At the request of Mr. TORRICELLI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2512, a bill to provide grants for teacher and statecaptioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2567, a bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries, and for other purposes.

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2662, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

At the request of Mr. BROWNBACK, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 2674, a bill to improve access to health care medically underserved areas.

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2682, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

At the request of Mr. BAYH, the names of the Senator from Virginia (Mr. MENENDEZ), the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Ms. STABENOW), and the Senator from North Carolina (Mr. HARKIN) were added as cosponsors of S. 2707, a bill to improve access to health care medically underserved areas.

At the request of Mr. BAYH, the name of the Senator from Wisconsin (Mr. REICHERT), the name of the Senator from Texas (Mr. BROWN), the name of the Senator from South Carolina (Mr. SCOTT), the name of the Senator from New Jersey (Mrs. ROSENBERG), and the name of the Senator from Arizona (Mr. HAYDEN) were added as cosponsors of S. 2753, a bill to improve access to health care medically underserved areas.

At the request of Mr. BAYH, the name of the Senator from Ohio (Mr. STEVENSON), the name of the Senator from Massachusetts (Mr. SCHUMER), and the name of the Senator from New Jersey (Mrs. ROSENBERG) were added as cosponsors of S. 2755, a bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women.

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2759, a bill to amend the Small Disadvantaged Business Ombudsman for Procurement in the Small Business Administration, and for other purposes.

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4552 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAYH (for himself and Mr. LUGAR)
S. 2592. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail; to the Committee on Energy and Natural Resources.

Mr. BAYH. Mr. President, next year America will celebrate the bicentennial of the cross-country expedition of Meriwether Lewis and William Clark. With what became known as the Corps of Discovery, Lewis and Clark embarked on an epic journey to chart an overland route to the Pacific Ocean, developing a record of its native people and resources. They catalogued varieties never before seen plant and animal life. In fact, their expedition is seen as a critical precursor to America's great movement to the West.

Less known, but of no less significance to the expedition, are the historic events that occurred at the outset of the journey. I rise today, with my colleague from Indiana, Senator LUGAR, to introduce legislation that recognizes the importance of these events by adding the Falls of the Ohio, a site of the journey, to the sites honored and preserved by inclusion on the Lewis and Clark National Historic Trail.

Many historians have detailed the fact that it was the Falls of the Ohio, in Clarksville, IN, that Meriwether Lewis and William Clark met and formed their famous partnership. It was there that they spent 12 days recruiting and enlisting members for their Western expedition.

One of the many accounts of the formation of the Corps of Discovery is included in historian Stephen E. Ambrose's work on the expedition, Undaunted Courage. Mr. Ambrose writes that: "At the foot of the rapids on the north bank, was Clarksville, Indiana Territory. . . . On October 15, Lewis hired local pilots, who took the boat and pirogues into the dangerous but passable passage on the north bank. Safely through, Lewis tied up at Clarksville and set off to meet his partner."

"When they shook hands, the Lewis and Clark expedition began."

And Ambrose continues: "Word has spread up and down the Ohio, and inland, and young men longing for adventure and ambitious for a piece of land of their own set out for Clarksville to sign up . . . Those selected were sworn into the army in solemn ceremony, in the presence of General Clark, and the Corps of Discovery was born."

The National Park Service agreed with Mr. Ambrose and other historical scholars that the events at the Falls of the Ohio are of important historical significance. The National Park Service certified the Falls of the Ohio State Park as an official site associated with the Lewis and Clark National Historic Trail.

My legislation would simply reiterate the Park Service's conclusion that the events at the Falls of the Ohio are a significant part of the history of Lewis and Clark's expedition and would include the Falls of the Ohio among the areas designated for recognition on the Lewis and Clark National Historic Trail.
I was born in Yuma Arizona in 1927 and as a farm worker my life was hard and demanding. My parents came to the United States from Mexico in search of a better life. They worked long hours in the fields and vineyards, living in small cabins with little privacy or comfort. Despite the hardships, my parents instilled in me a strong work ethic and a sense of responsibility.

