provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 403. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation today that would increase the mileage reimbursement rate for volunteers.

Under current law, when volunteers use their cars for charitable purposes, the volunteers may be reimbursed up to 14 cents per mile for their donated services without triggering a tax consequence for either the organization or the volunteers. If the charitable organization reimburses any more than that, they are required to file an information return indicating the amount, and the volunteers must include the amount over 14 cents per mile in their taxable income. By contrast, for 2007, the mileage reimbursement level permitted for businesses is 48.5 cents per mile, nearly three and a half times the volunteer rate.

While we are asking volunteers and volunteer organizations to bear a greater burden of delivering essential services, the 14 cents per mile limit is imposing a very real hardship for charitable organizations and other nonprofit groups.

I have heard from a number of people in Wisconsin on the need to increase this reimbursement limit. One of the first organizations that brought this issue to my attention was the Portage County Department on Aging. Volunteer drivers are critical to their ability to provide services to seniors in Portage County, and the Department on Aging depends on dozens of volunteer drivers to deliver meals to homes and transport people to their medical appointments, meal sites, and other essential services.

Many of my colleagues know the senior meals program is one of the most vital services provided under the Older Americans Act, and ensuring that meals can be delivered to seniors or that seniors can be taken to meal sites is an essential part of that program. In fact, it is often the case that the senior meals program is the point at which many frail elderly first come into contact with the network of services that can help them. For that reason, these programs are important not only for the essential nutrition services they provide, but also for the many other critical services that the frail elderly may need.

Unfortunately, Federal support for the senior nutrition programs has stagnated in recent years, increasing pressure on local programs to leverage more volunteer services to make up for that lagging Federal support. Regrettably, the 14 cents per mile reimbursement limit has made it far more difficult to obtain those volunteer services. Portage County reported that many of their volunteers cannot afford to offer their services under such a restriction. And if volunteers cannot be found, their services will have to be replaced by contracting with a provider, greatly increasing costs to the Department, costs that come directly out of the pot of funds available to pay for meals and other services.

The same is true for thousands of other non-profit and charitable organizations that provide essential services to communities across our Nation.

By contrast, businesses do not face this restrictive mileage reimbursement limit. As I noted earlier, for 2007 the comparable mileage rate for someone who works for a business is 48.5 cents per mile. This disparity means that a business hired to deliver the same meals delivered by volunteers for Portage County may reimburse their employees nearly three and a half times the amount permitted the volunteer without a tax consequence.

This doesn't make sense. The 14 cents per mile volunteer reimbursement limit is badly outdated. According to the Congressional Research Service, Congress first set a reimbursement rate of 12 cents per mile as part of the Deficit Reduction Act of 1984, and did not increase it until 1997, when the level was raised slightly, to 14 cents per mile, as part of the Taxpayer Relief Act of 1997.

The bill I am introducing today is identical to a measure I introduced in the 109th Congress, and largely the same as the version I introduced in the 107th and 108th Congresses. It raises the limit on volunteer mileage reimbursement to the level permitted to businesses, and provides an offset to ensure that the measure does not aggravate the budget deficit. The most recent estimate of the cost to increase the reimbursement for volunteer drivers is about $1 million over 5 years. Though the revenue loss is small, it is vital that we do everything we can to move toward a balanced budget, and to that end I have included a provision to fully offset the cost of the measure and make it deficit neutral. That provision increases the criminal monetary penalties for individuals and corporations convicted of tax fraud. The provision passed the Senate in the 108th Congress as part of the JOBS bill, but was later dropped in conference and was not included in the final version of that bill.

I urge my colleagues to support this measure. It will help ensure charitable organizations can continue to attract the volunteers that play such a critical role in helping to deliver services and it will simplify the Tax Code both for nonprofit groups and the volunteers themselves.

I ask unanimous consent that the text of the legislation 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. 403

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

SECTION 1. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139A the following new section:

''SEC. 139B. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

''(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

''(1) by using the standard business mileage rate established under such section, and

''(2) as if the individual were an employee of an organization not described in section 170(c).

''(b) NO DOUBLE BENEFIT.—Subsection (a) shall not apply with respect to any expenses if the individual claims a deduction or credit for such expenses under any other provision of this title.

