2054, a bill to authorize the Secretary of Housing and Urban Development to make grants to assist cities with a vacant housing problem, and for other purposes.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2070

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2070, a bill to prevent Government shutdowns.

S. 2099

At the request of Mr. SALAZAR, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2099, a bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2172

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

S. 2187

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2187, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care workforce development initiatives, and for other purposes.

S. 2228

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2228, a bill to extend and improve agricultural programs, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S.J. Res. 22, supra.

S. CON. RES. 51

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Con. Res. 51, a concurrent resolution supporting ''Lights On Afterschool!'', a national celebration of after school programs.

S. RES. 346

At the request of Mr. INHOFE, his name was added as a cosponsor of S. Res. 346, a resolution expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes.

AMENDMENT NO. 2631

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 2631 proposed to H.R. 976, an act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2229. A bill to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range; to the Committee on Energy and Natural Resources.

Mr. BARRASSO. Mr. President, I rise because today is Wyoming's day, literally. It is a long awaited day, a day that is special, a day that is as special as the mountain range that this day centers on, and as special as the State for which this mountain range is named.

This is a day of which I am proud to be a part, joining with the strong majority of Wyoming people who want the legislation I am introducing. It is the Wyoming Range Legacy Act of 2007.

Energy development is a proud part of Wyoming, and it is an important part of our Nation. But equal to that energy heritage is tourism and recreation—also a proud part of Wyoming and an important part of this Nation.

Wyoming is special. Reflecting both aspects of our economy, our people want a special balance between two of our top industries: energy and tourism and recreation.

Some of Wyoming's significant and important energy contributions to this great Nation encompass thousands of acres for our natural gas and energy fields. Meanwhile, independent and strong stands an isolated mountain range 100 miles long and 12,000 feet high. This range is named for our great State. It is that independent and wild mountain range—the Wyoming Range—that I want to focus on today, and well into the future, for the best future for Wyoming and for our people.

As leaders, there are things we do, defining actions, actions that go well beyond everyday issues. They surmount the daily noise and the disagreements, and they rise to the level of something else: It is to doing the right thing.

Today goes beyond the average day for Wyoming. As I said, today is Wyoming's day. It is a great day because it is today that a bill is introduced that will keep this special place on the map for tourism, for recreation, and for sportsmen forever.

We, as a State—the Governor and I—come together, cooperatively, to join in the memory of our dear friend Craig Thomas to finish his work, to keep and enhance the tourism, recreation, hunting, and sportsmen economy of the Wyoming Range, to preserve a key part of Wyoming's heritage.

This legislation, this initiative Craig Thomas was ready to introduce the week he passed goes to the very heart and soul of the great State of Wyoming. Indeed, this is a place where the heart and the soul of Wyoming run free and run wild.

This is 1.2 million acres for Wyoming tourism, sportsmen, and recreationists. This will mean that new, future leasing for oil and gas will be welcomed elsewhere in the State, and the Wyoming Range will remain in the recreational-based economy that now exists.

For those leases that have already been issued, this legislation provides a process for groups or individuals who are focused on conservation to buy back the value of those leases under voluntary purchase, and then retire them forever.

We all must recognize that the issued leases do have a value because they are

now legal property. At the same time, we can encourage all at the table—leaders, conservationists, and the private sector—to work toward doing the right thing. That process is now appropriately outside of the legislation and is ongoing.

For the recently issued leases that amount to some 44,000 acres, I have great confidence we will be able to work out creative solutions with respect on all sides.

But let us look at the bigger picture in this bill, with emphasis on an important, central point: What was the last bold move for Wyoming tourism? I proudly say, 1.2 million acres for Wyoming tourism, for Wyoming sportsmen, and for Wyoming outfitters and guides—all of whom contribute millions to our economy.

This is not a bill that ''locks up'' land. To the contrary, it is a bill for economic prosperity, for recreation, and for tourism. What we do in this important piece of legislation is to recognize an economic base and then enhance it. Let me repeat—because this is a very important point—we are taking the existing economic base and enhancing it in the Wyoming Range.

The Wyoming Range is a recreational-based economic zone. Yes, there are symbolic reasons for this initiative. It is the Wyoming Range, after all. But there is hard math at the core of this legislation. Tourism and recreation in our Wyoming economy matters. And doing the right thing matters. It matters for future generations of Wyoming people who will someday hunt and fish and hike in these mountains. It is also a place where Wyoming's agricultural industry has thrived for years. With this legislation, grazing and Wyoming's cowboy heritage will continue to thrive.

I want to read you something from 1961 that still applies very much today. It goes to the heart of maintaining proper balance and multiple use of our land:

> Another factor in maintaining balance involves the element of time. As we peer into society's future, we—you and I, and our government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without asking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow.

Those words were spoken by President Dwight Eisenhower in his final address as he left the Presidency. The children who were listening to his words back then are now grown and have grandchildren of their own.

The Wyoming Range—the range named for our beloved State—has symbolic meaning, inherent values. It is the heart and the soul of a great State, a spiritual heritage, now a physical reality.

Mr. President, today is Wyoming's day, for the Wyoming range, and for the people who love it.

By Mr. BIDEN:

S. 2230. A bill to amend title VIII of the Public Health Service Act to expand the nurse student loan program, to establish grant programs to address the nursing shortage, to amend title VII of the Higher Education Act of 1965 to provide for a nurse faculty pilot project, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BIDEN. Mr. President, today I am honored to introduce the Nursing Education Opportunities Act. This bill seeks to help alleviate both the nursing shortage faced in hospitals and clinics throughout the country, as well as the faculty shortage in nursing schools that constrains the number of new nurses who can be trained to fill the vacancies in our health facilities.

As most people who have heard me talk about health care know, nurses have a soft spot in my heart. In 1987, I was stricken with a brain aneurysm and spent months recovering at Walter Reed Hospital. The surgeons who operated on me were spectacular and I can never thank them enough. But the nurses who took care of me during my stay at Walter Reed were the embodiment of absolute comfort and unquestioning kindness. Along with the top notch medical care they provided me, the nurses at Walter Reed literally breathed life back into my lungs, washed me, brushed my teeth and went on search missions for the most comfortable pillows available. As I often say, if there are any angels in heaven, they must be nurses.

Unfortunately, right now our country is facing a nursing shortage. The American Hospital Association reported in July 2007 that United States hospitals had an estimated 116,000 registered nurse vacancies as of December 2006. Despite the nurse shortage and efforts to increase the pool of qualified nurses, schools of nursing struggle to increase student capacity. According to the American Association of Colleges of Nursing, AACN, the U.S. nursing schools turned away nearly 43,000 qualified applicants in 2006 primarily due to an insufficient number of faculty.

AACN reported in July 2006, a total of 637 faculty vacancies at 329 nursing schools with baccalaureate or graduate programs, or both, across the Nation. Besides the vacancies, schools cited the need to create an additional 55 faculty positions to accommodate student demand. Most of the vacancies, approximately 53.7 percent, were faculty positions requiring a doctoral degree.

The average ages of doctorally prepared nurse faculty holding the ranks of professor, associate professor and assistant professor are 58.6, 55.8, and 51.6 years, respectively. Considering the average age of nurse faculty at retirement is 62.5 years, a wave of nurse faculty retirements is expected in the next decade. In fact, in 2007 the Association of Academic Health Centers surveyed chief executive officers from academic health centers regarding faculty shortages across various health professions. The CEOs rated the nursing faculty shortage as the most severe of all health professions with 81 percent noting the nursing faculty shortage as a problem.

To address this nurse faculty shortage and to get more nurses trained, this bill provides three mechanisms to increase the number of and access to nurse faculty.

First, the bill establishes a grant program to help schools establish doctoral nursing programs. Right now, there are 8 States, including my home State of Delaware, which do not have a doctoral nursing program in their State. This bill allows eligible schools to receive a grant up to $2,000,000 to be used to establish a doctoral degree program. The funds can be used to hire administrators, faculty and staff; retain current faculty; develop doctoral curriculum; repair and expand infrastructures; purchase additional equipment; develop and enhance clinical laboratories; recruit students; establish technology infrastructures; and other investments deemed necessary.

Second, this bill establishes a doctoral nursing consortia pilot project to provide grants to partnerships of schools to allow them to share doctoral faculty and programmatic resources. This would allow schools with a shortage of faculty at the doctoral level to partner with other schools to provide proper education for their students. These grants can be awarded up to $500,000 and can be used to establish technology infrastructures; develop shared doctoral curriculum; hire faculty and staff; retain current faculty; provide travel stipends for nursing faculty who agree to teach nursing courses at consortium schools; provide scholarships for post-doctoral fellows who agree to teach a nursing course within the nursing doctoral curriculum; provide collaborative networks for nursing research; and other investments determined necessary.

Third, I am pleased to include a nurse faculty pilot project that was part of the Nurse Faculty Higher Education Act introduced in the House of Representatives by Representative CAROLYN MCCARTHY. This pilot project would provide grants to partnerships between accredited schools of nursing and hospitals or health facilities to fund release time for qualified nurse employees so they can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty. In short, this will make it easier for nurses to pursue an advanced degree by allowing them to work part time and retain some of their salary. Many nurses currently cannot afford to leave their jobs to go back to school because they would lose their salaries.

In addition to these three provisions, the bill also amends the Public Health Service Act to provide that, in the case of a nurse faculty shortage, the Secretary of Health and Human Services

may obligate more than 10 percent of traineeships through the Advanced Education Nursing Grants for individuals in doctoral degree nursing programs. This is important to help advance nursing education and allow greater funding opportunities for doctoral students.

But while this bill focuses heavily on increasing the number of nurse faculty to allow nursing schools to train more nurses, it also seeks to help nursing students as well.

First, the bill explicitly includes accelerated degree nursing students as eligible for financial assistance through nursing programs in the Public Health Service Act, including the Nursing Student Loan Program. To address the shortage of qualified nurses, schools of nursing have developed accelerated, second-baccalaureate degree programs in nursing. Students in accelerated degree programs are those with a baccalaureate degree in another field who have decided to return to school to get a degree in nursing. The students in these programs have difficulty securing federal funding as this program category is not easily defined. Accelerated nursing degree programs are not typical 4-year baccalaureate degree programs, as they take between 1 and 2 years to complete. However, they are becoming increasingly popular. In 2005, these programs graduated 3,769 students. In 2006 they graduated 5,236—an additional 1,467 nursing graduates in a single year. Hospitals and other health facilities like hiring graduates from accelerated nursing degree programs because they often have demonstrated a record of success and work-ethic that facilitates a more rapid and smooth transition in to the highly complex health care environment. Accelerated nursing degree students are a critical element to meeting this country's nursing needs.

Additionally, it is time to raise the yearly loan amounts available to all nursing students through the Nursing Student Loan Program. This important program, which provides long-term, low interest-rate loans to full-time and half-time financially needy students pursuing a course of study leading to a diploma, associate, baccalaureate or graduate degree in nursing, has not adjusted the maximum yearly loan amounts available for over a decade. Currently, a student can receive a maximum yearly loan of $2,500 for their first 2 years in a nursing school and $4,000 per year during their second 2 years. This bill would adjust these totals to $4,400 in the first 2 years and $7,000 in the second 2 years, respectively. It is time to raise the yearly loan amounts, as the cost of tuition at nursing schools has increased substantially over the past decade.

It is imperative that we in Congress act to help alleviate the nursing shortage and the nurse faculty shortage in this country. Nurses comprise the largest segment of health care providers in this country and they are crucial in ensuring the quality of care that Americans receive. I believe the initiatives contained in the Nursing Education Opportunities Act can help reduce these shortages. The American Academy of Nursing, American Association of Colleges of Nursing, American Nephrology Nurses' Association, American Nurses Association, American Organization of Nurse Executives, Association of Women's Health, Obstetric and Neonatal Nurses and the National League for Nursing all support this legislation.

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. 2230

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 ''Nursing Education Opportunities Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The American Hospital Association reported in July 2007 that United States hospitals need approximately 116,000 registered nurses to fill vacant positions nationwide.

(2) To address the shortage of qualified nurses, schools of nursing have developed accelerated, second-baccalaureate degree programs in nursing. In 2005, these programs graduated 3,769 students. The number of accelerated degree graduates in 2006 was 5,236. This is an additional 1,467 nursing graduates in 1 year.

(3) Despite the nurse shortage and efforts to increase the pool of qualified nurses, schools of nursing struggle to increase student capacity. According to the American Association of Colleges of Nursing (referred to in this Act as the ''AACN''), United States nursing schools turned away nearly 43,000 qualified applicants in 2006 primarily due to an insufficient number of faculty.

(4) The AACN reported in July 2006, a total of 637 faculty vacancies at 329 nursing schools with baccalaureate or graduate programs, or both, across the Nation. Besides the vacancies, schools cited the need to create an additional 55 faculty positions to accommodate student demand. Most of the vacancies (53.7 percent) were faculty positions requiring a doctoral degree.

(5) In 2007, the Association of Academic Health Centers surveyed chief executive officers (CEOs) from academic health centers regarding faculty shortages across various health professions. The CEOs rated the nursing faculty shortage as the most severe of all health professions with 81 percent noting the nursing faculty shortage as a problem.

(6) The average ages of doctorally-prepared nurse faculty holding the ranks of professor, associate professor, and assistant professor are 58.6, 55.8, and 51.6 years, respectively. Considering the average age of nurse faculty at retirement is 62.5 years, a wave of nurse faculty retirements is expected in the next decade.

(7) Master's and doctoral programs in nursing are not producing a large enough pool of potential nurse educators to meet the demand. In 2006, the AACN found that graduations from doctoral nursing programs were up by only 1.4 percent from the previous academic year.

(8) Nurses are vital to the Nation's health care delivery system. Due to the nurse shortage, patient safety and quality of care are at risk. Given the findings described in paragraphs (1) through (7), measures must be taken to address the nurse shortage and nursing faculty shortage.

SEC. 3. NURSING STUDENT LOAN PROGRAM.

Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

(1) in section 835(b)(4), by inserting ''(including a student in an accelerated nursing degree program who is pursuing a second baccalaureate degree or a master's degree as an entry level nursing degree)'' after ''graduate degree in nursing''; and

(2) in section 836—

(A) in subsection (a)—

(i) by striking ''$2,500'' and inserting ''$4,400'';

(ii) by striking ''$4,000'' and inserting ''$7,000''; and

(iii) by striking ''$13,000'' and inserting ''$22,900''; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting ''(including a student in an accelerated nursing degree program who is pursuing a second baccalaureate degree or a master's degree as an entry level nursing degree)'' after ''graduate degree in nursing''; and

(ii) in paragraph (2), by inserting ''(including a student in an accelerated nursing degree program who is pursuing a second baccalaureate degree)'' after ''equivalent degree''.

SEC. 4. ACCELERATED NURSING DEGREE PROGRAMS.

Section 801(3) of the Public Health Service Act (42 U.S.C. 296(3)) is amended by inserting ''(including an accelerated nursing degree program)'' before ''and including''.

SEC. 5. ADVANCED EDUCATION NURSING GRANTS.

Section 811(f)(2) of the Public Health Service Act (42 U.S.C. 296j(f)(2)) is amended by striking the period at the end and inserting '', except in the case of a nurse faculty shortage, the Secretary may, in the Secretary's discretion, obligate more than 10 percent of such traineeships for individuals in doctoral degree programs.''.

SEC. 6. GRANT PROGRAM FOR DOCTORAL NURSING PROGRAMS.

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

''SEC. 832. GRANT PROGRAM FOR DOCTORAL NURSING PROGRAMS.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to enable the eligible entities to establish doctoral nursing degree programs.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity that is 1 of the 'eligible entities' as such term is defined in section 801.

''(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(d) SELECTION OF GRANT RECIPIENTS.—Not later than 6 months after the date of enactment of the Nursing Education Opportunities Act, the Secretary shall establish requirements and procedures for the administration of grants under this section and procedures for selecting grant recipients. In awarding grants under this section, the Secretary shall consider the following:

''(1) DOCTORAL NURSING PROGRAM DISTRIBUTION.—Providing priority to eligible entities located in States in which there are no doctoral nursing degree programs.

''(2) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

''(3) RURAL AND URBAN AREAS.—Distributing such grants to rural and urban areas.

''(4) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Whether the eligible entity has demonstrated—

''(A) prior experience in, or exceptional programs for, the preparation of baccalaureate prepared nurses or master's prepared nurses; and

''(B) an interest in establishing a doctoral nursing degree program.

''(e) GRANT AMOUNT.—Each grant awarded under this section shall be equal to not more than $2,000,000.

''(f) GRANT DURATION.—A grant awarded under this section shall be for a period of not more than 5 years.

