and the California State Water Project shall be operated strictly in accordance with the water quality standards and operational constraints described in the ''Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government'' dated December 15, 1994.

(2) APPLICABILITY OF OTHER LAW.—The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other applicable law shall not apply to operations described in paragraph (1).

(3) IMPLEMENTATION.—Implementation of the ''Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government'' dated December 15, 1994, shall be in strict compliance with the water rights priority system and statutory protections for areas of origin.

(b) APPLICATION OF LAWS TO OTHERS.—

(1) IN GENERAL.—As a condition of the receipt of Federal amounts for the Central Valley Project and the California State Water Project, the State of California (including any agency or board of the State of California), on any water right obtained pursuant to State law, including a pre-1914 appropriative right, shall not—

(A) impose any condition that restricts the exercise of that water right that is affected by operations of the Central Valley Project or California State Water Project;

(B) restrict under the Public Trust Doctrine any public trust value imposed in order to conserve, enhance, recover, or otherwise protect any species.

(2) FEDERAL AGENCIES.—The prohibition under paragraph (1)(A) shall apply to Federal agencies.

(c) COSTS.—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, unless those costs are incurred on a voluntary basis.

(d) NATIVE SPECIES PROTECTION.—This section preempts any law of the State California law restricting the quantity or size of a nonnative fish that is taken or harvested that preys on 1 or more native fish species that occupy the Sacramento and San Joaquin Rivers and the tributaries of those rivers or the Sacramento-San Joaquin Rivers Delta.

SEC. 719. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.

After the date of enactment of this Act, and regardless of the date of listing, the Secretaries of the Interior and Commerce shall not distinguish between natural-spawned and hatchery-spawned (or otherwise artificially propagated strains of a species) in making any determination under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that relates to an anadromous fish species present in the Sacramento and San Joaquin Rivers or the tributaries of those rivers and that ascends those rivers and tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean.

SEC. 720. AUTHORIZED SERVICE AREA.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation, shall include in the service area of the Central Valley Project authorized under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) the area within the boundaries of the Kettleman City Community Services District, California, as those boundaries are defined as of the date of enactment of this Act.

(b) LONG-TERM CONTRACT.—

(1) IN GENERAL.—Notwithstanding the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) and subject to paragraph (2), the Secretary, in accordance with the reclamation laws, shall enter into a long-term contract with the Kettleman City Community Services District or the delivery of not more than 900 acre-feet of Central Valley Project water for municipal and industrial use.

(2) REDUCTION IN CONTRACT.—The Secretary may temporarily reduce deliveries of the quantity of water made available under paragraph (1) by not more than 25 percent of the total whenever reductions due to hydrologic circumstances are imposed on agricultural deliveries of Central Valley Project water.

(c) ADDITIONAL COST.—If any additional infrastructure or related costs are needed to implement this section, those costs shall be the responsibility of the non-Federal entity.

SEC. 721. REGULATORY STREAMLINING.

(a) DEFINITIONS.—In this section:

(1) CVP.—The term ''CVP'' means the Central Valley Project.

(2) PROJECT.—The term ''project''—

(A) means an activity that—

(i) is undertaken by a public agency, funded by a public agency, or requires the issuance of a permit by a public agency;

(ii) has a potential to result in a physical change to the environment; and

(iii) may be subject to several discretionary approvals by governmental agencies;

(B) may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit; or

(C) has the meaning given the term defined in section 21065 of the California Public Resource Code.

(b) APPLICABILITY OF CERTAIN LAWS.—The filing of a notice of determination or a notice of exemption for any project, including the issuance of a permit under State law, for any project of the CVP or the delivery of water from the CVP in accordance with the California Environmental Quality Act shall be considered to meet the requirements for that project or permit under section 102(2)(C) of the National Environmental Protection Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) CONTINUATION OF PROJECT.—The Bureau of Reclamation shall not be required to cease or modify any major Federal action or other activity for any project of the CVP or the delivery of water from the CVP pending completion of judicial review of any determination made under the National Environmental Protection Act of 1969 (42 U.S.C. 4321 et seq.).

Subtitle B—San Joaquin River Restoration

SEC. 731. REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.

As of the date of enactment of this Act, the Secretary shall cease any action to implement the Stipulation of Settlement, Natural Resources Defense Council, Inc. v. Rodgers, No. Civ. S–88–1658 LKK/GGH (E.D. Cal. Sept. 13, 2006).

SEC. 732. PURPOSE.

Section 10002 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1349) is amended by striking ''implementation of the Settlement'' and inserting ''restoration of the San Joaquin River''.

SEC. 733. DEFINITIONS.

Section 10003 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1349) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by striking paragraph (1) and inserting the following:

''(1) CRITICAL WATER YEAR.—The term 'critical water year' means a year in which the total unimpaired runoff at Friant Dam is less than 400,000 acre-feet, as forecasted as of March 1 of that water year by the California Department of Water Resources.

''(2) RESTORATION FLOWS.—The term 'Restoration Flows' means the additional water released or bypassed from Friant Dam to ensure that the target flow entering Mendota Pool, located approximately 62 river miles downstream from Friant Dam, does not fall below a speed of 50 cubic feet per second.''; and

(3) by striking paragraph (4) (as redesignated by paragraph (1)) and inserting the following:

''(4) WATER YEAR.—The term 'water year' means the period beginning March 1 of a given year and ending on the last day of February of the following calendar year.''.

SEC. 734. IMPLEMENTATION OF RESTORATION.

Section 10004 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1350) is amended—

(1) in subsection (a)—

(A) by striking ''hereby authorized and directed'' and all that follows through ''in the Settlement:'' and inserting ''may carry out the following:'';

(B) by striking paragraphs (1), (2), (4), and (5);

(C) by redesignating paragraph (3) as paragraph (1);

(D) in paragraph (1) (as redesignated by subparagraph (C)), by striking ''paragraph 13 of the Settlement'' and inserting ''this part''; and

(E) by adding at the end the following :

''(2) In each water year, beginning in the water year commencing on March 1, 2013, the Secretary—

''(A) shall modify Friant Dam operations to release the Restoration Flows for that water year, unless the year is a critical water year;

''(B) shall ensure that—

''(i) the release of Restoration Flows are maintained at the level prescribed by this part; and

''(ii) Restoration Flows do not reach downstream of Mendota Pool;

''(C) shall release the Restoration Flows in a manner that improves the fishery in the San Joaquin River below Friant Dam and upstream of Gravelly Ford, Nevada, as in existence on the date of the enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, including the associated riparian habitat; and

''(D) may, without limiting the actions required under subparagraphs (A) and (C) and subject to paragraph (3) and subsection (l), use the Restoration Flows to enhance or restore a warm water fishery downstream of Gravelly Ford, Nevada, including to Mendota Pool, if the Secretary determines that the action is reasonable, prudent, and feasible.

''(3) Not later than 1 year after the date of enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, the Secretary shall develop and implement, in cooperation with the State of California, a reasonable plan—

''(A) to fully recirculate, recapture, reuse, exchange, or transfer all Restoration Flows; and

''(B) to provide the recirculated, recaptured, reused, exchanged, or transferred flows to those contractors within the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project that relinquished the Restoration Flows that were recirculated, recaptured, reused, exchanged, or transferred.

''(4) The plan described in paragraph (3) shall—

''(A) address any impact on groundwater resources within the service area of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project and mitigation may include groundwater banking and recharge projects;

''(B) not impact the water supply or water rights of any entity outside the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project; and

''(C) be subject to applicable provisions of California water law and the use by the Secretary of the Interior of Central Valley Project facilities to make Project water (other than water released from Friant Dam under this part) and water acquired through transfers available to existing south of Delta Central Valley Project contractors.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''the Settlement'' and inserting ''this part''; and

(B) in paragraph (2), by striking ''the Settlement'' and inserting ''this part'';

(3) in subsection (c), by striking ''the Settlement'' and inserting ''this part'';

(4) by striking subsection (d) and inserting the following:

''(d) MITIGATION OF IMPACTS.—

''(1) IN GENERAL.—Not later than October 1, 2013 and subject to paragraph (2), the Secretary shall identify—

''(A) the impacts associated with the release of Restoration Flows prescribed in this part; and

''(B) the measures to be implemented to mitigate impacts on adjacent and downstream water users, landowners, and agencies as a result of Restoration Flows.