''(c) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 139A and inserting the following new item:

''Sec. 139B. Reimbursement for use of passenger automobile for charity.''.

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

SEC. 2. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 of the Internal Revenue Code of 1986 (relating to fraud and false statements) is amended—

(1) by striking ''Any person who—'' and inserting ''(a) IN GENERAL.—Any person who—'', and

(2) by adding at the end the following new subsection:

''(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.''.

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$100,000'' and inserting ''$250,000'',

(B) by striking ''$500,000'' and inserting ''$1,000,000'', and

(C) by striking ''5 years'' and inserting ''10 years''.

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 of such Code is amended—

(A) in the first sentence—

(i) by striking ''misdemeanor'' and inserting ''felony'', and

(ii) by striking ''1 year'' and inserting ''10 years'', and

(B) by striking the third sentence.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) of such Code (as redesignated by subsection (a)) is amended—

(A) by striking ''$100,000'' and inserting ''$250,000'',

(B) by striking ''$500,000'' and inserting ''$1,000,000'', and

(C) by striking ''3 years'' and inserting ''5 years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to underpayments and overpayments attributable to actions occurring after the date of the enactment of this Act.

By Mr. THOMAS (for himself, Mr. BAUCUS, Mr. THUNE. Mr. GRASSLEY, Mr. TESTER, Mr. BINGAMAN, Mr. DORGAN Mr.ENZI, and Mr. CONRAD):

S. 404. A bill to amend the Agricultural Marketing Act of 1946 to require the implementation of country of origin labeling requirements by September 30, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. THOMAS. Mr. President, I rise to introduce a bill that is of great importance to livestock producers and consumers in my home State of Wyoming, and to people across the Nation. My bill would expedite the implementation of mandatory country of origin labeling, or COOL, for beef and other agricultural products, and set that date at September 30, 2007. I am pleased that Senator BAUCUS joins me in this effort, as does Senator THUNE, Senator GRASSLEY, Senator TESTER, Senator BINGAMAN, Senator DORGAN, Senator ENZI, and Senator CONRAD.

Consumers drive our economy, and it is important that we provide them relevant information about the products they are purchasing. U.S. consumers overwhelmingly support mandatory COOL. They have a right to know where their food comes from. Labeling provides more product information, increased consumer choice, and the chance to support American agriculture. Labeling also allows our producers to distinguish their superior products. Trade is not going away. With increased trade comes an increase in the importance of country of origin labeling. Many nations already label food and other products—including the United States. If it is good enough for T-shirts, it ought to be good enough for T-bones.

Mandatory COOL was signed into law with the 2002 Farm Bill. I was an original supporter of COOL during the Farm Bill debate, and I have become increasingly frustrated with efforts to delay its implementation. The latest delay was inserted into the Fiscal Year 2006 Agriculture Appropriations bill, and I voted against the bill for that reason.

Producers and consumers have waited long enough for country of origin labeling. It is high time we make it happen.

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

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

S. 704

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 ''Country of Origin Labeling Act of 2007''.

SEC. 2. APPLICABILITY OF COUNTRY OF ORIGIN LABELING REQUIREMENTS.

Section 285 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638d) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2007''.

Mr. TESTER. Mr. Chairman, I rise today to join my colleagues in cosponsoring the implementation of country of origin labeling requirements for food sold in the United States. Congress originally passed country of origin labeling in the 2002 farm bill, but has twice voted to delay its implementation. Country-of-origin labeling is good for American consumers; it is good for our farmers and ranchers, and the time to implement it is now.

American farmers and ranchers raise the highest quality agricultural goods in the world. Country of origin labeling benefits farmers and ranchers by allowing them to market their world-famous products and consumers who deserve to know where their food comes from.

Any American consumer can look at the tag on their shirt or under the hood of their car and know where it was made. But when meats and produce move into the market place, their origin often becomes a mystery. Considering the importance of food to our health and safety, the growth of our children, and the livelihood of our farmers and ranchers, we should have as much information about the origin of our food as possible.