Cesar Chavez was an extraordinary American who led a life of struggle and dedication to the cause of justice and social change. He was born in Yuma, Arizona in 1927 and grew up in poverty. At the age of 14, he started working in the fields alongside his family, who had migrated to the United States from Mexico in search of a better life. Chavez witnessed the exploitation and mistreatment of farm workers firsthand, and it inspired him to fight for workers' rights.

Chavez founded the National Farm Workers Association (now known as the United Farm Workers) in 1962, and through his leadership, the union became a powerful voice for workers' rights. He championed the cause of farm workers, who were often subjected to low wages, long hours, and dangerous working conditions. Chavez's efforts brought dignity and respect to the farm workers, and he was a tireless advocate for social justice.

Chavez's advocacy was not limited to the United States. He traveled the world, sharing his story and inspiring others to fight for their rights. He was a true leader, and his legacy lives on through the work of the United Farm Workers and the many organizations that continue to fight for workers' rights.

Chavez died on April 23, 1993, but his legacy continues to inspire generations of activists and workers around the world. His life and achievements serve as a model and inspiration to people everywhere. His story is one of struggle, sacrifice, and triumph, and it continues to be a source of hope and inspiration for those who seek to create a more just and equitable world.

I am proud to be part of this tradition of social justice and I will continue to work towards a world where all people are treated with dignity and respect. Let us honor the memory of Cesar Chavez and the farm workers who came before him, and let us continue to fight for a better future for all.
the flow of education in their classrooms. One teacher said the preparation for the tests Wisconsin already requires in grades 3, 4, 8, and 10 can take up to a month, and the administration of the test takes another week. That is five weeks out of the school year. And now the Federal Government is requiring teachers to take a huge chunk out of instruction time each year in grades 3-8. In my view, and in the view of the people of my State, this time can be better spent on regular classroom instruction.

The legislation that I introduce today, the Student Testing Flexibility Act of 2002, would give State educational agencies, SEAs, and local educational agencies, LEAs, that have demonstrated academic success the flexibility to apply to waive the new annual testing requirements in the No Child Left Behind Act. SEAs and LEAs with waivers would still be required to administer high quality tests to students, in reading, language arts and mathematics at least once in grades 3-5, 6-9, and 10-12 as required under the law.

This bill would allow SEAs and LEAs that meet the same specific accountability standards outlined for school-level excellence under the State Academic Achievement Award Program to apply to the Secretary of Education for a waiver from the new annual reading or language arts and mathematics tests. If the State meets the requirement, the waiver would be for a period of three years and would be renewable, so long as the SEA or LEA met the criteria.

To qualify for the waiver, the SEA or LEA must have significantly closed the achievement gap between a number of subgroups of students as required under Title I, or must have exceeded their adequate yearly progress, AYP, goals for two or more consecutive years. The bill would require the Secretary to grant waivers to SEAs and LEAs that meet these criteria and apply for the waiver. LEAs in states that have waivers would not be required to apply for a separate waiver.

The Federal Government should not impose an additional layer of testing on states that are succeeding in meeting or exceeding their AYP goals or on closing the achievement gap. Instead, we should allow those States that have demonstrated academic success to use their share of Federal testing money to help those schools that need it the most.

The bill I introduce today would do just that by allowing States with waivers to retain their share of the Federal funding appropriated to develop and implement the new annual tests. These important dollars would be used for activities that these states deem appropriate for improving student achievement at individual public elementary and secondary schools that have failed to make AYP.

I am pleased that this legislation is supported by the National PTA, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the Wisconsin Department of Public Instruction, the Wisconsin Education Association Council, the Wisconsin Association of School Boards, the Milwaukee Teachers' Education Association, and the Wisconsin School Administrators Alliance, which includes the Association of Wisconsin School Administrators, the Wisconsin Association of School District Administrators, the Wisconsin Association of School Business Officials, and the Wisconsin Council for Administrators of Special Services.

While this bill focuses on the over-testing of students in our public schools, I would like to note that my constituents have raised a number of other concerns about the No Child Left Behind Act that I hope will be addressed by Congress. In particular, many of my constituents are concerned about the new adequate yearly progress requirements and about finding the funding necessary to implement all of the provisions of this new law. I hope that my bill, the Student Testing Flexibility Act, will help to focus attention on the perhaps unintended consequences that the ongoing implementation of the No Child Left Behind Act will have for States, school districts, and individual schools, teachers, and students.

