S.J. RES. 7

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S.J. Res. 7, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S.J. RES. 35

At the request of Mr. BYRD, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S.J. Res. 35, a joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools.

S. CON. RES. 20

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Con. Res. 20, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. CON. RES. 113

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution congratulating the Magen David Adom Society in Israel for achieving full membership in the International Red Cross and Red Crescent Movement, and for other purposes.

S. RES. 407

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 407, a resolution recognizing the African American Spiritual as a national treasure.

S. RES. 448

At the request of Mr. NELSON of Nebraska, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 448, a resolution supporting the goals and ideals of ''National Life Insurance Awareness Month''.

S. RES. 551

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 551, a resolution expressing the sense of the Senate that illegal immigrants should not receive Social Security benefits and that this prohibition should be strictly enforced.

AMENDMENT NO. 4883

At the request of Mr. ALLEN, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of amendment No. 4883 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 4883 proposed to H.R. 5631, supra.

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 4883 proposed to H.R. 5631, supra.

AMENDMENT NO. 4885

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4885 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself and Mr. COBURN):

S. 3845. A bill to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the ''Mickey Mantle Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mr. INHOFE. Mr. President, I rise today along with my colleague, TOM COBURN, to proudly introduce legislation to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, OK as the ''Mickey Mantle Post Office.''

Mickey Mantle emulates the Oklahoma spirit of hard work, charity, and sportsmanship. He is a shining example of how commitment and dedication can lead to great success. I seek to name the post office in Commerce, OK, in Mickey Mantle's honor. He is still known to Commerce by the nicknames ''Commerce Comet'' or ''Commerce Kid''.

At age 4 Mickey Mantle moved with his family to Commerce where he grew up, having been born in Spavinaw, OK. By his father who was an amateur player and fervent fan, Mickey Mantle was named in honor of Mickey Cochrane, the Hall of Fame catcher from the Detroit Tigers.

Signing with the New York Yankees in 1949, Mantle made his Major League Debut in 1951. He played his entire Major League career with the Yankees. He was a twenty-time All Star and named American League MVP three times. Mantle was a part of 12 pennant winners and 7 World Championship clubs. Some of Mantle's records still hold today. He holds the record for most World Series home runs (18), runs batted in (40), runs (42), walks (43), extra-base hits (26), and total bases (123).

Mantle announced his retirement on March 1, 1969. He actually retired on Mickey Mantle Day, June 8, 1969. In addition to the retirement of his uniform number 7, Mantle was given a plaque that would hang on the center field wall at Yankee Stadium, near the monuments to Babe Ruth, Lou Gehrig and Miller Huggins. In 1974, as soon as he was eligible, he was inducted into the Baseball Hall of Fame demonstrating his importance to baseball and community.

Sadly, Mickey Mantle's father died of cancer at the age of 39, just as his son was starting his career. Mantle said one of the great heartaches of his life was that he never told his father he loved him.

After a bout with liver cancer himself, Mickey Mantle was given a few precious extra weeks of life due to a liver transplant. The baseball great was overwhelmed by the selfless gift of a liver from a stranger; therefore, Mickey became determined to give something back at the end of his life. Thus, in 1995, the year he died, the Mickey Mantle Foundation was established to promote organ and tissue donation, and Mickey Mantle will be remembered for something more than his heroic baseball career.

I encourage my colleagues to join me in support of this legislation as we commemorate an outstanding athlete so that future generations will be as inspired by his example of sportsmanship and charity as we have been.

By Mr. CARPER (for himself and Mr. VOINOVICH):

S. 3846. A bill to provide for the establishment and maintenance of electronic personal health records for individuals and family members enrolled in Federal employee health benefits plans under chapter 89 of title 5, United States Code, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, I rise today to announce the introduction of a piece of legislation that Senator VOINOVICH of Ohio and I have worked on for a while. It is called the Federal Employees Electronic Personal Health Records Act of 2006. This bill makes available—or would make available—electronic personal health records for every enrollee of a Federal health benefits plan who wishes to have one. That is, potentially, as many as 8 million people. That includes those of us who work in Federal agencies, large and small, across the country and, actually, around the world. It includes their families and includes Federal retirees and their families as well.

Our health care sector is the most innovative in the world, but it has not kept up with the information age. Our excessive reliance on paper record keeping makes our health care system less efficient, more costly, and more prone to mistakes. Expanding the use of health information technology shows promise as a way to improve both the cost and the quality of health care in our country.

In 2004, the United States spent some $1.9 trillion on health care costs.

That is more than any other industrialized country on this planet. In 2005, health care premiums continued their upward trend, increasing by an average, I am told, of some 9 percent. We are literally spending trillions of dollars on health care, but I am sorry to say we are not getting the gold standard of treatment or results.

A 2005 survey conducted by the Commonwealth Fund, a private foundation that focuses on improving health care, found that medical error reports rates in the United States far exceed those of western countries. In that survey, one in three Americans reported getting the wrong dosage of medication, incorrect test results, mistakes in treatment, or late notification of test results. That is nearly 15 percent higher than similar results in Britain and Germany.

I believe some of the problems—though certainly not all of them—can be blamed on the fact that health care providers don't have full and real-time access to patients' medical records. Doctors in this country wait days sometimes for couriers to deliver lab tests or x rays. They diagnose patients without knowing their full medical history, what they are allergic to, what kinds of surgeries they have had, or whether they have complained about similar symptoms before.

Time constraints, or medical necessity, often force doctors to perform a quick diagnosis. Sometimes that diagnosis wrong. Sometimes those errors prove to be costly. The widespread use of health information technology, the ability to immediately access one's full medical history from a computer, can help doctors and nurses provide better care less expensively. It has the potential to dramatically transform the way we provide health care in America—saving lives, saving costs.

If we are looking for success stories on how health care professionals have integrated the use of electronic health care records into their daily routines, we don't have to look any further than our own Department of Defense and our Department of Veterans Affairs.

Times have changed since I retired from the Navy some 15 years ago. I remember that as an ensign I used to carry my medical health records in a brown manila folder from duty station to duty station—from the time I left Ohio State, on to Pensacola, Corpus Christi Naval Air Station, out to California, across the seas and back again, and, finally, getting off of active duty and coming to Delaware to enroll in graduate school, on the GI bill, at the University of Delaware in the business school. I went up the road to the VA hospital. I still had my folder with the records. I turned them in and asked: What kind of benefits am I eligible for?

Over a decade ago, the Department of Defense and VA decided there was a better way, and the results have been nothing short of phenomenal. Today, when a patient enrolls in the Department of Defense's military health system, they no longer need the kind of brown manila folder I carried all those years. Instead, we have electronic health care records to keep track of the medical histories of those who serve our country in the military. This health record is managed electronically, and you don't have to remember to pack it up on your next tour of duty, whether it is in Southeast Asia, or Iraq, or Afghanistan.

Instead, one's electronic health care record follows them wherever they go—both during the time they are in the military and when they leave and join our veterans community as a veteran.

The result is that the Department of Defense and VA have been impressive, especially when you consider that they have only used these electronic health records for about a decade or so.

The VA health system has transformed itself from a troubled, sometimes bloated and inefficient operation to one of the best health care operations in the country.

Researchers and doctors now laud the VA for having the foresight to use electronic health records to improve patient care.

What is the cost? That is a good question. It is about $78 per patient. That is roughly the cost of not repeating one blood test. In other words, it is money well spent.

The VA now regularly outperforms Medicare and other private health plans when it comes to providing patient care for diabetes, high blood pressure, and heart attack victims.

In January, the National Quality Research Center concluded that for the sixth consecutive year, the VA health care system outranks the private sector for customer satisfaction.

I have witnessed that new-found satisfaction in my own backyard, at the Veterans Medical Center in Elsmere, DE. That is the place I went in 1973 fresh out of the Navy. Veterans from neighboring States are now coming to our hospital in Elsmere to seek care instead of going to regular civilian hospitals near them.

In 2004, the Elsmere facility, as well as popular satellite clinics in Millsboro and Seaford, DE, served more than 22,000 veterans and had more than 150,000 outpatient visits. Both totals are about 20 percent higher than just 4 years ago.

Normally, you would think the busier a hospital is, the less satisfied customers are because of longer waits and other hassles. But it turned out that the opposite is true. As the workload has climbed, so has patient satisfaction. I might add, so has the satisfaction of those providing the care to the patients.

More than 85 percent of Delaware's VA outpatients said they were ''highly satisfied'' with the care they received. Planning is now underway to open a third outpatient clinic for veterans in Kent County next spring—probably in Dover where we have another 15,000 veterans.

What is keeping the rest of our Nation's health care system from following the lead of the Department of Defense and the VA? The answer is the high cost of implementing the latest information technologies, as well as the lack of uniformity among various technology products.

A physician can spend up to $30,000 implementing an electronic health records system. A hospital can spend up to five times that amount. If that weren't enough of a reason to say no thanks, there is one more reason; that is, we don't have a set of national standards in place to make sure that once health care providers have made the switch, their new system can communicate with the hospital or doctor on the other side of town. The result: Only 15 percent of doctors and about 30 percent of hospitals have fully functional electronic health care systems today.

A new study by a number of health care scholars estimates there will be another 20 years before the majority of physicians are using an electronic health care system.

Let me say this. Our Presiding Officer is from Louisiana where they went through a terrible situation a year ago with Katrina. The folks who happened to be civilians and were in hospitals or nursing homes, for the most part, they had paper health records and they were destroyed. The veterans who were on the gulf coast when Katrina struck—either in nursing homes, VA nursing homes, or VA hospitals—were evacuated from the area as civilians were; but when the veterans got to another VA facility inland, or a nursing home, or a VA hospital, their electronic health records were available immediately, and whoever provided care for them had access to the records and were able to provide excellent care.

I am sorry to say that the same wasn't true for the civilians whose paper records were largely destroyed at the time of the evacuation.

As a nation, we cannot afford to rely solely on health care providers to bring the health care industry into the 21st century. We must think outside of the box and build on the health information technology issues already underway in other areas of our health care industry.

The Federal Employee Electronic Personal Health Records Act of 2006—the legislation Senator VOINOVICH and I introduce today—does just that. How? By requiring all carriers that contract with the Federal Employees Health Benefits Program to make available an electronic personal health record for those of us who are enrolled in that program. As I said earlier, it is some 8 million people.

Electronic personal health records will provide enrollees with a tool to better access and control their health information. Via the Internet, an enrollee will be able to log on to their

electronic personal health record to keep track of such things as their medications, cholesterol, glucose levels, allergies, and immunization records.

An enrollee will also be able to review a comprehensive, easily understood listing of their health care claims. Health care providers, payers, and enrollees will be able to add this information onto the electronic personal health record. Enrollees will benefit, I believe, significantly from such a tool.

An enrollee can easily share sections of the electronic personal health record with their health care provider, ensuring that their provider has the most up-to-date and accurate health information when making clinical decisions.

In the case of an emergency, an enrollee can also grant others the ability to access their electronic personal health record. Again, it is the decision of the patient, the enrollee in the Federal Employee Health Benefits Program, to decide what kind of access to grant to a provider or a member of the family or another person in the wake of an emergency.

Having health information readily available will increase the efficiency and safety of health care for enrollees by eliminating unwarranted tests, procedures, and prescriptions.

Most important, the legislation ensures that the electronic personal health records provided for through this act are kept private and secure.

The electronic personal health records are required to include a number of security features. They include, among other things, user authentication and audit trails.

The legislation also requires that carriers comply with all privacy and security regulations outlined in the Health Insurance Portability and Accountability Act, which we call HIPAA.

Mr. President, what Senator VOINOVICH and I are introducing today will help demonstrate the importance and utility of health information technology—not just the importance of the technology but the importance of harnessing the technology—in the delivery of health care in this country today. In this case, the potential is as many as 8 million additional Americans.

This bill is designed to jumpstart this new technology by requiring some of the largest health insurance companies to offer these electronic personal health records, which many are beginning to do today. As more insurance companies, health care providers, and consumers use this new technology, I am convinced that more people will recognize its advantages, and we can more quickly move America's health care industry into the 21st century.

We view this initiative as the next necessary step for the Nation's largest employer-sponsored health insurance program that prides itself on being a model for best practices in health care.

I invite my colleagues to join Senator VOINOVICH and me as we introduce this legislation. We look forward to talking with our colleagues about it. With luck, maybe we will have a hearing. Senator VOINOVICH may hold one in his subcommittee this month.

Mr. VOINOVICH. Mr. President, I rise to speak about a bill my colleague Senator CARPER and I introduced today, the Electronic Personal Health Records Act. The purpose of this legislation is to provide for the establishment and maintenance of electronic personal health records for individuals and family members enrolled in the Federal Employee Health Benefits Plan, FEHBP.

The widespread adoption of health information technology, such as electronic health record, (EHR), will revolutionize the health care profession. In fact, the Institute of Medicine, the National Committee on Vital and Health Statistics, and other expert panels have identified information technology as one of the most powerful tools in reducing medical errors and improving the quality of care. Unfortunately, our country's health care industry lags far behind other sectors of the economy in its investment in IT.

The Institute of Medicine estimates that there are nearly 98,000 deaths each year resulting from medical errors. Many of these deaths can be directly attributed to the inherent imperfections of our current paper-based health care system. This statistic is startling and one that I hope will motivate my colleagues to take a close look at the goals of our legislation.

The voluntary EHRs that would be established through the Electronic Personal Health Records Act will provide clinicians with real-time access to their patient's health history. Each EHR would contain claims data, contact information for providers of health care services, and other useful information for diagnosis and treatment. The records will be available cost-free to FEHBP participants and will maintain strict adherence to HIPAA.

Under the bill, the Office of Personnel Management, OPM, would be required to ensure that all carriers who participate in FEHBP educate their members about the implementation of the EHR, as well as give timely notice of the establishment of the record and an opportunity for each individual to elect not to participate in the program.

OPM, through their carriers, would also have to ensure that all records would be available for electronic access through Internet, fax, or printed method for the use of the individual, and that to the extent possible, records could be transferred from one plan to another. The bill would require EHRs to be made available two years after the passage of the legislation or earlier at the discretion of OPM in consultation with the Office of the National Coordinator for Health Information Technology within HHS.

Not only can EHRs save lives and improve the quality of health care, they also have the potential to reduce the cost of the delivery of health care. According to Rand Corporation, the health care delivery system in the United States could save approximately $160 billion annually with the widespread use of electronic medical records. As a result, the private market is already moving toward implementing electronic medical records.

This bill, simply encourages the health care industry to continue in that direction and take their use of technology in the delivery of care to the next step. I urge my colleagues to consider not only the benefit it will provide to the eight million individuals who receive their health care through the FEHBP, but also to our Nation's overall health care system.

By Mrs. CLINTON:

S. 3847. A bill to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the ''Jacob Samuel Fletcher Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mrs. CLINTON. Mr. President, I am pleased to introduce legislation which would designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, NY, as the ''Jacob Samuel Fletcher Post Office Building.''

Jacob Samuel Fletcher sent his first application for military enlistment to the Marines when he was 8 years old. Young Jacob had completed an application he found in a magazine and submitted it through the mail. Though his mother told the Marines recruiter to call back in a few years, it wouldn't be long before Fletcher was wearing a uniform.

Fletcher enlisted in the Army soon after the September 11 terrorist attacks. He told family members that he felt he had a duty to serve his country. This service was nothing new to his family, as both his father and his stepfather served in Vietnam.

His story, however, ends in a tragically different manner than his father's or stepfather's. On November 14, 2003, PFC Jacob Samuel Fletcher was killed when a road side bomb exploded near a bus he was riding in Samara, Iraq. It was 11 days before his 29th birthday. He was posthumously awarded the Bronze Star and the Purple Heart.