When I was president of the Montana Senate in 2005, I helped lead the fight to pass and implement country of origin labeling because Congress had failed to act. In Montana we are particularly proud of the quality of our agricultural products, and of the people who raise them. Our clean air and water, well preserved natural environment, and modern agricultural practices make consumers want to buy Montana meats, fruits and vegetables. Our State government has given consumers the information and the choice to purchase American raised products through country of origin labeling.

As a dry land farmer from Big Sandy, Montana I know how challenging it is to be successful in agriculture. American farmers and ranchers need all the tools they can get. We no longer compete only with our local neighbors. We compete internationally with South America, Asia, Australia and New Zealand. Country of origin labeling adds value in the market place that was already added by being grown on American farms and ranches.

American consumers will make choices to support our domestic industry and sometimes pay a premium to know that their food comes from the United States. They support American agriculture with its high-quality standards, where money made stays in our rural communities and in the hands of American farmers and ranchers instead of going overseas. The benefits of country of origin labeling are great, the costs are little and consumers have demanded it. Congress needs to take the next step and implement the program.

By Mrs. FEINSTEIN (for herself and Mr. ENSIGN)

S. 405. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under part A of title I may be used; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President. I rise today with Senator ENSIGN to introduce legislation to ensure that Title I funds are directed towards instructional services to teach our Nation's neediest students.

Title I provides assistance to almost every school district in the country to serve children attending schools with high numbers of low-income students, from preschool to high school.

Although it has always been the intent of Congress for Title I funds to be used for instruction and instructional services, the Federal Government has never provided a clear definition of what instructional services should entail.

This lack of Federal guidance has become especially clear now, as States are struggling to comply with the Title I accountability standards established under ''No Child Left Behind.''

While State Administrators of Title I are directed by law to meet these specific requirements, they have been given little guidance as to how to ensure that they are in compliance with the law.

I believe that the Federal Government is responsible for making this process as clear to States as possible.

During consideration of ''No Child Left Behind,'' I worked hard to get my bill defining appropriate Title I uses included in the Senate version of the bill.

Unfortunately, during conference consideration, that language was stripped out and in its place language was inserted directing the General Accounting Office (GAO) to report on how states use their Title I funds.

In April 2003, GAO released the report that Congress directed them to submit on Title I Administrative Expenditures.

What GAO found is that while districts spent no more than 13 percent of Title I funds on administrative services, these findings were based on their

own definition ''because there is no common definition on what constitutes administrative expenditures.''

Therefore, the accounting office could not precisely measure how much of schools' Title I funds were used for administration.

Because uses of Title I funds are not defined consistently throughout the states, the accounting office created their own definition by compiling aspects of state priorities to complete the report.

The very reason I worked to define how Title I funds should be used—to create consistency and distribution priority nationwide—became the definitive aspect preventing GAO from effectively drawing conclusions to their report.

The report highlights two concerns that I have with the lack of universal definitions in the Title I program: The lack of Federal guidance on effective uses of Title I funds and the government's inability to accurately measure whether the academic needs of low-income students are being met.

This bill takes some strong steps by balancing the needs for states to retain Title I flexibility and providing them with the guidance needed to administer the program uniformly throughout the country.

Current law on Title I is much too vague.

It says, ''a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.''

Basically, it says that Title I funds are to be used for the ''education of pupils.'' This is too ambiguous.

The U.S. Department of Education has given states a guidance document that explains how Title I funds can be used.

Under this guidance document, only two uses are specifically prohibited: 1. construction or acquisition of real property; and 2. payment to parents to attend a meeting or training session or to reimburse a parent for a salary lost due to attendance at a ''parental involvement'' meeting.

I believe we should give the Department, States and districts a clearer guidance in law.

This legislation would: Define Title I direct and indirect instructional services. Set a standard for the amount of Title I funds that can be used to achieve the academic and administrative objectives of this program. Ensure that the majority of Title I funds are used to improve academic achievement by stipulating that ''a local educational agency may use not more than 10 percent of [Title I] funds received . . . for indirect instructional services.''

By limiting the amount of funds that schools can spend on administrative or indirect services, school districts are restricted from shuffling the majority of Title I to pay for non-academic services, but it also gives the districts flexibility to use the remaining funds for the indirect costs administering Title I distribution.

Furthermore, by defining direct and indirect services, all States can apply the same standards for how Title I funds are used nationwide.

