

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 812. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the Rural Heritage Conservation Extension Act of 2009, along with my good friend, Senator GRASSLEY from Iowa.

As we all know, the country, including my home State of Montana, is losing precious agricultural and ranch lands at a record pace. While providing Montana and the Nation with the highest quality food and fiber, these farms and ranches also provide habitat for wildlife and the open spaces, land that many of us take for granted and assume will always be there. Conservation easements have been tremendously successful in preserving open space and wildlife habitat. Montana has begun to recognize the importance of using conservation easements to preserve these lands. We currently have more than 1.5 million acres covered by conservation easements. To some, that may seem like a large amount, but this is Montana, a State that covers 93,583,532 acres.

To assure that open space and habitat will be there for future generations, we must help our hardworking farmers and ranchers preserve this precious heritage and their way-of-life. The Congress recognized this by providing targeted income tax relief to small farmers and ranchers who wish to make a charitable contribution of a qualified conservation easement. The provision allows eligible farmers and ranchers to increase the amounts of deduction that may be taken currently for charitable contributions of qualified conservation easements by raising the Adjusted Gross Income, AGI, limitations to 100 percent and extending the carryover period from 5 years to 15 years. In the case of all landowners, the AGI limitation was raised from 30 percent to 50 percent. This provision will expire at the end of this year.

The number of acres protected and easements held by state and local land trusts has grown as a result of this incentive. According to the Land Trust Alliance, America's Land Trusts protected 535,000 more acres with conservation easements in the first two years with the new tax incentive than in the previous two years, a 36 percent increase. In 2006 and 2007, land trusts added over 6,000 easements, about 2,000 more than the 2 years before the incentive.

The Rural Heritage Conservation Extension Act of 2009 would make this allowable deduction permanent, building on the success of conservation easements. Our farmers and ranchers will be able to preserve their important agricultural and ranching lands for future generations, while continuing to operate their businesses. Landowners, conservationists, the Federal Govern-

ment, and local communities are working together to preserve our precious natural resources.

This legislation is vitally important to Montana, and to every other State in the Nation.

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

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

S. 812

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 "Rural Heritage Conservation Extension Act of 2009".

SEC. 2. SPECIAL RULE FOR CONTRIBUTIONS OF QUALIFIED CONSERVATION CONTRIBUTIONS MADE PERMANENT.

(a) IN GENERAL.—

(1) INDIVIDUALS.—Subparagraph (E) of section 170(b)(1) of the Internal Revenue Code of 1986 (relating to contributions of qualified conservation contributions) is amended by striking clause (vi).

(2) CORPORATIONS.—Subparagraph (B) of section 170(b)(2) of such Code (relating to qualified conservation contributions) is amended by striking clause (iii).

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

By Mr. NELSON of Florida (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, and Mr. MENENDEZ):

S. 815. A bill to amend the Immigration and Nationality Act to exempt surviving spouses of United States citizens from the numerical limitations described in section 201 of such Act; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, the Immigration and Nationality Act, INA, imposes what has become known as the "widow penalty," requiring the deportation of individuals whose pending applications for green cards are rejected because their citizen spouse died within the first two years of marriage. Today, joined by Senators DURBIN, FEINSTEIN, KENNEDY, KERRY AND MENENDEZ, I am introducing the Fairness to Surviving Spouses Act of 2009. My bill will amend the INA to remedy this unintended and unjustified administrative procedure.

This legislation is needed because, under current law, when a US citizen marries a non-citizen, the non-citizen is eligible to become a legal permanent resident and receive a green card. During the first two years of marriage, the only way this can be accomplished is through a petition that the citizen files on the non-citizen spouse's behalf. The non-citizen cannot self-petition for legal permanent resident status during this time.

If, however, the citizen spouse dies while the petition, through no fault of the couple, remains pending—and delays in the process are often caused due to bureaucratic delay—the petition automatically is denied, and the non-

citizen is immediately deemed ineligible for legal permanent residence and therefore becomes deportable. This is the case even if ample evidence of a bona fide marriage, such as cohabitation, and shared finances, exists. It is even the case if a couple had a U.S. born child.

Because of the widow penalty, law-abiding and well-intentioned widows who have played by the rules face immediate deportation. During the 110th Congress, efforts to persuade the US Citizenship and Immigration Services, CIS, to address the issue administratively were unsuccessful. In the current administration, Secretary of Homeland Security Janet Napolitano has directed that the Department of Homeland Security review a number of immigration issues, including the widow penalty. Although this review is welcome, there is some question regarding the Secretary's authority to end the penalty administratively. That is why a clean legislative fix is needed, as scores of women and children face immediate deportation today.

There have been more than 200 widow penalty victims throughout the country, including a woman whose husband died while serving overseas as a contractor in Iraq; a woman whose husband died trying to rescue people who were drowning in the San Francisco Bay; a woman whose husband was killed while on duty with the U.S. Border Patrol; and a woman who was apprehended by Federal agents when she went to meet with immigration authorities to plead her case, placed in shackles, and sent to a detention facility.

The widow penalty has received national extensive national media attention, including from 60 Minutes, which profiled Raquel Williams, a widow who lives with her in-laws in Orlando, in a segment entitled, "For Better or For Worse—A Loss of Love and Country." After she was deemed deportable following the sudden death of her husband from sleep apnea and heart problems, Ms. Williams and her in-laws have been telling their story to raise awareness about this issue.

The harsh and unfair widow penalty can be eliminated by allowing the petition to be adjudicated even though the citizen spouse has died. The proposed legislation affects only a small group of individuals who still would be required to demonstrate that they had a bona fide marriage before receiving a green card. Thus, USCIS would retain the discretion to deny petitions, but they would no longer deny them automatically in response to the death of the citizen spouse.