While he was close to finishing his tour of duty at the time of his death, Jacob told family and friends that he was not finished serving; he hoped to become a state trooper upon completion of his tour in the military.

I ask that the Senate come together and honor this brave American for his service to our Nation.

By Mr. KYL (for himself, Mr. DEWINE, and Mr. CORNYN):

S. 3848. A bill to amend title 18, United States Code, to support the war

on terrorism, and for other purposes; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise today to introduce the Terrorism Prevention Act of 2006. This Act will enhance and improve the statutes governing material support for terrorism, protection of classified information, terrorist hoaxes, and terrorist murders and assaults. Specifically, the TPA expands the reach of statutes punishing material support for terrorism, making it a crime to reward the family of a suicide bomber or other terrorist with the intent to facilitate terrorism, and increases penalties for existing material support offenses; clarifies and improves the Classified Information Procedures Act in light of the lessons learned in the Moussaoui trial; expands the reach of the terrorist hoax statute, and increases penalties for hoaxes about the deaths of U.S. soldiers during wartime; increases penalties for terrorist murders, kidnappings, and assaults committed overseas against U.S. nationals, and increases penalties for terrorist crimes resulting in death; and improves the United States's ability to investigate terrorist crimes by protecting the confidentiality of FISA investigations, authorizing multi-district search warrants in terrorism cases, and increasing penalties for obstruction of justice in terrorism cases.

I ask unanimous consent that a section by section analysis of the Terrorism Prevention Act be printed in the RECORD.

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

THE TERRORISM PREVENTION ACT OF 2006

SECTION BY SECTION ANALYSIS

SECTION 2. MATERIAL SUPPORT

Subsection (a) creates a new offense, 18 U.S.C. §2339E, of giving material benefits to the family or associates of someone who has committed a terrorist act, if the benefit is given with the intent to reward, encourage, or facilitate terrorism. Section 2339E applies overseas to the extent that the offenses are linked to interstate or foreign commerce, are targeted at the United States or its people or property, or the offender is a U.S. national or resident. The offense is punishable by imprisonment for ten years to life. This new offense would punish those individuals who encourage or embolden suicide bombers by rewarding their families after such bombings occur.

Subsection (b) increases penalties for existing material support offenses as follows: §2339A, giving material support to aid a terrorist act, 10 years to life; §2339B, giving material support to a designated terrorist organization, 5 to 25 years; and §2339D, receiving military-type training from a terrorist organization, 3 to 15 years. The §2339A and B penalties have not been increased since the terrorist attacks of September 11, 2001.

Subsection (c) eliminates a loophole in current law that would allow an individual to give an unlimited amount of medical or religious supplies to a designated terrorist organization. This loophole, which was recently criticized by a judge of the U.S. Court of Appeals, could allow a terrorist organization to receive large amounts of supplies that it could either resell in exchange for cash or distribute in its local area in order to build support and gain recruits.

Subsection (d) amends §2339D to bar attempts or conspiracies to obtain military-type training from a terrorist organization.

Subsection (e) bars convicted terrorist from receiving federal benefits.

SECTION 3. IMPROVEMENTS TO CIPA

This section implements a number of lessons learned during the use of the Classified Information Procedures Act during the trial of suspected 20th hijacker Zacarias Moussaoui. Subsection (b) authorizes interlocutory appeals of any order for access to classified information. In the Moussaoui case, the Fourth Circuit determined that CIPA allows interlocutory appeals only of orders entered under CIPA itself, not orders entered under other authority. One judge of that Court noted that, although compelled by the text of CIPA, this result frustrates Congress's intent to allow prompt review of disputes over disclosure of classified information.

Subsection (c) allows requests for CIPA protection to be made ex parte. Sometimes a request for protection of classified information cannot be made publicly without itself compromising classified information. This subsection also ensures that requests for CIPA protection shall remain sealed, regardless of whether they are accepted or denied, and codifies the current practice of allowing such requests to be made orally.

Subsection (d) clarifies that CIPA applies to evidence obtained from nondocumentary sources, such as depositions of witnesses. In the Moussaoui case, the Fourth Circuit determined that CIPA technically only applies to documentary information and information that the defense might disclose during trial. The Court nevertheless looked to CIPA to develop a framework for protecting classified information during depositions. This subsection effectively codifies the Fourth Circuit's approach by formally applying CIPA to nondocumentary sources of evidence, such as depositions.

SECTION 4. TERRORIST HOAXES

This section amends the terrorist hoax statute so that it punishes hoaxes relating to terrorist offenses that inexplicably were excluded from the current hoax law. For example, current law does not punish hoaxes related to the taking of hostages in order to coerce the federal government (18 U.S.C. 1203), hoaxes related to blowing up an energy facility (18 U.S.C. 1366(a)), hoaxes related to terrorist attacks on military bases aimed at undermining national defense (18 U.S.C. 2156), or hoaxes related to attacks on railways and mass-transportation facilities, such as the recent London bombings (18 U.S.C. 1992–93). This section adds these terrorist crimes to the predicates for the terrorist hoax statute.

This section also increases the penalties for hoaxes about the death, injury, or capture of a U.S. soldier during wartime. Unfortunately, there have been a number of incidents in which individuals have contacted the families of US. soldiers serving in Iraq, pretended to represent the military or other official organizations, and falsely told the family that their son, brother, or other relative had been killed. This section would punish such hoaxes with imprisonment for 2 to 10 years. If the hoax resulted in serious bodily injury, it would be punished by 5 to 25 years, and if it resulted in death, 10 years to life.

This section also clarifies that the offense of mailing threatening communications applies to threats made against organizations as well as individuals.

SECTION 5. TERRORIST MURDERS, KIDNAPPINGS, AND ASSAULTS

This section expands 18 U.S.C. §2332, which punishes murder or assault of U.S. nationals overseas for terrorist purposes, to also include kidnappings of U.S. nationals overseas that are carried out for terrorist purposes, and clarifies that sexual assault qualifies as serious bodily injury for purposes of the section's assault prohibitions. This section also increases penalties for terrorist murders and assaults, such that a murder of a U.S. national overseas that is carried out for terrorist purposes would be punished by imprisonment for at least 30 years, and an assault resulting in serious bodily injury would be punished by imprisonment for 10 years to life. ''Serious bodily injury'' is defined by federal statute to mean bodily injury accompanied by a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

This section also creates a new offense of committing a terrorist crime while engaging in conduct that results in death. This new offense is punishable by death or imprisonment for 20 years up to life. This section also makes eligible for capital punishment existing offenses resulting in death that involve the use of nuclear weapons, anti-aircraft missiles, radiological bombs, and variola (smallpox) virus, and increases to 15 years to life the penalties for aiding a foreign terrorist organization or state sponsor of terrorism's WMD program or developing, possessing, using, or threatening to use a radiological weapon.

SECTION 6. INVESTIGATION OF TERRORIST CRIMES

Subsection (a) limits FISA notification requirements so that the government is not required to inform an individual seeking an immigration benefit if FISA information was used to deny their application. Such notice effectively informs such an individual that he or his associates have been the target of an intelligence investigation. The United States should not be required to compromise an intelligence investigation in order to exclude a foreign national with ties to terrorism from the United States.

Subsection (b) authorizes federal judges to authorize search warrants that may be used in multiple judicial districts for purposes of terrorism investigations. Such investigations often require searches to be conducted in different parts of the country at the same time.

Subsection (c) increases the potential penalties for obstruction of justice in the course of a terrorism investigation by making the maximum penalty ten years' imprisonment.

By Ms. MURKOWSKI:

S. 851. A bill to provide for the extension of preliminary permit periods by the Federal Energy Regulatory Commission for certain hydroelectric projects in the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to introduce legislation to give private developers more time to complete planning and financing for a complex of three high-mountain lake-tap hydroelectric projects that promise to provide at an electric power for Southeast Alaska and for the Pacific Northwest.

Today, I introduce legislation to extend by a total of six years the time for developers to secure data necessary to determine the feasibility and prepare a development application for three individual hydroelectric projects, all located up Thomas Bay in Southeast

Alaska, near Petersburg, AK. This legislation will give time for construction of the estimated $75 million, 45-megawatt Cascade Creek project, the $56 million, 30-megawatt Scenery Creek, and the $40 million, 20-megawatt Delta Creek hydroelectric projects to be built.

The extensions are needed and justified since the three renewable energy projects can only proceed after a $30 million, 27-mile high-voltage transmission line is constructed in Alaska to the U.S.-Canada border, after another $130 million is spent for 150 miles of new line are built in Canada, after $120 million is spent for 140 miles of transmission line upgrades are finished on the Canadian side of the border to move the excess power to Skeena near Terrace in Canada, and after portions of the proposed Southeast Alaska, Electric, Intertie are finished to also permit excess power from the existing Swan Lake and Tyee Lake hydroelectric projects, and the proposed Mahoney Lake project near Ketchikan, AK, to be shared among Panhandle communities and to connect to export transmission lines.

The developers of the Thomas Bay project, Cascade, LLC., deserve a time extension since the company, so far, has focused all of its planning efforts on winning approval and financing for the vital electrical interconnection between Southeast Alaska and Canada, not on finishing the three individual power projects. The State of Alaska only in early summer 2006 approved a grant of $3.2 million to pay for planning to develop a comprehensive plan and review the economic feasibility of using several of Southeast Alaska's nearly 100 potential hydroelectric sites to provide power for both local needs and for export of the surplus power to the Pacific Northwest power grid to help with financing of the 95 megawatts of installed capacity, 410 gigawatt, power project.

These hydroelectric projects all involve tapping high mountain lakes for power. They do not require the damming of fish streams, so they have no negative environmental impacts. They will produce electricity at substantial savings over the 40- to 50-cents per kilowatt hour cost of generating power from expensive diesel fuel in the region and they will also reduce the effects of local air pollution and reduce carbon dioxide generation through the avoidance of fossil fuel combustion.

Congress routinely extends the three-year deadline for worthy potential FERC-licensed power projects to provide additional time for completion of preliminary planning, financing and design. It is certainly appropriate to grant these three projects that are so interconnected this additional time to work out the contractual and financial planning and to finish the environmental studies needed for construction permits to be obtained.

Developing renewable energy that can be produced without any environmental impacts on streams and the fish and wildlife they support is an increasingly important task of government. This bill will help such environmentally-sensitive development occur and will help reduce the nation's dependence on foreign fossil fuels. I hope for speedy passage of this measure.

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

S. 3854. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, Mount Hood is a cherished wild place that is often photographed, visited and enjoyed by scores of Oregonians and many non-Oregonians as well. Today, I am introducing, along with my colleague Senator SMITH, a new bipartisan Oregon Wilderness bill: the ''Lewis and Clark Mount Hood Wilderness Act of 2006.'' In tribute to the great river-dependent journey of Lewis and Clark, our legislation adds nine free-flowing stretches of rivers to the National Wild and Scenic River System. This reflects the Oregonian wish to protect but also actively experience our State's treasures.

This bill contains many elements of the bill I introduced two years ago while incorporating many of the provisions adopted in the House-passed version of Mount Hood Wilderness protections, HR 5025. My bill builds upon the House version by adding more wilderness, more wild and scenic rivers, and providing a recreation area to allow diverse recreational opportunities. It protects the lower elevation forests surrounding Mount Hood and the Columbia River Gorge as Lewis and Clark saw them. These forests embody the natural beauty of Oregon. They provide the clean water necessary for the survival of threatened steelhead, Coho and Chinook salmon. These forests provide critical habitat and diverse ecosystems for elk, deer, lynx and the majestic bald eagle. And these are the forests that provide unparalleled recreational opportunities for Oregonians and our visitors.

But the bill I introduce today differs from the bill I introduced two years ago because it responds to the many comments I heard in the ensuing years. I received thousands of comments on proposed Mount Hood legislation. Some comments came as a result of the general public meetings I held in Oregon. Many of the meetings lasted over 3 hours, and everyone who wanted to speak was given an opportunity to do so. Other comments came from the second Mount Hood Summit held at Timberline Lodge hosted by Representatives WALDEN and BLUMENAUER. I and my staff met with over 100 community groups and local governments, the members of the Oregon congressional delegation, the Governor, and the Bush administration. And still more comments came from letters and phone calls from Oregonians.

Overwhelmingly, these comments urged me to protect and build on Oregon's Wilderness system. This goal is as important today as it was in 1804, 1964 or 1984—if not more so. To succeed, we must provide the tools that help us create a planned future on Mount Hood. This bill does both.

The Mount Hood National Forest is the seventh most visited National Forest in the United States. In the 22 years that have elapsed since any new wilderness has been designated in the Mount Hood area, the population in local counties has increased significantly—25 percent in Multnomah County, 24 percent in Hood River County, and 28 percent in Clackamas County.

The predominant public use of this urban forest is non-mechanized activity like hiking, camping, and fishing. With increasing emphasis on wild scenery, unspoiled wildlife habitats, free flowing rivers, wilderness and the need for opportunities for diverse outdoor recreation sometimes it seems we are in jeopardy of ''loving our wild places to death.''

A few years ago, the Forest Service made a proposal to limit the number of people that could hike the south side of Mount Hood and the public outcry was enormous. Seems to me, rather than tell people that they are going to be restricted from using our public lands, part of the solution for the future of the Mountain lies in providing more opportunities for them to enjoy the Mountain's great places. We should ensure the Mount Hood National Forest can meet the increased use and demand for outdoor experiences—my bill will provide those opportunities.

Of the hundreds of people who attended the meetings I held throughout the State of Oregon, the vast majority spoke in favor of more wilderness. Additionally, I have received more than 2,500 written comments supporting additional wilderness for Mount Hood.

This is what I have heard: More Wilderness: First and foremost, I heard that Oregonians in astonishing numbers support protecting Mount Hood and the Columbia River Gorge with additional wilderness. A large number of Oregonians didn't think that enough wilderness areas had been included in the House proposal.

Mountain Biking: Some mountain bikers expressed concerns that their recreation opportunities not be unfairly curtailed.

Fire Protection and Forest Health: Some people were worried about forest health and those living in towns on the mountain and in the gorge were concerned about fire protection for their communities.

Developed Recreation: Some people were worried about maintaining a role for developed recreation, like skiing, on Mt. Hood.

This is what my bill does to address those concerns: More Wilderness: There are currently 189,200 acres of designated wilderness on the Mount Hood National Forest. The House legislation

would have added approximately 77,200 acres of new wilderness on the Mountain. The bill I am introducing today increases wilderness on Mount Hood by designating approximately 128,385 new acres of wilderness—incorporating all the areas the House bill included and building upon them.

This bill adds the areas surrounding the oldest Mt. Hood Wilderness—the mountain itself—which was designated in the original Wilderness Act of 1964. These additions include cathedral old growth forests, the historic Tilly Jane trail, lava beds that were created during the Mt. Hood eruptions, and much of the legendary route that Oregon's pioneers used when they were settling our great state. To the north and west of the mountain, I would add the viewshed of the Columbia Gorge to the current Mark O. Hatfield wilderness. These areas encompass the spectacular ridges framing the Gorge that we all marvel at from I–84 and include perhaps the greatest concentration of waterfalls in North America. To the southwest of the mountain I add lands to the current Salmon Huckleberry Wilderness to conserve their diverse wildlife and protect unique recreational areas like those around popular Mirror Lake. These lands include Alder Creek, the source of drinking water for the City of Sandy, which unanimously endorsed the draft proposal. Over to the east are proposed additions to the Badger Creek Wilderness. These areas provide a critical link between Westside forests and Eastside ecosystems. This area is known for beautiful fall color and the best deer and elk hunting in the entire Mount Hood National Forest. Among the areas we are protecting is the newly designated Richard L. Kohnstamm Memorial Area. It is dedicated in honor of Mr. Kohnstamm who restored the historic Timberline Lodge—built originally by the Works Progress Administration in 1937—to its former grandeur.