Examples of permissible Direct Services are: Employing teachers and other instructional personnel, including employee benefits. Intervening and taking corrective actions to improve student achievement. Purchasing instructional resources such as books, materials, computers, and other instructional equipment. Developing and administering curriculum, educational materials and assessments.

Examples of Indirect Services limited to no more than 10 percent of Title I expenditures are: Business services relating to administering the program. Purchasing or providing facilities maintenance, janitorial, gardening, or landscaping services or the payment of utility costs. Buying food and paying for travel to and attendance at conferences or meetings, except if necessary for professional development.

My reasons for introducing this bill are two-fold: first, I believe that states must use their limited Federal dollars for the fundamental purpose of providing academic instruction to help students learn. Secondly, I believe that it is nearly impossible to do so without providing a clear definition of what is considered an instructional service.

I am not suggesting that it is the fault of the school districts for not focusing their Title I funds on academic instruction. They are simply exercising the flexibility that Congress has given them.

If Congress also intended for those funds to educate our neediest children, federal guidance must be given to ensure that it happens.

It is my view that Title I cannot do everything. Federal funding is only about 9 percent of the total funding for elementary and secondary education and Title I is even a smaller percentage of total support for public schools.

That is why it is imperative to better focus Title I funds on academic instruction, teaching the fundamentals and helping disadvantaged children achieve.

Schools must focus their general administrative budget to pay for expenses that fall outside of the realm of direct educational services and retain the majority of federal funds to improve academic achievement.

It is time to better direct Title I funds to the true goal of education: to help students learn. This is one step towards that important goal.

I urge my colleagues to support this legislation. I ask for unanimous consent that the text of the legislation directly follow this statement in the record.

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. 405

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 ''Title I Integrity Act of 2007''.

SEC. 2. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

''SEC. 1120C. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

''(a) IN GENERAL.—

''(1) USE OF FUNDS.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this part only for direct instructional services and indirect instructional services.

''(2) LIMITATION ON INDIRECT INSTRUCTIONAL SERVICES.—A local educational agency may use not more than 10 percent of funds received under this part for indirect instructional services.

''(b) INSTRUCTIONAL SERVICES.—

''(1) DIRECT INSTRUCTIONAL SERVICES.—In this section, the term direct instructional services' means—

''(A) the implementation of instructional interventions and corrective actions to improve student achievement;

''(B) the extension of academic instruction beyond the normal school day and year, including during summer school;

''(C) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

''(D) the provision of instructional services to prekindergarten children to prepare such children for the transition to kindergarten;

''(E) the purchase of instructional resources, such as books, materials, computers, other instructional equipment, and wiring to support instructional equipment;

''(F) the development and administration of curricula, educational materials, and assessments;

''(G) the transportation of students to assist the students in improving academic achievement;

''(H) the employment of title I coordinators, including providing title I coordinators with employee benefits; and

''(I) the provision of professional development for teachers and other instructional personnel.

''(2) INDIRECT INSTRUCTIONAL SERVICES.—In this section, the term indirect instructional services' includes—

''(A) the purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

''(B) the payment of travel and attendance costs at conferences or other meetings;

''(C) the payment of legal services;

''(D) the payment of business services, including payroll, purchasing, accounting, and data processing costs; and

''(E) any other services determined appropriate by the Secretary that indirectly improve student achievement.''.

By Mr. CHAMBLISS (for himself, Mr. BURR, Mr. STEVENS, Mr. INHOFE, Mr. SUNUNU, and Mr. BUNNING):

S. 408. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the Hunting Heritage Protection Act of 2007. I cannot stress how important this piece of legislation is to ensure that our Nation's rich hunting heritage is passed on to future generations. This legislation preserves and protects the rights and access to Federal public lands that are vitally important to the sportsmen and women of America.

I have been an avid outdoor sportsman for the better part of my adult life and I must say that the times I have spent hunting with my son or with friends have been some of the best times of my life. Recreational hunting provides numerous opportunities to spend time and share valuable experiences of some of life's lessons with children, family and friends.

It is hard to put a price tag on seeing the joy and excitement in a child's eyes during their first hunting experience. It is one of the reasons that I decided to introduce this legislation. I believe that recreational hunting should be an activity that everyone has the opportunity to experience.