''(2) MITIGATION MEASURES.—Before implementing a decision or agreement to construct, improve, operate, or maintain a facility that the Secretary determines is necessary to implement this part, the Secretary shall implement all mitigation measures identified in paragraph (1)(B) before the date on which Restoration Flows are commenced.'';

(5) in subsection (e), by striking ''the Settlement'' and inserting ''this part'';

(6) in subsection (f), by striking ''the Settlement and section 10011'' and inserting ''this part'';

(7) in subsection (g)—

(A) by striking ''the Settlement and''; and

(B) by striking ''or exchange contract'' and inserting ''exchange contract, water rights settlement, or holding contract'';

(8) in subsection (h)—

(A) by striking ''INTERIM'' in the header;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Interim Flows under the Settlement'' and inserting ''Restoration Flows under this part'';

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''Interim'' and inserting ''Restoration''; and

(II) in clause (ii), by inserting ''and'' after the semicolon;

(iii) in subparagraph (D), by striking ''and'' at the end; and

(iv) by striking subparagraph (E);

(C) by striking paragraph (2) and inserting the following:

''(2) CONDITIONS FOR RELEASE.—The Secretary may release Restoration Flows to the extent that the flows would not exceed existing downstream channel capacities.'';

(D) in paragraph (3), by striking ''Interim'' and inserting ''Restoration''; and

(E) by striking paragraph (4) and inserting the following:

''(4) CLAIMS.—Not later than 60 days after the date of enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, the Secretary shall issue, by regulation, a claims process to address claims, including groundwater seepage, flooding, or levee instability damages caused as a result of, arising out of, or related to implementation of this subtitle.'';

(9) in subsection (i)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''the Settlement and parts I and III'' and inserting ''this part'';

(ii) in subparagraph (A), by inserting ''and'' after the semicolon;

(iii) in subparagraph (B)—

(I) by striking ''additional amounts authorized to be appropriated, including the''; and

(II) by striking ''; and'' and inserting a period; and

(iv) by striking subparagraph (C); and

(B) by striking paragraph (3); and

(10) by adding at the end the following:

''(k) NO IMPACTS ON OTHER INTERESTS.—

''(1) IN GENERAL.—No Central Valley Project or other water (other than San Joaquin River water impounded by or bypassed from Friant Dam) shall be used to implement subsection (a)(2) unless the use is on a voluntary basis.

''(2) INVOLUNTARY COSTS.—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless the cost is incurred on a voluntary basis.

''(3) REDUCTION IN WATER SUPPLIES.—The implementation of this part shall not directly or indirectly reduce any water supply or water reliability on any Central Valley Project contractor, any State Water Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless the reduction or cost is incurred on a voluntary basis.

''(l) PRIORITY.—Each action taken under this part shall be subordinate to the use by the Secretary of Central Valley Project facilities to make Project water available to Project contractors, other than water released from the Friant Dam under this part.

''(m) APPLICABILITY.—

''(1) IN GENERAL.—Notwithstanding section 8 of the Act of June 17, 1902 (32 Stat. 390, chapter 1093), except as provided in this part and subtitle D of the Sacramento and San Joaquin Valleys Water Reliability Act, this part—

''(A) preempts and supersedes any State law, regulation, or requirement that imposes more restrictive requirements or regulations on the activities authorized under this part; and

''(B) does not alter or modify any obligation of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project, or other water users on the San Joaquin River, or tributaries of the San Joaquin River, under any order issued by the State Water Resources Control Board under the Porter-Cologne Water Quality Control Act (California Water Code section 13000 et seq.).

''(2) APPLICABILITY.—An order described in paragraph (1)(B) shall be consistent with any

congressional authorization for any affected Federal facility relating to the Central Valley Project.

''(n) PROJECT IMPLEMENTATION.—Any project to implement this part shall be phased such that each project shall include—

''(1) the project purpose and need;

''(2) identification of mitigation measures;

''(3) appropriate environmental review; and

''(4) prior to releasing Restoration Flows under this part the completion of the any required mitigation measures and the completion of the project.''.

SEC. 735. DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

Section 10005 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1353) is amended—

(1) in subsection (a), by striking ''the Settlement authorized by this part'' and inserting ''this part'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''(1) IN GENERAL.—The Secretary'' and inserting ''The Secretary''; and

(ii) by striking ''the Settlement authorized by this part'' and inserting ''this part''; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''the Settlement'' and inserting ''this part'';

(B) in paragraph (2)—

(i) by striking ''through the exercise of its eminent domain authority''; and

(ii) by striking ''the Settlement'' and inserting ''this part''; and

(C) in paragraph (3), by striking ''section 10009(c)'' and inserting ''section 10009''.

SEC. 736. COMPLIANCE WITH APPLICABLE LAW.

Section 10006 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1354) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', unless otherwise provided by this part'' before the period at the end; and

(B) in paragraph (2), by striking ''the Settlement'' and inserting ''this part'';

(2) in subsection (b), by inserting '', unless otherwise provided by this part'' before the period at the end;

(3) in subsection (c)—

(A) in paragraph (2), by striking ''section 10004'' and inserting ''this part''; and

(B) in paragraph (3), by striking ''the Settlement'' and inserting ''this part''; and

(4) in subsection (d)—

(A) by inserting '', including, without limitation, the costs of implementing subsections (d) and (h)(4) of section 10004,'' after ''implementing this part''; and

(B) by striking ''for implementation of the Settlement,''.

SEC. 737. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Section 10007 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1354) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''the Settlement'' and inserting ''the enactment of this part''; and

(B) by inserting: ''and the obligations of the Secretary and all other parties to protect and keep in good condition any fish that may be planted or exist below Friant Dam, including any obligations under section 5937 of the California Fish and Game Code and the public trust doctrine, and those of the Secretary and all other parties under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)'' before '', provided''; and

(2) in paragraph (1), by striking '', as provided in the Settlement''.

SEC. 738. NO PRIVATE RIGHT OF ACTION.

Section 10008(a) of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1355) is amended—

(1) by striking ''not a party to the Settlement''; and

(2) by striking ''or the Settlement'' and inserting ''unless otherwise provided by this part, but any Central Valley Project long-term water service or repayment contractor within the Friant Division, Hidden unit, or Buchanan unit adversely affected by the failure of the Secretary to comply with section 10004(a)(3) may bring an action against the Secretary for injunctive relief, damages, or both.''.

SEC. 739. IMPLEMENTATION.

Section 10009 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1355) is amended—

(1) in the section heading, by striking ''**; SETTLEMENT FUND**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''the Settlement'' the first place it appears and inserting ''this part'';

(ii) by striking '', estimated to total'' and all that follows through ''subsection (b)(1),''; and

(iii) by striking ''; provided however,'' and all that follows through ''$110,000,000 of State funds'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''(A) IN GENERAL.—The Secretary'' and inserting ''The Secretary''; and

(ii) by striking subparagraph (B); and

(C) in paragraph (3)—

(i) by striking ''Except as provided in the Settlement, to'' and inserting ''To''; and

(ii) by striking ''this Settlement'' and inserting ''this part'';

(3) in subsection (b)(1)—

(A) by striking ''In addition'' and all that follows through ''however, that the'' and inserting ''The'';

(B) by striking ''such additional appropriations only in amounts equal to''; and

(C) by striking ''or the Settlement'';

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''the Settlement'' and inserting ''this part'';

(ii) in subparagraph (C), by striking ''from the sale of water pursuant to the Settlement, or''; and

(iii) in subparagraph (D), by striking ''the Settlement'' and inserting ''this part'';

(B) in paragraph (2), by striking ''the Settlement and''; and

(5) by striking subsections (d) through (f).