Wild and Scenic Rivers: My proposal seeks to protect over 81 miles of wild and scenic rivers on nine free flowing rivers. This includes some of the most pristine and beautiful rivers in Oregon. Among those proposed rivers are the picturesque waterfalls and glacial outwash of the East Fork of the Hood River, and the ancestral hunting and fishing grounds of Fish Creek. Over 17 miles of superb salmon and steelhead habitat on the Collowash River have also been proposed for protection. My bill again incorporates all the House proposed protections and builds upon them.

Mountain Biking: I believe that local riders raised some valid concerns, so I did two things. I have proposed Mount Hood National Recreation Area. It will offer greater, permanent environmental protections to those beautiful areas, while providing mountain bikers, and other recreational users, an opportunity to continue to recreate in these areas. Additionally, I made boundary adjustments to ensure all open mountain biking trails were not included in my proposed wilderness.

Fire Protection and Forest Health: I protect wilderness, where there are healthy, older trees that should never be harvested on Mount Hood or in the Gorge. Older, healthy stands are the most resistant to fire and disease. However, there is an enormous backlog of over-crowded, plantation, second-growth that should be thinned. My bill incorporates House provisions that would give the Forest Service a mandate to prepare an assessment for promoting forests resilient to fire, insects and disease. This also includes provisions to study and encourage the development of biomass in conjunction with forest health work. In addition, I added fire safe community zones so that the Secretary will construct a system of fire safe buffer zones around the communities of Cascade Locks and Government Camp.

Developed Recreation: In order to facilitate developed recreation opportunities I have adopted the House provisions establishing a ''fee-retention'' provision that will establish an account for the Mount Hood National Forest. In addition, in order to help address growth while ensuring access to recreational opportunities, I have adopted House provisions directing the Secretary and the State of Oregon to develop an integrated transportation plan for the Mount Hood region.

Local and Tribal Relationships: I have also incorporated the House provisions on local and tribal relationships emphasizing the rich history of the Mount Hood region and affirming the rights of Native peoples to access the mountains resources, as they have for generations.

The protection of these important Oregon places will depend on the hard work and dedication of all Oregonians and particularly that of my Oregon colleagues here in the Congress. I am especially pleased that Senator SMITH has joined me in developing this bipartisan legislation and putting forth our proposal for wilderness. I am hopeful everyone will pull together: county Commissioners, environmentalists, entrepreneurs, chambers of commerce, state elected officials, the Governor, and the Oregon delegation here in the Capitol. I look forward to perfecting legislation together in the coming weeks, and seeing its swift adoption by Congress thereafter. Then the grandeur of Mount Hood and other Oregon treasures can be assured for future generations.

Soda Mountain Wilderness: In addition, I wish to offer my cosponsorship of legislation to be presented by Senator SMITH, creating the Soda Mountain Wilderness and authorizing the voluntary cancellation of grazing leases in the Cascade-Siskiyou National Monument. This bill would establish a 23,000-acre Soda Mountain Wilderness in the backcountry of the Cascade-Siskiyou National Monument. In addition, it provides for the negotiated voluntary grazing permit lease buyout in the Monument. This proposed wilderness area lies at the intersection of the Siskiyou and Cascade mountain ranges, and the Oregon Desert, California chaparral, High Cascade and coastal Westside forests. It is truly where east meets west meets north meets south. This makes it a truly unique and biodiverse ecosystem and a key wildlife corridor—one that is used by ten rare, threatened or endangered species, including the northern spotted owl, Ashland thistle, and the Siskiyou fritillary. It is also home to populations of trout, elk, bobcats, black bears and falcons. The grazing buyout in this bill also provides a win-win situation. It provides a good deal for the ranchers—the negotiated agreement between the Bureau of Land Management grazing lessees and the conservationists includes an agreed-upon conservationist premium to be paid to the lessees. This premium enhances the compensation lessees receive from the federal government as part of the legislation. It also ensures this special place will be protected. I commend Senator SMITH for introducing this legislation and am happy to join him in introducing this bill.

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

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

S. 3854

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Lewis and Clark Mount Hood Wilderness Act of 2006''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—DESIGNATION OF WILDERNESS AREAS

Sec. 101. Findings and purpose.
Sec. 102. Lewis and Clark Mount Hood wilderness areas.
Sec. 103. Map and legal descriptions.
Sec. 104. Administration.
Sec. 105. Buffer zones.
Sec. 106. Fire safe community zones.
Sec. 107. Gateway communities.
Sec. 108. Fish and wildlife; hunting and fishing.
Sec. 109. Trail restoration and study.
Sec. 110. Fire, insects, and diseases.
Sec. 111. Land reclassification.
Sec. 112. Valid existing rights and withdrawal.
Sec. 113. Maintenance and replacement of foot bridges in wilderness areas.
Sec. 114. Richard L. Kohnstamm Memorial Area.

TITLE II—DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA

Sec. 201. Finding and purpose.
Sec. 202. Wild and scenic river designations, Mount Hood National Forest.
Sec. 203. Impact on water rights and flow requirements.

TITLE III—MOUNT HOOD NATIONAL RECREATION AREA

Sec. 301. Designation.

TITLE IV—TRANSPORTATION AND COMMUNICATION SYSTEMS
Sec. 401. Definition of Mount Hood region.
Sec. 402. Transportation plan.
Sec. 403. Study relating to gondola connection and intermodal transportation center.
Sec. 404. Burial of power lines.
Sec. 405. Culvert replacement.
Sec. 406. Clarification of treatment of State highways.
TITLE V—LAND EXCHANGE
Subtitle A—Cooper Spur-Government Camp Land Exchange
Sec. 501. Purpose.
Sec. 502. Cooper Spur-Government Camp land exchange.
Subtitle B—Other Land Exchanges
Sec. 511. Land exchange, Port of Cascade Locks-Pacific Crest National Scenic Trail.
Sec. 512. Hunchback Mountain land exchange, Clackamas County.
TITLE VI—MOUNT HOOD NATIONAL FOREST AND WATERSHED STEWARDSHIP
Sec. 601. Findings and purpose.
Sec. 602. Forest stewardship assessment.
Sec. 603. Sustainable biomass utilization study.
Sec. 604. Watershed management memoranda of understanding.
Sec. 605. Termination of authority.
TITLE VII—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT
Sec. 701. Findings and purpose.
Sec. 702. Establishment of Crystal Springs Watershed Special Resources Management Unit.
Sec. 703. Administration of Management Unit.
Sec. 704. Acquisition of lands.
Sec. 705. Effective date.
TITLE VIII—LOCAL AND TRIBAL RELATIONSHIPS
Sec. 801. Findings and purpose.
Sec. 802. First foods gathering areas.
Sec. 803. Forest Service coordination with State and local governments.
Sec. 804. Savings provisions regarding relations with Indian tribes.
Sec. 805. Improved natural disaster preparedness.
TITLE IX—RECREATION
Sec. 901. Findings and purpose.
Sec. 902. Retention of Mount Hood National Forest land use fees from special use authorizations.
Sec. 903. Use of funds in special account to support recreation.
Sec. 904. Annual reporting requirement.
Sec. 905. Mount hood national forest recreational working group.
Sec. 906. Consideration of conversion of forest roads to recreational uses.
Sec. 907. Improved trail access for persons with disabilities.
TITLE X—AUTHORIZATION OF APPROPRIATIONS
Sec. 1001. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds that—

(1) long before the arrival of Lewis and Clark, Native Americans in the Oregon country lived amid the wild splendor of the Cascade Mountains and the Columbia River, where the waters teemed with fish, game roamed the forests, and fruits and berries were abundant;

(2) the Native Americans arrived in this bountiful land from Asia by way of the Bering Sea and inhabited the land in and around Mount Hood and the Columbia Gorge;

(3) some of the tribes along the Columbia River were part of the Chinook family;

(4) many of the people of the tribes—

(A) used canoes made from cedar logs;

(B) were expert fisherman;

(C) told fire legends about the mid-Columbia volcanic peaks that featured warrior heroes, fair ladies, and numerous gods; and

(D) Mount Hood as Wy'East, the warrior whose passionate love caused the region to be transformed as he hurled powerful volcanic fire in his quest for the love of the gentle maiden Loo-wit, known today as Mount St. Helens;

(5) traveling down the Columbia River in 1805, the Lewis and Clark Corps of Discovery expedition was awed by the unspoiled scenic splendors of the Cascade Mountains and the Columbia River Gorge cutting through the mountain rampart;

(6) on October 18, 1805, Clark recorded in his journal: ''I ascended a high cliff, about 200 feet above the water, from the top of which is a level plain, extending up the river and off for a great extent. From this place I discovered a mountain of immense height, covered with snow.'';

(7) following Lewis and Clark, settlers came to the Oregon territory by way of the Oregon Trail, transforming more accessible portions of the wild landscape into farms, orchards, and small communities using the old growth forests;

(8) in 1845, Oregon Trail pioneers Samuel K. Barlow and Joel Palmer and their parties opened the Barlow Trail across Barlow Pass, high on the south slopes of Mount Hood, with Palmer writing on October 11, 1845: ''I had never seen a sight so nobly grand.'';

(9) even as the settlers transformed the wilderness, that frontier land helped develop in the settlers the characteristics of self-reliance, fortitude, hard work, independence, and love of the land, which the people of Oregon and the entire United States cherish to this day and wish to inculcate in their children;

(10) the unprotected wilderness that remains in the Mount Hood and Columbia River Gorge region provides easily accessible outdoor recreation for the descendants of the early settlers and more recent arrivals;

(11) Mount Hood is home to the historic Timberline Lodge, which—

(A) is a National Historic Landmark;

(B) was built as a project by the Federal Works Progress Administration in 1937; and

(C) was restored to its former grandeur by the dedication and stewardship of Richard L. Kohnstamm;

(12) preserving wilderness assures the integrity of the background and scenic views that enrich more developed forms of recreational use, including downhill skiing and roadside enjoyment of sweeping wilderness scenery;

(13) designation as wilderness provides the strongest congressional protection of scientific, cultural, educational, environmental, scenic, and recreational values that contribute long-term quality of life and economic benefits to the people of Oregon, visitors to Oregon, and local communities in and around the Mount Hood National Forest, including the wilderness-dependent wildlife, high water quality, and resident and anadromous fish that thrive in undisturbed ecosystems;

(14) the Mount Hood National Forest is the seventh most visited National Forest in the United States;

(15) wilderness management is interrelated with and will interface with the established activities and management of adjacent land, particularly when the land is high-density recreation land;

(16) Mount Hood National Forest is predominantly used by the public for mechanized and non-mechanized activities, such as hiking, camping, and fishing, which according to the Mount Hood National Forest Management Plan, are projected to increase dramatically over time;

(17) the Land and Resource Management Plan for Mount Hood National Forest provides that ''the present capability to supply recreational opportunities such as hiking on trails in primitive and semi-primitive nonmotorized areas is predicted to fall short of satisfying demand'';

(18) according to the plan described in paragraph (17), the Mount Hood National Forest—

(A) provides resources for nearly 2 times the current demand for developed recreation such as skiing, power boating, and sightseeing by car; but

(B) meets less than ⅔ of the demand for back country recreation;

(19) the Management Plan for Mount Hood National Forest projects that by 2040, the Mount Hood National Forest will only meet 16 percent of the demand for wilderness recreation, while meeting more than 100 percent of the demand for mechanized recreation;

(20) because the Mount Hood National Forest provides drinking water for more than 16 communities and over 40 percent of Oregon residents, management of the Mount Hood National Forest needs to take into consideration plans developed by local watershed councils in managing the forest; and

(21) the management of the Mount Hood National Forest should address practical, site-specific situations in a manner that supports wilderness and the general environmental, economic, and community-related welfare of the mountain.

SEC. 3. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) MOUNTAIN BIKE.—The term ''mountain bike'' does not include a motorized vehicle.

(3) OLD GROWTH.—The term ''old growth'', with respect to a tree or grove of trees, means a tree or grove that is—

(A) at last 120 years old; or

(B) previously unmanaged.

(4) SECRETARY.—The term ''Secretary'' means—

(A) when used in reference to Forest Service land, the Secretary of Agriculture; and

(B) when used in reference to Bureau of Land Management land, the Secretary of the Interior.

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

TITLE I—DESIGNATION OF WILDERNESS AREAS

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the most recent designation of wilderness in the Mount Hood National Forest occurred in 1984; and

(2) the designation of an additional 128,400 acres as a wilderness area by this title will increase the amount of wilderness designated as a wilderness area in the Mount Hood National Forest by 68 percent.

(b) PURPOSE.—The purpose of this title is to designate approximately 128,400 acres of National Forest System land in the Mount Hood National Forest as a wilderness area.

SEC. 102. LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.

(a) DESIGNATIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BADGER CREEK WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest

Service, comprising approximately 3,700 acres, as generally depicted on the maps entitled ''Badger Creek'' and ''Bonnie Butte'', dated September 2006, which are incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(2) BULL OF THE WOODS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service, comprising approximately 6,870 acres, as generally depicted on the map entitled ''Bull of the Woods'', dated June 2006, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) CLACKAMAS WILDERNESS.—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 11,900 acres, as generally depicted on the maps entitled ''Clackamas Canyon'', ''Big Bottom'', ''Memaloose Lake'', ''South Fork Clackamas'', ''Sisi Butte'', and ''Upper Big Bottom'', dated September 2006, which shall be known as the ''Clackamas Wilderness''.

(4) LOWER WHITE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,850 acres, as generally depicted on the map entitled ''Lower White River'', dated September 2006, which shall be known as the ''Lower White River Wilderness''.

(5) MARK O. HATFIELD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 26,000 acres, as generally depicted on the maps entitled ''Gorge Ridgeline'' and ''Larch Mountain'', dated September 2006, which shall be known as the ''Mark O. Hatfield Wilderness Additions''.

(6) MOUNT HOOD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 21,580 acres, as generally depicted on the maps entitled ''Elk Cove/Mazama Addition'', ''Sandy Additions'', ''Tilly Jane'', ''Sand Canyon'', ''Lost Lake'', ''Twin Lakes'', ''Barlow Butte'', ''White River'', and ''Richard L. Kohnstamm Memorial Area'', dated September 2006, which are incorporated in, and considered to be a part of, the Mount Hood Wilderness as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)), and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

(7) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 37,750 acres, as generally depicted on the map entitled ''Roaring River Wilderness'', dated September 2006, which shall be known as the ''Roaring River Wilderness''.

(8) SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 17,720 acres, as generally depicted on the maps entitled ''Alder Creek Addition'', ''Eagle Creek Addition'', ''Mirror Lake'', ''Inch Creek'', ''Salmon River Meadows'', and ''Hunchback Mountain'', dated September 2006, which are incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(b) EFFECT OF DESIGNATIONS.—

(1) ELECTRIC UTILITIES.—The areas in the State that are designated as wilderness areas and as components of the National Wilderness Preservation System under subsection (a) shall not—

(A) include any land that on the date of enactment of this Act is—

(i) licensed for a hydroelectric project by the Federal Energy Regulatory Commission; or

(ii) located within 200 feet of an electric power line in the White River Unit of the Mount Hood Wilderness Additions under subsection (a)(6); or

(B) affect any activity relating to the operation, maintenance, or construction of a project described in clause (i) or (ii) of subparagraph (A).