One thing that all sportsmen and women have in common is that they are also conservationists. I, like my fellow hunters, understand that without wildlife conservation our Nation's rich hunting heritage will end with this generation. Sportsmen and women have continued to support sound wildlife management and conservation practices since the time of President Theodore Roosevelt who many consider to be the father of the conservation movement. Each year millions of hunters purchase licenses, permits, and stamps that contribute a significant amount of money to wildlife conservation. These hunters also contribute billions of dollars to the U.S. economy from other hunting related activities.

Hunting is a rural development activity. It is quite understandable how hunting provides an important supplement to the income of many farmers and ranchers, and even though this legislation pertains to Federal public lands many people overlook the related rural job opportunities that are created by hunting. These include guiding and increased hotel and restaurant activity to name just a few. As our rural population decreases and our urban/suburban increases, hunting is an activity that allows many families to stay connected to the land and in so doing; it creates economic activity for our rural areas.

Recognizing hunters for their role in conservation efforts throughout the U.S. is very important. The Hunting Heritage Protection Act not only recognizes hunters for their conservation efforts but it also requires that Federal public land and water are open to access and use for recreational hunting when and where hunting is appropriate. It is important to note that this bill does not open all Federal public land to hunting.

Another crucial piece of this legislation is that it creates a policy that requires Federal government agencies to manage Federal public land under their jurisdiction in a manner that supports, promotes, and enhances recreational hunting opportunities.

As I mentioned before, sportsmen and women have contributed greatly to wildlife conservation over the years and it is important that Congress acknowledge this contribution by ensuring that the amount of Federal public land open to recreational hunting does not decrease. That is why this legislation requires that actions related to the management of Federal public lands should result in a ''no net loss'' of land area available for recreational hunting.

It is vitally important that we, as Members of the Senate, do all we can to protect and preserve the tradition of hunting so that future generations will be able to experience this great outdoor recreational activity. I believe that the ''Hunting Heritage Protection Act of 2007'' meets these goals.

I want to encourage my colleagues on both sides of the aisle to join me in supporting and preserving our Nation's rich heritage of hunting by supporting this 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. 408

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 ''Hunting Heritage Protection Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) recreational hunting is an important and traditional recreational activity in which 13,000,000 people in the United States 16 years of age and older participate;

(2) hunters have been and continue to be among the foremost supporters of sound wildlife management and conservation practices in the United States;

(3) persons who hunt and organizations relating to hunting provide direct assistance to wildlife managers and enforcement officers of the Federal Government and State and local governments;

(4) purchases of hunting licenses, permits, and stamps and excise taxes on goods used by hunters have generated billions of dollars for wildlife conservation, research, and management;

(5) recreational hunting is an essential component of effective wildlife management by—

(A) reducing conflicts between people and wildlife; and

(B) providing incentives for the conservation of—

(i) wildlife; and

(ii) habitats and ecosystems on which wildlife depend;

(6) each State has established at least 1 agency staffed by professionally trained wildlife management personnel that has legal authority to manage the wildlife in the State; and

(7) recreational hunting is an environmentally acceptable activity that occurs, and can be provided for, on Federal public land without adverse effects on other uses of the land.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY HEAD.—The term ''agency head'' means the head of any Federal agency that has authority to manage a natural resource or Federal public land on which a natural resource depends.

(2) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—The term ''Federal public land'' means any land or water that is—

(i) publicly accessible;

(ii) owned by the United States; and

(iii) managed by an executive agency for purposes that include the conservation of natural resources.

(B) EXCLUSION.—The term ''Federal public land'' does not include any land held in trust for the benefit of an Indian tribe or member of an Indian tribe.

(3) HUNTING.—The term ''hunting'' means the lawful—

(A) pursuit, trapping, shooting, capture, collection, or killing of wildlife; or

(B) attempt to pursue, trap, shoot, capture, collect, or kill wildlife.

SEC. 4. RECREATIONAL HUNTING.

(a) IN GENERAL.—Subject to valid existing rights, Federal public land shall be open to access and use for recreational hunting except as limited by—

(1) the agency head with jurisdiction over the Federal public land—

(A) for reasons of national security;

(B) for reasons of public safety; or

(C) for any other reasons for closure authorized by applicable Federal law; and

(2) any law (including regulations) of the State in which the Federal public land is located that is applicable to recreational hunting.