SEC. 740. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

Section 10010 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1358) is amended—

(1) in paragraphs (3)(D) and (4)(C) of subsection (a), by striking ''the Settlement and'' each place it appears;

(2) in subsection (c), by striking paragraph (3);

(3) in subsection (d)(1), by striking ''the Settlement'' each place it appears and inserting ''this part'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement'' and inserting ''Restoration Flows, pursuant to this part'';

(ii) by striking ''Interim Flows or'' before ''Restoration Flows''; and

(iii) by striking ''the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement'' and inserting ''Restoration Flows''; and

(B) in paragraph (2)—

(i) by striking ''except as provided in paragraph 16(b) of the Settlement''; and

(ii) by striking ''the Interim Flows or Restoration Flows or to facilitate the Water Management Goal'' and inserting ''Restoration Flows''.

SEC. 741. REPEAL.

Section 10011 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1362) is repealed.

SEC. 742. WATER SUPPLY MITIGATION.

Section 10202(b) of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1365) is amended—

(1) in paragraph (1), by striking ''the Interim or Restoration Flows authorized in part I of this subtitle'' and inserting ''Restoration Flows authorized in this part'';

(2) in paragraph (2), by striking ''the Interim or Restoration Flows authorized in part I of this subtitle'' and inserting ''Restoration Flows authorized in this part''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''meet the Restoration Goal as described in part I of this subtitle'' and inserting ''recover Restoration Flows as described in this part'';

(B) in subparagraph (C)—

(i) by striking ''the Interim or Restoration Flows authorized in part I of this subtitle'' and inserting ''Restoration Flows authorized in this part''; and

(ii) by striking '', and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5)''.

SEC. 743. ADDITIONAL AUTHORITIES.

Section 10203 of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1367) is amended—

(1) in subsection (b)—

(A) by striking ''section 10004(a)(4)'' and inserting ''section 10004(a)(3)''; and

(B) by striking '', provided'' and all that follows through ''section 10009(f)(2)''; and

(2) by striking subsection (c).

Subtitle C—Repayment Contracts and Acceleration of Repayment of Construction Costs

SEC. 751. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) CONVERSION OF CONTRACTS.—

(1) CERTAIN CONTRACTS.—

(A) IN GENERAL.—Not later than 1 year after the date enactment of this Act, the Secretary of the Interior, on the request of a contractor, shall convert all existing long-term Central Valley Project contracts entered into under section 9(e) of the Act of August 4, 1939 (53 Stat. 1196, chapter 418), to a contract under section 9(d) of that Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(B) RESTRICTIONS.—A contract converted under subparagraph (A) shall—

(i) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Irrigation Capital Allocations by Contractor, as adjusted to reflect payments not reflected in that schedule and properly assignable for ultimate return by the contractor, not later than January 31, 2013 (or if made in approximately equal annual installments, not later than January 31, 2016), which amount shall be discounted by the Treasury rate (defined as the 20-year Constant Maturity Treasury rate published by the Department of the Treasury as of October 1, 2012);

(ii) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the converted contract or not reflected in the schedule described in clause (i) and properly assignable to that contractor, shall be repaid—

(I) in not more than 5 years after the date on which the contractor is notified of the allocation if that amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000; or

(II) if the allocation of capital costs described in subclause (I) equal $5,000,000 or more, as provided by applicable reclamation law, subject to the condition that the reference to the amount of $5,000,000 shall not be a precedent in any other context; and

(iii) provide that power revenues will not be available to aid in the repayment of construction costs allocated to irrigation under the contract.

(C) ESTIMATE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall provide to each contractor an estimate of the remaining amount of construction costs under subparagraph (B)(i) as of January 31, 2013, as adjusted.

(2) OTHER CONTRACTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, on the request of a contractor, the Secretary may convert any Central Valley Project long-term contract entered into under section 9(c)(2) of the Act of August 4, 1939 (chapter 418; 53 Stat. 1194) to a contract under section 9(c)(1) of that Act, under mutually agreeable terms and conditions.

(B) RESTRICTIONS.—A contract converted under subparagraph (A) shall—

(i) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in that schedule and properly assignable for ultimate return by the contractor, not later than January 31, 2016; and

(ii) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the Schedule described in clause (i), and properly assignable to that contractor, shall be repaid—

(I) in not more than 5 years after the date on which the contractor is notified of the allocation if the amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000; or

(II) if the allocation of capital costs described in subclause (I) equal $5,000,000 or more, as provided by applicable reclamation law, subject to the condition that the reference to the amount of $5,000,000 shall not be a precedent in any other context.

(C) ESTIMATE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall provide to each contractor an estimate of the remaining amount of construction costs under subparagraph (B)(i) as of January 31, 2016, as adjusted.

(b) FINAL ADJUSTMENT.—

(1) IN GENERAL.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary of the Interior on completion of the construction of the Central Valley Project.

(2) REPAYMENT OBLIGATION.—

(A) IN GENERAL.—If the final cost allocation indicates that the costs properly assignable to the contractor are greater than the amount that has been paid by the contractor, the contractor shall pay the remaining allocated costs.

(B) TERMS.—The term of an additional repayment contract described in subparagraph (A) shall be—

(i) for not less than 1 year and not more than 10 years; and

(ii) based on mutually agreeable provisions regarding the rate of repayment of the amount developed by the parties.

(3) CREDITS.—If the final cost allocation indicates that the costs properly assignable to the contractor are less than the amount that the contractor has paid, the Secretary of the Interior shall credit the amount of the overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Notwithstanding any repayment obligation under subsection (a)(1)(B)(ii) or subsection (b), on the compliance of a contractor with and discharge of the obligation of repayment of the construction costs under that subsection, the ownership and full-cost pricing limitations of any provision of the reclamation laws shall not apply to land in that district.

(2) OTHER CONTRACTS.—Notwithstanding any repayment obligation under paragraph (1)(B)(ii) or (2)(B)(ii) of subsection (a) or subsection (b), on the compliance of a contractor with and discharge of the obligation of repayment of the construction costs under that subsection, the contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to the repayment contracts pursuant to then-current rate-setting policy and applicable law.

(d) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—This section does not—

(1) alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project; or

(2) shift any costs that would otherwise have been properly assignable to a contractor absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other contractors.

(e) STATUTORY INTERPRETATION.—Nothing in this subtitle affects the right of any long-term contractor to use a particular type of financing to make the payments required in paragraph (1)(B)(i) or (2)(B)(i) of subsection (a).

Subtitle D—Bay-Delta Watershed Water Rights Preservation and Protection

SEC. 761. WATER RIGHTS AND AREA-OF-ORIGIN PROTECTIONS.

Notwithstanding the provisions of this title, Federal reclamation law, or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)—

(1) the Secretary of the Interior shall, in the operation of the Central Valley Project—

(A) strictly adhere to State water rights law governing water rights priorities by honoring water rights senior to those belonging to the Central Valley Project, regardless of the source of priority; and

(B) strictly adhere to and honor water rights and other priorities that are obtained or exist pursuant to the California Water Code, including sections 10505, 10505:5, 11128, 11460, 11463, and 12220; and

(2) any action that affects the diversion of water or involves the release of water from any Central Valley Project water storage facility taken by the Secretary of the Interior or the Secretary of Commerce to conserve, enhance, recover, or otherwise protect any species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be applied in a manner that is consistent with water right priorities established by State law.

SEC. 762. SACRAMENTO RIVER SETTLEMENT CONTRACTS.

(a) IN GENERAL.—In carrying out the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in the Bay-Delta and on the Sacramento River, the Secretary of the Interior and the Secretary of Commerce shall apply any limitations on the operation of the Central Valley Project or relating to the formulation of any reasonable prudent alternative associated with the operation of the Central Valley Project in a manner that strictly adheres to and applies the water rights priorities for project water and base supply as provided in the Sacramento River Settlement Contracts.

(b) APPLICABILITY.—Article 3(i) of the Sacramento River Settlement Contracts shall not be used by the Secretary of the Interior or any other Federal agency head as means to provide shortages that are different from those provided for in Article 5(a) of the Sacramento River Settlement Contracts.

SEC. 763. SACRAMENTO RIVER WATERSHED WATER SERVICE CONTRACTORS.

(a) EXISTING CENTRAL VALLEY PROJECT AGRICULTURAL WATER SERVICE CONTRACTORS WITHIN SACRAMENTO RIVER WATERSHED.—In this section, the term ''existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed'' means water service contractors within the Shasta, Trinity, and Sacramento River Divisions of the Central Valley Project that have a water service contract in effect on the date of enactment of this Act that provides water for irrigation.