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:

S. 2964

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

SECTION 1. SHORT TITLE. This Act may be cited as the “Student Testing Flexibility Act of 2002”.

SEC. 2. FINDINGS. Congress finds that—

(1) State and local governments bear the majority of the cost and responsibility of educating public elementary school and secondary school students;

(2) State and local governments often struggle to find adequate funding to provide basic educational services;

(3) the Federal Government has not provided its share of funding for numerous federally mandated elementary and secondary education programs;

(4) underfunding of Federal education mandates increase existing financial pressures on States and local educational agencies;

(5) the cost to States and local educational agencies to implement the annual student academic assessments required under subpart 1111(b)(3)(C)(vii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)) remains uncertain;

(6) public elementary school and secondary school students take numerous tests each year, from classroom quizzes and exams to standardized and other tests required by the Federal Government, State educational agencies, or local educational agencies;

(7) multiple measures of student academic achievement provide a more accurate picture of a student’s strengths and weaknesses than does a single score on a high-stakes test; and

(8) the frequency of the use of high quality assessments as a tool to measure and increase student achievement should be decided by State educational agencies and local educational agencies.

SEC. 3. WAIVER AUTHORITY.

Section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) is amended by adding at the end the following:

“(E) WAIVER AUTHORITY.—

(i) STATES.—Upon application by a State educational agency, the Secretary shall waive the requirements of subparagraph (C)(vii) for a State if the State educational agency demonstrates that the State—

(I) significantly closed the achievement gap between the groups of students described in paragraph (2); or

(II) exceeded the State’s adequate yearly progress, consistent with paragraph (2), for 2 or more consecutive years.

(ii) LOCAL EDUCATIONAL AGENCIES.—Upon application of a local educational agency located in a State that does not receive a waiver under clause (i), the Secretary shall waive the application of the requirements of subparagraph (C)(vii) for the local educational agency, if the local educational agency demonstrates that the local educational agency—

(I) significantly closed the achievement gap between the groups of students described in paragraph (2); or

(II) exceeded the local educational agency’s adequate yearly progress, consistent with paragraph (2), for 2 or more consecutive years.

(iii) PERIOD OF WAIVER.—A waiver under clause (i) or (ii) shall be for a period of 3 years and may be renewed for subsequent 3-year periods.

(iv) UTILIZATION OF CERTAIN FEDERAL FUNDS.—

(1) PERMISSIVE USES.—Subject to subclause (II), a State or local educational agency granted a waiver under clause (i) or (ii) shall use funds, that are awarded to the State or local educational agency, respectively, under this Act for the development and implementation of annual assessments under subparagraph (C)(vii), to carry out educational activities of the State educational agency or local educational agency, respectively, that will improve the academic achievement of students attending public elementary schools and secondary schools in the State or local educational agency, respectively, that fail to make adequate yearly progress (as defined in paragraph (2)(C)).

(II) NONPERMISSIVE USE OF FUNDS.—A State or local educational agency granted a waiver under clause (i) or (ii) shall not use funds, that are awarded to the State or local educational agency, respectively, under this Act for the development and implementation of annual assessments under subparagraph (C)(vii), to pay a student’s cost of tuition, room, board, or fees at a private school.”.

By Mr. BROWNBACK (for himself and Mr. GREGG):

S. 2955. A bill to improve data collection and dissemination, treatment, and research relating to cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, today, I am proud to join with the ranking member of the Senate HELP Committee in introducing the National Cancer Act of 2002. We believe that this is the proverbial first step of the thousand mile journey toward the
goal of making cancer death rare by the year 2015.

First, I would be remiss if I failed to point out that we are not the first in the Senate to drop a cancer bill. Indeed, fired the first salvo in our Nation’s battle against cancer was the passage of the National Cancer Institute Act back in 1937. This law, established the National Cancer Institute, (NCI), within the public health service and directed the Surgeon General to promote cancer research.