(b) MANAGEMENT.—Consistent with subsection (a), to the extent authorized under State law (including regulations), and in accordance with applicable Federal law (including regulations), each agency head shall manage Federal public land under the jurisdiction of the agency head in a manner that supports, promotes, and enhances recreational hunting opportunities.

(c) NO NET LOSS.—

(1) IN GENERAL.—Federal public land management decisions and actions should, to the maximum extent practicable, result in no net loss of land area available for hunting opportunities on Federal public land.

(2) ANNUAL REPORT.—Not later than October 1 of each year, each agency head with authority to manage Federal public land on which recreational hunting occurs shall submit to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate and the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives a report that describes—

(A)(i) any Federal public land administered by the agency head that was closed to recreational hunting at any time during the preceding year; and

(ii) the reason for the closure; and

(B) areas administered by the agency head that were opened to recreational hunting to compensate for the closure of the areas described in subparagraph (A)(i).

(3) CLOSURES OF 5,000 OR MORE ACRES.—The withdrawal, change of classification, or change of management status that effectively closes 5,000 or more acres of Federal

public land to access or use for recreational hunting shall take effect only if, before the date of withdrawal or change, the agency head that has jurisdiction over the Federal public land submits to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate and the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives written notice of the withdrawal or change.

(d) AREAS NOT AFFECTED.—Nothing in this Act compels the opening to recreational hunting of national parks or national monuments under the jurisdiction of the Secretary of the Interior.

(e) NO PRIORITY.—Nothing in this Act requires a Federal agency to give preference to hunting over other uses of Federal public land or over land or water management priorities established by Federal law.

(f) AUTHORITY OF THE STATES.—

(1) SAVINGS.—Nothing in this Act affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water in the State, including Federal public land.

(2) FEDERAL LICENSES.—Nothing in this Act authorizes an agency head to require a license or permit to hunt, fish, or trap on land or water in a State, including on Federal public land in the State.

(3) STATE RIGHT OF ACTION.—

(A) IN GENERAL.—Any State aggrieved by the failure of an agency head or employee to comply with this Act may bring a civil action in the United States District Court for the district in which the failure occurs for a permanent injunction.

(B) PRELIMINARY INJUNCTION.—If the district court determines, based on the facts, that a preliminary injunction is appropriate, the district court may grant a preliminary injunction.

(C) COURT COSTS.—If the district court issues an injunction under this paragraph or otherwise finds in favor of the State, the district court shall award to the State any reasonable costs of bringing the civil action (including an attorney's fee).

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 409. A bill to provide environmental assistance to non-Federal interests in the State of North Dakota; to the Committee on Environment and Public Works.

Mr. CONRAD. Mr. President, today I am introducing the Water Infrastructure Revitalization Act, which authorizes $60 million through the U.S. Army Corps of Engineers to assist communities in North Dakota with water supply and treatment projects.

Imagine if you went to turn on your kitchen faucet one day and no water came out. This scenario became true for thousands in the communities of Fort Yates, Cannonball, and Porcupine just days before Thanksgiving in 2003. The loss of drinking water forced the closure of schools, the hospital and tribal offices for days. About 170 miles upstream, the community of Parshall faces similar water supply challenges as the water level on Lake Sakakawea continues to drop, leaving its intake high and dry. These and other communities in the State have faced significant expenditures in extending their intakes to ensure a continued supply of water. In addition, the city of Mandan faces the prospect of constructing a new horizontal well intake because changes in sediment load and flow as a result of the backwater effects of the Oahe Reservoir have caused significant siltation problems that restrict flow into the intake. These examples barely scratch the surface of the problems faced by many North Dakota communities in maintaining a safe, reliable water supply.

Since 1999, the Corps of Engineers has been authorized to design and construct water-related infrastructure projects in several different States including Wisconsin, Minnesota and Montana. The State of North Dakota confronts water infrastructure challenges that are just as difficult as those in these other States. In fact, many of these challenges are caused directly by the Corps of Engineers's operations of the Missouri River dams. As a result, it is only appropriate that the Corps be part of the solution to North Dakota's water needs.