(b) ALLOCATION OF WATER.—Subject to subsection (c) and the absolute priority of the Sacramento River Settlement Contractors to Sacramento River supplies over Central Valley Project diversions and deliveries to other contractors, the Secretary of the Interior shall, in the operation of the Central Valley Project, allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed as follows:

(1) Not less than 100 percent of the contract quantities in a ''Wet'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(2) Not less than 100 percent of the contract quantities in an ''Above Normal'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(3) Not less than 100 percent of the contract quantities in a ''Below Normal'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(4) Not less than 75 percent of the contract quantities in a ''Dry'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(5) Not less than 50 percent of the contract quantities in a ''Critically Dry'' year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(c) PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.—

(1) IN GENERAL.—Nothing in this section—

(A) modifies any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary of the Interior;

(B) affects or limits the authority of the Secretary of the Interior—

(i) to adopt or modify municipal and industrial water shortage policies; or

(ii) to implement municipal and industrial water shortage policies; or

(C) affects allocations to Central Valley Project municipal and industrial contractors pursuant to the water shortage policies of the Secretary of the Interior.

(2) APPLICABILITY.—This section does not constrain, govern, or affect, directly or indirectly, the operations of the American River Division of the Central Valley Project or any deliveries from that Division, including the units and facilities of that Division.

SEC. 764. NO REDIRECTED ADVERSE IMPACTS.

The Secretary of the Interior shall ensure that there are no redirected adverse water supply or fiscal impacts to the State Water Project or to individuals within the Sacramento River or San Joaquin River watershed arising from the operation of the Secretary of the Central Valley Project to meet legal obligations imposed by or through any Federal or State agency, including—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) this title; and

(3) actions or activities implemented to meet the twin goals of improving water supply and addressing the environmental needs of the Bay-Delta.

Subtitle E—Miscellaneous

SEC. 771. PRECEDENT.

Congress finds that—

(1) coordinated operations between the Central Valley Project and the State Water Project, as consented to and requested by the State of California and the Federal Government, require the assertion of Federal supremacy to protect existing water rights throughout the system, a circumstance that is unique to the State of California; and

(2) this title should not serve as precedent for similar operations in any other State.

TITLE VIII—REDUCING REGULATORY BURDENS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Reducing Regulatory Burdens Act of 2012''.

SEC. 802. USE OF AUTHORIZED PESTICIDES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342(s)), the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of the pesticide, resulting from the application of the pesticide.''.

SEC. 803. DISCHARGES OF PESTICIDES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES OF PESTICIDES.—

''(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or the residue of the pesticide, resulting from the application of the pesticide.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

''(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) that is relevant to protecting water quality, if—

''(i) the discharge would not have occurred but for the violation; or

''(ii) the quantity of a pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

''(B) Stormwater discharges subject to regulation under subsection (p).

''(C) The following discharges subject to regulation under this section:

''(i) Manufacturing or industrial effluent.

''(ii) Treatment works effluent.

''(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.''.

TITLE IX—FARM DUST REGULATION PREVENTION

SEC. 901. SHORT TITLE.

This title may be cited as the ''Farm Dust Regulation Prevention Act of 2012''.

SEC. 902. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.

Before the date that is 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this title as the ''Administrator'') may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 903. NUISANCE DUST.

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.

''(a) DEFINITION OF NUISANCE DUST.—In this section:

''(1) IN GENERAL.—The term 'nuisance dust' means particulate matter that—

''(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

''(B) consists primarily of soil, other natural or biological materials, or some combination of those materials;

''(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and

''(D) is not comprised of residuals from the combustion of coal.

''(2) EXCLUSION.—The term 'nuisance dust' does not include radioactive particulate matter produced from uranium mining or processing.

''(b) APPLICABILITY.—Except as provided in subsection (c), this Act does not apply to, and references in this Act to particulate matter are deemed to exclude, nuisance dust.

''(c) EXCEPTION.—Subsection (a) does not apply with respect to any geographical area in which nuisance dust is not regulated under State, tribal, or local law insofar as the Administrator, in consultation with the Secretary of Agriculture, finds that—

''(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

''(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or a subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or a subcategory).''.

SEC. 904. SENSE OF CONGRESS.

It is the sense of Congress that the Administrator should implement an approach to excluding so-called ''exceptional events'', or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, Indian tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, Indian tribes, and local governments bear in excluding those events.

SEC. 905. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY IN AGRICULTURE COMMUNITY.

(a) DEFINITIONS.—In this section:

(1) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to agriculture and the national primary ambient air quality standard or the national secondary ambient air quality standard for particulate matter:

(A) Promulgating or issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(2) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means—

(A) with respect to employment levels, a loss of more than 100 jobs relating to the agriculture industry, as calculated by excluding consideration of any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment; and

(B) with respect to economic activity, a decrease in agricultural economic activity of more than $1,000,000 over any calendar year, as calculated by excluding consideration of any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment.

(b) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on—

(A) employment levels in the agriculture industry; and

(B) agricultural economic activity, including estimated job losses and decreased economic activity relating to agriculture.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet website of the Environmental Protection Agency;

(B) request the Secretary of Agriculture to post the analysis under paragraph (1) as a link on the main page of the public Internet website of the Department of Agriculture; and

(C) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis on the main page of the public Interest website of the State.

(c) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment

levels or agricultural economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days before the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at—

(A) a convenient time and location for impacted residents; and

(B) at such location selected by the Administrator as shall give priority to locations in the State that will experience the greatest number of job losses.

(d) NOTIFICATION.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in any State, the Administrator shall give notice of the impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

TITLE X—ENERGY TAX PREVENTION

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Energy Tax Prevention Act of 2012''.

SEC. 1002. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

''SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

''(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

''(b) LIMITATION ON AGENCY ACTION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

''(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

''(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

''(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' published at 75 Fed. Reg. 74152 (November 30, 2010).

''(B) Implementation and enforcement of section 211(o).

''(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

''(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

''(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

''(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

''(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

''(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009).

''(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act' published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

''(C) 'Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs' published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (Dec. 18, 2008).

''(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

''(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

''(F) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

''(G) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

''(H) 'Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

''(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program', published at 75 Fed. Reg. 82430 (December 30, 2010).

''(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

''(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

''(5) STATE ACTION.—

''(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

''(B) EXCEPTION.—

''(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

''(I) is not federally enforceable;

''(II) is not deemed to be a part of Federal law; and

''(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

''(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term 'provision' means any provision that—

''(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

''(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

''(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).''.

SEC. 1003. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

''(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).''.

SA 2912. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121 and insert the following:

SEC. 121. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE LEAD USED HUNTING AMMUNITION AND SPORT FISHING EQUIPMENT.

(a) IN GENERAL.—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking '', and'' and inserting '', or any lead or lead compound that is used in an article that is intended for hunting, including shot, bullets and other projectiles, propellants, and primers;'';

(2) in clause (vi), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(vii) lead or a lead compound that is used in any sport fishing equipment (as defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof), the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of

such Code), and sport fishing equipment components.''.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of, or obligation to comply with, any other Federal, State, or local law.

SA 2913. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121.

SA 2914. Mr. COBURN (for himself, Mr. WEBB, Mr. WICKER, Mr. INHOFE, Mr. ROBERTS, Mr. BLUNT, Mr. ENZI, Mr. BOOZMAN, Mr. BURR, Mr. CRAPO, Mr. HATCH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle D—Other Matters

SEC. 131. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

''In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

SA 2915. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, strike lines 8 through 16 and insert the following:

(2) in section 204 (43 U.S.C. 2303), by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary and the Secretary of Agriculture shall establish a procedure to identify, by State, inholdings for which the landowner has indicated a desire to sell the land or interest therein to the United States.''.