In 1971, responding to the call of President Nixon, Congress officially declared war on cancer with the passage of the National Cancer Act of 1971. This law established the Director of the National Cancer Institute as one of two Presidential appointment positions within all of the National Institutes of Health. In addition, the ‘71 Act gave the Director the ability to bypass the normal budget process and submit the NCI budget directly to the President, a privilege that is entirely unique throughout the Executive Branch. With our declaration of war on cancer, we saw the establishment of the President’s Cancer Panel, the National Cancer Advisory Board, the International Cancer Data Bank and the first cancer center. The stated goal of the country that had just landed a man on the moon was to cure cancer within a decade.

Since 1971, we have seen 31 years pass, six Presidents sworn in, 15 sessions of Congress, and ten different bills signed into law with the goal of ending the prolonged war on cancer. This year over half a million Americans will die from cancer. It is for them, and for the 1.2 million Americans who will be diagnosed with cancer, and for the millions of cancer survivors who are living beyond this disease that we introduce this bill today.

Ours is the time is history when we must reinvigorate the battle. Thanks to advances in treatment and increased screening and early detection, between 1990 and 1997, for the first time in history, the number of cancer deaths and diagnoses have declined. However, to whom much is given, much is expected. The National Cancer Act of 2002, answers the call and lays out a battle plan for the next, and hopefully final attack in the war on cancer.

Mr. GREGG. Mr. President, I am very pleased this morning to introduce this bill with my good friend Senator Brownback. Our bill, the National Cancer Act of 2002, is an important step forward in making survivorship of cancer the rule in this Nation and cancer mortality the rare exception. I want to thank our good friends in the cancer and pain care communities who have provided critical feedback during the development of the Act. Our bill will: Enhance coordination between State registries and between those registries and the data collection and follow-up efforts, with a focus on developing interoperability and compatible hardware/software infrastructure. Re-authorize the successful CDC Breast and Cervical Cancer screening program, with expansion encouraged for colorectal cancer screening. Improve NIH efforts in the area of pain and palliative care research and dissemination of information to patients and providers. Expand access for patients to experimental therapies, both in NIH-funded clinical trials, privately-funded manufacturer trials and access for terminal patients to therapies that have not yet been approved by FBA. Encourage Congress and the Administration to address several of the most significant cancer-related problems in the Medicare system.

I look forward to working with my colleagues on the HELP Committee to move this important piece of legislation this year. I know that we all share the agenda of combating this public health problem facing so many Americans.

By Mr. FEINGOLD:

S. 2956. A bill to require the Secretary of Homeland Security to submit a semi-annual report to Congress regarding the effectiveness with which information is exchanged between the Department of Homeland Security, the Federal Bureau of Investigation, and State and local law enforcement authorities; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, first let me commend the Chairman and Ranking Member of the Governmental Affairs Committee for all of their efforts in crafting the Homeland Security measure before the Senate today.

As I have listened to the various proposals to create a Department of Homeland Security one of my primary concerns is what are we going to do to improve the role of the FBI as an intelligence gathering agency. I rise today to introduce legislation on this matter, and send a copy of this legislation to the desk.

I also rise to offer the same legislation as an amendment to the Homeland Security bill, and I send a copy of the amendment to the desk.

The need for this amendment is clear. We have heard, over and over again, that one of the chief purposes of the new Department is to enable one agency to serve as a central clearing-house for all terrorism related information, regardless of the source. For the consumers of intelligence information, like the Department of Homeland Security, it should not matter whether the information comes from a CIA agent in the Middle East, an FBI agent listening to a wire-tap from overseas or a cop on a street corner in New York City.

I am concerned that we have not done enough to insure that the relevant information gathered by the FBI is passed on to those who can analyze it and evaluate a potential threat against our Nation’s safety. Simply put, I wonder about what type of information the FBI will be providing to the new Department and what the new Department will do with the information. I am concerned about the lack of policies and procedures in place for the new Department to request follow-up investigation from the FBI and local law enforcement.

I have offered this amendment, entitled the Intelligence Analysis Reporting Act of 2002, to assist Congress in determining if the division of investigative responsibilities between the Department of Homeland Security and the FBI is working effectively. This amendment will provide Congress with the information necessary to determine if the FBI is taking competent steps to provide information to the new Department and to respond to intelligence requests in a useful manner.