''(g) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant funds to establish a doctoral nursing degree program, including—

''(1) hiring administrators, faculty, and staff;

''(2) retaining current faculty;

''(3) developing doctoral curriculum;

''(4) repairing and expanding infrastructures;

''(5) purchasing educational equipment;

''(6) developing and enhancing clinical laboratories;

''(7) recruiting students;

''(8) establishing technology infrastructures; and

''(9) other investments determined necessary by the eligible entity for the development of a doctoral nursing degree program.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $40,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 7. DOCTORAL NURSING CONSORTIA PILOT PROJECT.

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.), as amended by section 6, is further amended by adding at the end the following:

''SEC. 833. DOCTORAL NURSING CONSORTIA PILOT PROJECT.

''(a) PURPOSE.—The purpose of the pilot project under this section is to provide grants to partnerships of eligible entities to establish consortia to enhance and expand the availability of doctoral nurse faculty and education by enabling the partners involved to share doctoral faculty and programmatic resources so that the nursing faculty shortage does not further inhibit the preparation of future nurses or nurse faculty.

''(b) IN GENERAL.—The Secretary shall award grants to partnerships of eligible entities to enable the partnerships to establish doctoral nursing consortia.

''(c) DEFINITIONS.—In this section:

''(1) DOCTORAL NURSING CONSORTIUM.—The term 'doctoral nursing consortium' means a partnership that includes 2 or more of—

''(A) eligible entities within the same State;

''(B) eligible entities within different States; or

''(C) eligible entities establishing a doctoral nursing program.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' has the meaning given the term in section 832(b).

''(d) APPLICATION.—A partnership of eligible entities that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such partnership may apply for a grant under this section each year of the pilot project.

''(e) SELECTION.—Not later than 6 months after the date of enactment of the Nursing Education Opportunities Act, the Secretary shall establish requirements and procedures for the administration of grants under this section and procedures for selecting grant recipients.

''(f) CONSIDERATION IN MAKING AWARDS.—In awarding grants under this section, the Secretary shall consider the following:

''(1) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Eligible entities that have demonstrated prior experience in, or exceptional programs for, the preparation of—

''(A) doctorally prepared nursing faculty and nursing researchers; and

''(B) baccalaureate prepared nurses or master's prepared nurses.

''(2) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

''(3) RURAL AND URBAN AREAS.—Distributing such grants to rural and urban areas.

''(4) NEW GRANTEES.—Awarding grants to eligible entities that have not previously received a grant under this section.

''(g) GRANT AMOUNT.—The Secretary shall determine the amount of each grant awarded under this section based on the purpose of this section, which amount shall not be more than $500,000.

''(h) USE OF FUNDS.—A partnership of eligible entities that receives a grant under this section shall use the grant funds to establish a doctoral nursing consortium that shall share doctoral faculty and programmatic resources, such as—

''(1) establishing technology infrastructures;

''(2) developing shared doctoral curriculum;

''(3) hiring faculty and staff;

''(4) retaining current faculty;

''(5) providing travel stipends for nursing faculty who agree to teach nursing courses at another eligible entity within the doctoral nursing consortium;

''(6) providing scholarships for post-doctoral fellows who agree to teach a nursing course within the nursing doctoral consortium;

''(7) providing collaborative networks for nursing research; and

''(8) other investments determined necessary by the eligible entities for use within the doctoral nursing consortium.

''(i) GRANT DURATION.—The pilot project under this section shall be for a period of not more than 5 years.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $10,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 8. NURSE FACULTY PILOT PROJECT.

Title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.) is amended by adding at the end the following:

''PART F—NURSE FACULTY PILOT PROJECT

''SEC. 781. PURPOSES.

''The purposes of this part are to create a pilot program—

''(1) to provide scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program; and

''(2) to provide grants to partnerships between accredited schools of nursing and hospitals or health facilities to fund release time for qualified nurse employees, so that those employees can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty.

''SEC. 782. ASSISTANCE AUTHORIZED.

''(a) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may, on a competitive basis, award grants to, and enter into contracts and cooperative agreements with, partnerships composed of an accredited school of nursing at an institution of higher education and a hospital or health facility to establish not more than 5 pilot projects to enable such hospital or health facility to retain its staff of experienced nurses while providing a mechanism to have these individuals become, through an accelerated nursing education program, faculty members of an accredited school of nursing.

''(b) DURATION; EVALUATION AND DISSEMINATION.—

''(1) DURATION.—Grants under this part shall be awarded for a period of 3 to 5 years.

''(2) MANDATORY EVALUATION AND DISSEMINATION.—Grants under this part shall be primarily used for evaluation, and dissemination to other institutions of higher education, of the information obtained through the activities described in section 781(2).

''(c) CONSIDERATIONS IN MAKING AWARDS.—In awarding grants and entering into contracts and cooperative agreements under this section, the Secretary shall consider the following:

''(1) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

''(2) RURAL AND URBAN AREAS.—Distributing such grants to urban and rural areas.

''(3) RANGE AND TYPE OF INSTITUTION.—Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education.

''(4) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Institutions of higher education with demonstrated prior experience in providing advanced nursing education programs to prepare nurses interested in pursuing a faculty role.

''(d) USES OF FUNDS.—Funds made available by grant, contract, or cooperative agreement under this part may be used—

''(1) to develop a new national demonstration initiative to align nursing education with the emerging challenges of healthcare delivery; and

''(2) for any 1 or more of the following innovations in educational programs:

''(A) To develop a clinical simulation laboratory in a hospital, health facility, or accredited school of nursing.

''(B) To purchase distance learning technologies.

''(C) To fund release time for qualified nurses enrolled in the graduate nursing program.

''(D) To provide for faculty salaries.

''(E) To collect and analyze data on educational outcomes.

''SEC. 783. APPLICATIONS.

''Each partnership desiring to receive a grant, contract, or cooperative agreement under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include assurances that—

''(1) the individuals enrolled in the program will be qualified nurses in pursuit of a master's or doctoral degree in nursing and have a contractual obligation with the hospital or health facility that is in partnership with the institution of higher education;

''(2) the hospital or health facility of employment would be the clinical site for the accredited school of nursing program;

''(3) individuals will also maintain their employment on a part time basis to the hospital or health facility that allowed them to participate in the program, and will receive an income from the hospital or health facility, as a part time employee, and release times or flexible schedules to accommodate the individuals' class schedules; and

''(4) upon completion of the program, an individual agrees to teach for 2 years in an

accredited school of nursing for each year of support the individual received under this program.

"SEC. 784. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for this part not more than $10,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 785. DEFINITION.

''For purposes of this part, the term 'health facility' means an Indian Health Service health service center, a Native Hawaiian health center, a hospital, a Federally qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, or ambulatory surgical center.''.

By Mr. BINGAMAN (by request):

S. 2231. A bill to authorize the Secretary of the Interior to strengthen cooperative conservation efforts and to reduce barriers to the use of partnerships to enable Federal natural resource managers to meet their obligations, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, on June 19, 2007, the administration transmitted draft legislation entitled the Cooperative Conservation Enhancement Act, which was referred to the Committee on Energy and Natural Resources.

I am pleased today to introduce the Cooperative Conservation Enhancement Act, by request, as a courtesy to the administration. This bill would clarify the responsibilities and authorities of the Secretary of the Interior to enter into cooperative conservation partnerships.

I ask unanimous consent that the text of the bill, a letter of support, and a section-by-section analysis be printed in the RECORD.

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

S. 2231

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 ''Cooperative Conservation Enhancement Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) fostering innovation, emphasizing partnerships, creating incentives for stewardship, drawing on information from local citizens, and providing integrated decision-making frameworks that involve States and localities in Federal decision-making are successful cooperative conservation strategies that help conserve our Nation's natural resources and protect our environment;

(2) Americans favor environmental protection and natural resource management achieved through cooperation over conflict, which is the goal of cooperative conservation;

(3) successful conservation policies reside in the efforts of citizens to maintain healthy land and waters and the wildlife that depend on them, in particular, in the actions of citizens in their own backyards, at their places of recreation and work, on farms and ranches, and in communities across the Nation;

(4) to ensure long-term benefits and to meet program goals, it is important for Federal, State, and local officials to tap the ingenuity, imagination, and innovative spirit of citizens at the local level, which is where the resolution to many conservation challenges lies;

(5) cooperative conservation represents a proven and necessary approach to achieving conservation goals, and includes the people who engage in activities on public and private land and established measures by which to judge whether actions have truly improved the environment, enhanced natural resources, maintained healthy local communities, and fostered dynamic economies;

(6) through cooperative conservation, benefits to the environment and natural resources are measured by results on the ground, in the water, and in the air;

(7) cooperative conservation emphasizes cooperative problem solving, incentives, and cooperation over prescriptive rules;

(8) cooperative conservation respects property rights, contracts, and compacts;

(9) actions taken by the Executive Branch to further cooperative conservation have begun to show tangible results in addressing the challenges that citizens and Federal land managers are facing as they work to improve land, waters, and wildlife habitat through partnered problem solving;

(10) it is the intent of Congress to recognize the importance of enhancing means available to landowners, States, Indian tribes, and Federal land managers to achieve improvements to the environment and natural resources through cooperative conservation; and

(11) the Secretary of the Interior is generally authorized to undertake many activities with partners to conserve natural resources and protect the environment, but that specific authorization to accomplish these goals through cooperative conservation would reinforce the importance of these goals.

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

(1) to strengthen and advance the Department of the Interior's commitment to the improvement of the environment and enhancement of natural resources through cooperative conservation efforts;

(2) to advance successful models of cooperative conservation by ensuring clear, but flexible, authority for programs currently carried out by the Department through its bureaus under many disparate authorities;

(3) to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities to better promote conservation partnerships with private individuals, organizations, and government entities;

(4) to further the use of partnerships to help the Department's land and natural resource managers better meet their obligations;

(5) to promote conservation partnership capacity building; and

(6) to authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

SEC. 3. DEFINITIONS.

In this Act:

(1) COOPERATIVE CONSERVATION.—The term ''cooperative conservation'' means actions that relate to the use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among Federal, State, local, and tribal governments, private forprofit and nonprofit institutions, other nongovernmental entities, or individuals.

(2) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

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

TITLE I—WORKING LANDSCAPE PROJECTS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Working Landscape Projects Act of 2007.''

SEC. 102. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE SERVICES.—The term ''administrative services'' includes services and costs associated with the operations of activities authorized under this title. These services and costs shall include meeting announcements, copying, and personnel and reasonable rental costs for facilities necessary for implementing this title. Such services and costs shall be consistent with applicable federal rules, regulations, and guidance.

(2) GOVERNANCE ACTIVITIES.—The term ''governance activities'' means those activities required to ensure the operation and implementation of projects described under this title, including hiring personnel to coordinate project implementation, providing oversight and monitoring of projects and project goals, performing adaptive management techniques on projects, coordinating activities with various partners, performing scientific oversight of projects, including commissioning scientific studies, and requesting data from Federal, State, and local government officials, nonprofit organizations, and private individuals.

(3) INFORMATION DISSEMINATION ACTIVITIES.—The term ''information dissemination activities'' includes broadcasting the announcement of meetings and the distribution of reports, memos, and other relevant information necessary for carrying out the authorities under this title.

(4) LANDSCAPE PROJECT PARTNER.—The term ''landscape project partner'' means a representative of Federal, State, or tribal governments, private landowners or corporations, or nonprofit organizations.

SEC. 103. AUTHORIZATION FOR ADMINISTRATIVE, GOVERNANCE, AND INFORMATION DISSEMINATION PURPOSES.

(a) IN GENERAL.—(1) The Secretary is authorized, through a competitive process, to directly fund or reimburse landscape project partners for the development or maintenance of necessary administrative services, governance activities, and information dissemination activities necessary for the implementation of a landscape project.

(2) The funding under paragraph (1) shall not exceed 3 years for a particular project.

(3) In order to qualify for administrative funding, a project shall—

(A) include participation by representatives from a diversity of individuals and organizations, including government;

(B) affect several jurisdictions or land ownerships; and

(C) have the potential for advancing cooperative conservation across a geographical area.

(b) ELIGIBLE PROJECTS.—Such projects may include—

(1) established cooperative projects that have a documented record of success and demonstrated leadership and organizational capacity;

(2) existing conservation projects that are at the stage of forming partnerships and require sustained capacity building; or

(3) new or proposed projects that have a plan for establishing partnerships and developing landscape-based projects.

(c) CRITERIA.—Eligible applications shall—

(1) exhibit a clear purpose;

(2) demonstrate, or have a plan for establishing, partnerships which include representation of key interests through multiple partners;

(3) use, or plan to use in the future, coordinated management with Federal and other partners;

(4) have developed performance goals and objectives consistent, where appropriate, with departmental goals;

(5) have developed a plan for implementing, monitoring, and evaluating achievement of project performance goals and objectives;

(6) include non-Federal partners who commit resources to the project such as technical resources or other funds, in-kind services, contributions of individuals' time, or meeting support;

(7) demonstrate processes, practices, and outcomes that can have general application by Federal agencies and other non-Federal entities;

(8) receive Federal funding through a competitive process established by the Secretary; and

(9) have or expect to develop a plan for phasing to an alternative non-Federal source of funds to sustain the partnership at the conclusion of the Federal partnership period.

(d) CONSERVATION PROJECT COORDINATOR.—(1) Within 3 months after the date of enactment of this Act, the Secretary may designate a Department employee as a Conservation Project Coordinator (referred to in this subsection as the ''Coordinator''), who shall—

(A) serve as the primary Federal coordinator of the projects that receive funding under this section; and

(B) oversee and encourage the expedited review and execution of any and all Federal decisions associated with such projects, including the issuance of necessary guidance, decision memoranda, regulations, and other activities, as necessary.

(2) The Coordinator may also carry out such other related cooperative conservation related activities and projects as the Secretary deems appropriate.

(3) All actions carried out by the Coordinator shall be related to the authorized programs and activities of the Department.

SEC. 104. FUNDING.

For the purpose of implementing section 103 and from amounts available for programs identified in the President's annual budget submission as Cooperative Conservation Programs, the Secretary is authorized to use—

(1) up to 5 percent of the funds made available for fiscal year 2008;

(2) up to 6 percent of the funds made available for fiscal year 2009; and

(3) up to 7 percent of the funds made available for fiscal year 2010.

TITLE II—LANDOWNER CONSERVATION ASSISTANCE MEASURES

SEC. 201. SHORT TITLE.

This title may be cited as the ''Conservation Bank Program Act''.

SEC. 202. DEFINITIONS.

In this title:

(1) BANK OPERATOR.—The term ''bank operator'' means any public or private entity responsible for operating or managing a conservation bank under an agreement with a bank sponsor.

(2) BANK SPONSOR.—The term ''bank sponsor'' means any public or private entity responsible for establishing and, in most circumstances, operating or managing a conservation bank and for ensuring that the conservation bank complies with all applicable laws.

(3) CONSERVATION BANK.—The term ''conservation bank'' means a parcel of land that—

(A) contains natural resource values that are ecologically suitable with regard to topographic features, habitat quality, compatibility of existing and future land use activities surrounding the bank, species use of the area, or any other factors determined to be relevant by the Secretary for achieving mitigation of specified species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or candidates for listing under that Act;

(B) is conserved and operated or managed in perpetuity through a conservation easement held by a bank sponsor which is responsible for enforcing the terms of the easement for specified species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or which are candidates for listing under that Act; and

(C) is used to offset impacts occurring elsewhere to the same resource values on non-conservation bank land.

(4) CONSERVATION BANK AGREEMENT.—The term ''conservation bank agreement'' means a legally enforceable written agreement between the conservation bank sponsor and, if applicable, operator, and the Secretary that identifies the conditions and criteria under which the conservation bank will be established and operated or managed.

(5) CONSERVATION BANK REVIEW TEAM.—The term ''Conservation Bank Review Team'' means the interagency group that can include Federal, State, tribal, and local regulatory and resource agency representatives that are signatories to a conservation bank agreement and which oversee the establishment, use, and operation of a conservation bank.

(6) CREDIT.—The term ''credit'' means a unit of measure representing the quantification of species or habitat conservation values within a conservation bank.

SEC. 203. ESTABLISHMENT, USE, AND OPERATION OF CONSERVATION BANKS.

(a) CONSERVATION BANKING.—(1) The Secretary, acting through the United States Fish and Wildlife Service, shall select the members of and convene a Conservation Bank Review Team to evaluate for acceptance proposals received from bank sponsors to establish conservation banks according to criteria that the Secretary shall establish in accordance with subsection (b).

(2) If the Conservation Bank Review Team recommends a proposal, it shall present the proposal to the Secretary, who may modify or accept the proposal.

(3) If the Secretary accepts the proposal, the Secretary may enter into a conservation bank agreement and is responsible for establishing the terms under which the conservation bank will operate.