(3) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a)—

(i) by striking '', using funds made available under section 206,''; and

(ii) by striking ''this Act'' and inserting ''the Sportsmen's Act of 2012''; and

(B) in subsection (d), by striking ''11'' and inserting ''22'';

(4) in section 206 (43 U.S.C. 2305), by striking subsections (b) through (f) and inserting the following:

''(b) AVAILABILITY.—Of the amounts in the Federal Land Disposal Account—

''(1) 50 percent shall be made available to the Secretary of the Treasury, without further appropriation, for Federal budget deficit reduction; and

''(2) 50 percent shall be made available to the Secretary and the Secretary of Agriculture, without further appropriation, to address the maintenance backlog on Federal land.''; and

(5) in section 207(b) (43 U.S.C. 2306(b))—

SA 2916. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 246 and insert the following:

SEC. 246. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act $6,500,000 for each of fiscal years 2012 through 2017.''.

SA 2917. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle A of title II.

SA 2918. Mr. COBURN (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 104. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) FINDINGS.—Congress finds that—

(1) the Second Amendment of the Constitution provides that ''the right of the people to keep and bear arms shall not be infringed'';

(2) section 327.13 of title 36, Code of Federal Regulations provides that, except in special circumstances, ''possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited'' at water resources development projects administered by the Secretary of the Army;

(3) the regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the Second Amendment rights of the individuals while at the water resources development projects; and

(4) Federal laws should make it clear that the Second Amendment rights of an individual at a water resources development project should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.—The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under part 327 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), 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 water resources development project is located.

SA 2919. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 104. HERITAGE OF RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Federal public land'' means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSIONS.—The term ''Federal public land'' does not include—

(i) land or water held or managed in trust for the benefit of Indians or other Native Americans;

(ii) land managed by the Director of the National Park Service or the Director of the United States Fish and Wildlife Service;

(iii) fish hatcheries; or

(iv) conservation easements on private land.

(2) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''hunting'' means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife; or

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife.

(B) EXCLUSION.—The term ''hunting'' does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law).

(3) RECREATIONAL FISHING.—The term ''recreational fishing'' means—

(A) an activity for sport or for pleasure that involves—

(i) the lawful catching, taking, or harvesting of fish; or

(ii) the lawful attempted catching, taking, or harvesting of fish; or

(B) any other activity for sport or pleasure that can reasonably be expected to result in the lawful catching, taking, or harvesting of fish.

(4) RECREATIONAL SHOOTING.—The term ''recreational shooting'' means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

(b) RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING.—

(1) IN GENERAL.—Subject to valid existing rights, and in cooperation with the respective State and fish and wildlife agency, a

Federal public land management official shall exercise the authority of the official under existing law (including provisions regarding land use planning) to facilitate use of and access to Federal public land for recreational fishing, hunting, and recreational shooting except as limited by—

(A) any law that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(B) any other Federal law that precludes recreational fishing, hunting, or recreational shooting on specific Federal public land or water or units of Federal public land; and

(C) discretionary limitations on recreational fishing, hunting, and recreational shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(2) MANAGEMENT.—Consistent with paragraph (1), the head of each Federal public land management agency shall exercise the land management discretion of the head—

(A) in a manner that supports and facilitates recreational fishing, hunting, and recreational shooting opportunities;

(B) to the extent authorized under applicable State law; and

(C) in accordance with applicable Federal law.

(3) PLANNING.—

(A) EFFECTS OF PLANS AND ACTIVITIES.—

(i) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR RECREATIONAL SHOOTING.—Federal public land planning documents (including land resources management plans, resource management plans, travel management plans, and energy development plans) shall include a specific evaluation of the effects of the plans on opportunities to engage in recreational fishing, hunting, or recreational shooting.

(ii) OTHER ACTIVITY NOT CONSIDERED.—

(I) IN GENERAL.—Federal public land management officials shall not be required to consider the existence or availability of recreational fishing, hunting, or recreational shooting opportunities on private or public land that is located adjacent to, or in the vicinity of, Federal public land for purposes of—

(aa) planning for or determining which units of Federal public land are open for recreational fishing, hunting, or recreational shooting; or

(bb) setting the levels of use for recreational fishing, hunting, or recreational shooting on Federal public land.

(II) ENHANCED OPPORTUNITIES.—Federal public land management officials may consider the opportunities described in subclause (I) if the combination of those opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(B) USE OF VOLUNTEERS.—If hunting is prohibited by law, all Federal public land planning document described in subparagraph (A)(i) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public land unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal law, why skilled volunteers should not be used to control overpopulation of wildlife on the land that is the subject of the planning document.

(4) BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LAND.—

(A) LAND OPEN.—

(i) IN GENERAL.—Land under the jurisdiction of the Bureau of Land Management or the Forest Service (including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas, but excluding land on the outer Continental Shelf) shall be open to recreational fishing, hunting, and recreational shooting unless the managing Federal public land agency acts to close the land to such activity.

(ii) MOTORIZED ACCESS.—Nothing in this subparagraph authorizes or requires motorized access or the use of motorized vehicles for recreational fishing, hunting, or recreational shooting purposes within land designated as a wilderness study area or administratively classified as wilderness eligible or suitable.

(B) CLOSURE OR RESTRICTION.—Land described in subparagraph (A) may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law, as determined appropriate by the Director of the Bureau of Land Management or the Chief of the Forest Service, as applicable.

(C) SHOOTING RANGES.—

(i) IN GENERAL.—Except as provided in clause (iii), the head of each Federal public land agency may use the authorities of the head, in a manner consistent with this section and other applicable law—

(I) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(II) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(ii) LIMITATION ON LIABILITY.—Any designation under clause (i)(II) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any recreational shooting activity occurring at or on the designated land.

(iii) EXCEPTION.—The head of each Federal public land agency shall not lease or permit use of Federal public land for shooting ranges or designate land for recreational shooting activities within including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas.

(5) REPORT.—Not later than October 1 of every other year, beginning with the second October 1 after the date of enactment of this Act, the head of each Federal public land agency who has authority to manage Federal public land on which recreational fishing, hunting, or recreational shooting occurs 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 report that describes—

(A) any Federal public land administered by the agency head that was closed to recreational fishing, hunting, or recreational shooting at any time during the preceding year; and

(B) the reason for the closure.

(6) CLOSURES OR SIGNIFICANT RESTRICTIONS OF 1,280 OR MORE ACRES.—

(A) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in paragraph (4)(B) or emergency closures described in subparagraph (C), a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land or water that effectively closes or significantly restricts 1,280 or more contiguous acres of Federal public land or water to access or use for recreational fishing or hunting or activities relating to fishing or hunting shall take effect only if, before the date of withdrawal or change, the head of the Federal public land agency that has jurisdiction over the Federal public land or water—

(i) publishes appropriate notice of the withdrawal or change, respectively;

(ii) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(iii) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(B) AGGREGATE OR CUMULATIVE EFFECTS.—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significant restrictions affects 1,280 or more acres of land or water, the withdrawals and changes shall be treated as a single withdrawal or change for purposes of subparagraph (A).

(C) EMERGENCY CLOSURES.—

(i) IN GENERAL.—Nothing in this section prohibits a Federal public land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area of Federal public land to provide for public safety, resource conservation, national security, or other purposes authorized by law.

(ii) TERMINATION.—An emergency closure under clause (i) shall terminate after a reasonable period of time unless the temporary closure is converted to a permanent closure consistent with this subsection.

(7) NO PRIORITY.—Nothing in this section requires a Federal agency to give preference to recreational fishing, hunting, or recreational shooting over other uses of Federal public land or over land or water management priorities established by other Federal law.

(8) CONSULTATION WITH COUNCILS.—In carrying out this section, the heads of Federal public land agencies shall consult with the appropriate advisory councils established under Executive Order 12962 (16 U.S.C. 1801 note; relating to recreational fisheries) and Executive Order 13443 (16 U.S.C. 661 note; relating to facilitation of hunting heritage and wildlife conservation).

(9) AUTHORITY OF STATES.—

(A) IN GENERAL.—Nothing in this section interferes with, diminishes, or conflicts with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(B) FEDERAL LICENSES.—

(i) IN GENERAL.—Except as provided in clause (ii), nothing in this section authorizes the head of a Federal public land agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the State.

(ii) MIGRATORY BIRD STAMPS.—This subparagraph shall not affect any migratory bird stamp requirement of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.).

SA 2920. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—HARMFUL ALGAL BLOOMS AND HYPOXIA RESEARCH AND CONTROL

SECTION 301. SHORT TITLE.