(2) COLUMBIA GORGE AIRSHED.—The area depicted on the maps entitled ''Gorge Ridgeline Wilderness'' and ''Large Mountain'', dated September 2006, that is designated as a wilderness area and as a component of the National Wilderness Preservation System under subsection (a) shall not result in the designation of a Class I airshed in the Columbia Gorge through Federal regulatory action.

SEC. 103. MAP AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map entitled ''Lewis and Clark Mount Hood Wilderness Additions of 2006'', dated September 2006, and a legal description of each wilderness area designated by this title, with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(b) FORCE OF LAW.—The map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the map and each legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be on file and available for public inspection in—

(1) the office of the Chief of the Forest Service;

(2) the office of the Director of the Bureau of Land Management; and

(3) the applicable local Forest Service and Bureau of Land Management offices.

SEC. 104. ADMINISTRATION.

(a) IN GENERAL.—Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this title shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) CONSISTENT INTERPRETATION TO THE PUBLIC.—Notwithstanding their separate jurisdictions, the Secretary of Agriculture and the Secretary of the Interior shall collaborate to ensure that the wilderness areas designated by this title, if appropriate, are interpreted for the public as an overall complex related by—

(1) common location in the Mount Hood-Columbia River Gorge region;

(2) the abundant history of Native American use;

(3) the epic journey of Lewis and Clark;

(4) the pioneer settlement and growth of the State; and

(5) water sources for more than 40 percent of the residents of the State.

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

SEC. 105. BUFFER ZONES.

(a) IN GENERAL.—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328), Congress does not intend for designation of wilderness areas in the State under this title to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(b) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

SEC. 106. FIRE SAFE COMMUNITY ZONES.

Consistent with the Mount Hood National Forest Management Plan and the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.), the Secretary shall construct a strategic system of defensible fuel profile zones (including shaded fuelbreaks, thinning, individual tree selection, and other methods of vegetation management) between the wilderness boundary and the community boundary around Cascade Locks and Government Camp.

SEC. 107. GATEWAY COMMUNITIES.

(a) IN GENERAL.—The Secretary may provide grants to communities that are gateways to Mount Hood Wilderness areas, including the Hoodland Fire District, Government Camp, and the villages surrounding Mount Hood, and the appropriate county governments in the State, to be administered through the Forest Service State and Private Forestry program.

(b) LIMITATION OF FUNDS.—The total amount of funds provided by the Secretary to gateway communities under subsection (a) shall not exceed $10,000,000.

SEC. 108. FISH AND WILDLIFE; HUNTING AND FISHING.

(a) FISH AND WILDLIFE.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats on the National Forest System land designated as wilderness by section 102 if those activities are—

(1) consistent with applicable wilderness management plans; and

(2) carried out in accordance with applicable guidelines and policies.

(b) BULL TROUT RESTORATION PROJECT.—

(1) IN GENERAL.—Nothing in this Act affects the authority of the Secretary to carry out the Bull Trout restoration project underway as of the date of enactment of this Act in Clear Branch Creek.

(2) MINIMUM TOOL POLICIES.—The Secretary shall carry out the Bull Trout restoration project under paragraph (1) in accordance with the minimum tools policies of the Forest Service.

SEC. 109. TRAIL RESTORATION AND STUDY.

(a) PALMETEER TRAIL RESTORATION.—

(1) IN GENERAL.—It is the intent of Congress that nothing in this title shall prevent the Secretary from conducting the planned Palmateer Trail restoration project underway as of the date of enactment of this Act in the Twin Lakes area of the Mount Hood National Forest to restore the quality of the Trail.

(2) MINIMUM TOOLS POLICIES.—The Secretary shall carry out the Palmateer Trail restoration project described in paragraph (1) in accordance with the minimum tools policies of the Forest Service.

(b) STUDY OF COOL CREEK TRAIL 794.—The Secretary shall conduct a study of the appropriate public use of Cool Creek Trail 794.

SEC. 110. FIRE, INSECTS, AND DISEASES.

As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this Act, the Secretary of Agriculture (in collaboration with the Secretary of the Interior, where appropriate) may take such measures as are necessary to control fire, insects, and diseases, subject to such conditions as the Secretary of Agriculture (in collaboration with

the Secretary of the Interior where appropriate) determines to be desirable.

SEC. 111. LAND RECLASSIFICATION.

(a) OREGON AND CALIFORNIA RAILROAD LAND.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall identify any Oregon and California Railroad Land that is subject to section 201 of the Act of August 28, 1937 (43 U.S.C. 1181f), within the boundary of the Clackamas Wilderness, as generally depicted on the map entitled ''South Fork Clackamas'', dated September 2006.

(b) PUBLIC DOMAIN LAND.—

(1) DEFINITION OF PUBLIC DOMAIN LAND.—In this section, the term ''public domain land''—

(A) has the meaning given the term ''public land'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702); and

(B) does not include any land managed under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) IDENTIFICATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall identify public domain land within the State that is approximately equal in acreage of land described in subsection (a), but is not subject to the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(3) MAPS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register, 1 or more maps depicting the land identified under subsections (a) and this subsection.

(4) RECLASSIFICATION.—After providing an opportunity for public comment, the Secretary of the Interior shall administratively reclassify—

(A) the land described in subsection (a) as public domain land that is not subject to section 201 of the Act of August 28, 1937 (43 U.S.C. 1181f); and

(B) the land described in this subsection as Oregon and California Railroad Land that is subject to the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

SEC. 112. VALID EXISTING RIGHTS AND WITHDRAWAL.

(a) VALID EXISTING RIGHTS.—Nothing in this Act affects any valid existing right.

(b) WITHDRAWAL.—Subject to valid rights existing on the date of enactment of this Act, the Federal land referred to in section 102 is withdrawn from all forms of—

(1) appropriation;

(2) disposal under public law;

(3) location, entry, and patent under mining law; and

(4) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 113. MAINTENANCE AND REPLACEMENT OF FOOT BRIDGES IN WILDERNESS AREAS.

(a) IN GENERAL.—In the case of each wilderness area designated or expanded by section 102, it is the intent of Congress that the Secretary be able to provide for—

(1) the maintenance of any foot bridge crossing located in a wilderness area; and

(2) when needed, the replacement of the foot bridge crossings to ensure public access and safety.

(b) MINIMUM TOOL POLICIES.—The Secretary shall carry out foot bridge replacement work under subsection (a) in accordance with the minimum tools policies of the Forest Service.

SEC. 114. RICHARD L. KOHNSTAMM MEMORIAL AREA.

(a) DESIGNATION.—Certain Federal land managed by the Forest Service, comprising approximately 30 acres, as generally depicted on the map entitled ''Richard L. Kohnstamm Memorial Area'', dated September 2006, and approximately 157 acres of designated wilderness, as generally depicted on the map entitled ''Richard L. Kohnstamm Memorial Area'', dated September 2006, shall be known and designated as the ''Richard L. Kohnstamm Wilderness''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to an area described in subsection (a) shall be deemed to be a reference to the Richard L. Kohnstamm Wilderness.

(c) BOUNDARY.—

(1) IN GENERAL.—The memorial area shall consist of land located within the boundary depicted on the map entitled ''Richard L. Kohnstamm Memorial Area'', dated September 2006.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

TITLE II—DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA

SEC. 201. FINDING AND PURPOSE.

(a) FINDING.—Congress finds that the addition of 81 miles of waterways to the National Wild and Scenic River System in the Mount Hood National Forest would increase the total length of the portion of the National Wild and Scenic River System that is located in the Mount Hood National Forest by approximately 47 percent.

(b) PURPOSE.—The purpose of this title is to designate approximately 81 miles of waterways in the Mount Hood National Forest as additions to the National Wild and Scenic Rivers System.

SEC. 202. WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the undesignated paragraph relating to the White Salmon River as paragraph (167); and

(2) by adding at the end the following:

''(168) MOUNT HOOD NATIONAL FOREST, OREGON.—The following segments in the Mount Hood National Forest in the State of Oregon, to be administered by the Secretary of Agriculture:

''(A) The 4.1-mile segment of the South Fork of the Clackamas River from its confluence with the East Fork of the South Fork of the Clackamas to the its confluence with the Clackamas River, as a scenic river.

''(B) The 8.5-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, of which—

''(i) the 6.7-mile segment from its headwaters to the west section line of T. 3 S., R. 6 E., sec. 20, as a wild river; and

''(ii) the remaining 1.8-mile segment from that section line, as a recreational river.

''(C) The 3.7-mile segment of the Middle Fork of the Hood River from the confluence of Clear and Coe Branches to the Mount Hood National Forest boundary of sec. 11 and 12 in T. 1 S., R. 9 and 10 E., as a scenic river.

''(D) The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, as a wild river.

''(E) The 4.3-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, as a wild river.

''(F) The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the Mount Hood National Forest boundary, including—

''(i) the 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river;

''(ii) the 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river;

''(iii) the 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of sec. 20, T. 2 S., R. 12 E., WM, as a wild river; and

''(iv) the 0.2-mile segment from the western edge of section 20, T. 2 S., R. 12 E., WM to the Mount Hood National Forest boundary, as a scenic river;

''(G) The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, as a recreational river.

''(H) The 17.8-mile segment of the Collawash River from the headwaters of the East Fork Collawash to the confluence with the Clackamas River, of which—

''(i) the 11.0-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river; and

''(ii) the 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.

''(I) The 13.6-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, as a recreational river.''.

SEC. 203. IMPACT ON WATER RIGHTS AND FLOW REQUIREMENTS.

(a) RELATION TO EXISTING REQUIREMENTS.—Congress does not intend for the designation of any portion of the Hood River under section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as amended by this Act, to have any impact on any water right or flow requirement relating to—

(1) the Middle Fork Irrigation District;

(2) the East Fork Irrigation District; or

(3) the Mt. Hood Meadows Ski Resort.

(b) EXCLUSION OF OPERATIONAL AREAS.—Congress does not intend for the designation of any portion of the Hood River under section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as amended by this Act, to include any portion of the operational area of—

(1) the Middle Fork Irrigation District;

(2) the East Fork Irrigation District; or

(3) the Mt. Hood Meadows Ski Resort.

TITLE III—MOUNT HOOD NATIONAL RECREATION AREA

SEC. 301. DESIGNATION.

(a) DESIGNATION.—The Mount Hood National Recreation Area shall be known and designated as the ''Mount Hood National Recreation Area''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Mount Hood National Recreation Area shall be deemed to be a reference to the Mount Hood National Recreation Area.

(c) BOUNDARY.—

(1) IN GENERAL.—The Mount Hood National Recreation Area shall consist of land located within the boundary depicted on the map entitled ''Mount Hood National Recreation Area'', dated September 2006.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(d) ADMINISTRATION.—The Secretary shall administer the Mount Hood National Recreation Area in accordance with the laws, rules, and regulations applicable to the national forests for public outdoor recreation—

(1) in a manner that—

(A) protects and maintains—

(i) the diverse recreational opportunities of the Mount Hood National Recreation Area for public use; and

(ii) fish and wildlife habitats;

(B) conserves the scenic, recreational, cultural, scientific, spiritual, and other values

of the Mount Hood National Recreation Area that contribute to the benefit of the public;

(C) preserves each feature and peculiarity of the Mount Hood National Recreation Area believed to be biologically significant, including—

(i) rare and endemic plant species;

(ii) rare combinations of aquatic, terrestrial, and atmospheric habitats; and

(iii) rare combinations of outstanding and diverse ecosystems and parts of associated ecosystems;

(D) protects archeological and paleontological sites and interprets those sites for the benefit of the public;

(E) maintains and enhances the desired structural components consistent with Standards and Guidelines of the Northwest Forest Plan; and

(F) prevents any cutting, sale, or removal of timber except where the cutting, sale, or removal of timber—

(i) improves the health of the forest and—

(I) maximizes the retention of large trees as appropriate to the forest type, to the extent that those trees promote stands that are fire-resilient and healthy;

(II) improves the habitats of threatened, endangered, proposed, or sensitive species; and

(III) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire effects;

(ii) is incidental to the accomplishment of an approved management activity not otherwise prohibited; or

(iii) is for personal or administrative use; and

(2) to prevent the new or temporary construction or reconstruction of roads, except when the new or temporary construction or reconstruction of roads is required—

(A) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(B) to conduct environmental cleanup required by the Federal Government;

(C) to allow for reserved or outstanding rights provided for by a statute or treaty;

(D) to prevent irreparable resource damage by an existing road;

(E) to rectify a hazardous road condition;

(F) as part of a Federal-aid highway project; or

(G) in conjunction with—

(i) the continuation, extension, or renewal of a mineral lease on land that is under lease; or

(ii) a new mineral lease that is issued immediately after the expiration of an existing mineral lease.

(e) CHAINSAWS.—The Secretary may use chainsaws to maintain existing trails in the Mount Hood National Recreation Area.

TITLE IV—TRANSPORTATION AND COMMUNICATION SYSTEMS

SEC. 401. DEFINITION OF MOUNT HOOD REGION.

In this title, the term ''Mount Hood region'' means—

(1) Mount Hood and the other land located adjacent to the mountain;

(2) any segment of the Oregon State Highway 26 corridor that is located in or near Mount Hood National Forest;

(3) any segment of the Oregon State Highway 35 corridor that is located in or near Mount Hood National Forest;

(4) each other road of the Forest Service, State, or county that is located in and near Mount Hood National Forest; and

(5) any gateway community located adjacent to any highway or road described in paragraph (2), (3), or (4).

SEC. 402. TRANSPORTATION PLAN.

(a) IN GENERAL.—The Secretary shall collaborate with the State to develop an integrated, multimodal transportation plan for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(1) to promote appropriate economic development;

(2) to preserve the landscape of the Mount Hood region; and

(3) to enhance public safety.

(b) PLANNING PROCESS.—The transportation plan under subsection (a) shall—

(1) conform with Federal and Oregon transportation planning requirements; and

(2) be developed through a collaborative process, preferably through the use of a commission composed of interested persons appointed by the State, with representation from the Forest Service and local governments in the Mount Hood region.

(c) SCOPE OF PLAN.—The transportation plan under subsection (a) shall address issues relating to—

(1) the transportation of individuals to and from areas outside the Mount Hood region on major corridors traversing that region; and

(2) the transportation of individuals to and from locations that are located within the Mount Hood region.

(d) CONTENTS OF PLAN.—At a minimum, the transportation plan under subsection (a) shall consider—

(1) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;

(2) establishing park-and-ride facilities that shall be located at gateway communities;

(3) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(4) creating a new interchange on Oregon State Highway 26 that shall be located adjacent to or within Government Camp;

(5) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(A) providing emergency routes; or

(B) improving access to, and travel within, the Mount Hood region;

(6) reconstructing the segment of Oregon State Highway 35 that is located between Mineral Creek and Baseline Road to address ongoing debris flow locations; and

(7) creating mechanisms for funding the implementation of the transportation plan under subsection (a), including—

(A) funds provided by the Federal Government;

(B) public-private partnerships;

(C) incremental tax financing; and

(D) other financing tools that link transportation infrastructure improvements with development.

(e) COMPLETION OF PLAN.—Not later than 2 years after the date on which funds are first made available to carry out this section, the Secretary shall complete the transportation plan under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 403. STUDY RELATING TO GONDOLA CONNECTION AND INTERMODAL TRANSPORTATION CENTER.

(a) FEASIBILITY STUDY.—The Secretary shall carry out a study of the feasibility of establishing—

(1) a gondola connection that—

(A) connects Timberline Lodge to Government Camp; and

(B) is located in close proximity to the site of the historic gondola corridor; and

(2) an intermodal transportation center to be located in close proximity to Government Camp.

(b) CONSIDERATION OF MULTIPLE SITES.—In carrying out the feasibility study under subsection (a), the Secretary may consider 1 or more sites.