Presently, the FBI does not have the technological nor personnel capacity to provide information to the Department of Homeland Security or to any other intelligence agency in a highly useful form. This is because criminal investigations, which involve grand jury testimony, witness interviews and wire-taps, are not conducive to the standards of intelligence gathering which require some sifting of the material before it is disseminated to consumers like a Department of Homeland Security.

This amendment would require the new Department to report to Congress on policies and procedures implemented to insure that it can adequately request information and investigation from the FBI and local law enforcement. In addition, it requires the Department of Homeland Security to report on what types of intelligence information have been turned over such as summary interviews, transcripts and warrants from the FBI and other law enforcement agencies.

I hope that no matter how many agencies are moved into a Department of Homeland Security or how much money we spend on putting up a new building, the only test of our success will be how effective we are in protecting ourselves against future terrorist attacks. This amendment will allow us to determine if the critical intelligence information we need to prevent a possible attack is being provided to people at the Department of Homeland Security who can act on it promptly and effectively.

I urge my colleagues to support this measure.

By Mr. JOHNSON:

S. 2963. A bill to reform the United States Army Corps of Engineers; to the Committee on Environment and Public Works.

Mr. JOHNSON. Mr. President, 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:

S. 2963 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 “Corps of Engineers Reform Act of 2002.”

SEC. 2. DEFINITIONS. In this Act—
(1) CORPS.—The term “Corps” means the Corps of Engineers.
(2) SECRETARY.—The term “Secretary” means the Secretary of the Army.

SEC. 3. INLAND WATERWAY REFORM.
(a) CONSTRUCTION.—Section 102(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2212) is amended—
(1) by inserting “by striking ‘‘(A) a project described in paragraph (1) or (2) of subsection (a) with respect to which the cost of operation and maintenance is greater than 1 but less than or equal to 1 cent per ton mile, or in the case of the portion of the project authorized by section 844 that is allocated to inland navigation.’’,”
(2) by striking the second sentence and inserting “Fifty-five percent of those costs shall be paid only from amounts appropriated from the Inland Waterways Trust Fund.”
(b) OPERATION AND MAINTENANCE.—Section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212) is amended by striking subsections (b) and (c) and inserting the following—
“(b) OPERATION AND MAINTENANCE.—
(1) FEDERAL SHARE.—The Federal share of the cost of operation and maintenance shall be 100 percent in the case of—
(A) a project described in paragraph (1) or (2) of subsection (a);
(B) the portion of the project authorized by section 844 that is allocated to inland navigation.
(2) SOURCE OF FEDERAL SHARE.—
(A) GENERAL FUND.—In the case of a project described in paragraph (1) or (2) of subsection (a) with respect to which the cost of operation and maintenance is less than or equal to 1 cent per ton mile, or in the case of the portion of the project authorized by section 844 that is allocated to inland navigation, the Federal share under paragraph (1) shall be paid only from amounts appropriated from the general fund of the Treasury.
(B) GENERAL FUND AND INLAND WATERWAYS TRUST FUND.—In the case of a project described in paragraph (1) or (2) of subsection (a) with respect to which the cost of operation and maintenance is greater than 1 but less than or equal to 10 cents per ton mile—
(i) 45 percent of the Federal share under paragraph (1) shall be paid only from amounts appropriated from the general fund of the Treasury; and
(ii) 55 percent of the Federal share under paragraph (1) shall be paid only from amounts appropriated from the Inland Waterways Trust Fund.
(C) INLAND WATERWAYS TRUST FUND.—In the case of a project described in paragraph (1) or (2) of subsection (a) with respect to which the cost of operation and maintenance is greater than 10 cents per ton mile, 100 percent of the Federal share under paragraph (1) shall be paid only from amounts appropriated from the Inland Waterways Trust Fund.