This title may be cited as the ''Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012''.

SEC. 302. AMENDMENT OF HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this title 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 the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

SEC. 303. FINDINGS.

Section 602 is amended to read as follows:

''§ 602. Findings

''Congress finds the following:

''(1) Harmful algal blooms and hypoxia—

''(A) are increasing in frequency and intensity in the Nation's coastal waters and Great Lakes;

''(B) pose a threat to the health of coastal and Great Lakes ecosystems;

''(C) are costly to coastal economies; and

''(D) threaten the safety of seafood and human health.

''(2) Excessive nutrients in coastal waters have been linked to the increased intensity and frequency of hypoxia and some harmful algal blooms. There is a need to identify more workable and effective actions to reduce the negative impacts of harmful algal blooms and hypoxia on coastal waters.

''(3) The National Oceanic and Atmospheric Administration, through its ongoing research, monitoring, observing, education, grant, and coastal resource management programs and in collaboration with the other Federal agencies on the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia, along with States, Indian tribes, and local governments, possesses the capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control the human and environmental costs of harmful algal blooms and hypoxia.

''(4) Increases in nutrient loading from point and nonpoint sources can trigger and exacerbate harmful algal blooms and hypoxia. Since much of the increases originate in upland areas and are delivered to marine and freshwater bodies via river discharge, integrated and landscape-level research and control strategies are required.

''(5) Harmful algal blooms and hypoxia affect many sectors of the coastal economy, including tourism, public health, and recreational and commercial fisheries. According to a recent report produced by the National Oceanic and Atmospheric Administration, the United States seafood, restaurant, and tourism industries suffer estimated annual losses of at least $82,000,000 due to the economic impacts of harmful algal blooms.

''(6) The proliferation of harmful and nuisance algae can occur in all United States waters, including coastal areas (such as estuaries), the Great Lakes, and inland waterways, crossing political boundaries and necessitating regional coordination for research, monitoring, mitigation, response, and prevention efforts.

''(7) Federally funded and other research has led to several technological advances, including remote sensing, molecular and optical tools, satellite imagery, and coastal and ocean observing systems, that—

''(A) provide data for forecast models;

''(B) improve the monitoring and prediction of these events; and

''(C) provide essential decision making tools for managers and stakeholders.''.

SEC. 304. PURPOSES.

The Act is amended by inserting after section 602 the following:

''§ 602A. Purposes

''The purposes of this title are—

''(1) to provide for the development and coordination of a comprehensive and integrated national program to address harmful algal blooms and hypoxia through baseline research, monitoring, prevention, mitigation, and control;

''(2) to provide for the assessment of environmental, socioeconomic, and human health impacts of harmful algal blooms and hypoxia on a regional and national scale, and to integrate this assessment into marine and freshwater resource decisions; and

''(3) to facilitate regional, State, tribal, and local efforts to develop and implement appropriate harmful algal bloom and hypoxia response plans, strategies, and tools, including outreach programs and information dissemination mechanisms.''.

SEC. 305. INTER-AGENCY TASK FORCE ON HARMFUL ALGAL BLOOMS AND HYPOXIA.

Section 603(a) is amended—

(1) by striking ''the following representatives from'' and inserting ''a representative from'';

(2) in paragraph (11), by striking ''and'';

(3) by redesignating paragraph (12) as paragraph (13);

(4) by inserting after paragraph (11) the following:

''(12) the Centers for Disease Control; and''; and

(5) in paragraph (13), as redesignated, by striking ''such''.

SEC. 306. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

The Act is amended by inserting after section 603 the following:

''§ 603A. National harmful algal bloom and hypoxia program

''(a) ESTABLISHMENT.—Except as provided in subsection (d), the Under Secretary, acting through the Task Force established under section 603, shall establish and maintain a national harmful algal bloom and hypoxia program.

''(b) ACTION STRATEGY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012, the Task Force shall develop a national harmful algal blooms and hypoxia action strategy that—

''(A) is consistent with the purposes under section 602A;

''(B) includes a statement of goals and objectives; and

''(C) includes an implementation plan.

''(2) PUBLICATION.—Not later than 30 days after the date that the action strategy is developed, the Task Force shall—

''(A) submit the action strategy to Congress; and

''(B) publish the action strategy in the Federal Register.

''(3) PERIODIC REVISION.—The Task Force shall periodically review and revise the action strategy, as necessary.

''(c) TASK FORCE FUNCTIONS.—The Task Force shall—

''(1) coordinate interagency review of plans and policies of the Program;

''(2) assess interagency work and spending plans for implementing the activities of the Program;

''(3) review the Program's distribution of Federal grants and funding to address research priorities;

''(4) support the implementation of the actions and strategies identified in the regional research and action plans under section 603B;

''(5) support the development of institutional mechanisms and financial instruments to further the goals of the Program;

''(6) coordinate and integrate the research of all Federal programs, including ocean and Great Lakes science and management programs and centers, that address the chemical, biological, and physical components of marine and freshwater harmful algal blooms and hypoxia;

''(7) expedite the interagency review process by ensuring timely review and dispersal of required reports and assessments under this title;

''(8) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal blooms and hypoxia conditions; and

''(9) establish such interagency working groups as it considers necessary.

''(d) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall have primary responsibility for administering the Program.

''(e) PROGRAM DUTIES.—In administering the Program, the Under Secretary shall—

''(1) develop and promote a national strategy to understand, detect, predict, control, mitigate, and respond to marine and freshwater harmful algal bloom and hypoxia events;

''(2) prepare work and spending plans for implementing the activities of the Program and developing and implementing the regional research and action plans;

''(3) administer merit-based, competitive grant funding—

''(A) to support the projects maintained and established by the Program; and

''(B) to address the research and management needs and priorities identified in the regional research and action plans;

''(4) coordinate and work cooperatively with regional, State, tribal, and local government agencies and programs that address marine and freshwater harmful algal blooms and hypoxia;

''(5) coordinate with the Secretary of State to support international efforts on marine and freshwater harmful algal bloom and hypoxia information sharing, research, mitigation, control, and response activities;

''(6) identify additional research, development, and demonstration needs and priorities relating to monitoring, prevention, control, mitigation, and response to marine and freshwater harmful algal blooms and hypoxia, including methods and technologies to protect the ecosystems affected by marine and freshwater harmful algal blooms and hypoxia;

''(7) integrate, coordinate, and augment existing education programs to improve public understanding and awareness of the causes, impacts, and mitigation efforts for marine and freshwater harmful algal blooms and hypoxia;

''(8) facilitate and provide resources to train State and local coastal and water resource managers in the methods and technologies for monitoring, controlling, and mitigating marine and freshwater harmful algal blooms and hypoxia;

''(9) support regional efforts to control and mitigate outbreaks through—

''(A) communication of the contents of the regional research and action plans and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State and local stakeholders within the region for which each plan is developed; and

''(B) overseeing the development, review, and periodic updating of regional research and action plans;

''(10) convene at least 1 meeting of the Task Force each year; and

''(11) perform such other tasks as may be delegated by the Task Force.

''(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—The Under Secretary shall—

''(1) maintain and enhance the existing competitive programs at the National Oceanic and Atmospheric Administration relating to marine and freshwater algal blooms and hypoxia;

''(2) carry out marine and Great Lakes harmful algal bloom and hypoxia events response activities;

''(3) establish new programs and infrastructure, as necessary, to develop and enhance the critical observations, monitoring, modeling, data management, information dissemination, and operational forecasts required to meet the purposes under section 602A;

''(4) enhance communication and coordination among Federal agencies carrying out marine and freshwater harmful algal bloom and hypoxia activities;

''(5) to the greatest extent practicable, leverage existing resources and expertise available from local research universities and institutions to meet the purposes under section 602A; and

''(6) increase the availability to appropriate public and private entities of—

''(A) analytical facilities and technologies;

''(B) operational forecasts; and

''(C) reference and research materials.

''(g) COOPERATIVE EFFORTS.—The Under Secretary shall work cooperatively and avoid duplication of effort with other offices, centers, and programs within the National Oceanic and Atmospheric Administration, other agencies on the Task Force, and States, tribes, and nongovernmental organizations concerned with marine and freshwater issues to coordinate harmful algal blooms and hypoxia (and related) activities and research.