The Water Infrastructure Revitalization Act would provide important supplemental funding to assist North Dakota communities with water-related infrastructure repairs. Under the act, communities could use the funding for wastewater treatment, water supply facilities, environmental restoration and surface water resource protection. Projects would be cost shared, with 75 percent Federal funding and 25 percent non-Federal in most instances. However, the bill reduces the financial burden on local communities if necessary to ensure that water rates do not exceed the national affordability criteria developed by the Environmental Protection Agency.

This bill is not intended to compete with or take away funds for the construction of rural water projects under the Dakota Water Resources Act. Instead, it is meant to provide important supplemental funding for communities that are not able to receive funding from the Dakota Water Resources Act. It is my hope that this authorization will be included as part of the Water Resources Development Act.

I ask my colleagues to support this legislation to address an important issue in North Dakota.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 410. A bill to amend the Water Resources Development Act of 1999 to direct the Secretary of the Army to provide assistance to design and construct a project to provide a continued safe and reliable municipal water supply system for Devils Lake, North Dakota; to the Committee on Environment and Public Works.

Mr. CONRAD. Mr. President, today I am introducing legislation to authorize the U.S. Army Corps of Engineers to construct a new municipal water supply system for the city of Devils Lake, ND. This project is very important to the reliability of the water supply for the residents of Devils Lake and is needed to mitigate long-term consequences from the rising flood waters of Devils Lake.

As many of my colleagues know, the Devils Lake region has been plagued by a flooding disaster since 1993. During that time, Devils Lake, a closed basin lake, has risen more than 25 feet, consuming land, destroying homes, and impacting vital infrastructure. As a result of this disaster, the city of Devils Lake faces a significant risk of losing its water supply. Currently, 6 miles or approximately one-third of the city's 40-year-old water transmission line is covered by the rising waters of Devils Lake. The submerged section of the water line includes numerous gate valves, air relief valves, and blow-off discharges.

All of the water for the city's residents and businesses must flow through this single transmission line. It is also the only link between the water source and the city's water distribution system. Since the transmission line is operated under relatively low pressures and is under considerable depths of water, a minor leak could cause significant problems. If a failure in the line were to occur, it would be almost impossible to identify the leak and make necessary repairs, and the city would be left without a water supply.

The city is in the process of accessing a new water source due both to the threat of a transmission line failure and the fact that its current water source exceeds the new arsenic standard. The city has worked closely with the North Dakota State Water Commission in identifying a new water source that will not be affected by the rising flood waters and will provide the city with adequate water to meet its current and future needs.

The bill will authorize the Corps to construct a new water supply system for the city. Mr. President, I believe the Federal Government has a responsibility to address the unintended consequences of this flood and mitigate its long-term consequences. This bill will help the Federal Government live up to its responsibility and ensure that the residents of Devils Lake have a safe and reliable water supply. It is my hope that this authorization will be included as part of the Water Resources Development Act.

I ask my colleagues to support this legislation to address an important issue for the city of Devils Lake.

By Mr. SMITH:

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am introducing legislation that will bring parity to all renewable energy facilities that qualify for the production tax credit under section 45 of the Internal Revenue Code.

I have been a long-time supporter of the production tax credit. There are

significant wind facilities in Oregon, where we have over 335 megawatts of installed wind capacity. These facilities provide clean energy as well as important revenues to farmers and rural counties in Eastern Oregon.

Currently, however, some eligible renewable facilities get only half the per-kilowatt credit that other types of facilities receive. My goal here is to level the playing field for all eligible renewables without reducing the credit any facility currently receives. Therefore, my bill provides that all eligible facilities would receive the higher credit amount for each kilowatt of electricity produced.

I believe that this bill will help to provide the necessary incentives to diversify our renewable energy resources. It will also eliminate the competitive disadvantage that certain types of renewables currently face. Utilities have little incentive to select renewables that qualify for the lower credit rate when buying green power. The eligible facilities that receive the lower rate include open-loop biomass, incremental hydropower, and small irrigation systems, all of which are important energy sources that could help meet the growing demand for electricity in my State of Oregon and in many other parts of the country.