SEC. 4. INDEPENDENT REVIEW.
(a) DEFINITIONS.—In this section:
(1) AFFECTED STATE.—The term “affected State,” with respect to a water resources project, means a State or portion of a State that—
(A) is located, at least partially, within the drainage basin in which the project is carried out; and
(B) would be economically or environmentally affected as a result of the project.
(2) DIRECTOR.—The term “Director” means the Director of Independent Review appointed under section 5(b).
(b) PROJECTS SUBJECT TO INDEPENDENT REVIEW.—
(1) IN GENERAL.—The Secretary shall ensure that each draft feasibility report, draft general reevaluation report, and draft environmental impact statement for each water resources project described in paragraph (2) is subject to review by an independent panel of experts established under this section.
(2) PROJECTS SUBJECT TO REVIEW.—A water resources project described in paragraph (2) is subject to review under paragraph (1) if—
(A) the project has an estimated total cost of more than $30,000,000, including mitigation costs.
(B) the Governor of an affected State, or the Director of a Federal agency with jurisdiction over the proposed project requests the establishment of a panel of independent experts to review the project; and
(C) the Secretary determines under paragraph (3) that the proposed project is controversial.
(3) WRITTEN REQUESTS.—Not later than 30 days after the date on which the Secretary receives a written request of an interested party, or on the initiative of the Secretary, the Director shall determine whether a water resources project is controversial.
(4) DURATION OF PROJECT REVIEWS.—Not later than the date established under subsection (f), submit to the Secretary a report concerning the economic, engineering, and environmental impacts of the project, including the conclusions and recommendations of the panel.
(5) DUTIES OF PANELS.—A panel of experts established for a water resources project under this section shall—
(A) review each draft feasibility report, draft general reevaluation report, and draft environmental impact statement prepared for the project to identify—
(A) technical errors;
(B) outdated and inaccurate data; and
(C) flawed economic and environmental methodologies and models;
(B) receive from the public written and oral comments concerning the proposed project and all other duties of the panel relating to the project.

SEC. 5. MITIGATION.
(a) CONCURRENT MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended—
(1) by striking “(a)(1) In the case” and inserting “(a) In general—”;
(2) by striking “(A) a project described in paragraph (1) or (2) of subsection (a) with respect to which the Secretary issues a draft feasibility report” and inserting “(A) the Secretary shall consult with the Academy in developing lists of individuals to serve on panels of experts under this section.”
(3) by striking “(B) the Governor of an affected State, or the Director of a Federal agency with jurisdiction over the proposed project requests the establishment of a panel of independent experts to review the project; and” and inserting “(B) the Director shall consult with the Academy in developing lists of individuals to serve on panels of experts under this section.”
(4) by striking “(C) the Secretary determines under paragraph (3) that the proposed project is controversial.” and inserting “(C) the Director shall consult with the Academy in developing lists of individuals to serve on panels of experts under this section.”
(5) by striking “(D) the Governor of an affected State, or the Director of a Federal agency with jurisdiction over the proposed project requests the establishment of a panel of independent experts to review the project; and” and inserting “(D) the Director shall consult with the Academy in developing lists of individuals to serve on panels of experts under this section.”
(b) APPlicABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to a panel of experts established under this section.

SEC. 6. TRAVEL EXPENSES.—A member of a panel of experts under this section shall be reimbursed for travel expenses including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the panel.

SEC. 7. MITIGATION PERCENTAGES.—The Director shall determine the mitigation percentages to be used by the Secretary in determining the mitigation required to be included in the draft feasibility report for a water resources project under this Act.

SEC. 8. CONSULTATION.—The Director may consult with the Academy in developing lists of individuals to serve on panels of experts under this section.

SEC. 9. COSTS.—The cost of conducting a review of a water resources project under this section—
(1) shall not exceed $250,000;
(2) shall be considered to be part of the total cost of the project; and
(3) shall be a Federal expense.

SEC. 10. CONSULTATION.—An individual serving on a panel of experts under this section shall not have an conflict of interest as determined by the Inspector General.

SEC. 11. TRAVEL EXPENSES.—A member of a panel of experts under this section shall be reimbursed for travel expenses including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the panel.

SEC. 12. STAFF.—A panel of experts established for a water resources project under this section shall—
(A) technical errors;
(B) outdated and inaccurate data; and
(C) flawed economic and environmental methodologies and models;
(B) receive from the public written and oral comments concerning the proposed project and all other duties of the panel relating to the project.

SEC. 13. DURATION OF PROJECT REVIEWS.—Not later than the date established under subsection (f), submit to the Secretary a report concerning the economic, engineering, and environmental impacts of the project, including the conclusions and recommendations of the panel.