''(h) FRESHWATER PROGRAM.—With respect to the freshwater aspects of the Program, except for those aspects occurring in the Great Lakes, the Administrator of the Environmental Protection Agency, in consultation with the Under Secretary, through the Task Force, shall—

''(1) carry out the duties assigned to the Under Secretary under this section and section 603B, including the activities under subsection (g);

''(2) research the ecology of freshwater harmful algal blooms;

''(3) monitor and respond to freshwater harmful algal blooms events in lakes (except for the Great Lakes), rivers, and reservoirs;

''(4) mitigate and control freshwater harmful algal blooms; and

''(5) recommend the amount of funding required to carry out subsection (g) for inclusion in the President's annual budget request to Congress.

''(i) INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—The collection of monitoring and observation data under this title shall comply with all data standards and protocols developed pursuant to the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.). Such data shall be made available through the system established under that Act.''.

SEC. 307. REGIONAL RESEARCH AND ACTION PLANS.

The Act, as amended by section 306, is further amended by inserting after section 603A the following:

''§ 603B. Regional research and action plans

''(a) IN GENERAL.—In administering the Program, the Under Secretary shall—

''(1) identify appropriate regions and subregions to be addressed by each regional research and action plan; and

''(2) oversee the development and implementation of the regional research and action plans.

''(b) PLAN DEVELOPMENT.—The Under Secretary shall—

''(1) develop and submit to the Task Force for approval a regional research and action plan for each region, that builds upon any existing State or regional plans the Under Secretary considers appropriate; and

''(2) identify appropriate elements for each region, including—

''(A) baseline ecological, social, and economic research needed to understand the biological, physical, and chemical conditions that cause, exacerbate, and result from harmful algal blooms and hypoxia;

''(B) regional priorities for ecological and socio-economic research on issues related to and impacts of harmful algal blooms and hypoxia;

''(C) research, development, and demonstration activities needed to develop and advance technologies and techniques—

''(i) for minimizing the occurrence of harmful algal blooms and hypoxia; and

''(ii) for improving capabilities to predict, monitor, prevent, control, and mitigate harmful algal blooms and hypoxia;

''(D) State, tribal, and local government actions that may be implemented—

''(i) to support long-term monitoring efforts and emergency monitoring as needed;

''(ii) to minimize the occurrence of harmful algal blooms and hypoxia;

''(iii) to reduce the duration and intensity of harmful algal blooms and hypoxia in times of emergency;

''(iv) to address human health dimensions of harmful algal blooms and hypoxia; and

''(v) to identify and protect vulnerable ecosystems that could be, or have been, affected by harmful algal blooms and hypoxia;

''(E) mechanisms by which data, information, and products are transferred between the Program and State, tribal, and local governments and research entities;

''(F) communication, outreach and information dissemination efforts that State, tribal, and local governments and stakeholder organizations can take to educate and inform the public about harmful algal blooms and hypoxia and alternative coastal resource-utilization opportunities that are available; and

''(G) the roles that Federal agencies can play to facilitate implementation of the regional research and action plan for that region.

''(c) CONSULTATION.—In developing a regional research and action plan under this section, the Under Secretary shall—

''(1) coordinate with State coastal management and planning officials;

''(2) coordinate with tribal resource management officials;

''(3) coordinate with water management and watershed officials from coastal States and noncoastal States with water sources that drain into water bodies affected by harmful algal blooms and hypoxia;

''(4) in matters relating to the Gulf of Mexico, coordinate with the Gulf of Mexico Alliance;

''(5) coordinate with the Administrator and other Federal agencies as the Under Secretary considers appropriate; and

''(6) consult with—

''(A) public health officials;

''(B) emergency management officials;

''(C) science and technology development institutions;

''(D) economists;

''(E) industries and businesses affected by marine and freshwater harmful algal blooms and hypoxia;

''(F) scientists, with expertise concerning harmful algal blooms or hypoxia, from academic or research institutions; and

''(G) other stakeholders.

''(d) BUILDING ON AVAILABLE STUDIES AND INFORMATION.—In developing a regional research and action plan under this section, the Under Secretary shall—

''(1) utilize and build on existing research, assessments, reports, including those carried out under existing law, and other relevant sources; and

''(2) consider the impacts, research, and existing program activities of all United States coastlines and fresh and inland waters, including the Great Lakes, the Chesapeake Bay, estuaries, and tributaries.

''(e) SCHEDULE.—The Under Secretary shall—

''(1) begin developing the regional research and action plans for at least a third of the regions not later than 9 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012;

''(2) begin developing the regional research and action plans for at least another third of the regions not later than 21 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012;

''(3) begin developing the regional research and action plans for the remaining regions not later than 33 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012; and

''(4) ensure that each regional research and action plan developed under this section is—

''(A) completed and approved by the Task Force not later than 12 months after the date that development of the regional research and action plan begins; and

''(B) updated not less than once every 5 years after the completion of the regional research and action plan.

''(f) PRIORITIZATION.—In developing the regional research and action plans pursuant to subsection (e), the Under Secretary shall begin with regions that historically have the greatest record of harmful algal blooms or the largest perennial hypoxic zones.

''(g) FUNDING.—

''(1) IN GENERAL.—Subject to available appropriations, the Under Secretary shall make funding available to eligible organizations to implement the research, monitoring, forecasting, modeling, and response actions included under each approved regional research and action plan. The Program shall select recipients through a merit-based, competitive process and seek to fund research proposals that most effectively align with the research priorities identified in the relevant regional research and action plan.

''(2) APPLICATION; ASSURANCES.—An organization seeking funding under this subsection shall submit an application to the Program at such time, in such form and manner, and containing such information and assurances as the Program may require. The Program shall require each eligible organization receiving funds under this subsection to utilize the mechanisms under subsection (b)(2)(E) to ensure the transfer of data and products developed under the regional research and action plan.

''(3) ELIGIBLE ORGANIZATION.—In this subsection, the term 'eligible organization' means—

''(A) an institution of higher education, other non-profit organization, State, tribal, or local government, commercial organization, or Federal agency that meets the requirements of this section and such other requirements as may be established by the Under Secretary; and

''(B) with respect to nongovernmental organizations, an organization that is subject to regulations promulgated or guidelines issued to carry out this section, including United States audit requirements that are applicable to nongovernmental organizations.''.

SEC. 308. REPORTING.

Section 603 is amended by adding at the end the following:

''(j) REPORT.—Not later than 2 years after the submission of the action strategy under section 603A, the Under Secretary shall submit a report to the appropriate congressional committees that describes—

''(1) the proceedings of the annual Task Force meetings;

''(2) the activities carried out under the Program and the regional research and action plans, and the budget related to the activities;

''(3) the progress made on implementing the action strategy; and

''(4) any need to revise or terminate activities or projects under the Program.

''(k) PROGRAM REPORT.—Not later than 5 years after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012, the Task Force shall submit a report on harmful algal blooms and hypoxia in marine and freshwater systems to Congress that—

''(1) evaluates the state of scientific knowledge of harmful algal blooms and hypoxia in marine and freshwater systems, including their causes and ecological consequences;

''(2) evaluates the social and economic impacts of harmful algal blooms and hypoxia, including their impacts on coastal communities, and reviews those communities' efforts and associated economic costs related to event forecasting, planning, mitigation, response, public outreach, and education;

''(3) examines and evaluates the human health impacts of harmful algal blooms and hypoxia, including any gaps in existing research;

''(4) describes advances in capabilities for monitoring, forecasting, modeling, control, mitigation, and prevention of harmful algal blooms and hypoxia, including techniques for integrating landscape- and watershed-level water quality information into marine and freshwater harmful algal bloom and hypoxia prevention and mitigation strategies at Federal and regional levels;

''(5) evaluates progress made by, and the needs of, Federal, regional, State, tribal, and local policies and strategies for forecasting, planning, mitigating, preventing, and responding to harmful algal blooms and hypoxia, including the economic costs and benefits of the policies and strategies;

''(6) includes recommendations for integrating, improving, and funding future Federal, regional, State, tribal, and local policies and strategies for preventing and mitigating the occurrence and impacts of harmful algal blooms and hypoxia;

''(7) describes communication, outreach, and education efforts to raise public awareness of harmful algal blooms and hypoxia, their impacts, and the methods for mitigation and prevention;

''(8) describes extramural research activities carried out under section 605(b); and

''(9) specifies how resources were allocated between intramural and extramural research and management activities, including a justification for each allocation.''.