SEC. 404. BURIAL OF POWER LINES.

Because of the incongruent presence of power lines adjacent to or within wilderness areas, the Secretary may provide to Cascade Locks and Hood River County $3,200,000 through the Forest Service State and Private Forestry program to bury ground power lines adjacent to or within Mount Hood Wilderness areas, including wilderness areas designated by this Act.

SEC. 405. CULVERT REPLACEMENT.

(a) IN GENERAL.—The Secretary may provide $1,000,000 to Clackamas County to replace or remove culverts on the wild and scenic river segments in Clackamas County, Oregon, designated by title II.

(b) LIMITATION.—Culvert replacement carried out by the Forest Service and Clackamas County to improve fish passage and the ecology of the wilderness designated by this Act shall not be considered water and resource development.

SEC. 406. CLARIFICATION OF TREATMENT OF STATE HIGHWAYS.

(a) EXCLUSION.—Any part of Oregon State Highway 35 or other any other State highway in existence on the date of enactment of this Act (including all existing rights-of-way and 150 feet on each side of the centerline, whichever is greater, that is adjacent to or within wilderness areas in the Mount Hood National Forest, including wilderness areas designated by this Act) shall be excluded from wilderness under this Act.

(b) NO NET EFFECT.—The designation of wilderness or wild and scenic rivers under this Act or an amendment made by this Act shall not limit or restrict the ability of the State—

(1) to operate, maintain, repair, reconstruct, protect, or make any other improvement to Oregon State Highway 35 or any other State highway in existence on the date of enactment of this Act;

(2) to use any site that is not within a highway right-of-way to operate, maintain, repair, reconstruct, protect, or make any other improvement to those highways; or

(3) to take any action outside of a highway right-of-way that is necessary to operate, maintain, repair, reconstruct, protect, or make any other improvement to those highways.

(c) FLOOD PLAIN.—Congress encourages the carrying out of projects that will reduce the impact of Oregon State Highway 35 on the flood plain of the East Fork Hood River.

TITLE V—LAND EXCHANGE

Subtitle A—Cooper Spur-Government Camp Land Exchange

SEC. 501. PURPOSE.

The purpose of this subtitle is to recognize the years of work by local residents and political and business leaders from throughout the States of Oregon and Washington to protect the north side of Mount Hood and bring to culmination the land exchange authorized by section 502.

SEC. 502. COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.

(a) CONVEYANCE REQUIRED.—With the exception if the Retained Conservation and Trail Easements under subsection (j), the Secretary shall convey to Mt. Hood Meadows Oreg., Limited Partnership (in this subtitle referred to as 'Mt. Hood Meadows'), all right, title, and interest of the United States in and to—

(1) a parcel of National Forest System land in Mount Hood National Forest consisting of approximately 80 acres in Government Camp, Clackamas County, Oregon, as depicted on the map entitled ''Cooper Spur-Government Camp Land Exchange'' and dated September

2006 (in this subtitle referred to as the ''official map''); and

(2) a parcel of National Forest System land in Mount Hood National Forest consisting of approximately 40 acres in Government Camp, as depicted on the official map.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, shall convey to the United States all right, title, and interest of these entities in and to—

(1) a parcel of private land consisting of approximately 770 acres at Cooper Spur, as depicted on the official map;

(2) all buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur covered by the appraisal described in subsection (c)(1);

(3) the 1,350 acre special use permit for the Cooper Spur Ski Area, as depicted on the official map; and

(4) all buildings, furniture, fixtures, and equipment at the Cooper Spur Ski Area covered by the appraisal described in subsection (c)(1).

(c) APPRAISALS.—

(1) IN GENERAL.—The values of the lands to be exchanged under this Act shall be determined by appraisals using nationally recognized appraisal standards, including as appropriate—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions (1992); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) EXISTING APPRAISALS.—The Secretary shall review the appraisals of the land and other property to be conveyed under subsections (a) and (b) performed in 2005 by Appraiser Steven A. Hall, MAI, CCIM, for accuracy and compliance with paragraph (1). If the Secretary determines that the appraisals are accurate and meet the requirements of paragraph (1), then the Secretary may approve the appraisals.

(3) TREATMENT OF EXCESS CONSIDERATION.—Should the appraisal determine a difference in values between the properties exchanged, in favor of the government, excess value donated to the United States will not be deemed a donation for tax purposes. Donation of non-federal land may exceed 25% of the value of the federal land.

(d) EQUAL VALUE EXCHANGE.—The values of the land to be exchanged under this section shall be determined pursuant to an appraisal acceptable to the Secretary of Agriculture, the County and Mt. Hood Meadows Oreg., Limited Partnership. If the values are not equal, they shall be equalized in the manner provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(e) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(f) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary of Agriculture under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(g) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the land to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange, shall be negotiated between the Secretary and the County.

(h) EXISTING RIGHTS.—The conveyance of Federal land under this section shall be subject to valid existing rights of third parties. In the alternative, the Secretary of Agriculture may grant substitute permit rights of equivalent utility to use other Federal land.

(i) COMPLETION OF LAND EXCHANGE.—The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the land exchange under this section and complete the closing of the land exchange not later than 16 months after the date of the enactment of this Act.

(j) RETAINED CONSERVATION AND TRAIL EASEMENTS.—In conjunction with the conveyance of title to Mt. Hood Meadows, the Secretary of Agriculture shall reserve a Conservation Easement to protect existing wetlands on the conveyed parcels, as determined by the Oregon Department of State Lands. Alternative equivalent wetland mitigation measures shall be allowed to compensate for minor wetland encroachments necessary for the orderly development of the parcels. In addition, the Secretary of Agriculture shall reserve a Trail Easement which allows the non-motorized functional use by the public of identified existing trails located on the conveyed parcels as depicted on the map entitled ''Government Camp Trail Map'' and dated September 2006 as such trails may be improved or relocated to accommodate development of the property. The Trail Easement shall provide that roads, utilities and infrastructure facilities may cross such trails.

Subtitle B—Other Land Exchanges

SEC. 511. LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey to the Port of Cascade Locks, Cascade Locks, Oregon (in this section referred to as the ''Port''), all right, title, and interest of the United States in and to a parcel of National Forest System land in the Columbia River Gorge National Scenic Area consisting of approximately 10 acres, as depicted on the map entitled ''Port of Cascade Locks-Pacific Crest National Scenic Trail Land Exchange'' and dated June 2006.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Port shall convey to the United States all right, title, and interest of the Port in and to a parcel of land consisting of approximately 40 acres, as depicted on the map referred to in subsection (a). The acquisition of this land will ensure the continued integrity of the Pacific Crest National Scenic Trail in the vicinity of Cascade Locks and the public's ability to access the north Oregon entrance of the trail.

(c) EQUAL VALUE EXCHANGE.—The values of the land to be exchanged under this section shall be determined pursuant to an appraisal acceptable to the Secretary of Agriculture and the Port. If the values are not equal, they shall be equalized in the manner provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(d) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(e) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary of Agriculture under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(f) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the land to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of such survey, as well as other administrative costs incurred to execute the land exchange, shall be negotiated between the Secretary and the Port.

(g) EXISTING RIGHTS.—The conveyance of Federal land under this section shall be subject to valid existing rights of third parties. In the alternative, the Secretary of Agriculture may grant substitute permit rights of equivalent utility to use other Federal land.

(h) COMPLETION OF LAND EXCHANGE.—The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the conveyances under this section and complete the closing of the conveyances within 16 months after the date of the enactment of this Act.

SEC. 512. HUNCHBACK MOUNTAIN LAND EXCHANGE, CLACKAMAS COUNTY.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey to Clackamas County, Oregon (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of National Forest System land in the Mount Hood National Forest consisting of approximately 160 acres, as depicted on the map entitled ''Hunchback Mountain Land Exchange-Clackamas County'' and dated June 2006.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the County shall convey to the United States all right, title, and interest of the County in and to a parcel of land consisting of approximately 160 acres, as depicted on the map referred to in subsection (a). The acquisition of this parcel will ensure the continued integrity of the forested land, a substantial portion of which exceeds 120 years in age, and the public's access to the parcel.

(c) EQUAL VALUE EXCHANGE.—The values of the land to be exchanged under this section shall be determined pursuant to an appraisal acceptable to the Secretary of Agriculture and the County. If the values are not equal, they shall be equalized in the manner provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(d) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(e) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary of Agriculture under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(f) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the land to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange, shall be negotiated between the Secretary and the County.

(g) EXISTING RIGHTS.—The conveyance of Federal land under this section shall be subject to valid existing rights of third parties. In the alternative, the Secretary of Agriculture may grant substitute permit rights of equivalent utility to use other Federal land.

(h) COMPLETION OF LAND EXCHANGE.—The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the land exchange under

this section and complete the closing of the land exchange not later than 16 months after the date of the enactment of this Act.

TITLE VI—MOUNT HOOD NATIONAL FOREST AND WATERSHED STEWARDSHIP

SEC. 601. FINDINGS AND PURPOSE.

The purpose of this title is to direct the Forest Service to prepare an assessment to promote forested landscapes resilient to catastrophic fire, insects, and disease, to protect homes and communities from property damage and threats to public safety, and to protect and enhance existing community or municipal watersheds. It is the intent of Congress that site-specific forest health projects undertaken pursuant to this assessment shall be completed in accordance with existing law.

SEC. 602. FOREST STEWARDSHIP ASSESSMENT.

(a) PREPARATION OF ASSESSMENT.—The Secretary of Agriculture shall prepare an assessment to identify the forest health needs in those areas of the Mount Hood National Forest with a high incidence of insect or disease infestation (or both), heavily overstocked tree stands, or moderate-to-high risk of unnatural catastrophic wildfire for the purpose of improving condition class, which significantly improves the forest health and water quality. The Secretary may utilize existing information to complete the assessment. The assessment shall also identify specific projects to address these issues.

(b) IMPROVED MAPPING.—The assessment will include peer reviewed mapping of condition class 2 and condition class 3 areas and other areas identified in subsection (a) in Mount Hood National Forest.

(c) COMPLETION.—The Secretary of Agriculture shall complete the assessment not later than 1 year after the date of enactment of this Act.

(d) DURATION OF STUDY.—The assessment shall cover a 10-year period.

(e) IMPLEMENTATION.—Not later than 1 year after completion of the assessment, the Secretary shall commence implementation of projects to address the needs identified in the assessment. These projects shall be implemented using authorities available to the Secretary to manage the Mount Hood National Forest to achieve the purpose specified in subsection (a).

(f) DELAY.—During development of the assessment under this section, a forest management project that is unaffiliated with the assessment and has completed review as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in accordance with existing law, need not be delayed in the event the Secretary fails to meet the deadline specified in subsection (c).

(g) RELATION TO EXISTING LAW AND PLANS.—Nothing in this section grants the Secretary any authority to manage the Mount Hood National Forest contrary to existing law. The assessment conducted by the Secretary under this section shall not supersede, be considered a supplement or amendment to, or in any way affect the legal or regulatory authority of the Mount Hood National Forest Land and Resource Management Plan or the collection of documents entitled ''Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl'' and ''Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest-Related Species Within the Range of the Northern Spotted Owl''.

(h) PUBLIC PARTICIPATION.—The Secretary shall provide an opportunity for interested persons to be involved in development of the assessment conducted by the Secretary under this section.

SEC. 603. SUSTAINABLE BIOMASS UTILIZATION STUDY.

(a) STUDY REQUIRED.—The Secretary of Agriculture shall conduct a study to assess the amount of long-term sustainable biomass available in the Mount Hood National Forest that, consistent with applicable law, could be made available as a raw material for—

(1) the production of electric energy, sensible heat, transportation fuel, or substitutes for petroleum-based products;

(2) dimensional lumber, fencing, framing material, poles, firewood, furniture, chips, or pulp for paper; or

(3) other commercial purposes.

(b) DEFINITION.—In this section, the term ''biomass'' means small diameter trees and understory vegetation that is removed from forested land as a by-product of forest restoration efforts.

SEC. 604. WATERSHED MANAGEMENT MEMORANDA OF UNDERSTANDING.

(a) COMPLETION OF MEMORANDA OF UNDERSTANDING.—To the extent that memoranda of understanding or other legal agreements involving watersheds of Mount Hood National Forest do not exist between irrigation districts or municipalities and the Forest Service, the Secretary of Agriculture may complete memoranda of understanding that outline stewardship goals to manage the watersheds for water quality and water quantity.

(b) ELEMENTS OF MEMORANDUM.—A memorandum of understanding involving a watershed of Mount Hood National Forest shall encourage adaptability, establish benchmarks regarding water quality and water quantity, and require monitoring to determine progress in meeting such benchmarks. The memorandum of understanding may restrict public access to areas of the watershed where appropriate.

(c) PUBLIC PROCESS REQUIRED.—

(1) COLLABORATION AND CONSULTATION.—The Secretary of Agriculture shall ensure that the process by which the Secretary enters into a memorandum of understanding with an irrigation district, local government, or other entity involving a watershed of Mount Hood National Forest is based on collaboration and cooperation between the Forest Service and local jurisdictions and other interested persons.

(2) PUBLIC MEETING REQUIRED.—The Secretary and the other party or parties to the proposed memorandum of understanding shall hold at least 1 joint public meeting before completing a final draft of the memorandum of understanding.

(3) PUBLIC COMMENT.—A draft memorandum of understanding shall also be open to public comment before being finalized.

SEC. 605. TERMINATION OF AUTHORITY.

The authority provided by this title shall terminate on the date that is 10 years after the date of enactment of this Act.

TITLE VII—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT

SEC. 701. FINDINGS AND PURPOSE.

The purpose of this title is to establish a special resources management unit to ensure protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon, while also allowing visitors to enjoy its special scenic, natural, cultural, and wildlife values.

SEC. 702. ESTABLISHMENT OF CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.

(a) ESTABLISHMENT.—Effective as provided by section 705, the Secretary of Agriculture shall establish a special resources management unit in the State consisting of all National Forest System land that is located within 200 yards from any point on the perimeter of the Crystal Springs Zone of Contribution, as determined by the Crystal Springs Water District, and other National Forest System land in and around the Inn at Cooper Spur and the Cooper Spur Ski Area, as depicted on the map entitled ''Crystal Springs Watershed Special Resources Management Unit'' and dated June 2006 (in this subtitle referred to as the ''official map'').

(b) DESIGNATION.—The special resources management unit established pursuant to subsection (a) shall be known as the Crystal Springs Watershed Special Resources Management Unit, in this title referred to as the ''Management Unit''.

(c) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Forest System land otherwise covered by subsection (a) that is designated as wilderness by title I.

(d) WITHDRAWAL.—Subject to valid existing rights, National Forest System land included in the Management Unit are permanently withdrawn from all forms of appropriation under the public land laws, including the mining laws and mineral and geothermal leasing laws.

(e) MAPS AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTIONS.—As soon as practicable after the effective date specified in section 705, the Secretary shall prepare and submit to Congress a legal description of the Management Unit.

(2) FORCE OF LAW.—The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct technical errors in the map and legal descriptions. The map of the Crystal Springs Zone of Contribution is incorporated in this Act to delineate the boundaries of the Management Unit, and the delineation of these boundaries is not intended to affect the specific uses that may occur on private land within the boundaries of the Management Unit.

(3) PUBLIC AVAILABILITY.—The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Forest Service.

SEC. 703. ADMINISTRATION OF MANAGEMENT UNIT.

(a) GENERAL APPLICABILITY OF EXISTING LAWS.—Except as provided in this title, all other laws and regulations affecting National Forest System lands shall continue to apply to the National Forest System lands included in the Management Unit.