I urge my colleagues to join me in increasing the credit rate for eligible renewables, and fostering the development and deployment of these important facilities.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 412. A bill to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the ''Lane Evans Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the U.S. Post Office at 2633 11th Street in Rock Island, IL, as the ''Lane Evans Post Office Building.''

For over 20 years, Lane Evans has been my closest friend in the Illinois congressional delegation. We came to the House of Representatives together and he proved to be an indomitable force. Time and again, Lane Evans showed extraordinary political courage fighting for the values that brought him to public service. But his greatest show of courage has been over the last 10 years as he battled Parkinson's disease and those who tried to exploit his physical weakness. His dignity and perseverance in the face of this relentless and cruel disease is an inspiration to everyone who knows Lane Evans.

I am pleased to offer this legislation to permanently and publicly recognize Lane Evans and his service to his congressional district, our State of Illinois, and the entire United States by naming the Rock Island Post Office in his honor. It would be a most appropriate way for us to express our appreciation to Congressman Evans and to commemorate his public life and work.

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. 412

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

SECTION 1. LANE EVANS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, shall be known and designated as the ''Lane Evans Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lane Evans Post Office Building''.

By Ms. MIKULSKI:

S. 414. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Federal Meat Inspection Act to require that food that contains product from a cloned animal be labeled accordingly, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise today to introduce a bill to require the Government to label any food that comes from a cloned animal.

I am strongly opposed to the FDA approving meat and milk products from cloned animals. No one needs cloned milk and meat. Most Americans actively oppose it.

But the Food and Drug Administration has decided that food from cloned animals is safe to eat. And, since they have decided this is ''safe,'' they will not require that it be labeled as coming from a cloned animal.

The American people don't want this. Gallup Polls report over 65 percent of Americans think it is immoral to clone animals and the Pew Initiative on Food and Biotechnology found that a similar percentage say that, despite FDA approval, they won't buy cloned milk.

The National Academies of Science reported that so far, studies show no problems with food from cloned animals but they also admit that this is brand new science. What about the possibility of unintended consequences a few years from now? They cautioned the Federal Government to monitor for potential health effects and urged diligent post-market surveillance.

So even if we agreed the science appears safe, we need to follow it closely. But, once the FDA determines this is safe they said they will allow the food to enter the market unidentified, unlabeled, unbeknownst to all of us and completely indistinguishable from all other food. We won't be able to tell which foods were made the good old fashioned way and which came from a cloned animal

Must we be compelled to eat anything a scientist can produce in the laboratory? Just because they can make it, should Americans be required to eat it? Of course not. The public deserves to know if their food comes from a cloned animal.

To help the American public make an informed decision on this, today I will introduce a bill to require all food that comes from a cloned animal to be labeled. This legislation will require the Food and Drug Administration and the Department of Agriculture to label all food that comes from a cloned animal or their offspring. We need to know and we must be able to decide for ourselves. And I mean all food—not just the packages we buy in the supermarket but the meals we choose from a menu.

The FDA has a responsibility to guarantee the safety of our food. Though many aspects of food safety are beyond their control—this is not. We do not know enough about the long term effects of introducing cloned animals, or their offspring, into our food supply to guarantee this is safe. Is this decision to allow cloned animals into our food supply influenced by factors other than keeping the public safe? Are they allowing an eager industry to force a questionably scientific process on an unknowing public?

We simply don't have the same trust in the FDA as we once had. Recently the Wall Street Journal found that over half of Americans feel the FDA does not do a good job keeping our drug supply safe. We want to trust them with the safety of our food supply but what if they are wrong?

What if the FDA has made a mistake and finds out a few years from now that there was a problem with this. If we do not keep track of it from the very beginning—by clear and dependable labeling—we could contaminate our entire food supply. If the food is not properly labeled we can't remove it from the shelves like we did with problematic drugs such as Vioxx and Celebrex. We must be proactive. We must label these foods.

I reject the notion that the FDA or anyone else should force Americans to accept and consume any product that can be manufactured in a lab—no matter how offensive the product is. We need to insist that the FDA treat the public fairly. If cloned food is safe, let it onto the market, but give consumers the information they need to avoid these products. We need to let Americans speak with their dollars and choose the food they have confidence is safe.