(4) Representatives on the Conservation Bank Review Team must unanimously agree in order for an acceptance to be transmitted to the Secretary.

(b) CRITERIA FOR CONSERVATION BANKS.—In determining whether to approve a conservation bank proposal, a Conservation Bank Review Team shall consider such factors as the Secretary determines are appropriate, including whether the conservation bank would—

(1) provide an economically effective process that provides options to landowners to offset the adverse effects of proposed projects to species covered by the conservation bank;

(2) provide adequate mitigation for the species through such strategies as preservation, management, restoration of degraded habitat, connecting of separated habitats, buffering of already protected areas, creation of habitat, and other appropriate actions;

(3) be of sufficient size to ensure the maintenance of ecological integrity in perpetuity; and

(4) provide funding assurances to provide for the conservation bank's perpetual operation, management, monitoring, and documentation costs.

(c) CONSERVATION BANK AGREEMENT REQUIREMENTS.—The bank agreement shall—

(1) include a requirement for adequate funding, as determined by the Secretary, to provide for the conservation bank's perpetual operation, management, monitoring, and documentation costs;

(2) specify the exact legal location of the conservation bank and its service area;

(3) specify how credits will be established and managed;

(4) include a requirement that the bank sponsor submit, at the Secretary's request, periodic statements detailing the finances of the conservation bank; and

(5) require submission to the Secretary of periodic monitoring reports on implementation of the conservation bank agreement and such other matters as the Secretary may prescribe.

(d) JUDICIAL REVIEW.—Any party to an agreement entered into under this section may bring an action for violation of that agreement in the United States District Court for the District of Columbia.

(e) EFFECT ON EXISTING CONSERVATION BANKS.—Conservation banks established before the date of enactment of this Act are not required to comply with the criteria in this Act, except where such conservation banks create new conservation banks that are separate from the existing bank.

TITLE III—PROMOTING PARTNERSHIPS

SEC. 301. COOPERATION WITH OUTSIDE ENTITIES.

Except as otherwise provided, in carrying out existing programs within the sums appropriated for such purposes, the Secretary or a designee is authorized to—

(1) provide assistance to, and cooperate with, Federal, State, local, public or private agencies, organizations, or individuals or Indian tribes for purposes of carrying out any measures that clearly and directly contribute to achieving conservation or natural resource management-related mission and performance goals of the Department or its bureaus; and

(2) accept donations of land and or interests in land in furtherance of the purposes of this section.

SEC. 302. ABILITY TO EXPEND FUNDS TO BENEFIT DEPARTMENT LAND.

(a) AUTHORIZATION OF ACTIVITIES.—In carrying out existing programs within the sums appropriated for such purposes, the Secretary or a designee is authorized to carry out activities on nonfederally owned land provided those activities directly benefit the resource values and management of Federal land, including—

(1) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(2) the prevention, control, or eradication of invasive exotic species that occupy adjacent non-Federal land; or

(3) the restoration of natural resources, including native wildlife habitat.

(b) LIMITATIONS.—Such activities may only be conducted with the written permission of the landowner, and must clearly and directly benefit the specific Department land management unit by directly contributing to the programmatic and performance goals of that unit.

(c) INELIGIBLE ACTIVITIES.—Eligible activities shall not include the construction of permanent capital improvements or acquisition of land.

(d) RELATIONSHIP TO EXISTING PROGRAMS.—Nothing in this section supersedes or otherwise affects or alters the authority provided in title V.

SEC. 303. PUBLICIZING AND PROVIDING NON-FINANCIAL ASSISTANCE TO PARTNERSHIPS.

(a) IN GENERAL.—In carrying out existing programs within the sums appropriated for such purposes, the Secretary or a designee is authorized to—

(1) publicize partnership programs and opportunities through publication of announcements in newspapers of general circulation, in the Federal Register, or such other methods as the Secretary determines are appropriate; and

(2) provide nonfinancial assistance to private individuals who are establishing nonprofit groups that are intended to support the mission of a bureau or of a particular management unit of a bureau, such as a park or refuge.

(b) CLARIFICATIONS.—(1) Nothing in this section shall authorize a Department employee to establish a nonprofit entity or other corporate entity to support the Department's mission, including by acting as an incorporator, founding board member, or by assuming any management or fiduciary responsibilities with respect to any such nonprofit or corporate entity.

(2) Nothing in this section shall waive the application of the provisions of section 1913 of title 18, United States Code.

SEC. 304. CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.

(a) DEFINITION OF CENTER OF EXCELLENCE FOR PARTNERSHIP LEARNING.—In this section, the term ''Center of Excellence for Partnership Learning'' or ''Center'' means a Federal facility that is identified by the appropriate Secretary as meeting criteria established under this section and which provides Federal employees and their partners the opportunity to learn cooperative conservation-related best practices.

(b) IN GENERAL.—(1) In carrying out existing programs within the sums appropriated for such purposes, the Secretary and the Secretary of Agriculture may identify as Centers of Excellence for Partnership Learning sites under their jurisdiction that meet the criteria in subsection (c) with the purpose of providing Federal employees and partners, including State and local government employees, nonprofit employees, private sector employees, and employees of Indian tribes, the opportunity to learn the best practices involved in creating successful partnerships and a culture of collaboration.

(2) Each Center identified under this section may develop and host a schedule of activities including—

(A) visits;

(B) seminars and other educational courses; and

(C) opportunities for details or job swaps.

(3) To the maximum extent practicable, each Center shall develop and accept applications for participation in Center activities from employees of the Department or the Department of Agriculture or of their partnering entities on a first-come, first-served basis.

(c) CRITERIA FOR IDENTIFYING CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.—Each Center shall be identified based on the following criteria:

(1) Partnership culture has been successfully integrated into the organization, and is not dependent on any particular individual.

(2) The organization has demonstrated partnership success stories that relate to identified partnership competencies.

(3) The organization has the capacity to host and teach others from the participating agencies.

(4) The organization agrees to a schedule of hosting activities.

(5) The organization is willing to host follow-up activities with participating individuals.

(d) INCENTIVES FOR PARTICIPATION.—(1) The respective Secretary for each Center identified in this section is authorized to accept and use reimbursement from the participating agencies and partnering entities for the cost of operating the program.

(2) The respective Secretary for each Center is authorized to provide reimbursement of travel and per diem expenses to federal employees who participate in Center activities.

SEC. 305. PARTNERSHIP ROSTER.

(a) IN GENERAL.—The Secretary and the Secretary of Agriculture may establish and make available to the public a multiagency roster with the goal of enhancing capacity for partnerships and collaborative actions.

(b) AUTHORIZED ACTIVITIES.—The partnership roster authorized under this section shall provide nonfinancial assistance and information to government agencies, private sector organizations, and the public in a variety of areas, including—

(1) identification and understanding of statutory and regulatory authorities;

(2) development and implementation of agreements and contracts used in Department and Department of Agriculture programs;

(3) creation and management of nonprofit support groups;

(4) diversification and strengthening of agency funding through the use of partnerships, matching funds, and other devices;

(5) allowable avenues for and uses of private philanthropy;

(6) development of a partnership-focused workplace;

(7) building of community connections and fostering of citizen engagement through the use of partnerships;

(8) allowable avenues for donor recognition;

(9) development of communication skills; and

(10) conflict management and collaborative management.

TITLE IV—COOPERATION AMONG FEDERAL AGENCIES

SEC. 401. SERVICE FIRST AUTHORITY.

(a) IN GENERAL.—The Secretary, through the Directors of the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the National Park Service, and the Secretary of Agriculture, through the Chief of the U.S. Forest Service, may—

(1) conduct projects, planning, permitting, leasing, including leasing of real property and office space, contracting and other activities, either jointly or on behalf of one another;

(2) co-locate in Federal offices and facilities leased or owned by an agency of either Department;

(3) promulgate special rules for issuance of unified permits, applications, and leases; and

(4) share or transfer equipment, vehicles, or other personal property.

(b) DELEGATION OF AUTHORITY.—Consistent with section 403, the Secretary and the Secretary of Agriculture may make reciprocal delegations of their respective authorities, duties, and responsibilities in support of the activities authorized in this title to promote customer service and efficiency.

SEC. 402. USE OF FUNDS.

(a) IN GENERAL.—In carrying out the provisions of this title, the Secretary and the Secretary of Agriculture may make transfers of funds available and reimbursement of funds on an annual basis among the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service, and the U.S. Forest Service, including transfers and reimbursements for multiyear projects that involve 1 or more of those agencies.

(b) LIMITATION.—The authority provided in this title may not be used to circumvent requirements and limitations imposed on the use of funds.

SEC. 403. CONSTRUCTION.

Nothing in this title shall alter, expand, or limit the applicability of any public law or regulation to land administered by the participating agencies of either Department.

TITLE V—COOPERATIVE ASSISTANCE

SEC. 501. FISH AND WILDLIFE SERVICE COASTAL PROGRAM.

(a) DEFINITIONS.—In this section—

(1) COASTAL PROGRAM PARTNERS.—The term ''coastal program partners'' means individuals, groups, or agencies, such as land conservancies, community organizations, businesses, conservation organizations, private landowners, State or local governments, and Federal agencies, including any partnerships or consortia of these individuals, groups, or agencies, who agree to work on habitat restoration or protection strategies under this program.

(2) HABITAT RESTORATION.—The term ''habitat restoration'' means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural functions to the lost or degraded native habitat.

(3) IMPORTANT COASTAL HABITAT.—

(A) IN GENERAL.—The term ''Important Coastal Habitat'' means habitat in coastal ecosystems that supports or will support after protection or restoration threatened and endangered species, fishery resources under the Department's jurisdiction, and migratory birds.

(B) INCLUSIONS.—The term ''Important Coastal Habitat'' includes the Great Lakes, Pacific Islands, and the Caribbean, and bays, estuaries, coastal streams, and wetlands, shore, and terrestrial habitats within coastal areas.

(4) PRIORITY SPECIES.—The term ''priority species'' means threatened and endangered species, fishery resources under the Department's jurisdiction, and migratory birds.

(5) PROJECT.—The term ''project'' means a project carried out under the authority of this section in cooperation with coastal program partners and which has the primary purpose of conserving important coastal habitat, and which may include habitat restoration and other technical assistance.

(6) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means biological and habitat assessments, inventories, project coordination, monitoring, mapping, grant writing, and habitat restoration expertise.

(b) COASTAL PROGRAM.—The Secretary is authorized to carry out the Coastal Program within the United States Fish and Wildlife Service to assess, conserve, and restore important coastal habitats for the benefit of priority species. Projects carried out under this authority may include activities to identify, evaluate, and map important coastal habitat, to assist community efforts by providing assessment and planning tools to identify important coastal habitats that are a priority for protection and restoration, and to provide both technical assistance and financial assistance, primarily through cooperative agreements, to coastal program partners to plan and implement projects that benefit coastal wetland, estuaries, upland, and stream habitats important to priority species.

(c) COORDINATION.—The Secretary shall, where appropriate, coordinate with interested Federal agencies on the program authorized under this section.

SEC. 502. COOPERATIVE CONSERVATION CHALLENGE COST-SHARE.

(a) DEFINITIONS.—In this section:

(1) HABITAT ENHANCEMENT.—

(A) IN GENERAL.—The term ''habitat enhancement'' means the manipulation of the

physical, chemical, or biological characteristics of a native habitat to change, so as to heighten, intensify, or improve, a specific function or seral stage of the native habitat.

(B) EXCLUSIONS.—The term ''habitat enhancement'' does not include regularly scheduled and routine maintenance and management activities.

(2) HABITAT ESTABLISHMENT.—The term ''habitat establishment'' means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site.

(3) HABITAT IMPROVEMENT.—The term ''habitat improvement'' includes restoring or artificially providing physiographic, hydrological, or disturbance conditions necessary to establish or maintain native plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

(4) HABITAT RESTORATION.—The term ''habitat restoration'' means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural functions to the lost or degraded native habitat.

(b) CHALLENGE COST SHARE AGREEMENT AUTHORITY.—

(1) IN GENERAL.—The Secretary, acting through the United States Fish and Wildlife Service, the National Park Service, or the Bureau of Land Management, is authorized to negotiate and enter into cooperative arrangements with any State or local government, Indian tribe, public or private agency, organization, institution, corporation, individual, or other entity to carry out on a public-private cost sharing basis on-the-ground conservation activities, including functions and responsibilities relating to habitat improvement, habitat restoration, habitat enhancement, and habitat establishment on public or private land.

(2) PRIVATE LAND.—Projects carried out on private land require—

(A) express permission from landowners;

(B) a clear and direct benefit to the specific Departmental land management unit entering into the arrangement through the direct contribution to the programmatic and performance goals of that unit; and

(C) that the project be adjacent to, or in close proximity to, land administered by the Department.

(3) EFFECT ON EXISTING LAWS.—Nothing in this section shall be construed to supersede, modify, or repeal existing laws providing additional cost-share authorities.

(4) COST-SHARING.—(A) The Federal share for a project authorized under this section may not exceed 50 percent and shall be provided on a matching basis.

(B) The non-Federal share for a project authorized under this section may be satisfied by the provision of cash, services, or in-kind contributions.

SEC. 503. WATER MANAGEMENT IMPROVEMENT ACT.

(a) SHORT TITLE.—This section may be cited as the ''Bureau of Reclamation Water Management Improvement Act''.

(b) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary is authorized to enter into grants and cooperative agreements with States, Indian tribes, irrigation districts, water districts, or other organizations with water delivery authority to fund up to 50 percent of the cost of planning, designing, or constructing improvements that will conserve water, increase water use efficiency, facilitate water markets, enhance water management, or implement other actions to prevent water-related crises or conflicts in watersheds that have a nexus to Federal water projects within the States identified in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388, chapter 1093) as amended and supplemented (43 U.S.C. 371 et seq.).

(2) CRITERIA.—Grants and cooperative agreements entered into pursuant to this authority shall meet the following criteria:

(A) When such improvements are to federally-owned facilities, funds provided under any such grant or cooperative agreement may be provided on a nonreimbursable basis to an entity operating affected transferred works or may be deemed nonreimbursable for nontransferred works.

(B) Title to improvements made to federally-owned facilities shall be held by the United States.

(C) The calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions which the Secretary determines materially contribute to the completion of the proposed action, but shall not include funds received from other Federal agencies.

(D) The cost of operating and maintaining improvements for which funding is provided shall be the responsibility of the non-Federal entity.

(E) The United States shall not be held liable by any court for monetary damages of any kind arising out of any act, omission, or occurrence relating to non-federally owned facilities created or improved under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the ''Federal Tort Claims Act'').

(c) RELATIONSHIP TO PROJECT SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(d) RESEARCH AGREEMENTS.—The Secretary is also authorized to enter into cooperative agreements with universities, nonprofit research institutions, or organizations with water or power delivery authority to fund research to conserve water, increase water use efficiency, or enhance water management under such terms and conditions as the Secretary deems appropriate.

(e) MUTUAL BENEFIT.—Grants or cooperative agreements made pursuant to this section may be for the mutual benefit of the United States and the other party.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 to carry out the purposes of this section, to remain available until expended.

(g) RECLAMATION LAW.—This section shall amend and supplement the Act of June 17, 1902 (32 Stat. 388, chapter 1093) and Acts supplementary thereto and amendatory thereof (43 U.S.C. 371 et seq.).

SEC. 504. CONSULTATION WITH STATE PLANS.

In evaluating proposals for wildlife conservation grants under programs administered by the Department, including grants and financial assistance authorized under this title, the Secretary shall, where appropriate, consult the State Comprehensive Conservation Plans required under the State and Tribal Wildlife Grant Program and coordinate with State fish and wildlife agencies in the planning and implementation of the actions identified in those Plans.

TITLE VI—CONFLICT RESOLUTION

SEC. 601. ALTERNATIVE DISPUTE RESOLUTION OFFICE.

(a) IN GENERAL.—(1) The Secretary shall establish within the Department an Office of Collaborative Action and Dispute Resolution to promote and advance the appropriate use of collaborative problem solving and alternative dispute resolution processes in all bureaus and offices.

(2) The Office established under paragraph (1) shall coordinate efforts of the Department to increase the use of early consensus-building, alternative dispute resolution processes, and negotiated rulemaking consistent with existing laws, regulations, and policies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the program described in this section.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. SAVINGS PROVISION.

Nothing contained in this Act shall be construed or applied to supersede any other provision of Federal or State law.

SEC. 702. SEVERABILITY PROVISION.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid by a court of competent jurisdiction, the application of such provision to other persons or circumstances, and the remainder of this Act shall not be affected thereby.

SEC. 703. REGULATIONS.

The Secretary is authorized to prescribe such regulations as are necessary to carry out this Act.

THE DEPUTY SECRETARY
OF THE INTERIOR,
Washington, DC, June 19, 2007.