(b) AUTHORIZED ACTIVITIES.—

(1) PROCESS FOR ALLOWING ACTIVITIES.—Only activities described in this subsection may occur in the Management Unit, and the Secretary of Agriculture may permit an activity described in this subsection to occur in the Management Unit only after the Secretary—

(A) obtains the review and opinions of the Crystal Springs Water District regarding the effect of the activity on the purposes of the Management Unit;

(B) complies with all applicable Federal law regarding development and implementation of the activity; and

(C) when appropriate, provides to the general public advance notice of the activity, an opportunity to comment on the activity, and appeal rights regarding the activity.

(2) RECREATION.—The Secretary may—

(A) continue to maintain recreational opportunities and trails, in existence in the Management Unit as of the effective date specified in section 705, within their existing and historic footprints or at an alternative location; and

(B) develop new footpaths or cross-county skiing trails in the Management Unit.

(3) LEASE OF CERTAIN IMPROVEMENTS.—The Secretary may lease improvements and facilities, in existence in the Management Unit as of the effective date specified in section 705, within their existing and designated footprints to 1 or more concessionaires.

(4) ROAD MAINTENANCE.—Subject to subsection (d), the Secretary may maintain National Forest System roads, in existence in the Management Unit as of the effective date specified in section 705 or as directed by the management plan required by subsection (d). Maintenance may include the installation of culverts and drainage improvements and other similar activities.

(5) FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.—To protect the water quality, water quantity, scenic, cultural, historic, natural, and wildlife values of the Management Unit, the Secretary may permit fuel reduction on National Forest System land in the Management Unit—

(A) extending up to 400 feet from structures on National Forest System land or structures on adjacent private land; and

(B) extending up to 400 feet from the Cooper Spur Road, the Cloud Cap Road, and the Cooper Spur ski area loop road.

(6) OTHER FUEL REDUCTION AND FOREST HEALTH ACTIVITIES.—The Secretary may conduct fuel reduction and forest health management activities in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels. The purpose of any fire risk reduction or forest health management activity conducted in the Management Unit shall be the maintenance and restoration of fire-resilient forest structures containing late successional forest structure characterized by large trees and multi-storied canopies (where ecologically appropriate) and the protection of the water quality, water quantity, scenic, cultural, historic, natural, and wildlife values of the Management Unit.

(c) SPECIFICALLY PROHIBITED ACTIVITIES.—The following activities may not occur on National Forest System land in the Management Unit, whether separately or, except as provided in paragraph (2), as part of an activity authorized by subsection (b):

(1) New road construction or renovation of existing non-System roads.

(2) Projects undertaken for the purpose of harvesting commercial timber. The harvest of merchantable products that are by-products of activities conducted pursuant to subsection (b)(6) and carried out pursuant to a stewardship contract are not prohibited by this subsection.

(3) Commercial livestock grazing.

(4) The placement or maintenance of fuel storage tanks.

(5) The application of any toxic chemicals, including pesticides, rodenticides, herbicides, or retardants, for any purpose, except with the consent of the Crystal Springs Water District.

(d) MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—Within 9 months after the effective date specified in section 605, the Secretary of Agriculture shall adopt a management plan for the Management Unit that, while providing for the limited activities specifically authorized by subsection (b), protects the watershed from illegal dumping, human waste, fires, vandalism, and other risks to water quality.

(2) CONSULTATION AND PUBLIC PARTICIPATION.—The Secretary shall prepare the management plan in consultation with the Crystal Springs Water District, the Cooper Spur Wild and Free Coalition, and Hood River County and provide for public participation as described in subsection (b)(1)(C).

(e) FOREST ROAD CLOSURES.—As part of the management plan required by subsection (d), the Secretary of Agriculture may provide for the closure or gating to the general public of any Forest Service road within the Management Unit, except for the road commonly known as Cloud Cap Road.

(f) PRIVATE LAND.—Nothing in this section affects the use of, or access to, any private property within the Crystal Springs Zone of Contribution by the owners of the private property and their guests. The Secretary is encouraged to work with interested private landowners who have voluntarily agreed to cooperate with the Secretary to further the purposes of this title.

(g) RELATIONSHIP WITH WATER DISTRICT.—Except as provided in this section, the Crystal Springs Water District has no authorities over management or use of National Forest System land included in the Management Unit.

SEC. 704. ACQUISITION OF LANDS.

(a) ACQUISITION AUTHORITY.—The Secretary of Agriculture may acquire from willing landowners any lands located in the Crystal Springs Zone of Contribution within the boundaries of Mount Hood National Forest. Lands so acquired shall automatically be added to the Management Unit.

(b) PROHIBITION ON SUBSEQUENT CONVEYANCE.—The Secretary may not sell, trade, or otherwise transfer ownership of any land within the Management Unit, including any of the land acquired under subsection (a) or received by the Secretary as part of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title VIII and included within the Management Unit, to any person.

SEC. 705. EFFECTIVE DATE.

The Secretary of Agriculture shall establish the Management Unit as soon as practicable after the final closing of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title VIII, but in no case later than 30 days after the date of the final closing of such land exchange. The Management Unit may not be established before final closing of the land exchange.

TITLE VIII—LOCAL AND TRIBAL RELATIONSHIPS

SEC. 801. FINDINGS AND PURPOSE.

The purpose of this title is to recognize and support the ability of Native Americans to continue to gather first foods in the Mount Hood National Forest using traditional methods and the central role of the State and local governments in management of issues dealing with natural and developed environments in the vicinity of the national forest.

SEC. 802. FIRST FOODS GATHERING AREAS.

(a) PRIORITY USE AREAS.—The Secretary of Agriculture shall identify, establish, develop, and manage priority-use areas in Mount Hood National Forest for the gathering of first foods by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by the national forest. The priority-use areas shall be identified, established, developed, and managed in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes of the Warm Springs Reservation of Oregon (in this section referred to as the ''Warm Springs Tribe'') and dated April 23, 2003, and such further agreements as are necessary between the Secretary of Agriculture and the Warm Springs Tribe to carry out the purposes of this section.

(b) PRIORITY USE.—Members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest shall have exclusive rights to gather first foods in the priority-use areas established pursuant to subsection (a).

(c) APPLICABLE LAW.—In considering and selecting National Forest System land for inclusion in a priority-use area under subsection (a), the Secretary of Agriculture shall comply with the land and resource management plan for Mount Hood National Forest and applicable laws.

(d) DEFINITION.—In this section, the term ''first foods'' means roots, berries, and plants on National Forest System land in Mount Hood National Forest that have been gathered for traditional and cultural purposes by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest.

SEC. 803. FOREST SERVICE COORDINATION WITH STATE AND LOCAL GOVERNMENTS.

Congress encourages the Secretary of Agriculture to cooperate with the State, local communities, counties, and Indian tribes in the vicinity of Mount Hood National Forest, and the heads of other Federal agencies to identify common ground, coordinate planning efforts around the national forest, and make the Federal Government a better partner in building cooperative and lasting solutions for management of Mount Hood National Forest and non-Federal land in the vicinity of the national forest.

SEC. 804. SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.

(a) TREATY RIGHTS.—Nothing in this Act is intended to alter, modify, enlarge, diminish, or extinguish the treaty rights of any Indian tribe, including the off-reservation reserved rights established by the Treaty of June 25, 1855, with the Tribes and Bands of Middle Oregon (12 Stat. 963). Section 702 is consistent with and intended to implement the gathering rights reserved by such treaty.

(b) TRIBAL LANDS.—Nothing in this Act is intended to affect lands held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(c) HUNTING AND FISHING.—Nothing in this Act is intended to affect the laws, rules, and regulations pertaining to hunting and fishing under existing State and Federal laws and Indian treaties.

SEC. 805. IMPROVED NATURAL DISASTER PREPAREDNESS.

(a) IMPOSITION OF STANDARDS.—New development occurring on land conveyed by the Secretary of Agriculture under title V or undertaken or otherwise permitted by the Secretary of Agriculture on National Forest System land in Mount Hood National Forest after the date of the enactment of this Act shall be constructed or altered in compliance with 1 of the nationally recognized model building codes or wildland-urban interface codes and with other applicable nationally recognized codes.

(b) INCLUSION OF STANDARDS IN LAND CONVEYANCES.—In the case of each of the land conveyances described in title V, the Secretary shall impose the requirements of subsection (a) as a condition on the conveyance of the Federal land under the conveyance.

(c) EFFECT ON STATE AND LOCAL LAW.—To the maximum extent feasible, the codes imposed pursuant to subsection (a) shall be consistent with the nationally recognized codes adopted by the State or political subdivisions of the State. This section shall not be construed to limit the power of the State or a political subdivision of the State to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.

(d) ENFORCEMENT.—The codes imposed pursuant to subsection (a) may be enforced by the same entities otherwise enforcing building codes regarding new development occurring on land conveyed by the Secretary of Agriculture under title V.

TITLE IX—RECREATION

SEC. 901. FINDINGS AND PURPOSE.

The purpose of this title is to recognize and support recreation as a dynamic social and economic component of the legacy and future of the Mount Hood National Forest.

SEC. 902. RETENTION OF MOUNT HOOD NATIONAL FOREST LAND USE FEES FROM SPECIAL USE AUTHORIZATIONS.

(a) SPECIAL ACCOUNT.—The Secretary of the Treasury shall establish a special account in the Treasury for Mount Hood National Forest.

(b) DEPOSITS.—Except as provided in section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the National Forest Organizational Camp Fee Improvement Act of 2003 (title V of division F of Public Law 108–107; 16 U.S.C. 6231 et seq.), Public Law 106–206 (commonly known as the Commercial Filming Act; 16 U.S.C. 460l–d), and the Federal Lands Recreation Enhancement Act (title VIII of division J of Public Law 108–477; 16 U.S.C. 6801 et seq.), all land use fees received after the date which is 6 months after the date of enactment of this Act from special use authorizations, such as recreation residences, resorts, winter recreation resorts, communication uses, and linear rights-of-way, and all other special use types issued with regard to Mount Hood National Forest shall be deposited in the special account established under subsection (a).

(c) AVAILABILITY.—Subject to subsection (d), amounts in the special account established under subsection (a) shall remain available, without further appropriation and until expended, for expenditure as provided in section 903. Upon request of the Secretary of Agriculture, the Secretary of the Treasury shall transfer to the Secretary of Agriculture from the special account such funds as the Secretary of Agriculture may request. The Secretary shall accept and use the funds in accordance with section 903.

(d) TERMINATION OF SPECIAL ACCOUNT.—The special account required by subsection (a) shall terminate at the end of the 10-year period beginning on the date of enactment of this Act. Any amounts remaining in the special account at the end of such period shall be transferred to the general fund of the Treasury.

SEC. 903. USE OF FUNDS IN SPECIAL ACCOUNT TO SUPPORT RECREATION.

(a) AUTHORIZED USES.—The Secretary of Agriculture shall use funds received from the special account under section 902(c) for the following purposes related to Mount Hood National Forest:

(1) Installation, repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety, such as—

(A) the improvement and maintenance of trails, including trails used for hiking, biking, snowmobiling, horseback riding, cross-country skiing, and off-highway vehicles;

(B) water system improvements; and

(C) personal sanitation facilities improvements.

(2) Interpretive programs, visitor information, visitor services, visitor needs assessments, mapping, signage, Leave-No-Trace materials, and wilderness rangers.

(3) Habitat restoration directly related to recreation.

(4) Cooperative environmental restoration projects with non-Federal partnership groups and associations, including groups and associations that work with youth.

(5) Law enforcement and rescue and recovery efforts related to public use and recreation, such as law enforcement at recreation events, search and rescue operations, illegal recreation activities investigations, and enforcement.

(6) Improving administration of special use authorizations.

(7) Preparation of documents required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with the improvement or development of recreational opportunities.

(8) Other projects or partnerships recommended by the Mount Hood National Forest Recreation Working Group established by section 905.

(b) ALLOCATION REQUIREMENTS.—Of the total funds received by the Secretary of Agriculture from the special account under section 902(c) for a fiscal year, the Secretary shall allocate the funds as follows:

(1) 95 percent of the funds to Mount Hood National Forest.

(2) 5 percent of the funds to the Regional Office for the Pacific Northwest Region of the Forest Service to develop needed policy and training to support programs in wilderness areas, special uses, trails, developed and dispersed recreation, and interpretation related to Mount Hood National Forest.

SEC. 904. ANNUAL REPORTING REQUIREMENT.

The Secretary of Agriculture shall submit to Congress an annual report specifying—

(1) the total funds received by the Secretary from the special account under section 902(c) for the preceding fiscal year;

(2) how the funds were allocated and expended; and

(3) the results from such expenditures.

SEC. 905. MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.

(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture shall establish the Mount Hood National Forest Recreational Working Group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in Mount Hood National Forest, including advice and recommendations regarding how the funds in the special account established under section 902 should be requested and expended.

(b) DUTIES.—The Working Group shall—

(1) review projects proposed by the Secretary for Mount Hood National Forest under section 903(a);

(2) propose projects under section 903(a) to the Secretary;

(3) recommend the amount of funds from the special account established under section 902 to be used to fund projects under section 903; and

(4) provide opportunities for citizens, organizations, Indian tribes, the Forest Service, and other interested parties to participate openly and meaningfully, beginning at the early stages of the development of projects under section 903(a).

(c) APPOINTMENT.—

(1) APPOINTMENT AND TERM.—The Regional Forester, acting on behalf of the Secretary of Agriculture, shall appoint the members of the Working Group for a term of 3 years beginning on the date of appointment. A member may be reappointed to subsequent 3-year terms.

(2) INITIAL APPOINTMENT.—The Regional Forester shall make initial appointments to the Working Group not later than 180 days after the date of enactment of this Act.

(3) VACANCIES.—The Regional Forester shall make appointments to fill vacancies on the Working Group as soon as practicable after the vacancy has occurred.

(4) COMPENSATION.—Members of the Working Group shall not receive any compensation for their service on the Working Group.

(5) NOMINATIONS.—The State and county governments for each county directly adjacent to or containing any portion of Mount Hood National Forest may submit a nomination to the Regional Forester for each activity or interest group category described in subsection (d).

(6) BROAD AND BALANCED REPRESENTATION.—In appointing the members of the Working Group, the Regional Forester shall provide for a balanced and broad representation from the recreation community.

(d) COMPOSITION OF WORKING GROUP.—The Working Group shall be composed of 15 members, selected so that the following activities and interest groups are represented:

(1) Summer non-mechanized recreation, such as hiking.

(2) Winter non-motorized recreation, such as snowshoeing and backcountry skiing.

(3) Mountain biking.

(4) Hunting and fishing.

(5) Summer motorized recreation, such as off-highway vehicle use.

(6) Local environmental groups.

(7) Winter motorized recreation, such as snowmobiling.

(8) Permitted ski areas.

(9) Forest products industry.

(10) Affected Indian tribes.

(11) Local holder of a recreation residence permit.

(12) Local government interests, such as a county commissioner or city mayor in an elected position representing a county or city directly adjacent or containing any portion of Mount Hood National Forest.

(13) A resident of Government Camp.

(14) The State.

(15) Operators of campground facilities open to the general public.

(e) CHAIRPERSON.—The chairperson of the Working Group shall be selected by a majority of the Working Group.

(f) OTHER WORKING GROUP AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—The Secretary of Agriculture shall provide staff assistance to the Working Group from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of the Working Group shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—The Working Group shall maintain records of the meetings of the Working Group and make the records available for public inspection.

(g) LIMITATION ON ADMINISTRATIVE ASSISTANCE.—Not more than 5 percent of the funds allocated under section 903(b) to Mount Hood National Forest for a fiscal year may be used to provide administrative assistance to the Working Group during that fiscal year.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group.