SEC. 14. DUTIES OF PANELS.—A panel of experts established for a water resources project under this section shall—
(A) review each draft feasibility report, draft general reevaluation report, and draft environmental impact statement prepared for the project to identify—
(A) technical errors;
(B) outdated and inaccurate data; and
(C) flawed economic and environmental methodologies and models;
(B) receive from the public written and oral comments concerning the proposed project and all other duties of the panel relating to the project.

SEC. 15. MITIGATION PERCENTAGES.—The Director shall determine the mitigation percentages to be used by the Secretary in determining the mitigation required to be included in the draft feasibility report for a water resources project under this Act.

SEC. 16. CONSULTATION.—The Director may consult with the Academy in developing lists of individuals to serve on panels of experts under this section.

SEC. 17. COSTS.—The cost of conducting a review of a water resources project under this section—
(1) shall not exceed $250,000;
(2) shall be considered to be part of the total cost of the project; and
(3) shall be a Federal expense.
"(2) IMPLEMENTATION OF MITIGATION.—
(A) IN GENERAL.—To ensure concurrent mitigation, the Secretary shall implement required mitigation under paragraph (1) as expeditiously as practicable, but not later than—
(i) the last day of construction of the project or separable element of the project; or
(ii) in a case in which completion of mitigation by the date described in clause (i) is physically impracticable because 1 or more sites for the remaining mitigation are or will be disturbed by project construction (as determined by the Secretary), not later than the end of the next fiscal year immediately following the last day of construction.

(B) AVAILABILITY OF FUNDS.—Funds made available for preliminary engineering and design, construction, or operations and maintenance may be used to carry out this subsection.

(c) MITIGATION TRACKING SYSTEM.—Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—
(1) by striking paragraph (1) and inserting the following:

"(1) PLANS AND PROPOSALS.—
(A) IN GENERAL.—After November 17, 1986, the Secretary shall not submit any proposal for the authorization of any water resources project to the Congress unless the Secretary certifies that such proposal contains a complete and accurate description of the mitigation required by this section, and shall not choose a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal contains—
(i) a specific plan to fully mitigate fish and wildlife losses created by the project; or
(ii) a determination by the Secretary that the project will have negligible adverse impact on fish and wildlife.

(B) FORESTS.—A specific mitigation plan described in subparagraph (A)(i) shall ensure, to the maximum extent practicable, that impacts to bottomland hardwood forests are mitigated in kind.

(C) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with appropriate Federal and non-Federal agencies.

(B) by adding at the end the following:

"(2) Full Mitigation.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—
(1) by striking paragraph (1) and inserting the following:

"(1) Full Mitigation.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—
(1) by striking paragraph (1) and inserting the following:

"(c) MITIGATION TRACKING SYSTEM.—Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended by adding at the end the following:

"(9) require the Director of the National Fish and Wildlife Foundation to report to the Congress not later than 18 months after the date of enactment of this Act, such information and recommendations as the Director considers necessary to carry out this section.

SEC. 5. MODERN ECONOMIC AND ENVIRONMENTAL STANDARDS.

Section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) is amended to read as follows:

"SEC. 209. CONGRESSIONAL STATEMENT OF OBJECTIVES.

(a) IN GENERAL.—It is the intent of Congress that economic development and environmental protection and restoration be equal goals of water resources planning and development.

(b) REVISION OF PRINCIPLES AND GUIDELINES.—Not later than 1 year after the date of enactment of the Army Corps Reform Act of 2002, the Secretary of the Army, in consultation with the National Academy of Sciences, shall revise the principles and guidelines of the Corps of Engineers for water resources projects (consisting of Engineer Regulation 1105-2-100 and Engineer Pamphlet 1165-2-1) to reflect modern methods of measuring benefits and costs of water resources projects.

(c) REVISION OF GUIDANCE.—The Secretary of the Army shall revise the Guidance for Conducting Civil Works Planning Studies (ER 1105-2-100) to comply with this section.

By Mr. LEVIN (for himself, Ms. COLLINS, Ms. STABENOW, Mr. DEWINE, Mr. REED, Mr. WARNER, Mr. DURBIN, Mr. FITZGERALD, and Mr. VONVICH, Mr. INOUYE, Mr. CANTWELL, Mr. KENNEDY, and Mr. BAYH):

S. 2964. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Environment and Public Works.