Hon. RICHARD CHENEY,
President of the Senate, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: The Administration is pleased to forward the enclosed draft legislation, titled the ''Cooperative Conservation Enhancement Act,'' for your consideration. The draft legislation is intended to advance the Department of the Interior's successful model of cooperative conservation in several ways. First, it will ensure clear, but flexible statutory authority for programs that are currently carried out by the Department but are generally authorized under many disparate authorities. Second, the bill seeks to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, companies, and organizations and government entities; promote conservation partnership capacity building; and authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

This draft legislation represents a major step forward for the Department's cooperative conservation efforts. If enacted, this new authority will reduce barriers to the use of partnerships in meeting our resource management obligations, and will enhance our collaborative efforts to conserve and protect natural resources and the environment for which the Department is responsible.

To assist you in your review of the draft legislation, we have enclosed a section-by-section analysis for the proposed bill. The Administration recommends that the draft bill be sent to the appropriate committee for consideration and that it be enacted.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

P. LYNN SCARLETT.

SECTIONAL ANALYSIS

The purposes of this bill are to authorize programs and activities that will strengthen and advance the Department of the Interior's cooperative conservation efforts and reduce

barriers to the use of partnerships in meeting resource management obligations.

Generally, the proposal seeks to strengthen and advance the Department's successful model of cooperative conservation by ensuring clear, but flexible statutory authority for programs that are currently carried out by the Department but generally authorized under many disparate authorities. The bill also seeks to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, government entities, and organizations; promote conservation partnership capacity building; and authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

SECTION 1. SHORT TITLE

This section states that the short title for the bill is the ''Cooperative Conservation Enhancement Act.''

SECTION 2. FINDINGS AND PURPOSES

This section sets forth congressional findings and purposes.

SECTION 3. DEFINITIONS

Section 3 sets out several definitions for terms that are used throughout the bill. The term ''cooperative conservation'' is defined as actions that relate to the use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among federal, state, local, and tribal governments, private for-profit and non-profit institutions, other non-governmental entities, or individuals. The term ''Department'' is used throughout the bill to reference the Department of the Interior. Finally, the term ''Secretary'' means the Secretary of the Interior.

TITLE I—WORKING LANDSCAPE PROJECTS

According to the Department's partners, one of the difficult hurdles for cooperative conservation projects that involve multiple partners or which require coordination across jurisdictions is securing funding for administrative-type costs. These costs might include costs associated with governance, such as the hiring of an executive director, or costs of support services or dissemination of information.

Title I of the bill would provide the Secretary with authority, for a three-year period, to establish a consistent stream of such funding, to be awarded competitively and for a period of up to three years for any given project, for projects authorized under existing authorities that support innovative approaches to cooperative conservation.

SECTION 101. SHORT TITLE

The short title of this provision is the ''Working Landscape Projects Act of 2007.''

SECTION 102. DEFINITIONS

Section 102 provides definitions for certain terms used throughout this title. The term 'administrative services' is defined to include services and costs associated with the operations of activities authorized under this title. It is intended that such services and costs include, but not be limited to, things like meeting announcements, copying, personnel costs and reasonable rental costs for facilities necessary for implementing this title. It is also intended that services and costs under this title shall be consistent with any applicable federal rules, regulations, and guidance. The term 'information dissemination activities' is defined to include broadcasting the announcement of meetings and the distribution of reports, memos, and other relevant information necessary for carrying out the authorities under this title.

'Governance activities' are defined as those activities required to ensure the operation and implementation of projects including, but not limited to, hiring personnel to coordinate project implementation; providing oversight and monitoring of projects and project goals; performing adaptive management techniques on projects; coordinating activities with various partners; performing scientific oversight of projects, including commissioning scientific studies; and requesting data from federal, state, and local government officials, non-profit organizations, and private individuals. Finally, the term 'landscape project partner' is a representative of federal, state, or tribal governments, private landowners or corporations, or those of non-profit organizations.

SEC. 103. AUTHORIZATION FOR ADMINISTRATIVE, GOVERNANCE, AND INFORMATION DISSEMINATION PURPOSES

Section 103 would authorize the Secretary of the Interior to provide funds through a competitive process for the development or maintenance of necessary administrative requirements, including, but not limited to, costs associated with governance, support services, and dissemination of information associated with projects that feature innovative approaches to cooperative conservation.

Funding for any particular project would be limited to three years, and to qualify for such administrative funding, a project must include participation by a diverse group of partners, including government entities, must affect several jurisdictions or land ownerships, and must have the potential to advance cooperative conservation across a geographical area.

Projects that receive funding under this provision may include established projects with a record of success; existing projects that are in their early stages and require sustained capacity building; or new or proposed projects that have developed a plan for establishing partnerships and developing landscape-based projects. Section 103 also enumerates certain listed criteria that the projects must meet, and would establish the position of Conservation Project Coordinator, who would serve as the primary federal coordinator of projects that receive funding under this section and whose responsibility it would be to oversee and encourage such projects such that they are reviewed and executed expeditiously. The Coordinator would also be authorized to carry out such other cooperative conservation related activities and projects as the Secretary deems appropriate. All actions undertaken by the Coordinator must be related to the authorized programs and activities of the Department of the Interior.

SECTION 104. FUNDING

Section 104 sets out the mechanism by which the administrative costs awarded under this title would be funded. The Secretary would be authorized to use funds identified in the President's annual budget submission as Cooperative Conservation Programs. Examples of such programs that have been so identified in past budgets include the Department's Challenge Cost Share Program, authorized by section 502 of this legislation, or the U.S. Fish and Wildlife Service's Coastal Program, authorized by section 501 of this legislation. These funds would, in turn, be made available to the Secretary in amounts of up to 5 percent of those total funds for FY 2008; up to 6 percent in FY 2009; and up to 7 percent in FY 2010, and will be used, for example, for the costs associated with governance, such as the hiring of an executive director, or costs of support services or dissemination of information.

TITLE II—LANDOWNER CONSERVATION ASSISTANCE MATTERS

In order to encourage landowners to participate as citizen stewards in protecting endangered and threatened species, species proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and candidate species, this proposal would authorize a conservation banking program within the Department of the Interior.

SECTION 201. ESTABLISHMENT, USE, AND OPERATION OF CONSERVATION BANKS

In May 2003, the FWS administratively issued its ''Guidance on the Establishment, Use, and Operation of Conservation Banks.'' That document recognized that conservation banks can benefit the Service—by reducing a piecemeal approach to conservation by promoting the establishment of larger reserves and habitat connectivity—as well as landowners—who benefit from its relative ease of use, flexibility, and opportunity to generate income from what may previously have been considered a liability. Banking also allows a public/private collaboration to maintain lands as open space, providing for the conservation of listed and candidate species.

Section 201 would establish within the FWS a conservation banking program. It defines certain important terms, including ''bank operator,'' ''bank sponsor,'' ''conservation bank,'' ''conservation bank agreement,'' ''conservation bank review team,'' and ''credit.'' The proposal would authorize the Secretary to select and convene a ''Conservation Bank Review Team,'' an interagency group that may include federal, state, tribal and local regulatory and resource agency representatives, to evaluate for acceptance proposals received from bank sponsors. Section 201 provides that if the Conservation Bank Review Team recommends a proposal, it shall present the proposal to the Secretary, who may modify or accept the proposal. Once it has been accepted, the Secretary may enter into a conservation bank agreement and is responsible for establishing the terms under which the conservation bank will operate.

This section also contains criteria to be used in determining whether to approve a conservation bank proposal, including whether the bank would provide an economically effective process providing options to landowners to offset the adverse effects of projects to species covered by the bank; whether it would provide adequate mitigation for species through appropriate actions; and whether it would be of sufficient size to ensure the maintenance of ecological integrity in perpetuity. The proposal includes requirements that must be contained in bank proposals that have been accepted.

Finally, in order to ensure the enforceability of agreements entered into under this section, the proposal contains a provision authorizing any party to an agreement to bring an action for violation of an agreement in the U.S. District Court for the District of Columbia.

TITLE III—PROMOTING PARTNERSHIPS

Title III of the proposal would provide mechanisms for increasing the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, government entities, and organizations, and provide the Department increased flexibility in working with partners and the ability to publicize partnership programs using appropriated funds.

In some cases, the provisions in Title III are intended to clarify areas of law where general authority is believed to exist within a particular bureau, but which would benefit

from clarification. In other cases, the provisions of this title are intended to provide application of a particular provision uniformly across the Department's land managing bureaus.

SECTION 301. COOPERATION WITH OUTSIDE ENTITIES

Section 301 would authorize the Secretary or designated bureau official to provide assistance to and cooperate with any agency, organization, or private individual in order to carry out measures that clearly and directly contribute to achieving conservation or natural resource management-related mission and performance goals of the Department and its bureaus. The section would also authorize Departmental bureaus to accept donations of land and interests in land that further the purposes of this section. This language is intended to provide to bureaus across the Department authority similar to that provided to the Secretary in the Fish and Wildlife Coordination Act.

SECTION 302. ABILITY TO EXPEND FUNDS TO BENEFIT DEPARTMENT LANDS.

Because it is not clear that all of the Department's bureaus enjoy this authority, section 302 would authorize the Secretary or his designee to carry out activities on non-federal lands that directly benefit the resource values and management of federal lands, such as the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands; the prevention, control, or eradication of invasive species that occupy adjacent non-federal lands; or the restoration of natural resources, including native wildlife habitat.

Activities authorized by this section could only be conducted with the written consent of the landowner, and must clearly and directly benefit the specific Departmental land management unit by directly contributing to the programmatic and performance goals of that unit. Eligible activities would not include the construction of permanent capital improvements or the acquisition of land.

Finally, in order to ensure that the specific language of section 302 does not limit the application of the Department's other grant-making and other landowner assistance provisions authorized in title V of this Act, the language of section 302 makes clear that nothing in this section supersedes or otherwise affects or alters the authority provided in that title.

SECTION 303. PUBLICIZING AND PROVIDING NON-FINANCIAL ASSISTANCE TO PARTNERSHIPS.

In order to assist our partners and to provide clarity to an issue that has caused confusion within the Department's bureaus, section 303 would authorize the Secretary or his designee to use appropriated funds to publicize partnership programs and opportunities through publication of announcements in newspapers of general circulation, in the Federal Register, or such other appropriate methods. It would also allow the Department to provide non-financial assistance to private individuals who are establishing non-profit groups that are intended to support the mission of a Departmental bureau or management unit of a bureau, such as a particular park or refuge. For example, this provision would make it clear that the National Park Service may provide meeting space to individuals interested in establishing a ''friends of the park'' group for a particular park unit.

The provision specifically would not allow a Department employee to establish a not-for-profit or other entity to support the Department's mission, and nothing in this section would waive the application of the provision of the Anti-Lobbying Act (18 U.S.C. 1913).

SECTION 304. CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.

Cooperative Conservation is critical to the Department's ability to achieve its conservation goals on a landscape scale and resolve environmental and natural resources disputes. Consistent with President Bush's 2004 Executive Order titled ''Facilitation of Cooperative Conservation,'' which directs federal agencies to implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, section 304 authorizes a number of sites where federal employees and their partners, including state and local government employees, non-profit employees, private sector employees, and employees of Indian tribes, could experience and learn from resident experts the best practices involved in creating successful partnerships and fostering collaboration.

For clarity, section 304 contains a definition of ''Center of Excellence for Partnership Learning'' or ''Center,'' which means a federal facility that is identified by the appropriate Secretary as meeting criteria established under this section and which provides federal employees and their partners the opportunity to learn cooperative conservation-related best practices.

Each site is authorized to develop a schedule of hosting activities, which could include some combination of visits, formal courses, detail opportunities, or job swaps at various times throughout the year. To the maximum extent practicable, spaces in the program would be filled on a first-come, first-served basis. Section 304 includes criteria for identifying sites that would serve as Centers of Excellence for Partnership Learning, and allows each Center to receive funding reimbursement for the cost of running the program. Each Center would be authorized to cover travel and other incidental expenses of federal employee participants.

SECTION 305. PARTNERSHIP ROSTER.

Section 305 authorizes the Secretaries of the Interior and Agriculture to establish a multi-agency roster to enhance capacity for partnership and collaborative action. The goal of the Roster is to provide non-financial assistance and information to government agencies, private sector organizations, and the public on a variety of issues, including authorities, agreements and contracts, creating and managing non-profit support groups, diversifying and strengthening agency funding, developing a partnership workplace, building community connections, citizen engagement, allowable avenues for donor recognition, communications, conflict management, and collaborative management.

TITLE IV—COOPERATION AMONG FEDERAL AGENCIES

SECTION 401. SERVICE FIRST AUTHORITY.

Section 401 provides permanent authorization for the Service First Initiative, a multi-agency program jointly implemented by the Departments of the Interior and the Department of Agriculture's Forest Service. That program was last authorized in the Department's FY 2006 Appropriations legislation. Under this provision, the Secretary of the Interior, acting through the Bureau of Land Management, the National Park Service, and the U.S. Fish and Wildlife Service, and the Secretary of Agriculture, acting through the U.S. Forest Service, are authorized to conduct projects, planning, permitting, leasing, contracting and other activities, either jointly or on behalf of one another; co-locate in federal offices and facilities owned or leased by an agency of either Department; promulgate special rules for issuance of unified permits, applications, and leases; and share or transfer equipment, vehicles, or other personal property.

The Secretaries may also make reciprocal delegations of their respective authorities, duties and responsibilities in support of the activities authorized in this section in order to promote customer service and efficiency.

SEC. 402. USE OF FUNDS.

Section 402 provides a mechanism by which the Secretaries may, in carrying out the provisions of this title, make transfers of funds available and reimbursement of funds on an annual basis among the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service, including transfers and reimbursements for multi-year projects that involve one or more of those agencies. In so doing, however, the Secretaries may not circumvent other requirements and limitations imposed on the use of funds.

SEC. 403. CONSTRUCTION.

Section 403 clarifies that nothing in title IV is intended to alter, expand or limit the applicability of any public law or regulation to lands administered by the participating agencies of either Department.

TITLE V—COOPERATIVE ASSISTANCE

SECTION 501. FISH AND WILDLIFE SERVICE COASTAL PROGRAM.

The FWS's Coastal Program was created by administrative action, rather than by statute, relying on a number of authorities, including the Fish and Wildlife Coordination Act (16 U.S.C. 661–667e), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), and the Coastal Barriers Resources Act (16 U.S.C. 3501 et seq.).

Section 501 would provide specific statutory authorization for the Secretary of the Interior to carry out the Fish and Wildlife Service Coastal Program within the FWS. Assistance would be used by coastal program partners for, among other things, conservation and restoration of important coastal habitat that supports ''priority'' species, including threatened and endangered species, fishery resources under the Department's jurisdiction, and migratory birds.

To ensure that the programs carried out under this authority are coordinated with other programs within the Administration that benefit coastal areas, the section contains a provision requiring that the Secretary, where appropriate, coordinate with other interested federal agencies on the program authorized under this section.

SECTION 502. COOPERATIVE CONSERVATION CHALLENGE COST-SHARE.

Section 502 authorizes the Secretary, through the U.S. Fish and Wildlife Service, the Bureau of Land Management, or the National Park Service, to negotiate and enter into cooperative arrangements—partnerships—with state or local governments, Indian tribes, public or private agencies, organizations, institutions, corporations, individuals, or other entities to carry out on a public-private cost sharing basis on-the-ground conservation activities on public or private lands. The language contains certain requirements for projects carried out on private lands, and specifies that the federal share for a project may not exceed 50 percent and shall be provided on a matching basis. The non-federal share for a project may be in the form of cash, services, or in-kind contributions.

Finally, the language makes clear that nothing in this section is intended to supersede, modify, or repeal existing laws providing additional cost-share authorities to Department bureaus.

SECTION 503. WATER MANAGEMENT IMPROVEMENT ACT.

Section 503 authorizes the Secretary to enter into grants and cooperative agreements with states, tribes, irrigation districts, water districts, or other organizations with water delivery authority to fund up to 50 percent of the cost of planning, designing, constructing, or otherwise implementing improvements that will conserve water, increase water use efficiency, facilitate water markets, enhance water management, or implement other actions to prevent water-related crises or conflicts in watersheds that have a nexus to federal water projects within the states identified in the Reclamation Act of 1902.

The purpose of this section is to give Reclamation permanent authority for the competitive grants program that is a central element of Reclamation's ''Water 2025'' program. The program is intended to apply to watersheds containing or receiving water from, or hydrologically impacted by, not only Bureau of Reclamation projects, but other federal projects as well, including but not limited to those of the U.S. Army Corps of Engineers, the Environmental Protection Agency, and the Department of Agriculture's Natural Resources Conservation Service.