(i) TERMINATION OF WORKING GROUP.—The Working Group shall terminate at the end of the 10-year period beginning on the date of enactment of this Act.

SEC. 906. CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.

(a) EVALUATION OF CURRENTLY CLOSED ROADS.—

(1) CONSIDERATION FOR RECREATIONAL USE.—The Secretary of Agriculture may make a determination regarding whether the Forest Service roads in Mount Hood National Forest that were selected before the date of enactment of this Act for closure and decommissioning, but have not yet been decommissioned, should be converted to recreational

uses to enhance recreational opportunities in the national forest, such as conversion to single-track trails for mountain bikes and trails for snowmobiling, off-road vehicle use, horseback riding, hiking, cross-country skiing, and other recreational uses.

(2) CONSIDERATION OF ENVIRONMENTAL AND ECONOMIC IMPACTS.—In evaluating the feasibility and suitability of converting Forest Service roads under this subsection to recreational uses, and the types of recreational uses to be authorized, the Secretary shall take into account the environmental and economic impacts of implementing the conversion and of the resulting recreational uses.

(3) PUBLIC PROCESS.—The consideration and selection of Forest Service roads under this subsection for conversion to recreational uses, and the types of recreational uses to be authorized, shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Working Group.

(b) FUTURE CLOSURE CONSIDERATIONS.—Whenever the Secretary of Agriculture considers a Forest Service road in Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary shall include, as an alternative to decommissioning the road, consideration of converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

SEC. 907. IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.

(a) CONSTRUCTION OF TRAIL.—The Secretary of Agriculture may enter into a contract with a partner organization or other person to design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

(b) PUBLIC PROCESS.—The selection of the trail location under subsection (a) and the preparation of the design of the trail shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Working Group.

(c) FUNDING.—The Secretary of Agriculture may use funds in the special account established under section 902 to carry out this section.

TITLE X—AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. MENENDEZ (for himself, Mr. ENSIGN, and Mr. LAUTENBERG):

S. 3856. A bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MENENDEZ. Mr. President, I rise today with my colleagues Senator ENSIGN and Senator LAUTENBERG to introduce legislation to award Jerry Lewis with the Congressional Gold Medal of Honor. This well-deserved recognition pays tribute to the many outstanding and enduring contributions Jerry Lewis has made throughout his career.

Born in 1926 in Newark, NJ, this gifted comedian has been a fixture in the entertainment community for more than five decades keeping spirits high and Americans laughing during some of the most turbulent periods in our history—World War II, the Cold War, and the assassinations of President John F. Kennedy and Dr. Martin Luther King Jr. But in addition to his comic persona, Lewis is also an active champion of charitable causes with an undying commitment to finding a cure for muscular dystrophy. Mr. Lewis has served for five decades as the National Chairman of the Muscular Dystrophy Association, which is an incredible organization dedicated to making a difference in the lives of countless families dealing with the challenges associated with muscular dystrophy. Forty years ago, he began the ''Jerry Lewis MDA Labor Day Telethon,'' an annual television program that benefits children and adults affected by muscular dystrophy and related neuromuscular diseases. This year, Mr. Lewis achieved an amazing accomplishment. His annual Labor Day telethon raised a record $61 million to fight this disease.

In September of 1976, this great body adopted a resolution expressing their appreciation of Jerry Lewis' philanthropic endeavors, in particular, his fight to find a cure for muscular dystrophy. Today, I believe a fitting accolade to this larger than life individual would be for him to join the ranks of distinguished Congressional Gold Medal recipients. I urge my colleagues to join me in congratulating Jerry Lewis, supporting the fight to end muscular dystrophy, and co-sponsoring this important legislation.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 3857. A bill to amend the Internal Revenue Code of 1986 to provide incentives to small businesses; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the ''Bringing Opportunity to Our Small Business Taxpayers Act,'' or ''BOOST Act.'' I am pleased to be joined by my colleague Senator Blanche Lincoln of Arkansas.

Small businesses represent over 99 percent of all employers and create approximately three-fourths of the new jobs added to the economy. The approximately 23 million small businesses truly are the backbone of our economy.

However, this important engine of job creation and growth for our economy is subjected to unnecessary and unfair financial burdens inflicted by Federal tax policy and other laws. My bill will extend expensing provisions, eliminate tax inequities and encourage retirement plans for small businesses, as well as provide a health insurance tax deduction for the self-employed.

Current law allows small businesses to expense up to $100,000 of the cost of property per year and invest up to $400,000 per year and still be eligible for expensing. My bill will make these expensing provisions, which are set to expire in 2009, permanent.

My legislation also addresses inequitable provisions in the law that affect the approximately 3.2 million S-corporations in the United States. Today, businesses that convert from C-corporation to S-corporation status are penalized for a period of ten years if they sell assets that were held prior to the conversion, even if the proceeds are driven right back into the business. By reducing the holding period subjected to built-in gains tax from ten years to seven years, S-corporations will be able to unload unneeded assets and improve cash flow and create more jobs.

Known as the ''sting tax,'' S-corporations that have converted from C-corporation status are taxed at the maximum corporate tax rate for passive investment income in excess of 25 percent of their gross receipts. This law is burdensome and unfair and needs to be revised. My bill will decrease the amount of income subjected to the tax. The adjustment will relieve S-corporations from an unnecessary tax burden and level the playing field with C-corporations and LLCs.

Saving for retirement is important for all Americans and access to retirement plans is critical in order to build wealth for an individual's golden years. Unfortunately, high costs and taxes discourage many small businesses from providing retirement plans to their employees. Through tax equity and tax credit measures, my bill encourages small businesses to offer retirement benefits to employees so they will have the necessary tools to prepare for their financial future.

I look forward to working with my colleagues on issues affecting small businesses and urge their support of my legislation.

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

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

S. 3857

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bringing Opportunities to Our Small Business Taxpayers Act'' or ''BOOST Act''.

TITLE I—TAX FAIRNESS FOR SMALL BUSINESSES

SEC. 101. PERMANENT EXTENSION OF EXPENSING FOR SMALL BUSINESSES.

(a) DOLLAR LIMITATION.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986, as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking ''$25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2010)'' and inserting ''$100,000''.

(b) REDUCTION IN LIMITATION.—Paragraph (2) of section 179(b) of such Code, as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking ''$200,000 ($400,000 in the case of taxable years beginning after 2002 and before 2010)'' and inserting ''$400,000''.

(c) INFLATION ADJUSTMENTS.—Subparagraph (A) of section 179(b)(5) of such Code, as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking ''and before 2010''.

(d) ELECTION.—Paragraph (2) of section 179(c) of such Code, as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking ''and before 2010''.

(e) COMPUTER SOFTWARE.—Clause (ii) of section 179(d)(1)(A), as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking ''and before 2010''.

SEC. 102. MODIFICATION OF CONSTRUCTION CONTRACTS EXCEPTION TO PERCENTAGE OF COMPLETION METHOD OF ACCOUNTING.

(a) IN GENERAL.—Clause (ii) section 460(e)(1)(B) of the Internal Revenue Code of 1986 is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

SEC. 103. MODIFICATION OF LOOK-BACK METHOD FOR CERTAIN CONSTRUCTION CONTRACTS.

(a) IN GENERAL.—Subparagraph (B) of section 460(b)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) LOOK-BACK METHOD NOT TO APPLY TO CERTAIN CONTRACTS.—Paragraph (1)(B) shall not apply to—

''(i) any construction contract which is—

''(I) entered into by a taxpayer whose average annual gross receipts for the 3 taxable years preceding the taxable year in which such contract is completed do not exceed $25,000,000, and

''(II) completed within 3 years of the contract commencement date, or

''(ii) any other contract—

''(I) the gross price of which (as of the completion of the contract) does not exceed the lesser of $1,000,000 or 1 percent of the average annual gross receipts of the taxpayer for the 3 taxable years preceding the taxable year in which the contract was completed, and

''(II) which is completed within 2 years of the contract commencement date.

For purposes of this subparagraph, rules similar to the rules of subsections (e)(2) and (f)(3) shall apply.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts completed in taxable years ending after the date of the enactment of this Act.

SEC. 104. USE OF CASH METHOD OF ACCOUNTING FOR CERTAIN SMALL BUSINESSES.

(a) IN GENERAL.—Section 446 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(g) USE OF CASH METHOD OF ACCOUNTING BY CERTAIN TAXPAYERS.—

''(1) IN GENERAL.—Notwithstanding section 471 and subject to such regulations as the Secretary may provide, a qualifying small business taxpayer may use the cash receipts and disbursements method of accounting.

''(2) QUALIFYING SMALL BUSINESS TAXPAYER.—For purposes of this subsection, the term 'qualifying small business taxpayer' means a taxpayer which—

''(A) meets the gross receipts test under section 448(c) (determined by substituting '$10,000,000' for '$5,000,000' each place it appears therein),

''(B) is not prohibited from using the cash receipts and disbursement method of accounting under section 448, and

''(C) meets the requirements described in section 4.01 of Revenue Procedure 2002-28.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—S CORPORATION PARITY

SEC. 201. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

''(7) RECOGNITION PERIOD.—The term 'recognition period' means the 7-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the duration of the recognition period in effect on the date of such distribution.''.

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by this section shall apply to any recognition period in effect on or after the date of the enactment of this Act.

(2) SPECIAL APPLICATION TO EXISTING PERIODS EXCEEDING 7 YEARS.—Any recognition period in effect on the date of the enactment of this Act, the length of which is greater than 7 years, shall end on such date.

SEC. 202. MODIFICATION TO S CORPORATION PASSIVE INVESTMENT INCOME RULES.

(a) INCREASED PERCENTAGE LIMIT.—Paragraph (2) of section 1375(a) of the Internal Revenue Code of 1986 is amended by striking ''25 percent'' and inserting ''60 percent''.

(b) REPEAL OF EXCESSIVE PASSIVE INVESTMENT INCOME AS A TERMINATION EVENT.—

(1) IN GENERAL.—Section 1362(d) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(2) CONFORMING AMENDMENT.—Subsection (b) of section 1375 of such Code is amended by striking paragraphs (3) and (4) and inserting the following new paragraph:

''(3) PASSIVE INVESTMENT INCOME DEFINED.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

''(B) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

''(C) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

''(D) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

''(E) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581), a bank holding company (within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a))), or a financial holding company (within the meaning of section 2(p) of such Act (12 U.S.C. 1841(p))), the term 'passive investment income' shall not include—

''(i) interest income earned by such bank or company, or

''(ii) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.

''(F) COORDINATION WITH SECTION 1374.—The amount of passive investment income shall be determined by not taking into account any recognized built-in gain or loss of the S corporation for any taxable year in the recognition period. Terms used in the preceding sentence shall have the same respective meanings as when used in section 1374.''.

(c) OTHER CONFORMING AMENDMENTS.—

(1) Subparagraph (J) of section 26(b)(2) of the Internal Revenue Code of 1986 is amended by striking ''25 percent'' and inserting ''60 percent''.

(2) Clause (i) of section 1042(c)(4)(A) of such Code is amended by striking ''section 1362(d)(3)(C)'' and inserting ''section 1375(b)(3)''.

(3) Subparagraph (B) of section 1362(f)(1) of such Code is amended by striking ''or (3)''.

(4) Clause (i) of section 1375(b)(1)(A) of such Code is amended by striking ''25 percent'' and inserting ''60 percent''.

(5) The heading for section 1375 of such Code is amended by striking ''25 percent'' and inserting ''60 percent''.

(6) The item relating to section 1375 in the table of sections for part III of subchapter S of chapter 1 of such Code is amended by striking ''25 percent'' and inserting ''60 percent''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 203. NONRESIDENT ALIENS ALLOWED TO BE SHAREHOLDERS.

(a) NONRESIDENT ALIENS ALLOWED TO BE SHAREHOLDERS.—

(1) IN GENERAL.—Paragraph (1) of section 1361(b) of the Internal Revenue Code of 1986 (defining small business corporation) is amended—

(A) by adding ''and'' at the end of subparagraph (B),

(B) by striking subparagraph (C), and

(C) by redesignating subparagraph (D) as subparagraph (C).

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (4) and (5)(A) of section 1361(c) of such Code (relating to special rules for applying subsection (b)) are each amended by striking ''subsection (b)(1)(D)'' and inserting ''subsection (b)(1)(C)''.

(B) Clause (i) of section 280G(b)(5)(A) of such Code (relating to general rule for exemption for small business corporations, etc.) is amended by striking ''but without regard to paragraph (1)(C) thereof''.

(b) NONRESIDENT ALIEN SHAREHOLDER TREATED AS ENGAGED IN TRADE OR BUSINESS WITHIN UNITED STATES.—

(1) IN GENERAL.—Section 875 of the Internal Revenue Code of 1986 is amended—

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

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

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

''(3) a nonresident alien individual shall be considered as being engaged in a trade or business within the United States if the S corporation of which such individual is a shareholder is so engaged.''.

(2) PRO RATA SHARE OF S CORPORATION INCOME.—The last sentence of section 1441(b) of such Code (relating to income items) is amended to read as follows: ''In the case of a nonresident alien individual who is a member of a domestic partnership or a shareholder of an S corporation, the items of income referred to in subsection (a) shall be treated as referring to items specified in this subsection included in his distributive share of the income of such partnership or in his

pro rata share of the income of such S corporation.''.

(3) APPLICATION OF WITHHOLDING TAX ON NONRESIDENT ALIEN SHAREHOLDERS.—Section 1446 of such Code (relating to withholding tax on foreign partners' share of effectively connected income) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) S CORPORATION TREATED AS PARTNERSHIP, ETC.—For purposes of this section—

''(1) an S corporation shall be treated as a partnership,

''(2) the shareholders of such corporation shall be treated as partners of such partnership,

''(3) any reference to section 704 shall be treated as a reference to section 1366, and

''(4) no withholding tax under subsection (a) shall be required in the case of any income realized by such corporation and allocable to a shareholder which is an electing small business trust (as defined in section 1361(e)).''.

(4) CONFORMING AMENDMENTS.—

(A) The heading of section 875 of such Code is amended to read as follows:

''SEC. 875. PARTNERSHIPS; BENEFICIARIES OF ESTATES AND TRUSTS; S CORPORATIONS.''.

(B) The heading of section 1446 of such Code is amended to read as follows:

''SEC. 1446. WITHHOLDING TAX ON FOREIGN PARTNERS' AND S CORPORATION SHAREHOLDERS' SHARE OF EFFECTIVELY CONNECTED INCOME.''.

(5) CLERICAL AMENDMENTS.—

(A) The item relating to section 875 in the table of sections for subpart A of part II of subchapter N of chapter 1 of such Code is amended to read as follows:

''Sec. 875. Partnerships; beneficiaries of estates and trusts; S corporations''.

(B) The item relating to section 1446 in the table of sections for subchapter A of chapter 3 of such Code is amended to read as follows:

''Sec. 1446. Withholding tax on foreign partners' and S corporation shareholders' share of effectively connected income''.

(C) PERMANENT ESTABLISHMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—Section 894 of such Code (relating to income affected by treaty) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) PERMANENT ESTABLISHMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—If a partnership or S corporation has a permanent establishment in the United States (within the meaning of a treaty to which the United States is a party) at any time during a taxable year of such entity, a nonresident alien individual or foreign corporation which is a partner in such partnership, or a nonresident alien individual who is a shareholder in such S corporation, shall be treated as having a permanent establishment in the United States for purposes of such treaty.''.