Today, Rep. JIM MCGOVERN is introducing identical legislation in the House. His bill passed out of the House Judiciary Committee during the 110th Congress with bipartisan support, including from Republicans who led the charge against comprehensive immigration reform. The widows who face deportation today should not be forced

to wait for the Congress to take up comprehensive immigration reform. This legislation is needed now because it simply corrects an arbitrary and unjust sanction, one which would never have occurred but for the Government's failure to act more in a more timely manner and the unfortunate fact that the citizen spouse died before the couple's second anniversary.

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

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

S. 815

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

SECTION 1. RELIEF FOR SURVIVING SPOUSES.

(a) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting “(or, if married to such citizen for less than 2 years at the time of the citizen's death, an alien who proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit)” after “for at least 2 years at the time of the citizen's death”.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(2) TRANSITION CASES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, an alien described in subparagraph (B) who seeks immediate relative status pursuant to the amendment made by subsection (a) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date that is 2 years after the date of the enactment of this Act.

(B) ALIENS DESCRIBED.—An alien is described in this subparagraph if—

(i) the alien's United States citizen spouse died before the date of the enactment of this Act;

(ii) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse's death; and

(iii) the alien has not remarried.

By Ms. CANTWELL (for herself, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, and Mr. BEGICH):

S. 817. A bill to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Pacific Salmon Stronghold Conservation Act of 2009, together with my colleague from Alaska Senator Murkowski. I am grateful for all the input and collaboration from key stakeholders in Washington State that I have received on this legislation. I am especially grateful for the input from the Quileute

Tribe, the Wild Salmon Center, and Bill Ruckelshaus.

Wild Pacific salmon are central to the culture, economy, and environment of western North America. While current Federal, State, and local salmon recovery efforts are focused on recovering salmon listed under the Endangered Species Act, ESA, seeking to restore what we've lost—the Salmon Stronghold Act seeks to protect what we have. Current efforts to recover threatened or endangered salmon stocks are vital. This is why I have consistently fought for increased funding for the Pacific Coast Salmon Recovery Fund, PCSRF, and will continue to proudly do so.

The PCSRF, since its inception in 2000, has allowed my home State of Washington to focus the efforts of counties and conservation districts, on average, to remove 300 barriers to fish passage and to open 300 miles of habitat each year. That's 2,400 barriers removed and 2,400 miles of habitat restored. In 2008, for every Federal dollar spent on this program it leveraged about \$2 local and State dollars.

I will continue the fight to protect this salmon recovery funding. But more must be done. A key purpose of this act is to complement existing Federal, State and local salmon recovery efforts by directing new Federal resources to conserve healthy salmon populations. This legislation will utilize sound science to identify and sustain core centers of salmon abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout the Pacific States.

This bill establishes a new regional Salmon Stronghold Partnership program that provides federal support and resources to protect a network of the healthiest remaining wild Pacific salmon ecosystems in North America. The bill promotes enhanced coordination and cooperation of Federal, tribal, State and local governments, public and private land managers, fisheries managers, power authorities, and non-governmental organizations in efforts to protect salmon strongholds.

It is time to increase funding for recovery efforts, but also focus on prevention. It is time to adopt the kind of comprehensive solution that can solidify the place wild Pacific salmon hold in American culture for generations to come.

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

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

S. 817

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 “Pacific Salmon Stronghold Conservation Act of 2009”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purposes.
- Sec. 3. Definitions.
- Sec. 4. Salmon Stronghold Partnership.
- Sec. 5. Information and assessment.
- Sec. 6. Salmon stronghold watershed grants and technical assistance program.
- Sec. 7. Interagency cooperation.
- Sec. 8. International cooperation.
- Sec. 9. Acquisition and transfer of real property interests.
- Sec. 10. Administrative provisions.
- Sec. 11. Limitations.
- Sec. 12. Reports to Congress.
- Sec. 13. Authorization of appropriations.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Several species of salmon native to the rivers of the United States are highly migratory, interacting with salmon originating from Canada, Japan, Russia, and South Korea and spending portions of their life history outside of the territorial waters of the United States. Recognition of the migratory and transboundary nature of salmon species has led countries of the North Pacific to seek enhanced coordination and cooperation through multilateral and bi-lateral agreements.

(2) Salmon are a keystone species, sustaining more than 180 other species in freshwater and marine ecosystems. They are also an indicator of ecosystem health and potential impacts of climate change.

(3) Salmon are a central part of the culture, economy, and environment of Western North America.

(4) Economic activities relating to salmon generate billions of dollars of economic activity and provide thousands of jobs.

(5) During the anticipated rapid environmental change during the period beginning on the date of the enactment of this Act, maintaining key ecosystem processes and functions, population abundance, and genetic integrity will be vital to ensuring the health of salmon populations.

(6) Salmon strongholds provide critical production zones for commercial, recreational, and subsistence fisheries.

(7) Taking into consideration the frequency with which fisheries have collapsed during the period preceding the date of the enactment of this Act, using scientific research to correctly identify and conserve core centers of abundance, productivity, and diversity is vital to sustain salmon populations and fisheries in the future.

(8) Measures being undertaken as of the date of the enactment of this Act to recover threatened or endangered salmon stocks, including Federal, State, and local programs to restore salmon habitat, are vital. These measures will be complemented and enhanced by identifying and sustaining core centers of abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout the range of salmon species.

(9) The effects of climate change are affecting salmon habitat at all life history stages and future habitat conservation must consider climate change projections to safeguard natural systems under future climate conditions.

(10) Greater coordination between public and private entities can assist salmon strongholds by marshaling and focusing resources on scientifically-supported, high priority conservation actions.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand Federal support and resources for the protection and restoration of the healthiest remaining salmon strongholds in