The authority may be used to promote partnership on any action that would achieve the Water 2025 program goal of preventing water-related crisis and conflict. Illustrative examples include actions to enhance water management, such as canal lining and piping, installation of measuring devices to control water or water management technology such as automation, or actions that improve riparian habitat. The program aims to promote cooperation between the different interests within a watershed. Recipients of Water 2025 awards are encouraged to enter into partnerships with other entities, including governmental entities or community organizations without water delivery authority, so long as the recipient of the grant or cooperative agreement is a state, tribe, irrigation district, water district, or other organization with water delivery authority. In instances where grant partners are states, funds will be disbursed in conformance with the Cash Management Improvement Act (P.L. 101–453 as amended by P.L. 102–589).

Agreements entered into pursuant to this authority must comply with the following criteria:

(1) Funding for improvements to federally-owned facilities may be provided on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works. Language regarding reimbursability is necessary to distinguish this authority from some other Bureau of Reclamation authorities, which often require that project beneficiaries reimburse the federal government for its investment.

(2) Title to improvements made to federally-owned facilities shall be held by the United States. This does not preclude title to an entire project being transferred to non-federal entities at a later date.

(3) Non-federal cost-share contributions can include the value of any in-kind contributions, but may not include funds from other federal agencies. In-kind contributions should materially contribute to the completion of the proposed action, and should be in compliance with Reclamation standards regarding allowable contributions.

(4) The cost of operating and maintaining such improvements shall be the responsibility of the non-federal entity. This is consistent with existing practice for most Reclamation facilities, where local project partners are responsible for either reimbursing Reclamation for operating and maintaining the facilities, or directly financing those activities themselves.

(5) The United States shall not be held liable for monetary damages arising out of any occurrence relating to non-federally owned facilities created or improved under this section, except for damages caused by acts of negligence.

It is intended that these provisions shall not supersede any existing project-specific funding authority.

The Secretary is also authorized to enter into cooperative agreements with universities, non-profit research institutions, or organizations with water or power delivery authority to fund research on ways to conserve water, increase water use efficiency, or enhance water management under such terms and conditions as the Secretary deems appropriate. This provision is intended to provide Reclamation broader authority to enter into cooperative agreements on research that advances achievement of Reclamation's core mission areas, and which is consistent with the Administration's Research and Development criteria. It is not intended to apply only to Reclamation's Water 2025 program, but to apply to all of Reclamation's research and development efforts.

Grants or cooperative agreements made pursuant to this section may be for the mutual benefit of the United States and the other party, in contrast to agreements entered into under provisions of the Federal Grant and Cooperative Agreement Act of 1977, 31 U.S.C. §§6304–6305, which restrict the use of grant or cooperative agreements to relationships in which the principal purpose is to benefit the non-federal party.

The legislation provides for a $100 million authorization of appropriations to carry out the section, to remain available until expended.

Finally, the language makes clear that this section would amend and supplement the Act of June 17, 1902, as amended and supplemented.

SECTION 504. CONSULTATION WITH STATE PLANS.

Section 504 would require the Secretary, where appropriate, to consult the State Comprehensive Conservation Plans required under the State and Tribal Wildlife Grant Program and coordinate with state fish and wildlife agencies in the planning and implementation of the actions identified in those plans in evaluating proposals for wildlife conservation grants under programs administered by the Department.

TITLE VI—CONFLICT RESOLUTION

SECTION 601. ALTERNATIVE DISPUTE RESOLUTION OFFICE.

Section 601 would establish in the Department the Office of Collaborative Action and Dispute Resolution, which would be responsible for promoting and advancing the use of collaborative problem-solving and alternative dispute resolution activities in all Departmental bureaus and offices. The Office would be tasked with increasing the use of early consensus building, alternative dispute resolution, and negotiated rulemakings. The section authorizes such sums as are necessary to carry out the program.

TITLE VII—MISCELLANEOUS PROVISIONS

In order to ensure clarity and flexibility in implementing this Act, the bill contains a savings provision, which makes clear that the provisions contained in this bill are not intended to supersede any provision of state or federal law; a severability provision, which will ensure the operation of the Act if a particular provision is successfully challenged; and a general authorization to promulgate any regulations necessary to carry out the terms of the Act.

THE DEPUTY SECRETARY
OF THE INTERIOR,
Washington, DC, June 19, 2007.

Hon. RICHARD CHENEY,
President of the Senate,
U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: The Administration is pleased to forward the enclosed draft legislation, title the ''Cooperative Conservation Enhancement Act,'' for your consideration. The draft legislation is intended to advance the Department of the Interior's successful model of cooperative conservation in several ways. First, it will ensure clear, but flexible statutory authority for programs that are currently carried out by the Department but are generally authorized under many disparate authorities. Second, the bill seeks to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, companies, and organizations and government entities; promote conservation partnership capacity building; and authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

This draft legislation represents a major step forward for the Department's cooperative conservation efforts. If enacted, this new authority will reduce barriers to the use of partnerships in meeting our resource management obligations, and will enhance our collaborative efforts to conserve and protect natural resources and the environment for which the Department is responsible.

To assist you in your review of the draft legislation, we have enclosed a section-by-section analysis for the proposed bill. The Administration recommends that the draft bill be sent to the appropriate committee for consideration and that it be enacted.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

P. LYNN SCARLETT.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. MURKOWSKI, and Mr. AKAKA):

S. 2232. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes; to the Committee on Indian Affairs.

Mr. STEVENS. Mr. President, I am pleased to introduce the Foreign Aid Lessons for Domestic Economic Assistance Act of 2007 to bring a fresh approach to the vexing problem of stimulating Alaska Native, Native Hawaiian and Lower–48 Indian Tribe economies to bring jobs, hope and investment to these impoverished peoples.

Despite modest improvements in the economic and social well-being of Alaska's native people, they continue to have extremely high rates of unemployment and poverty, poor health, substandard housing, and the related ills of alcohol and drug abuse.

Only 11 percent of American Indians and Alaska Natives hold a bachelor's degree compared to 24 percent of the total population. The poverty rate in

1999 was 25.7 percent for the American Indian and Alaska Native population, compared to 12.4 percent of the total population.

Weak economies also contribute to poor health in native communities: American Indian and Alaska Natives suffer from significantly higher mortality rates compared to the general population. The death rate for American Indians and Alaska Natives for tuberculosis is 600 percent higher, 510 percent higher for alcoholism, 229 percent higher for motor vehicle crashes, 189 percent higher for diabetes, 61 percent higher for homicide and 62 percent higher for suicide. American Indian and Alaska Native infants die at a rate of 8.5 per every 1,000 live births, compared to 6.8 per 1,000 for all U.S. races.

Housing statistics are no better—12 percent of American Indian and Alaska Native homes lack safe and adequate water supply and waste disposal facilities compared to one percent of the U.S. general population.

This is the profile of native communities in Alaska, and in the lower–48 states as well, despite a vibrant cultural legacy and abundant natural resources on and under their lands and in their waters. Many native communities have marketable timber, huge reserves of coal, natural gas, oil, fish and shellfish and other natural amenities.

At the same time, native economies are hobbled by geographic remoteness, distance from markets and population centers, poor physical infrastructure, and a lack of governmental transparency, contributing to stagnating Native American economies.

Because native economies are often plagued by the same challenges as the economies of the developing world, native economies are likely to benefit from the application of proven models employed in international development efforts, most notably the Millenium Challenge Act of 2003. This initiative aims to foster those policies that are known to be effective and in the process, reduce poverty and promote sustainable economic growth in the host country. Typically, the activities that are assisted are related to agriculture, irrigation, and related land practices; physical infrastructure development to facilitate marketing of goods and services; and a variety of health care programs.

Similarly, the objectives of the legislation I am introducing today are just as straightforward: enhancing the long-term job creation and revenue generation potential of Native economies by creating investment-favorable climates and increasing Native productivity.

The Foreign Aid Lessons for Domestic Economic Assistance Act would also authorize administering federal economic development assistance in a novel manner to promote economic growth, eliminate poverty, and strengthen good governance, entrepreneurship, and investment in native communities.

A corollary, but equally important, objective is to improve the effectiveness of existing Federal economic development assistance by encouraging the integration and coordination of such assistance to benefit Native economies. Accordingly, this legislation requires that any assistance provided must be coordinated with other Federal economic development assistance programs for Native Americans.

A critical component of the Foreign Aid Lessons for Domestic Economic Assistance Demonstration is in its demand for accountability in the performance of the Compact terms and use of financial resources. This legislation requires that eligible entities submit to the Secretary of Commerce written reports on an annual basis detailing activities undertaken and progress made through assistance from this program.

Mr. President, I hope my colleagues will join me in supporting this legislation.

By Mr. ROCKEFELLER:

S. 2236. A bill to title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to provide additional limitations on preexisting condition exclusions in group health plans and health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Pre-existing Condition Exclusion Patient Protection Act of 2007. This is a critical bill for the tens of millions of individuals who suffer from chronic, disabling, and life-threatening conditions, as it will ensure that they have access to affordable, comprehensive, and meaningful health insurance coverage despite ''pre-existing conditions.''

The Centers for Disease Control & Prevention estimates that fully one-third of all Americans will have a chronic, disabling, and life-threatening condition at some time during their lifetimes. In West Virginia, that translates to approximately 600,000 of our neighbors who will face these serious health problems. Far too often these are the very people who find their health insurance coverage interrupted, cancelled, or denied because of pre-existing condition limitations in their health insurance policies.

That is why, over 10 years ago, Congress passed the Health Insurance Portability and Accountability Act of 1996, HIPAA, P.L. 104–191, with the objective of protecting Americans from interruptions in health insurance coverage resulting from job changes or other life transitions. HIPAA provides this protection by restricting when private insurers can use pre-existing conditions to limit health care coverage. HIPAA has been successful, and many individuals have come to rely on its protections. However, after more than a decade, certain gaps in HIPAA's protection have become apparent that hamper individuals' access to care for which they could be covered, but for their pre-existing conditions.

First, individuals who have been without health insurance coverage for 63 days or more, risk becoming permanently uninsurable. This is particularly true of individuals with pre-existing conditions, because a 63–day gap in coverage eliminates any prior creditable coverage. If an employee cannot demonstrate that he or she had prior creditable and continuous coverage, an employer can exclude coverage for pre-existing conditions for up to 12 months.

Second, employers can restrict coverage for pre-existing conditions to otherwise qualified employees based on a 6-month ''look-back'' period. This means that an employer may use medical recommendations, diagnoses, and treatments within the most recent 6 months to exclude coverage as a ''pre-existing condition.'' This ''look-back'' period is sufficiently long that it likely impacts all Americans with at least one chronic illness, a category that includes a staggering one out of every three Americans, according to the Centers for Disease Control.

Third, the protections offered to individuals moving into a group health plan, or moving into the individual insurance market from a group plan, are not available to individuals attempting to shop around for policies within the individual market. As a result, individuals who purchase policies in the non-group market and never have a gap in coverage still have no protection against the pre-existing condition exclusions that insurers may choose to impose.

The Pre-existing Condition Exclusion Patient Protection Act of 2007 takes significant steps to improve these weaknesses in the law, thereby protecting patients who are currently at risk of being denied health insurance coverage. To close the first gap in the law, the bill reduces the timeframe during which an employer can exclude coverage for pre-existing conditions from 12 months to three months. This would ensure that more Americans have access to health insurance coverage; furthermore, it is consistent with the requirements for ''state-qualified plans'' under the Trade Adjustment Assistance Reform Act of 2002.

To close the second HIPAA gap, this legislation shrinks the permitted ''look-back'' period from 6 months to 30 days, which would result in a decrease in the number of Americans who are unfairly denied health coverage due to pre-existing conditions. Finally, the bill closes the third gap by applying the same pre-existing condition protections afforded to individuals in the group health insurance market under HIPAA to individuals moving to, and within, the individual health insurance market.

Passing this legislation would increase access to private health insurance for the almost 94 million Americans who suffer from at least one chronic illness. It also would ensure

that the 158 million individuals who are insured through employer-based private plans and the more than 14 million individuals who are covered by non-group, private plans would have far better protection when changing jobs or their health care plans.

I am confident that with these actions, we can achieve a significant improvement in the access of Americans to health insurance coverage. For this reason, I urge my colleagues to advance progress toward this important goal by supporting the Pre-existing Condition Exclusion Patient Protection Act of 2007.

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. 2236

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 ''Preexisting Condition Exclusion Patient Protection Act of 2007''.

SEC. 2. AMENDMENTS RELATING TO PREEXISTING CONDITION EXCLUSIONS UNDER GROUP HEALTH PLANS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Section 701(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(a)(1)) is amended by striking ''6-month period'' and inserting ''30-day period''.

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Section 701(a)(2) of such Act (29 U.S.C. 1181(a)(2)) is amended by striking ''12 months'' and inserting ''3 months'', and by striking ''18 months'' and inserting ''9 months''.

(b) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Section 2701(a)(1) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)) is amended by striking ''6-month period'' and inserting ''30-day period''.

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Section 2701(a)(2) of such Act (42 U.S.C. 300gg(a)(2)) is amended by striking ''12 months'' and inserting ''3 months'', and by striking ''18 months'' and inserting ''9 months''.

(c) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Paragraph (1) of section 9801(a) of the Internal Revenue Code of 1986 (relating to limitation on preexisting condition exclusion period and crediting for periods of previous coverage) is amended by striking ''6-month period'' and inserting ''30-day period''.

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Paragraph (2) of section 9801(a) of such Code is amended by striking ''12 months'' and inserting ''3 months'', and by striking ''18 months'' and inserting ''9 months''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to group health plans for plan years beginning after the end of the 12th calendar month following the date of the enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the earlier of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) 3 years after the date of the enactment of this Act.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 3. AMENDMENTS RELATING TO PREEXISTING CONDITION EXCLUSIONS IN HEALTH INSURANCE COVERAGE IN THE INDIVIDUAL MARKET.

(a) APPLICABILITY OF GROUP HEALTH INSURANCE LIMITATIONS ON IMPOSITION OF PREEXISTING CONDITION EXCLUSIONS.—

(1) IN GENERAL.—Section 2741 of the Public Health Service Act (42 U.S.C. 300gg–41) is amended—

(A) by redesignating the second subsection (e) (relating to market requirements) and subsection (f) as subsections (f) and (g), respectively; and

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

''(h) APPLICATION OF GROUP HEALTH INSURANCE LIMITATIONS ON IMPOSITION OF PREEXISTING CONDITION EXCLUSIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), a health insurance issuer that provides individual health insurance coverage may not impose a preexisting condition exclusion (as defined in subsection (b)(1)(A) of section 2701) with respect to such coverage except to the extent that such exclusion could be imposed consistent with such section if such coverage were group health insurance coverage.

''(2) LIMITATION.—In the case of an individual who—

''(A) is enrolled in individual health insurance coverage;

''(B) during the period of such enrollment has a condition for which no medical advice, diagnosis, care, or treatment had been recommended or received as of the enrollment date; and

''(C) seeks to enroll under other individual health insurance coverage which provides benefits different from those provided under the coverage referred to in subparagraph (A) with respect to such condition,

the issuer of the individual health insurance coverage described in subparagraph (C) may impose a preexisting condition exclusion with respect to such condition and any benefits in addition to those provided under the coverage referred to in subparagraph (A), but such exclusion may not extend for a period of more than 3 months.''.

(2) ELIMINATION OF COBRA REQUIREMENT.—Subsection (b) of such section is amended—

(A) by adding ''and'' at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4) and (5).

(3) CONFORMING AMENDMENT.—Section 2744(a)(1) of such Act (42 U.S.C. 300gg–44(a)(1)) is amended by inserting ''(other than subsection (h))'' after ''section 2741''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the end of the 12th calendar month following the date of the enactment of this Act.

By Mr. BIDEN:

S. 2237. A bill to fight crime; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President. I rise to mark the introduction of the 2007 Biden Crime Bill because a perfect storm is gathering with respect to crime in America, and we need bold action to get us back on track.

Before I discuss the specifics of my legislation, I want to talk to you about what is feeding this perfect storm. Since 2001, Federal funding for local law enforcement has been slashed by billions of dollars—from about $2,1 billion per year in the nineties to a proposed level of $32 million in 2007. The COPS hiring program has been eliminated completely.

At the same time, President Bush has reassigned more than 1,000 FBI agents from fighting crime to combating terrorism. Certainly, this was necessary, but he has not replaced them. A bitter irony results—we have improved our ability to fight international terrorism, but left our communities here at home less safe from the threat of murderers, rapists, and drug kingpins.

This is the perfect storm: asking local law enforcement to do much more for a growing population while giving them much less—less Federal funding and fewer Federal agents with whom to partner. As a result, local law enforcement has had to give up crime prevention practices, like community policing, in order to stay on top of rising demand. They are doing their level best, but they need more help.