SEC. 309. NORTHERN GULF OF MEXICO HYPOXIA.

Section 604 is amended to read as follows:

''SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

''(a) TASK FORCE INITIAL PROGRESS REPORTS.—Beginning not later than 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012, and every 2 years thereafter, the Administrator, through the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, shall submit a progress report to the appropriate congressional committees and the President that describes the progress made by Task Force-directed activities carried out or funded by the Environmental Protection Agency and other State and Federal partners toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

''(b) CONTENTS.—Each report required under this section shall—

''(1) assess the progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects;

''(2) evaluate lessons learned; and

''(3) recommend appropriate actions to continue to implement or, if necessary, revise the strategy set forth in the Gulf Hypoxia Action Plan 2008.''.

SEC. 310. INTERAGENCY FINANCING.

The Act, as amended by section 309, is further amended by inserting after section 604 the following:

''SEC. 604A. INTERAGENCY FINANCING.

''The departments and agencies represented on the Task Force may participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Task Force for the purposes of carrying out any administrative or programmatic project or activity under this title, including support for the Program, a common infrastructure, information sharing, and system integration for harmful algal bloom and hypoxia research, monitoring, forecasting, prevention, and control. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Task Force member and the costs of the goods, services, and space. The amount of funds transferrable under this section for any fiscal year may not exceed 5 percent of the account from which such transfer was made.''.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Section 605 is amended to read as follows:

''§ 605. Authorization of appropriations

''(a) IN GENERAL.—There are authorized to be appropriated, for each of the fiscal years 2011 through 2015 to the Under Secretary to carry out sections 603A and 603B, $15,000,000.

''(b) EXTRAMURAL RESEARCH ACTIVITIES.—The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities.''.

SEC. 312. DEFINITIONS; CONFORMING AMENDMENT.

(a) IN GENERAL.—The Act is amended by inserting after section 605 the following:

''§ 605A. Definitions

''In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

''(2) HARMFUL ALGAL BLOOM.—The term 'harmful algal bloom' means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

''(3) HYPOXIA.—The term 'hypoxia' means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

''(4) PROGRAM.—The term 'Program' means the National Harmful Algal Bloom and Hypoxia Program established under section 603A.

''(5) REGIONAL RESEARCH AND ACTION PLAN.—The term 'regional research and action plan' means a plan established under section 603B.

''(6) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

''(7) TASK FORCE.—The term 'Task Force' means the Inter-Agency Task Force established by section 603(a).

''(8) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.

''(9) UNITED STATES COASTAL WATERS.—The term 'United States coastal waters' includes the Great Lakes.''.

(b) CONFORMING AMENDMENT.—Section 603(a) is amended by striking ''(hereinafter referred to as the 'Task Force')''.

SEC. 313. APPLICATION WITH OTHER LAWS.

The Act is amended by adding after section 606 the following:

''SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.

''Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.''.

SA 2921. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. CERTAIN EXEMPTIONS RELATING TO THE TAKING OF MIGRATORY GAME BIRDS.

(a) SHORT TITLE.—This section may be cited as the ''Farmer's Protection Act of 2012''.

(b) EXEMPTIONS ON CERTAIN LAND.—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

''(c) EXEMPTIONS ON CERTAIN LAND.—

''(1) IN GENERAL.—Nothing in this section prohibits the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over land that—

''(A) is not a baited area; and

''(B) contains—

''(i) a standing crop or flooded standing crop, including an aquatic crop;

''(ii) standing, flooded, or manipulated natural vegetation;

''(iii) flooded harvested cropland; or

''(iv) based on the determination of the applicable State office of the Cooperative Extension System of the Department of Agriculture at the request of the Secretary of the Interior, an area on which seed or grain has been scattered solely as the result of a normal agricultural planting, harvesting, postharvest manipulation, or normal soil stabilization practice.

''(2) DETERMINATIONS.—

''(A) IN GENERAL.—For purposes of making a determination under paragraph (1)(B)(iv), each State office of the Cooperative Extension System of the Department of Agriculture shall determine the activities in that

State that the State office considers to be a normal agricultural practice in the State, such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or carrying out herbicide treatment.

''(B) REVISIONS.—A State office may revise a report described in subparagraph (A) as the State office determines to be necessary to reflect changing agricultural practices.''.

SA 2922. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 233, add the following:

(c) EXEMPTIONS ON CERTAIN LAND.—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

''(c) EXEMPTIONS ON CERTAIN LAND.—

''(1) IN GENERAL.—Nothing in this section prohibits the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over land that—

''(A) is not a baited area; and

''(B) contains—

''(i) a standing crop or flooded standing crop, including an aquatic crop;

''(ii) standing, flooded, or manipulated natural vegetation;

''(iii) flooded harvested cropland; or

''(iv) based on the determination of the applicable State office of the Cooperative Extension System of the Department of Agriculture at the request of the Secretary of the Interior, an area on which seed or grain has been scattered solely as the result of a normal agricultural planting, harvesting, postharvest manipulation, or normal soil stabilization practice.

''(2) DETERMINATIONS.—

''(A) IN GENERAL.—For purposes of making a determination under paragraph (1)(B)(iv), each State office of the Cooperative Extension System of the Department of Agriculture shall determine the activities in that State that the State office considers to be a normal agricultural practice in the State, such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or carrying out herbicide treatment.

''(B) REVISIONS.—A State office may revise a report described in subparagraph (A) as the State office determines to be necessary to reflect changing agricultural practices.''.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to the nomination of Richard B. Berner, to be Director of the Office of Financial Research at the Department of the Treasury; dated: November 14, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 14, 2012, at 2:30 p.m., to conduct a hearing entitled ''Oversight of Basel III: Impact of Proposed Capital Rules.''

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

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that a fellow from my office, Mr. Todd Bianco, be granted floor privileges for the remainder of this Congress.

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

Mr. REID. Mr. President, I ask unanimous consent that Bryan Seeley, a detailee on the Senate Judiciary Committee, be granted floor privileges for the duration of the 112th Congress.

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

AMENDING SECTION 353 OF THE PUBLIC HEALTH SERVICE ACT

Mr. REID. I ask unanimous consent that the Senate proceed to H.R. 6118.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6118) to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification.

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

Mr. REID. Mr. President, I now ask that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The bill (H.R. 6118) was ordered to a third reading, was read the third time and passed.

TO EXTEND THE UNDERTAKING SPAM, SPYWARE, AND FRAUD ENFORCEMENT WITH ENFORCERS BEYOND BORDERS ACT OF 2006

Mr. REID. I ask unanimous consent to proceed to Calendar No. 507, H.R. 6131.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6131) to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed to a voice vote on passage of this bill.

The bill (H.R. 6131) was read the third time.

The PRESIDING OFFICER. Hearing no further debate, the question is on the passage of the bill.

The bill (H.R. 6131) was passed.

Mr. REID. I now ask unanimous consent that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

PERMITTING FOR THE RELIEF OF VICTIMS OF SUPERSTORM SANDY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 596.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 596) permitting the solicitation of donations in Senate buildings for the relief of victims of Superstorm Sandy.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 596) was agreed to, as follows:

S. RES. 596

Resolved,

SECTION 1. SOLICITATION FOR SUPERSTORM SANDY RELIEF.

Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may solicit another Senator, officer of the Senate, or employee of the Senate within Senate buildings for nonmonetary donations for the relief of victims of Superstorm Sandy during the 30-day period beginning on the date on which the Senate agrees to this resolution; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

ORDERS FOR THURSDAY, NOVEMBER 15, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Thursday, November 15, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and that the time following leader remarks be equally divided and controlled between the two leaders or their designees; that at 9:15 a.m. tomorrow morning, the Senate proceed to vote on the motion to invoke cloture on S. 3525, the Sportsmen's Act of 2012; further, that the filing deadline for second-degree amendments to S.