(c) APPLICATION OF OTHER WITHHOLDING TAX RULES ON NONRESIDENT ALIEN SHAREHOLDERS.—

(1) SECTION 1441.—Section 1441 of the Internal Revenue Code of 1986 (relating to withholding of tax on nonresident aliens) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) S CORPORATION TREATED AS PARTNERSHIP, ETC.—For purposes of this section—

''(1) an S corporation shall be treated as a partnership,

''(2) the shareholders of such corporation shall be treated as partners of such partnership, and

''(3) no deduction or withholding under subsection (a) shall be required in the case of any item of income realized by such corporation and allocable to a shareholder which is an electing small business trust (as defined in section 1361(e)).''.

(2) SECTION 1445.—Section 1445(e) of such Code (relating to special rules relating to distributions, etc., by corporations, partnerships, trusts, or estates) is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) S CORPORATION TREATED AS PARTNERSHIP, ETC.—For purposes of this section—

''(A) an S corporation shall be treated as a partnership, and

''(B) the shareholders of such corporation shall be treated as partners of such partnership, and

''(C) no deduction or withholding under subsection (a) shall be required in the case of any gain realized by such corporation and allocable to a shareholder which is an electing small business trust (as defined in section 1361(e)).''.

(d) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 1361(c)(2)(A)(i) of the Internal Revenue Code of 1986 is amended by striking ''who is a citizen or resident of the United States''.

(2) Section 1361(d)(3)(B) of such Code is amended by striking ''who is a citizen or resident of the United States''.

(3) Section 1361(e)(2) of such Code is amended by inserting ''(including a nonresident alien)'' after ''person'' the first place it appears.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 204. EXPANSION OF S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE IRAS.

(a) IN GENERAL.—Clause (vi) of section 1361(c)(2)(A) of the Internal Revenue Code of 1986 (relating to certain trusts permitted as shareholders) is amended to read as follows:

''(vi) A trust which constitutes an individual retirement account under section 408(a), including one designated as a Roth IRA under section 408A.''.

(b) SALE OF STOCK IN IRA RELATING TO S CORPORATION ELECTION EXEMPT FROM PROHIBITED TRANSACTION RULES.—Paragraph (16) of section 4975(d) of the Internal Revenue Code of 1986 (relating to exemptions) is amended to read as follows:

''(16) a sale of stock held by a trust which constitutes an individual retirement account under section 408(a) to the individual for whose benefit such account is established if—

''(A) such sale is pursuant to an election under section 1362(a) by the issuer of such stock,

''(B) such sale is for fair market value at the time of sale (as established by an independent appraiser) and the terms of the sale are otherwise at least as favorable to such trust as the terms that would apply on a sale to an unrelated party,

''(C) such trust does not pay any commissions, costs, or other expenses in connection with the sale, and

''(D) the stock is sold in a single transaction for cash not later than 120 days after the S corporation election is made.''.

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

TITLE III—PENSION PLAN INCENTIVES AND PARITY

SEC. 301. CREDIT FOR QUALIFIED PENSION PLAN CONTRIBUTIONS OF SMALL EMPLOYERS.

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

''SEC. 45N. SMALL EMPLOYER PENSION PLAN CONTRIBUTIONS.

''(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible employer, the small employer pension plan contribution credit determined under this section for any taxable year is an amount equal to 50 percent of the amount which would (but for subsection (f)(1)) be allowed as a deduction under section 404 for such taxable year for qualified employer contributions made to any qualified retirement plan on behalf of any employee who is not a highly compensated employee.

''(b) CREDIT LIMITED TO 3 YEARS.—The credit allowable by this section shall be allowed only with respect to the period of 3 taxable years beginning with the first taxable year for which a credit is allowable with respect to a plan under this section.

''(c) QUALIFIED EMPLOYER CONTRIBUTION.—For purposes of this section—

''(1) DEFINED CONTRIBUTION PLANS.—In the case of a defined contribution plan, the term 'qualified employer contribution' means the amount of nonelective and matching contributions to the plan made by the employer on behalf of any employee who is not a highly compensated employee to the extent such amount does not exceed 3 percent of such employee's compensation from the employer for the year.

''(2) DEFINED BENEFIT PLANS.—In the case of a defined benefit plan, the term 'qualified employer contribution' means the amount of employer contributions to the plan made on behalf of any employee who is not a highly compensated employee to the extent that the accrued benefit of such employee derived from employer contributions for the year does not exceed the equivalent (as determined under regulations prescribed by the Secretary and without regard to contributions and benefits under the Social Security Act) of 3 percent of such employee's compensation from the employer for the year.

''(d) QUALIFIED RETIREMENT PLAN.—

''(1) IN GENERAL.—The term 'qualified retirement plan' means any plan described in section 401(a) which includes a trust exempt from tax under section 501(a) if the plan meets—

''(A) the contribution requirements of paragraph (2),

''(B) the vesting requirements of paragraph (3), and

''(C) the distribution requirements of paragraph (4).

''(2) CONTRIBUTION REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of this paragraph are met if, under the plan—

''(i) the employer is required to make nonelective contributions of at least 1 percent of compensation (or the equivalent thereof in the case of a defined benefit plan) for each employee who is not a highly compensated employee who is eligible to participate in the plan, and

''(ii) allocations of nonelective employer contributions, in the case of a defined contribution plan, are either in equal dollar amounts for all employees covered by the plan or bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan (and an equivalent requirement is met with respect to a defined benefit plan).

''(B) COMPENSATION LIMITATION.—The compensation taken into account under subparagraph (A) for any year shall not exceed the limitation in effect for such year under section 401(a)(17).

''(3) VESTING REQUIREMENTS.—The requirements of this paragraph are met if the plan satisfies the requirements of either of the following subparagraphs:

''(A) 3-YEAR VESTING.—A plan satisfies the requirements of this subparagraph if an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

''(B) 5-YEAR GRADED VESTING.—A plan satisfies the requirements of this subparagraph if an employee has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions determined under the following table:

''Years of service:	The nonforfeitable percentage is:
1	20
2	40
3	60
4	80
5	100.

''(4) DISTRIBUTION REQUIREMENTS.—In the case of a profit-sharing or stock bonus plan, the requirements of this paragraph are met if, under the plan, qualified employer contributions are distributable only as provided in section 401(k)(2)(B).

''(e) OTHER DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE EMPLOYER.—

''(A) IN GENERAL.—The term 'eligible employer' means, with respect to any year, an employer which has no more than 25 employees who received at least $5,000 of compensation from the employer for the preceding year.

''(B) REQUIREMENT FOR NEW QUALIFIED EMPLOYER PLANS.—Such term shall not include an employer if, during the 3-taxable year period immediately preceding the 1st taxable year for which the credit under this section is otherwise allowable for a qualified employer plan of the employer, the employer or any member of any controlled group including the employer (or any predecessor of either) established or maintained a qualified employer plan with respect to which contributions were made, or benefits were accrued, for substantially the same employees as are in the qualified employer plan.

''(2) HIGHLY COMPENSATED EMPLOYEE.—The term 'highly compensated employee' has the meaning given such term by section 414(q) (determined without regard to section 414(q)(1)(B)(ii)).

''(f) SPECIAL RULES.—

''(1) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for that portion of the qualified employer contributions paid or incurred for the taxable year which is equal to the credit determined under subsection (a).

''(2) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

''(3) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person. All eligible employer plans shall be treated as 1 eligible employer plan.

''(g) RECAPTURE OF CREDIT ON FORFEITED CONTRIBUTIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if any accrued benefit which is forfeitable by reason of subsection (d)(3) is forfeited, the employer's tax imposed by this chapter for the taxable year in which the forfeiture occurs shall be increased by 35 percent of the employer contributions from which such benefit is derived to the extent such contributions were taken into account in determining the credit under this section.

''(2) REALLOCATED CONTRIBUTIONS.—Paragraph (1) shall not apply to any contribution which is reallocated by the employer under the plan to employees who are not highly compensated employees.''.

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (defining current year business credit) is amended by striking ''plus'' at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting '', plus'', and by adding at the end the following new paragraph:

''(31) in the case of an eligible employer (as defined in section 45E(e)), the small employer pension plan contribution credit determined under section 45M(a).''

(c) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 196 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '', and'', and by adding at the end the following new paragraph:

''(14) the small employer pension plan contribution credit determined under section 45E(a).''

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45M. Small employer pension plan contributions''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or incurred in taxable years beginning after December 31, 2006.

SEC. 302. DEDUCTION FOR PENSION CONTRIBUTIONS ALLOWED IN COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.

(a) IN GENERAL.—Section 1402(a) of the Internal Revenue Code of 1986 (defining net earnings from self-employment) is amended by striking ''and'' at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting '', and'', and by inserting after paragraph (16) the following new paragraph:

''(17) any deduction allowed under section 404 by reason of section 404(a)(8)(C) shall be allowed, except that the amount of such deduction shall be determined without regard to this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE IV—HEALTH INSURANCE COSTS PARITY

SEC. 401. DEDUCTION FOR HEALTH INSURANCE COSTS ALLOWED IN COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.

(a) IN GENERAL.—Section 1402(a) of the Internal Revenue Code of 1986 (defining net earnings from self-employment), as amended by section 302, is amended by striking ''and'' at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting '', and'', and by inserting after paragraph (17) the following new paragraph:

''(18) any deduction allowed under section 162(l) shall be allowed.''.

(b) CONFORMING AMENDMENT.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rule for health insurance costs of self-employed individuals) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. INHOFE):

S. 3861. A bill to facilitate bringing to justice terrorists and other unlawful enemy combatants through full and fair trials by military commissions, and for other purposes; read the first time.

Mr. FRIST. In 5 days we will observe the fifth anniversary of the most vicious act of terror ever perpetrated on American soil. Nearly 3,000 fellow Americans lost their lives on September 11.

We have worked tirelessly to make America safer from terrorist attacks and to honor the sacrifices of the victims of 9/11 and their families. But the fact remains that we still have more to do.

That is why Senator MCCONNELL and I are proud to introduce legislation on behalf of the President to bring terrorists to justice. The bill authorizes military commissions to prosecute terrorist detainees and addresses the concerns raised by the Supreme Court in the Hamdan decision.

Today, we are a nation at war. Our enemies are terrorists who do not value democracy, freedom, or innocent life.

When we capture them on the battlefield, we have a right to prosecute them for war crimes. And we must establish a system that protects our national security while ensuring a full and fair trial for the detainees.

That is why it is imperative that we quickly move forward on this bill. By formally establishing military commissions to prosecute terrorist detainees, we are creating another tool in the war on terror—and providing a measure of justice to the victims of 9/11.

Under these commissions, terrorist detainees will get a fair trial. They will be tried before impartial military judges. They will have the right to be presumed innocent until proven guilty, the right to counsel, the right to present exculpatory evidence, the right to exclude evidence obtained through torture or coercion, and the right to appeal.

However, these procedures also recognize that because we are at war, we should not try terrorist detainees in the same way as our uniformed military or common civilian criminals. The procedures take great care to protect our national security interests by preventing disclosure of classified information to the detainees themselves.

I urge my colleagues to review this bill carefully. I will consult Chairman Warner and the Armed Services Committee members to ensure the Senate moves expeditiously to meet its responsibility to the American people.

I hope we can move forward in a spirit of bipartisanship even though we are in the middle of a partisan election season. And I hope we can remain focused on the goal of making America safer and continuing to honor the victims of 9/11.

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

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

(The bill will be printed in a future edition of the RECORD.)

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 557—DESIGNATING SEPTEMBER 10 THROUGH SEPTEMBER 16, 2006, AS ''NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK'' AND SUPPORTING THE GOALS AND IDEALS OF A NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK TO RAISE PUBLIC AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE AND TO FOSTER UNDERSTANDING OF THE IMPACT POLYCYSTIC KIDNEY DISEASE HAS ON PATIENTS AND FUTURE GENERATIONS OF THEIR FAMILIES

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

S. RES. 557

Whereas polycystic kidney disease (known as ''PKD'') is the most prevalent life-threatening genetic disease in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas, based on prevalence estimates by the National Institutes of Health, it is estimated that about 600,000 patients in the United States have a genetic inheritance from 1 or both parents called polycystic kidney disease, and that countless additional friends, loved ones, spouses, and caregivers must shoulder the physical, emotional, and financial burdens that polycystic kidney disease causes;

Whereas polycystic kidney disease, for which there is no cure, is 1 of the 4 leading causes of kidney failure in the United States;

Whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the ''baby boomers'', continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to that cost by an estimated $2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease causes many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression (7 times the national average) and its resultant consequences due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States desire to see treatments and cures for disease and would like to see results from investments in research conducted by the National Institutes of Health and from such initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit polycystic kidney disease sufferers, save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies, and make available several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding essential research, fostering public awareness and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the third week of September and such a week would be an appropriate time to recognize National Polycystic Kidney Disease Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 10 through September 16, 2006, as ''National Polycystic Kidney Disease Awareness Week'';

(2) supports the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease (known as ''PKD'');

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support National Polycystic Kidney Awareness Week through appropriate ceremonies and activities to promote public awareness of polycystic kidney disease and to foster understanding of the impact of the disease on patients and their families.

SENATE RESOLUTION 558—HONORING THE LIVES AND MEMORY OF THE VICTIMS OF THE CRASH OF COMAIR FLIGHT 5191, AND EXTENDING THE MOST SINCERE CONDOLENCES OF THE CITIZENS OF THE UNITED STATES TO THE FAMILIES AND FRIENDS OF THOSE INDIVIDUALS

Mr. MCCONNELL (for himself and Mr. BUNNING) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 558

Whereas, on August 27, 2006, the Commonwealth of Kentucky suffered a tragic loss when Comair Flight 5191 crashed shortly after takeoff at Blue Grass Airport in Lexington, Kentucky;

Whereas 49 individuals perished in that tragic accident;

Whereas that event brought grief not only into the communities of Kentucky, such as Lexington, Georgetown, Somerset, London, Harrodsburg, and Richmond, but also to homes throughout the United States, Canada, and Japan; and

Whereas local volunteers and government officials responded quickly to rescue a survivor, James Polehinke, investigate the accident, and provide relief and recovery to the families and friends of the victims: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the victims of the crash of Comair Flight 5191, including—

Rebecca Adams;
Christina Anderson;
Lyle Anderson;
Arnold Andrews;
Anne Marie Bailey;
Bobbie Benton;
Jesse Clark Benton;
Carole Bizzack;
George Brunacini;
Brian Byrd;
Jeffrey Clay;
Diane Combs;
Homer Combs;
Fenton Dawson;
Thomas Fahey;
Mike Finley;
Clarence Wayne (''C.W.'') Fortney II;
Wade Bartley (''Bart'') Frederick;
Hollie Gilbert;
Erik Harris;
Kelly Heyer;
Jonathan Walton Hooker;
Scarlett Parsley Hooker;
Priscilla Johnson;
Nahoko Kono;
Tetsuya Kono;
Charles Lykins;
Dan Mallory;
Steve McElravy;
Lynda McKee;
Bobby Meaux;
Kaye Craig Morris;
Leslie Morris II;
Cecile Moscoe;
Judy Ann Rains;
Michael N. Ryan;
Mary Jane Silas;
Pat Smith;
Timothy K. Snoddy;
Marcie Thomason;
Greg Threet;
Randy Towles;
Larry Turner;
Victoria Washington;
Jeff Williams;
Paige Winters;
Bryan Woodward;
JoAnn Wright; and
Betty Young;

(2) conveys the most sincere condolences of the citizens of the United States to the families, friends, and communities of the victims;

(3) recognizes the rescue and safety workers, medical personnel, and Federal, State, and local officials who—

(A) responded to the tragedy; and

(B) are working—

(i) to uncover the causes of that tragedy; and

(ii) to prevent future accidents; and

(4) commends the volunteers, counselors, and clergy who provided support to families during the difficult days that followed August 27, 2006.