Early stages of the storm are upon us. The FBI's Uniform Crime Reports show a rise in violent crime and murder for the second straight year. This hasn't happened since 1994. Last year, crime rose at the highest rate it had in 15 years and this year we add another 1.9 percent increase.

The Police Executive Research Forum reports that the homicide rate rose more than 10 percent in metropolitan areas around the country, like Baltimore, Boston, Charlotte, Cincinnati, Kansas City, and Philadphia. Don't believe the statistics? Just ask your local cops. They will tell you they are seeing more crimes with a higher level of violence.

Back in the nineties we faced a similar crime crisis. In 1994, Congress passed the Crime Bill, and it transformed the Federal approach to fighting crime. It used a three-part system: invest in prevention programs, dedicate Federal support to community-oriented policing, and ensure that offenders serve tough-but-fair prison sentences. It worked. Crime dropped for eight consecutive years. Violent crime and murder rates dropped more than 30 percent

The bill I introduced today is the most comprehensive crime bill in more than a decade and it builds on the successful approach of the 1994 Crime Bill.

It invests more than $6 billion in tried and true prevention programs that recognize that the first step to fighting crime is protecting kids from neglect and abuse and providing them with a stable family, positive early education, and someplace safe and constructive to spend the critical after-school hours.

My bill reauthorizes the COPS program and provides $1.15 billion per year to hire, equip, and train 50,000 new police officers, and hire additional local prosecutors. Study after study has demonstrated the effectiveness of the COPS program, and every major law enforcement agency in the country supports it. It is high time we started funding it again.

In addition, the bill provides funds to hire an additional 1,000 FBI agents dedicated to fighting crime and an additional 500 DEA agents dedicated to dismantling drug trafficking organizations. The Federal Government cannot make the trade-off between fighting crime and terrorism—we owe it to our citizens to do both.

The bill invests more than $1 billion in preventing recidivism by ensuring that when prisoners are released into society, they have the vocational training, the drug treatment, and the housing they need to reintegrate as law-abiding, productive members. Currently, over 650,000 ex-offenders are released from Federal and State prisons each year. Within 3 years of release, two thirds will commit another crime. That is hundreds of thousands of crimes each year, and we need to bring that number down.

Finally, the bill addresses developments in crime fighting and in criminal trade craft. Mr. President, 13 years ago, online sexual predators, Internet copyright infringement, and computer hacking were virtually unknown. Today they are common crimes with real victims. This bill ensures that law enforcement has the resources and legal tools it needs to prevent, investigate, and prosecute such crimes.

The bottom line is that fighting crime is like cutting grass—you stop mowing the lawn and one day you'll look outside and see a real mess. We can't ignore crime and hope it goes away. We've made that mistake over the last 6 years, and our communities are paying the price.

We have to get back to cutting the grass. This legislation takes a comprehensive approach once again to fighting crime. It renews our financial commitment to rebuilding law enforcement capabilities at the Federal, State, and local level. It is a significant step toward making good on one of Congress's most sacred duties to our citizens protecting them from crime and fostering safe communities. I urge my colleagues to support this bill.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 2239. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today I, along with Senator HATCH, am re-introducing the Equity for Our Nation's Self-Employed Act of 2007. This important legislation corrects an inequity that currently exists in our tax code that forces the self-employed to pay payroll taxes on the funds used to pay for their health insurance while larger businesses do not. Because of this inequity, health insurance is more expensive for the self-employed. At a time when the number of people uninsured is growing at an alarming rate, we need to find ways to reduce the cost of health insurance. This legislation is a first logical step.

Under current law, corporations and other business entities are able to deduct health insurance premiums as a business expense and to forego payroll taxes on these costs. However, sole-proprietors are not allowed this same deduction and thus, are required to pay self-employment tax, their payroll tax, on health insurance premiums. The self-employed are the only segment of the business population that are additionally taxed on health insurance. The legislation we are introducing today would stop this inequitable tax treatment and allow sole proprietors to deduct the amount they pay for health insurance from their calculation of payroll taxes, leveling the playing field for the over 20 million self-employed in our Nation.

This problem affects all self-employed who provide health insurance to their families. According to the IRS, there are almost 130,000 sole-proprietors in New Mexico. While we do not know how many of these people in New Mexico have health insurance, we do know that roughly 3.8 million working families in the U.S. paid self-employment tax on their health insurance premiums. Estimates indicate that roughly 60 percent of our Nation's uninsured are either self-employed or work for a small business. According to the Kaiser Family Foundation, self-employed workers spent upwards of $12,000 per year in 2006 to provide health insurance for their family. Because they cannot deduct this as an ordinary business expense, those that spend this amount will pay a 15.3 percent payroll tax on their premiums, resulting in over $1,800 of taxes annually.

This problem was identified by the National Taxpayer Advocate in several of her annual reports to Congress and our legislation to correct it is supported by over 40 national and State organizations including the National Association for the Self-Employed, the National Small Business Association, the National Federation of Independent Business, National Association of Realtors, the U.S. Chamber of Commerce, and the U.S. Hispanic Chamber of Commerce.

I look forward to working with my colleagues to get this important legislation passed.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 2240. A bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CARPER. Mr. President, I rise today with my mend from Maine to introduce the Volunteer Firefighter and EMS Personnel Job Protection Act.

Current law offers volunteer firefighters and emergency medical services personnel no protection against punishment by their employers should they miss work when called on to respond to a national emergency. This means that firefighters or EMS personnel volunteering their time, even during major disasters like 9/11, Hurricane Katrina, or even the current wildfires in California, can be disciplined or even fired for putting their lives at risk to save others.

We put forward this legislation today out of concern that volunteers faced with the prospect of losing their jobs and not responding to a call will choose the latter. Its passage would protect volunteers from having to make that choice when the call is to a Presidentially-declared disaster or emergency.

In order to receive the protections offered under the bill, a first responder would need to provide reasonable notice to their employer before missing time and would need to provide regular updates during the course of their absence. The bill also allows volunteer firefighters or EMS personnel to take legal action against businesses that fire or discipline an individual who gives appropriate notice before missing work due to a legitimate emergency situation.

In order to prevent abuse, the bill places a 14-day limit on the amount of time volunteer firefighters or EMS workers could take off from their jobs before being subject to disciplinary action. The bill also does not require employers to compensate volunteers for time away from work.

Communities across the country depend on volunteer firefighters and EMS personnel to respond to major disasters. My State is among them. In fact, most communities in Delaware rely almost exclusively on the work and sacrifice of volunteers to protect their citizens from fires to major disasters. This bill seeks to ensure that Delawareans can continue to rely on them.

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. 2240

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 ''Volunteer Firefighter and EMS Personnel Job Protection Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) EMERGENCY.—The term ''emergency'' has the meaning given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(2) MAJOR DISASTER.—The term ''major disaster'' has the meanings given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) QUALIFIED VOLUNTEER FIRE DEPARTMENT.—The term ''qualified volunteer fire department'' has the meaning given such term in section 150(e) of the Internal Revenue Code of 1986.

(4) VOLUNTEER EMERGENCY MEDICAL SERVICES.—The term ''volunteer emergency medical services'' means emergency medical services performed on a voluntary basis for a fire department or other emergency organization.

(5) VOLUNTEER FIREFIGHTER.—The term ''volunteer firefighter'' means an individual who is a member in good standing of a qualified volunteer fire department.

SEC. 3. TERMINATION OF EMPLOYMENT OF VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL PROHIBITED.

(a) TERMINATION PROHIBITED.—No employee may be terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment because such employee is absent from or late to the employee's employment for the purpose of serving as a volunteer firefighter or providing volunteer emergency medical services as part of a response to an emergency or major disaster.

(b) DEPLOYMENT.—The prohibition in subsection (a) shall apply to an employee serving as a volunteer firefighter or providing volunteer emergency medical services if such employee—

(1) is specifically deployed to respond to the emergency or major disaster in accordance with a coordinated national deployment system such as the Emergency Management Assistance Compact or a pre-existing mutual aid agreement; or

(2) is a volunteer firefighter who—

(A) is a member of a qualified volunteer fire department that is located in the State in which the emergency or major disaster occurred;

(B) is not a member of a qualified fire department that has a mutual aid agreement with a community affected by such emergency or major disaster; and

(C) has been deployed by the emergency management agency of such State to respond to such emergency or major disaster.

(c) LIMITATIONS.—The prohibition in subsection (a) shall not apply to an employee who—

(1) is absent from the employee's employment for the purpose described in subsection (a) for more than 14 days per calendar year;

(2) responds on the emergency or major disaster without being officially deployed as described in subsection (b); or

(3) fails to provide the written verification described in subsection (e) within a reasonable period of time.

(d) WITHHOLDING OF PAY.—An employer may reduce an employee's regular pay for any time that the employee is absent from the employee's employment for the purpose described in subsection (a).

(e) VERIFICATION.—An employer may require an employee to provide a written verification from the official of the Federal Emergency Management Agency supervising the Federal response to the emergency or major disaster or a local or State official managing the local or State response to the emergency or major disaster that states—

(1) the employee responded to the emergency or major disaster in an official capacity; and

(2) the schedule and dates of the employee's participation in such response.

(f) REASONABLE NOTICE REQUIRED.—An employee who may be absent from or late to the employee's employment for the purpose described in subsection (a) shall—

(1) make a reasonable effort to notify the employee's employer of such absence; and

(2) continue to provide reasonable notifications over the course of such absence.

SEC. 4. RIGHT OF ACTION.

(a) RIGHT OF ACTION.—An individual who has been terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment in violation of the prohibition described in section 3 may bring, in a district court of the United States of appropriate jurisdiction, a civil action against individual's employer seeking—

(1) reinstatement of the individual's former employment;

(2) payment of back wages;

(3) reinstatement of fringe benefits; and

(4) if the employment granted seniority rights, reinstatement of seniority rights.

(b) LIMITATION.—The individual shall commence a civil action under this section not later than 1 year after the date of the violation of the prohibition described in section 3.

SEC. 5. STUDY AND REPORT.

(a) STUDY.—The Secretary of Labor shall conduct a study on the impact that this Act could have on the employers of volunteer firefighters or individuals who provide volunteer emergency medical services and who may be called on to respond to an emergency or major disaster.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall submit to the appropriate congressional committees a report on the study conducted under subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives.

Ms. COLLINS. Mr. President. I rise to offer my wholehearted support for the bill offered by the distinguished Senator from Delaware to provide some reasonable measure of job protection for the volunteer firefighters and emergency medical personnel who save thousands of lives across this country every year.

This bill is a matter of simple fairness. It recognizes that volunteer firefighters and emergency medical personnel not only serve their own towns and offer mutual assistance to other communities on a day-to-day basis, but also that they are a key component in state and federal plans for responding to catastrophic natural disasters and terrorist attacks.

Across the Nation, our emergency planning relies on the ready availability of these brave first responders. Indeed, volunteers are absolutely critical to mounting a response to disasters, both large and small. My home state of Maine, for example, has slightly more than 10,000 firefighters in 492 departments. Because Maine is a mostly rural State, fully 88 percent of those firefighters are volunteers.

Yet, even if they are called up in a major disaster or a Presidentially declared emergency under the Stafford Act, these volunteers have no official protection for their jobs while they are answering the call to duty.

We should protect volunteer firefighters and EMS personnel who put their lives on the line.

The current lack of job protection is dangerous. If large numbers of volunteer firefighters and EMS personnel were terminated or demoted after being called away to a disaster or a series of disasters, recruitment and retention of volunteers could be devastated.

The Volunteer Firefighter and EMS Personnel Job Protection Act would correct the injustice and mitigate the danger in a measured and responsible way. It would protect the volunteer first responders against termination or demotion by employers if they are called upon to respond to a Presidentially declared emergency or a major disaster for up to 14 workdays.

The bill imposes no unreasonable burdens on employers. They are not obliged to pay the volunteers during their absence, and they are entitled to receive official documentation that an absent employee was in fact summoned to and served in a disaster response.

Finally, I would note that the bill would facilitate the work of emergency managers. Having this job protection in force would allow them to make operational and contingency plans with greater confidence, knowing that volunteer responders would not be forced to withdraw in short order for fear of losing their jobs.

The Volunteer Firefighter and EMS Personnel Job Protection Act is a straightforward matter of simple justice and sound policy. By extending some protection to these brave men and women, we can strengthen the protection and life-saving response that they provide to many millions of Americans. I believe this bill merits the support of every Senator, and I am proud to be an original co-sponsor.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2241. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public land under the jurisdiction of those agencies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I have just introduced a piece of legislation called the Public Land Fire Regulation Enforcement Act. I wish to spend a moment talking about that.

Mother Nature possesses a beauty like no other; this beauty sometimes

allows us to forget the ferocious might that she can bring to bear. The tragic fires in California provide an all too real reminder of this.

My thoughts and prayers are with folks in California, because it was not so long ago that Colorado fund itself in a similar situation. Each year people out West live with the constant and growing threat of wildfire. In 2002, nearly 400,000 acres burned. Then Governor Bill Owens said that ''all of Colorado is burning''.

Unfortunately, some folks—through ignorance, carelessness, or malice—ignore Federal guidelines and start fires during high risk times. In order to deter this action and provide an added measure of security Senator SALAZAR and I are introducing the Public Land Fire Regulations Enforcement Act. This bill will strengthen current law by increasing the penalties for individuals who disregard public safety and start fires during restricted times. It increases possible fines and doubles the maximum time violators could spend in jail.

I hope that the fires burning in California are contained soon and that the damage is minimized as much as possible. I also hope that the legislation I introduce today will help prevent future catastrophic fires from being started.

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

S. 2243. A bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes; to the Committee on Foreign Relations.

Mr. SPECTER. Mr. President. I have sought recognition to offer legislation to encourage Saudi Arabia to halt its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents.

I offer this bill on behalf of myself and Senator WYDEN.

Since the attacks of September 11, 2001, evidence has emerged indicating that support for al-Qaeda, Ramas, and other organizations has come from Saudi Arabia.

Testimony presented to several Congressional committees, including the Senate Governmental Affairs Committee, Judiciary Committee, and Intelligence committees in both houses, has indicated that Saudi Arabia is an epicenter for terrorist financing. These committees have also found the Saudi government's cooperation in investigations into the al-Qaeda terrorist network has been lackluster.

In the 108 Congress, as a member of the Governmental Affairs Committee and as a member of the Judiciary Committee, we worked to establish a basic point that anybody who knowingly contributes to a terrorist organization is an accessory before the fact to murder; so when people contribute to al-Qaeda or Hamas, knowing that both organizations employ suicide bombers, they are accessories to murder.

United Nations Security Council Resolution 1373, adopted in 2001, mandates that all States ''refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts,'' take ''the necessary steps to prevent the commission of terrorist acts,'' and ''deny safe haven to those who finance, plan, support, or commit terrorist acts.'' There is mounting evidence that Saudi Arabia has not been compliant with this resolution.

The 9/11 Commission interviewed numerous military officers and government officials who repeatedly listed Saudi Arabia as a prime place for terrorists to set up bases and found that ''Saudi Arabia's society was a place where al-Qaeda raised money directly from individuals through charities.''

The Council on Foreign Relations concluded in a 2002 report that ''for years, individuals and charities based in Saudi Arabia have been the most important source of funds for al-Qaeda, and for years, Saudi officials have turned a blind eye.''

There are indications that, since the May 12, 2003, suicide bombings in Riyadh, the Government of Saudi Arabia is making a more serious effort to combat terrorism. That said, I would like to draw attention to the following findings recanted by organizations which have studied the record of the Saudis.

In a June 2004 report entitled ''Update on the Global Campaign Against Terrorist Financing,'' the Council on Foreign Relations reported that ''we find it regrettable and unacceptable that since September 11, 2001, we know of not a single Saudi donor of funds to terrorist groups who have been publicly punished.''

A joint committee of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives issued a report on July 24, 2003, that quotes various U.S. Government personnel who complained that the Saudis refused to cooperate in the investigation of Osama bin Laden and his network both before and after the September 11, 2001, terrorist attacks.

My frustration with the Saudi government's lack of cooperation in international counterterrorism efforts goes back more than a decade. After the Khobar Towers were bombed in 1996—an attack which cost 19 American airmen their lives and injured 400 more—I traveled to Dhahran, Saudi Arabia to see the carnage firsthand. When I arrived, U.S. investigators were being denied the opportunity to interview the suspects apprehended by the Saudis. I personally met with Crown Prince Abdullah of Saudi Arabia to request that the FBI be granted access to the prisoners. Crown Prince Abdullah said that the U.S. should not meddle in Saudi internal affairs; the murder of 19 airmen and the wounding of 400 more hardly qualifies as a Saudi internal affair.

The Saudi government continues to drag its feet when it comes to cooperation in combating terrorism. The Iraq Study Group stated that Saudi Arabia has been ''passive and disengaged'' with regard to the situation in Iraq. Passive and disengaged is unacceptable when Saudi institutions are funding, training, inciting, and encouraging many terrorist actions in Iraq.

On October 23, 2007, Crown Prince Sultan bin Abdulaziz stated, ''The Kingdom is determined to continue its policy of fighting all forms of terrorism.''

According to a July 27, 2007, New York Times article, ''Of an estimated 60 to 80 foreign fighters who enter Iraq each month, American military and intelligence officials say that nearly half are coming from Saudi Arabia and that the Saudis have not done enough to stem the flow.''

On October 23, 2007, Crown Prince Sultan bin Abdulaziz stated, ''Saudi Arabia's view is that dealing with the phenomenon of terrorism should not be confined to the mere security aspect of it but it should also be at the intellectual level.''

The Center for Religious Freedom, formerly affiliated with Freedom House, in a 2006 report entitled ''Saudi Arabia's Curriculum of Intolerence,'' stated that despite 2005 statements by the Saudi Foreign Minister that their educational curricula have been reformed, this is ''simply not the case.'' On the contrary, religious textbooks continue to advocate the destruction of any non-Wahhabi Muslim. Saudi Arabia has established Wahhabism, an extreme form of Islam, as the official state doctrine, and about 5,000,000 children are instructed each year in Islamic studies using Saudi Ministry of Education textbooks.

A fall 2007 report by the U.S. Commission on International Religious Freedom stated that, ''Due to insufficient information provided by the Saudi government, the Commission could not verify that a formal mechanism exists within the Saudi government to review thoroughly and revise educational texts and other materials sent outside of Saudi Arabia. It appears that the Saudi government has made little or no progress on efforts to halt the exportation of extremist ideology outside the Kingdom.'' It is important to note that fifteen of the nineteen 9/11 hijackers were Saudis.

In my judgment, the U.S. has been lenient with the Saudis out of deference to Saudi oil. It is really an open scandal that we have not taken action to secure some independence from our reliance on Saudi oil. A September 2005 Government Accountability Office report stated that, ''Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government, has fostered the creation of large

private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. U.S. Government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support of terrorist activities.''

The 9/11 Commission recommended that the problems in our bilateral relationship with Saudi Arabia must be confronted openly—this legislation takes a step in that direction.

The legislation expresses the sense of Congress that the Government of Saudi Arabia must immediately and unconditionally: 1. permanently close all organizations in Saudi Arabia that fund, train, incite, encourage, or in any way aid and abet terrorism anywhere in the World; 2. end all funding for offshore terrorist organizations; 3. block all funding from private Saudi citizens and entities to Saudi-based or offshore terror organizations, and 4. provide complete, unrestricted, and unobstructed cooperation to the U.S. in the investigation of terror groups and individuals.

The President should certify to Congress when the Government of Saudi Arabia is fully cooperating with the U.S. in the actions listed above.

Two major objectives in the Global War on Terrorism are to deny terrorists safe haven and to eradicate the sources of terrorist financing. We cannot be successful in this war by ignoring the problem Saudi Arabia presents to our security. The government of Saudi Arabia can no longer remain idle while its citizenry continues to provide the wherewithal for terrorist groups with global reach nor can it continue to directly facilitate and support institutions that incite violence.

President Bush stated that the U.S. ''will challenge the enemies of reform, confront the allies of terror, and expect a higher standard from our friends.'' To be successful in the global war on terrorism we need the proactive and full cooperation of all nations—especially those who consider themselves allies of the U.S.

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. 2243

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 ''Saudi Arabia Accountability Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) United Nations Security Council Resolution 1373 (2001) mandates that all states ''refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts'', take ''the necessary steps to prevent the commission of terrorist acts'', and ''deny safe haven to those who finance, plan, support, or commit terrorist acts''.

(2) In 2004, the Council on Foreign Relations reported that it knew of ''not a single Saudi donor of funds to terrorist groups who has been publicly punished''.

(3) In his July 2005 testimony to the Committee on Banking, Housing, and Urban Affairs of the Senate, Stewart Levey, the Undersecretary for the Office of Terrorism and Financing Intelligence of the Department of the Treasury, reported that ''even today, we believe that Saudi donors may still be a significant source of terrorist financing, including for the insurgency in Iraq''. He added that Saudi financiers and charities ''remain a key source for the promotion of ideologies used by terrorists and violent extremists''.

(4) According to a July 27, 2007 New York Times article, ''Of an estimated 60 to 80 foreign fighters who enter Iraq each month, American military and intelligence officials say that nearly half are coming from Saudi Arabia and that the Saudis have not done enough to stem the flow.''.

(5) According to a July 15, 2007 Los Angeles Times article, ''About 45% of all foreign militants targeting U.S. troops and Iraqi civilians and security forces are from Saudi Arabia . . . according to official U.S. military figures made available to The Times by the senior officer. Nearly half of the 135 foreigners in U.S. detention facilities in Iraq are Saudis, he said. Fighters from Saudi Arabia are thought to have carried out more suicide bombings than those of any other nationality, said the senior U.S. officer, who spoke on condition of anonymity because of the subject's sensitivity.''.

(6) The Center for Religious Freedom, formerly affiliated with Freedom House, in a 2006 report entitled ''Saudi Arabia's Curriculum of Intolerance'', stated that despite 2005 statements by the Saudi Foreign Minister that their educational curricula have been reformed, this is ''simply not the case''. Contrarily, religious textbooks continue to advocate the destruction of any non-Wahhabi Muslim. Saudi Arabia has established Wahhabism, an extreme form of Islam, as the official state doctrine, and about 5,000,000 children are instructed each year in Islamic studies using Saudi Ministry of Education textbooks.

(7) A Fall 2007 United States Commission on International Religious Freedom report stated ''Due to insufficient information provided by the Saudi government, the Commission could not verify that a formal mechanism exists within the Saudi government to review thoroughly and revise educational texts and other materials sent outside of Saudi Arabia. It appears that the Saudi government has made little or no progress on efforts to halt the exportation of extremist ideology outside the Kingdom.''.

(8) A September 2005 Government Accountability Office report stated that ''Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government, has fostered the creation of large private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. United States Government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support of terrorist activities''.

(9) A June 2004 press release on the website of the Saudi embassy, www.saudiembassy.net, discussed the creation of the Saudi National Commission for Relief and Charity Work Abroad, a non-governmental body designed to ''take over all aspects of private overseas aid operations and assume responsibility for the distribution of private charitable donations from Saudi Arabia'' in order to ''guard against money laundering and the financing of terrorism''. As of late 2007, this Commission had not been created.

(10) In a February 2006 open Senate Select Committee on Intelligence hearing on the ''World Wide Threat'', former Director of National Intelligence and current Deputy Secretary of State John Negroponte, stated that ''there are private Saudi citizens who still engage in these kinds of donations [in which money is transferred back door to terrorists]''.

(11) A March 2005 report by the Congressional Research Service stated that at least 5 persons listed as beneficiaries of the Saudi Committee for the Support of the Al Quds Intifada were suspected suicide bombers.

(12) During November 8, 2005 testimony on Saudi Arabia before the Subcommittee on Terrorism, Technology, and Homeland Security of the Committee on the Judiciary of the Senate, Steve Emerson, terrorism expert and Executive Director of the Investigative Project on Terrorism, stated that despite repeated declarations by Saudi officials that there has been substantial reform in education, progress against terrorism, and movement toward transparency, a review of other Saudi announcements shows that they have either specifically failed to follow through or cannot be proven to have followed through on their pledges. He also noted that the Saudi government established the Saudi Committee for the Support of the Al Quds Intifada, which was proven to provide aid to Palestinian terrorist groups. During an Israeli raid on a Hamas institution, they discovered a spreadsheet from the aforementioned committee giving a detailed account about how they received $545,000 from the committee to allocate to 102 families of so-called martyrs. The spreadsheet included the names of 8 suicide bombers.

(13) A January 2007 Congressional Research Service Report on Saudi Arabia's terrorist-financing activities indicated that although the records portion of the Committee for the Support of the Al Quds Intifada was deactivated in March 2005, of the 1,300 listed beneficiaries, over 60 matched or closely resembled the names of known Palestinian militants who carried out attacks against Israel between October 2000 and March 2002.

(14) The final report of the Presidentially-appointed Iraq Study Group stated that ''funding for the Sunni insurgency in Iraq comes from private donors in Saudi Arabia and other Gulf states''.

(15) A January 2005 report by the Center for Religious Freedom found that Saudi Arabia was creating and distributing, through its embassy in Washington, D.C., material promoting hatred, intolerance, and violence at mosques and Islamic centers in the United States.

(16) On December 14, 2005, R. James Woolsey, former Director of Central Intelligence wrote, ''Over the long run, this movement [Wahhabism] is in many ways the most dangerous of the ideological enemies we face.'' Mr. Woolsey also explained that ''al Qaeda and the Wahhabis share essentially the same underlying totalitarian theocratic ideology. It is this common Salafist ideology that the Wahhabis have been spreading widely—financed by $3-4 billion/year from the Saudi government and wealthy individuals in the Middle East over the last quarter century—to the madrassas of Pakistan, the textbooks of Turkish children in Germany, and the mosques of Europe and the U.S.''.

(17) According to a May 2006 report by the Center for Religious Freedom, official Saudi religious textbooks continue to teach hatred of those who do not follow Wahhabi Muslim doctrine and encourage jihad against such

''infidels'' and ''the Saudi public school religious curriculum continues to propagate an ideology of hate toward the unbeliever . . . [A] text instructs students that it is a religious obligation to do 'battle' against infidels in order to spread the faith''.

(18) In May 2006, the Congressional Research Service reported that ''Saudi Arabia has discussed increasing boycott efforts against Israel, despite their WTO [World Trade Organization] obligations''.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is imperative that the Government of Saudi Arabia immediately and unconditionally—

(A) permanently close all charities, schools, or other organizations or institutions in the Kingdom of Saudi Arabia that fund, train, incite, encourage, or in any other way aid and abet terrorism anywhere in the world (referred to in this Act as ''Saudi-based terror organizations''), including by means of providing support for the families of individuals who have committed acts of terrorism;

(B) end funding or other support by the Government of Saudi Arabia for charities, schools, and any other organizations or institutions outside the Kingdom of Saudi Arabia that train, incite, encourage, or in any other way aid and abet terrorism anywhere in the world (referred to in this Act as ''offshore terror organizations''), including by means of providing support for the families of individuals who have committed acts of terrorism;

(C) block all funding from private Saudi citizens and entities to any Saudi-based terror organization or offshore terrorism organization; and

(D) provide complete, unrestricted, and unobstructed cooperation to the United States, including the unsolicited sharing of relevant intelligence in a consistent and timely fashion, in the investigation of groups and individuals that are suspected of financing, supporting, plotting, or committing an act of terror against United States citizens anywhere in the world, including within the Kingdom of Saudi Arabia; and

(2) the President, in determining whether to make the certification described in section 4, should judge whether the Government of Saudi Arabia has continued and sufficiently expanded its efforts to combat terrorism since the May 12, 2003 bombing in Riyadh.

SEC. 4. PRESIDENTIAL CERTIFICATION.

The President shall certify to the appropriate congressional committees when the President determines that the Government of Saudi Arabia—

(1) is fully cooperating with the United States in investigating and preventing terrorist attacks;

(2) has permanently closed all Saudi-based Wahhabbist organizations that fund Islamic extremism, internally and abroad;

(3) has exercised maximum efforts to block all funding from private Saudi citizens, corporations, and entities, to foreign Islamic extremist and terrorist movements; and

(4) has stopped financing and disseminating materials, and other forms of support, that encourage the spread of radical Wahhabi ideology.

SEC. 5. STATUS REPORT.

(a) REQUIREMENT FOR REPORT.—Not later than 6 months after the date of the enactment of this Act, and every 12 months thereafter until the President makes the certification described in section 4, the Secretary of State shall submit a report to the appropriate congressional committees that describes the progress made by the Government of Saudi Arabia toward meeting the conditions described in paragraphs (1) through (4) of section 4.

(b) FORM.—The report submitted under subsection (a) shall be in unclassified form and may include a classified annex.

SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

By Mr. REID (for Mrs. CLINTON):

S. 2244. A bill to require the Secretary of Health and Human Services to carry out demonstration projects and outreach programs for the identification and abatement of lead hazards, to establish the Joint Task Force on Lead-Based Hazards and the Task Force on Children's Environmental Health and Safety, to strengthen the authority of the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise to introduce the Lead Elimination, Abatement and Poisoning Prevention Act of 2007, legislation that would help us address the threat of lead poisoning among children.

We have made enormous strides in reducing exposure to lead since its use was phased out in gasoline and residential paint more than twenty years ago. From 1976 to 1994, we reduced the number of children from age 1 to 5 with elevated blood lead levels from more than 75 percent of the population to slightly over 4 percent of the population, according to the Centers for Disease Control and Prevention, CDC. And many local governments have responded to existing lead hazards through intensive interventions.

In my state, for example, Rochester is just one of the cities that have increased their efforts to address elevated blood lead levels among their residents. In 2002, Rochester estimated that nearly 25 percent of its children had blood lead levels that exceeded the CDC's standard of 10 micrograms per deciliter. Rochester embarked on efforts to engage in residential lead remediation and abatement, particularly among the 80 percent of its housing stock identified as having lead-based paint. By 2005, according to the Monroe County Department of Health, out of more than 13,000 children screened, the number with elevated blood lead levels had dropped to less than 5 percent—a marked reduction from only three years before. Yet these levels are still high, and Rochester continues to work to reduce that level even further, continuing efforts to identify and address the sources of lead poisoning with a coalition of stakeholders.

These are the types of interventions we should be supporting, because there are still far too many children in Rochester and other places around our country who are at risk for lead poisoning. The CDC estimates that more than 300,000 children have elevated blood lead levels. Many of these children are at risk due to existing lead-based paint in their homes. To address this concern, I have introduced legislation—the Home-Based Lead Safety Tax Credit Act—which will help families and landlords remediate and abate lead-based hazards in residences.

But as recent events have shown us, residential lead paint is not the only source of exposure to lead hazards. This past summer, families experienced wave after wave of recalls for products containing lead hazards—products that were all targeted for use by children, including toys, bibs, and notebooks. Hundreds of thousands of children have been needlessly exposed to lead-contaminated products, and I have written to both President Bush and the Acting Commissioner of the Consumer Product Safety Commission to urge them to undertake the reforms necessary to strengthen this agency.

Our Government's Healthy People 2010 Objectives includes the goal of eliminating elevated blood lead levels in children. The Environmental Protection Agency's Strategic Plan for 2006–2011 also sets the goal of eliminating elevated blood lead levels in American children by 2010. But if we keep along our current path, we will not attain those goals. We must increase our commitment at our federal agencies to address this issue, provide our state and local governments with the tools to mobilize the multiple stakeholders involved in lead abatement and poisoning prevention, and increase our efforts to educate families about ways to protect their children from lead exposure.

We need to take a comprehensive approach to lead poisoning prevention, which is why I am introducing the LEAPP Act today. This legislation will do the following:

In far too many cases, a single dwelling accounts for multiple childhood lead poisonings. This bill would establish a pilot project to increase collaboration between state and local health departments, housing agencies, and environmental departments to identify these ''repeat offender'' houses, take steps to remediate or remove the existing lead hazards and treat children who have been exposed. This program would be authorized at $5 million annually from fiscal years 2008 to 2012.

Currently, the federal government has multiple programs designed to addressing lead-based hazards and increase lead poisoning prevention. The LEAPP Act would consolidate these task forces to improve coordination among all agencies, as well as state, local and community stakeholders, and have them develop a strategic plan to maximize resources for Federal Government resources.

The President's Task Force on Environmental Health Risks and Safety Risks to Children was established in 1997 to help coordinate the overall environmental health work in the Executive Branch. The LEAPP Act would codify the Task Force to facilitate

high-level federal coordination for initiatives that improve children's environmental health, including lead poisoning prevention and abatement.

While exposure to lead paint remains a primary hazard, other sources for lead poisoning are imported products with high levels of lead and traditional medications that contain lead. The LEAAP Act would authorize the Office of Minority Health and the Office of Refugee Resettlement to engage in community-based partnerships to increase culturally appropriate education and outreach campaigns to reduce lead hazard exposure.

Since lead accumulates in bones, many pregnant women may unknowingly have elevated blood lead levels, which may be passed to their children or cause toxic effects on their own organs. Through identifying and screening women during pregnancy, we can work to improve the health of the mother, her child, and the overall family. The LEAPP Act would establish pilot projects to incorporate risk assessment, screening and treatment as part of prenatal care for Medicaid populations. This program would be authorized at $5 million annually for each of fiscal years 2008 through 2012.

Current law does not require landlords and homeowners to conduct lead-based paint inspections before they can lease or sell their homes. This legislation not only requires landlords to conduct these inspections, but also produce documentation of these inspections and remediate any lead-based paint hazards found as a result of these inspections before leasing or selling homes.

Far too many children are exposed to lead-based paint in their homes only to return to the same home after being diagnosed as having contracted lead poisoning. Under this bill, if the primary residence of a child who is less than 6 years of age is in a unit of public or private housing, and such child is diagnosed by a certified medical practitioner as having contracted lead poisoning, the public housing authority or landlord for such residence shall immediately temporarily relocate the affected family, conduct an inspection and risk assessment for lead, and completely abate the unit in which such child resided.

Current law and regulation that aim to reduce lead-based poisoning in homes do not cover all housing units. If we are to reach our goal of eliminating lead poisoning by 2010, we must extend the reach of current law and regulations to cover all housing units. This bill will extend that coverage to zero bedroom housing, housing for the elderly and persons with disabilities. Doing so will provide protections for children without regard for the type of dwelling in which they reside.

The Low Income Housing Tax Credit is the federal government's largest housing rehabilitation program. Despite this fact, the LIHTC does not have a single lead-based hazard control requirement. This legislation sets aside 5 percent of the LIHTC funding for lead-based hazard control measures.

Although weatherization measures can improve energy efficiency and save homeowners on energy cost, these measures can also create lead hazards in homes. To protect our children from these hazards, this legislation requires weatherization programs to do lead hazard controls as part of their weatherization work.

I look forward to working with my colleagues to continue our efforts to protect children against lead poisoning.

By Mr. DURBIN:

S. 2245. A bill to establish a comission to ensure food safety in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. 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. 2245

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 ''Food Safety Authority Modernization Act''.

SEC. 2. CONGRESSIONAL BIPARTISAN FOOD SAFETY COMMISSION.

(a) COMMISSION.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established a commission to be known as the ''Congressional Bipartisan Food Safety Commission'' (referred to in this Act as the ''Commission'').

(B) PURPOSE.—The purpose of the Commission shall be to act in a bipartisan, consensus-driven fashion—

(i) to review the food safety system of the United States;

(ii) to prepare a report that—

(I) summarizes information about the food safety system as in effect as of the date of enactment of this Act; and

(II) makes recommendations on ways—

(aa) to modernize the food safety system of the United States;

(bb) to harmonize and update food safety statutes;

(cc) to improve Federal, State, local, and interagency coordination of food safety personnel, activities, budgets, and leadership;

(dd) to best allocate scarce resources according to risk;

(ee) to ensure that regulations, directives, guidance, and other standards and requirements are based on best-available science and technology;

(ff) to emphasize preventative rather than reactive strategies; and

(gg) to provide to Federal agencies funding mechanisms necessary to effectively carry out food safety responsibilities; and

(iii) to draft specific statutory language, including detailed summaries of the language and budget recommendations, that would implement the recommendations of the Commission.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 19 members.

(B) ELIGIBILITY.—Members of the Commission shall—

(i) have specialized training, education, or significant experience in at least 1 of the areas of—

(I) food safety research;

(II) food safety law and policy; and

(III) program design and implementation;

(ii) consist of—

(I) the Secretary of Agriculture (or a designee);

(II) the Secretary of Health and Human Services (or a designee);

(III) 1 Member of the House of Representatives; and

(IV) 1 Member of the Senate; and

(V) 15 additional members that include, to the maximum extent practicable, representatives of—

(aa) consumer organizations;

(bb) agricultural and livestock production;

(cc) public health professionals;

(dd) State regulators;

(ee) Federal employees; and

(ff) the livestock and food manufacturing and processing industry.

(C) APPOINTMENTS.—

(i) IN GENERAL.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(ii) CERTAIN APPOINTMENTS.—Of the members of the Commission described in subparagraph (B)(ii)(V)—

(I) 2 shall be appointed by the President;

(II) 7 shall be appointed by a working group consisting of—

(aa) the Chairman of each of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Health, Education, Labor, and Pensions of the Senate;

(bb) the Chairman of each of the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives;

(cc) the Speaker of the House of Representatives; and

(dd) the Majority Leader of the Senate; and

(III) 6 shall be appointed by a working group consisting of—

(aa) the Ranking Member of each of the Committees described in items (aa) and (bb) of subclause (II);

(bb) the Minority Leader of the House of Representatives; and

(cc) the Minority Leader of the Senate.

(D) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(E) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(3) MEETINGS.—

(A) INITIAL MEETING.—Except as provided in subparagraph (B), the initial meeting of the Commission shall be conducted in Washington, District of Columbia, not later than 30 days after the date of appointment of the final member of the Commission under paragraph (2)(C).

(B) MEETING FOR PARTIAL APPOINTMENT.—If, as of the date that is 90 days after the date of enactment of this Act, all members of the Commission have not been appointed under paragraph (2)(C), but at least 8 members have been appointed, the Commission may hold the initial meeting of the Commission.

(C) OTHER MEETINGS.—The Commission shall—

(i) hold a series of at least 5 stakeholder meetings to solicit public comment, including—

(I) at least 1 stakeholder meeting, to be held in Washington, District of Columbia; and

(II) at least 4 stakeholder meetings, to be held in various regions of the United States; and

(ii) meet at the call of—

(I) the Chairperson;

(II) the Vice-Chairperson; or

(III) a majority of the members of the Commission.

(D) PUBLIC PARTICIPATION; INFORMATION.—To the maximum extent practicable—

(i) each meeting of the Commission shall be open to the public; and

(ii) all information from a meeting of the Commission shall be recorded and made available to the public.

(E) QUORUM.—With respect to meetings of the Commission—

(i) a majority of the members of the Commission shall constitute a quorum for the conduct of business of the Commission; but

(ii) for the purpose of a stakeholder meeting described in subparagraph (C)(i), 4 or more members of the Commission shall constitute a quorum.

(F) FACILITATOR.—The Commission shall contract with a nonpolitical, disinterested third-party entity to serve as a meeting facilitator.

(4) CHAIRPERSON AND VICE-CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall select from among the members a Chairperson and Vice-Chairperson of the Commission.

(b) DUTIES.—

(1) RECOMMENDATIONS.—The Commission shall review and consider the statutes, studies, and reports described in paragraph (2) for the purpose of understanding the food safety system of the United States in existence as of the date of enactment of this Act.

(2) STATUTES, STUDIES, AND REPORTS.—The statutes, studies, and reports referred to in paragraph (1) are—

(A) with respect with respect to laws administered by the Secretary of Agriculture—

(i) the Federal Seed Act (7 U.S.C. 1551 et seq.);

(ii) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.);

(iii) the Animal Health Protection Act (7 U.S.C. 8301 et seq.);

(iv) the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.);

(v) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(vi) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.); and

(vii) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(B) with respect to laws administered by the Secretary of the Treasury, the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.);

(C) with respect to laws administered by the Federal Trade Commission, the Act of September 26, 1914 (15 U.S.C. 41 et seq.);

(D) with respect to laws administered by the Secretary of Health and Human Services—

(i) chapters I through IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(ii) the Public Health Service Act (42 U.S.C. 201 et seq.);

(iii) the Import Milk Act (21 U.S.C. 141 et seq.);

(iv) the Food Additives Amendment of 1958 (Public Law 85–929; 52 Stat. 1041);

(v) the Fair Packaging and Labeling Act (Public Law 89–755; 80 Stat. 1296);

(vi) the Infant Formula Act of 1980 (21 U.S.C. 301 note; Public Law 96–359);

(vii) the Pesticide Monitoring Improvements Act of 1988 (Public Law 100–418; 102 Stat. 1411);

(viii) the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 301 note; Public Law 101–535);

(ix) the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 301 note; Public Law 105–115); and

(x) the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (21 U.S.C. 201 note; Public Law 107–188);

(E) with respect to laws administered by the Attorney General, the Federal Anti-Tampering Act (18 U.S.C. 1365 note; Public Law 98–127);

(F) with respect to laws administered by the Administrator of the Environmental Protection Agency—

(i) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(ii) the Food Quality Protection Act of 1996 (7 U.S.C. 136 note; Public Law 104–170);

(iii) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(iv) the Safe Drinking Water Act of 1974 (42 U.S.C. 201 note; Public Law 93–523); and

(G) with respect to laws administered by the Secretary of Transportation, chapter 57 of subtitle II of title 49, United States Code (relating to sanitary food transportation); and

(H) with respect to Government studies on food safety—

(i) the report of the National Academies of Science entitled ''Ensuring Safe Food from Production to Consumption'' and dated 1998;

(ii) the report of the National Academies of Science entitled ''Scientific Criteria to Ensure Safe Food'' and dated 2003;

(iii) reports of the Office of the Inspector General of the Department of Agriculture, including—

(I) report 24601–0008–CH, entitled ''Egg Products Processing Inspection'' and dated September 18, 2007;

(II) report 24005–1–AT, entitled ''Food Safety and Inspection Service—State Meat and Poultry Inspection Programs'' and dated September 27, 2006;

(III) report 24601–06–CH, entitled ''Food Safety and Inspection Service's In-Plant Performance System'' and dated March 28, 2006;

(IV) report 24601–05–AT, entitled ''Hazard Analysis and Critical Control Point Implementation at Very Small Plants'' and dated June 24, 2005;

(V) report 24601–04–HY, entitled ''Food Safety and Inspection Service Oversight of the 2004 Recall by Quaker Maid Meats, Inc.'' and dated May 18, 2005;

(VI) report 24501–01–FM, entitled ''Food Safety and Inspection Service Application Controls—Performance Based Inspection System'' and dated November 24, 2004;

(VII) report 24601–03–CH, entitled ''Food Safety and Inspection Service Use of Food Safety Information'' and dated September 30, 2004;

(VIII) report 24601–03–HY, entitled ''Food Safety and Inspection Service Effectiveness Checks for the 2002 Pilgrim's Pride Recall'' and dated June 29, 2004;

(IX) report 24601–02–HY, entitled ''Food Safety and Inspection Service Oversight of the Listeria Outbreak in the Northeastern United States'' and dated June 9, 2004;

(X) report 24099–05–HY, entitled ''Food Safety and Inspection Service Imported Meat and Poultry Equivalence Determinations Phase III'' and dated December 29, 2003;

(XI) report 24601–2–KC, entitled ''Food Safety and Inspection Service—Oversight of Production Process and Recall at Conagra Plant (Establishment 969)'' and dated September 30, 2003;

(XII) report 24601–1–Ch, entitled ''Laboratory Testing Of Meat And Poultry Products'' and dated June 21, 2000;

(XIII) report 24001–3–At, 24601–1–Ch, 24099–3–Hy, 24601–4–At, entitled ''Food Safety and Inspection Service: HACCP Implementation, Pathogen Testing Program, Foreign Country Equivalency, Compliance Activities'' and dated June 21, 2000; and

(XIV) report 24001–3–At, entitled ''Implementation of the Hazard Analysis and Critical Control Point System'' and dated June 21, 2000; and

(I) with respect to reports prepared by the Government Accountability Office, the reports designated—

(i) GAO–05–212;

(ii) GAO–02–47T;

(iii) GAO/T–RCED–94–223;

(iv) GAO/RCED–99–80;

(v) GAO/T–RCED–98–191;

(vi) GAO/RCED–98–103;

(vii) GAO–07–785T;

(viii) GAO–05–51;

(ix) GAO/T–RCED–94–311;

(x) GAO/RCED–92–152;

(xi) GAO/T–RCED–99–232;

(xii) GAO/T–RCED–98–271;

(xiii) GAO–07–449T;

(xiv) GAO–05–213;

(xv) GAO–04–588T;

(xvi) GAO/RCED–00–255;

(xvii) GAO/RCED–00–195; and

(xviii) GAO/T–RCED–99–256.

(3) REPORT.—Not later than 360 days after the date on which the Commission first meets, the Commission shall submit to the President and Congress a report that includes the report and summaries, statutory language recommendations, and budget recommendations described in clauses (ii) and (iii) of subsection (a)(1)(B).

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission or, at the direction of the Commission, any member of the Commission, may, for the purpose of carrying out this section—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;

as the Commission or member considers advisable.

(2) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(A) ISSUANCE.—A subpoena issued under paragraph (1)(B) shall—

(i) bear the signature of the Chairperson of the Commission; and

(ii) be served by any person or class of persons designated by the Chairperson for that purpose.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the district in which the subpoenaed person resides, is served, or may be found may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence.

(C) NONCOMPLIANCE.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

(D) WITNESS ALLOWANCES AND FEES.—

(i) IN GENERAL.—Section 1821 of title 28, United States Code, shall apply to a witness requested or subpoenaed to appear at a hearing of the Commission.

(ii) EXPENSES.—The per diem and mileage allowances for a witness shall be paid from funds available to pay the expenses of the Commission.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly, from any Federal agency, such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—

(i) IN GENERAL.—Subject to subparagraph (C), on the request of the Commission, the head of a Federal agency described in subparagraph (A) shall expeditiously furnish information requested by the Commission to the Commission.

(ii) ADMINISTRATION.—The furnishing of information by a Federal agency to the Commission shall not be considered a waiver of any exemption available to the agency under section 552 of title 5, United States Code.

(C) INFORMATION TO BE KEPT CONFIDENTIAL.—For purposes of section 1905 of title 18, United States Code—

(i) the Commission shall be considered an agency of the Federal Government; and

(ii) any individual employed by an individual, entity, or organization that is a party to a contract with the Commission under this section shall be considered an employee of the Commission.

(d) COMMISSION PERSONNEL MATTERS.—

(1) MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed 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 Commission.

(2) STAFF.—

(A) EXECUTIVE DIRECTOR.—Not later than 30 days after the Chairperson and Vice-Chairperson of the Commission are selected under subsection (a)(4), the Chairperson and Vice-Chairperson shall jointly select an individual to serve as executive director of the Commission.

(B) ADDITIONAL STAFF.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate the appointment of such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(C) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director under this paragraph shall be subject to confirmation by the Commission.

(D) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level II of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission, without reimbursement, for such period of time as is permitted by law.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson, Vice-Chairperson, and executive director of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of that title.

(e) FUNDING AND SUPPORT SERVICES.—For each fiscal year, the Secretary of Agriculture and the Secretary of Health and Human Services shall provide to fund the Commission and carry out this section—

(1) from funds made available to the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and amounts made available for the Office of the Secretary of Health and Human Services from appropriations Acts, such equal amounts as are necessary to fund the Commission and otherwise carry out this section; and

(2) such equal contributions of support services as are necessary to assist the Commission in carrying out the duties of the Commission under this section.

(f) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the report under subsection (b)(2).

SEC. 3. TERMINATION OF AUTHORITY RELATING TO FOOD AND FOOD SAFETY.

(a) TERMINATION OF AUTHORITY.—The budget authority to implement the provisions of law described in subsection (b) relating to food and food safety shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) PROVISIONS OF LAW.—The provisions of law referred to in subsection (a) are—

(1) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(2) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(3) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.); and

(4) chapters I through IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 356—AFFIRMING THAT ANY OFFENSIVE MILITARY ACTION TAKEN AGAINST IRAN MUST BE EXPLICITLY APPROVED BY CONGRESS BEFORE SUCH ACTION MAY BE INITIATED

Mr. DURBIN (for himself and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 356

Whereas Article I, Section 8, of the Constitution of the United States vests in Congress all power to declare war: Now, therefore, be it

Resolved, That any offensive military action taken by the United States against Iran must be explicitly approved by Congress before such action may be initiated.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3455. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes.

SA 3456. Mr. SUNUNU proposed an amendment to the bill S. 294, supra.

SA 3457. Mrs. MURRAY proposed an amendment to the bill S. 294, supra.

SA 3458. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 294, supra; which was ordered to lie on the table.

SA 3459. Mrs. MURRAY proposed an amendment to the bill S. 294, supra.

SA 3460. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3461. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3462. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3463. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3464. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3465. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3466. Mr. REID (for Mr. SUNUNU (for himself, Mr. CARPER, Mr. STEVENS, Mr. INOUYE, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mrs. HUTCHISON, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 3678, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

SA 3467. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table.

SA 3468. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3469. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3470. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3455. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

Strike subsection (a) of section 219.

SA 3456. Mr. SUNUNU proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 35, strike line 1 and all that follows through ''(A)'' on line 4 and insert the following:

''(b) IMPLEMENTATION.—Pursuant to any rules or regulations promulgated under subsection (a)

On page 35, strike lines 11 through 16.

SA 3457. Mrs. MURRAY proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows: