By Mr. REID (for himself, Mr. MCCONNELL, Mr. CHAMBLISS, and Mr. ISAKSON):

S. Res. 79. A resolution relative to the death of Representative Charles W. Norwood, Jr., of Georgia; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 80. A resolution to authorize testimony, document production, and legal representation in State of Oregon v. Rebecca Michelson, Michele Darr, and Vernon Huffman; considered and agreed to.

By Mr. FEINGOLD:

S. Con. Res. 11. A concurrent resolution providing that any agreement relating to trade and investment that is negotiated by the executive branch with another country comply with certain minimum standards; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 381

At the request of Mr. INOUYE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 381, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 430

At the request of Mr. BOND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 431

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 464

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 464, a bill to amend title XVIII and XIX of the Social Security Act to improve the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes.

S. 466

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 466, a bill to amend title XVIII of the Social Security Act to provide for coverage of an end-of-life planning consultation as part of an initial preventive physical examination under the Medicare program.

S. 487

At the request of Mr. LEVIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 487, a bill to amend the National Organ Transplant Act to clarify that kidney paired donations shall not be considered to involve the transfer of a human organ for valuable consideration.

S. 494

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 494, a bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

S. 497

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 497, a bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

S. 535

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 558

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. CON. RES. 10

At the request of Mrs. CLINTON, the names of the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Con. Res. 10, a concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary.

S. RES. 30

At the request of Mr. BIDEN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maine (Ms. SNOWE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 30, a resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

S. RES. 65

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 65, a resolution condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

AMENDMENT NO. 243

At the request of Mr. CORKER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 243 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

AMENDMENT NO. 246

At the request of Mr. MARTINEZ, the name of the Senator from Florida (Mr. NELSON) was withdrawn as a cosponsor of amendment No. 246 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

AMENDMENT NO. 247

At the request of Mr. MARTINEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 247 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

AMENDMENT NO. 259

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 259 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida:

S. 559. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the Voting Integrity and Verification Act, VIVA, of 2007. The time has come to ensure that the vote of each American is counted and counted as they intended. VIVA will get us closer to that goal by mandating the use of voter-

verified paper ballots in any election with Federal candidates.

It was President Johnson who helped Black Americans win the right to vote, who said, ''The vote is the most powerful instrument ever devised by man . . .'' Indeed, it is the ability of a nation, like ours, to hold free and fair elections, which guarantees our government is based on consent of the governed; and, majority rule with minority rights.

It is the guarantee of a ballot that cools the impassioned hearts of many in the electorate, even when a majority of citizens disagree with their government over a war, court decision, or action by lawmakers or the executive branch.

For any democracy to long withstand these external and internal conflicts, it is vital that the governed have unwavering faith that their votes will be counted. Ever since the 2000 Presidential recount in Florida and, more recently, the disputed congressional election in Sarasota, an increasingly high number of Americans have come to lack confidence in the way our States record, tally, and verify votes.

If this Congress doesn't act to restore voter confidence, I fear our democracy—in the words of philosopher and educator Robert Maynard Hutchins—could suffer ''a slow extinction from apathy, indifference and undernourishment.''

VIVA authorizes $300 million in Federal funding to assist in the implementation of the requirements in this bill. This bill establishes mandatory security requirements for voting systems used in Federal elections. It also will provide for routine, random audits of paper ballots and make it illegal for a chief State election administration official to take an active part in a political campaign.

With another Presidential election on the horizon, we need to fix this—and fix it now. Let us never have another election after which citizens are left to doubt its legitimacy.

By Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR):

S. 560. A bill to create a Rural Policing Institute as part of the Federal Law Enforcement Training Center; to the Committee on the Judiciary.

Mr. SALAZAR. Mr. President, I have often referred to our rural communities as ''the forgotten America.'' Indeed, rural America is the backbone of our country—but is too often neglected by policymakers and politicians who have lost touch with people in the heartland. Nowhere is this neglect felt more acutely than in small-town law enforcement agencies—which have been confronted with decreased funding, increased homeland security responsibilities, and the great toll of a meth epidemic that is devastating rural America.

Many people do not realize that most American law enforcement agencies serve rural communities or small towns. Indeed, of the nearly 17,000 police agencies in the United States, 90 percent serve a population of under 25,000 and operate with fewer than 50 sworn officers.

I am well aware of the difficulties small town law enforcement agencies face day-in, day-out. When I was the attorney general of Colorado, I had the honor to work with some of America's finest law enforcement officials—many of them from rural Colorado. Men like Jerry Martin, the Dolores County Sherriff, who have consistently been able to do more with less. But the pressure they face is great.

The growing demands on rural law enforcement, and shrinking budgets, have hit training programs particularly hard. Many rural law enforcement agencies simply do not have the budget to provide officers with adequate training. Furthermore, even those agencies that can come up with the money simply can't afford to take their police officers off the beat long enough to get additional training.

That is where the Rural Policing Institute comes in. FLETC does a fantastic job training Federal, State, and local law enforcement officials. But FLETC does not have enough resources dedicated specifically toward training rural law enforcement officials. So the Rural Policing Institute would: evaluate the needs of rural and tribal law enforcement agencies; develop training programs designed to address the needs of rural law enforcement agencies, with a focus on combating meth, domestic violence, and school violence; export those training programs to rural and tribal law enforcement agencies; and conduct outreach to ensure that the training programs reach rural law enforcement agencies.

As Colorado's attorney general, I learned that a small investment in law enforcement training can pay great dividends. This legislation would do just that—by ensuring that our rural and small town law enforcement officers have the training they need to protect their communities.

I am proud of my roots in rural southern Colorado. Communities like mine are the heart of our Nation—and the men and women who protect them deserve the best possible training.

I thank Senators CHAMBLISS, ISAKSON, and PRYOR for cosponsoring this legislation.

By Mr. BUNNING (for himself, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. BURR, Mr. CRAIG, Mr. DEMINT, Mr. DOMENICI, Mr. HATCH, Mrs. HUTCHISON, MR. INHOFE, Mr. ROBERTS, Mr. SMITH, Mr. VITTER, and Mr. WARNER):

S. 561. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today in support of the American family and the need to extend important tax relief provisions to help make adoption more affordable. The high cost of adoptions causes many couples to dismiss adoption as too expensive. By helping to ease this financial burden, we can encourage the development of more stable families and provide a brighter future for thousands of children.

These important goals prompted us to act in 2001, when we passed important adoption incentives in the form of tax credits. However, these provisions are set to expire or ''sunset'' after December 31, 2010.

Our entire society benefits when children are placed with loving, permanent families. That is why today I am introducing the Adoption Tax Relief Guarantee Act with Senator BEN NELSON.

The Adoption Tax Relief Guarantee Act will permanently extend the 2001 adoption incentives allowing those Americans who adopt a child to continue to receive a credit in the amount of their qualified expenses and guarantees the maximum $10,000 credit for those who adopt children with special needs. This legislation will help middle class families break the financial barriers and successfully adopt a child, especially those children with special needs who are in particular need of a loving home.

I am pleased that Senators from both sides of the aisle have cosponsored this legislation, and that it has received endorsement from the National Council for Adoption and RESOLVE: the National Infertility Association. The adoption tax credit and assistance programs have already helped countless children and families by making adoption more affordable. We owe it to future generations of children in need to make these provisions permanent.

I ask unanimous consent that the text of the Adoption Tax Relief Guarantee Act, 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. 561

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 Adoption Tax Relief Guarantee Act''.

SEC. 2. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 202 (relating to expansion of adoption credit and adoption assistance programs).''.

By Ms. COLLINS:

S. 562. A bill to provide for flexibility and improvements in elementary and

secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today to introduce the No Child Left Behind Flexibility and Improvements Act. I am pleased to be joined in this effort by my colleague from Maine, Senator SNOWE. Our legislation would give greater local control and flexibility to Maine and other States in their efforts to implement the No Child Left Behind Act, NCLB, and provides common sense reforms in keeping with the worthy goals of NCLB.

Since NCLB was enacted in 2002, I have had the opportunity to meet with numerous Maine educators to discuss their concerns with the law. In response to their concerns, in March 2004, Senator SNOWE and I commissioned the Maine NCLB Task Force to examine the implementation issues facing Maine under both NCLB and the Maine Learning Results. Our task force included members from every county in the State and had superintendents, teachers, principals, school board members, parents, business leaders, former State legislators, special education experts, assessment specialists, officials from the Maine Department of Education, a former Maine Commissioner of Education, and the Dean from the University of Maine's College of Education and Human Development.

After a year of study, the Task Force presented us with its final report outlining recommendations for possible statutory and regulatory changes to the Act. These recommendations form the basis of the legislation that we are introducing today.

First, our legislation would provide new flexibility for teachers of multiple subjects at the secondary school level to help them meet the ''highly qualified teacher'' requirements. Unfortunately, the current regulations place undue burdens on teachers at small and rural schools who often teach multiple subjects due to staffing needs, and on special education teachers who work with students on a variety of subjects throughout the day. Under the bill, provided these teachers are highly qualified for one subject they teach, they will be provided additional time and less burdensome avenues to satisfy the remaining requirements.

Second, our legislation would provide greater flexibility to States in the ways that they demonstrate student progress in meeting State education standards. Specifically, it would permit States to use a cohort growth model, which tracks the progress of the same group of students over time. It would also permit the use of an ''indexing'' model, where progress is measured based on the number of students whose scores improve from, for example, a ''below-basic'' to a ''basic'' level, and not simply on the number of students who cross the ''proficient'' line.

Third, our legislation would provide schools with better notice regarding possible performance issues, allowing schools a chance to identify and work with a particular group of students before being identified. It would expand the existing ''safe-harbor'' provisions to allow more schools to qualify for this important protection. The changes made in our bill are in keeping with what assessment experts and teachers know—that significant gains in academic achievement tend to occur gradually and over time.

Fourth, our legislation would allow the members of a special education student's IEP team to determine the best assessment for that individual student, and would permit the student's performance on that assessment to count for all NCLB purposes.

One reason this change is so important for Maine is that we have small student populations and Maine has chosen a very small subgroup size—only 20 students. I was very concerned to hear reports that in some schools, special education students fear that they are being blamed for their school not making adequate yearly progress. While the statute explicitly prohibits the disaggregation of student data if it would jeopardize student privacy, I am concerned to hear that this is not working out in practice.

This legislative change is also based on principles of fairness and common sense. Many times, it simply does not make sense to require a special needs student to take a grade-level assessment that everyone knows he or she is not ready to take. Many special education students are referred for special education services precisely because they cannot meet grade-level expectations. Allowing the IEP team to determine the best test for each special student will bring an important improvement to the Act.

Fifth, the legislation addresses my concern about the statute's current requirement that all schools reach 100 percent proficiency by 2013–2014. Our bill would require the Secretary of Education to review progress by the States toward meeting this goal every 3 years, and would allow her to modify the timeline as necessary.

Our legislation is a comprehensive effort to provide greater flexibility and commonsense modifications to address the key NCLB challenges facing Maine, and other States. I look forward to working with my colleagues on these issues during the upcoming NCLB reauthorization process.

By Ms. COLLINS:

S. 563. A bill to extend the deadline by which State identification documents shall comply with certain minimum standards and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce legislation to address the growing concern among States regarding the Real ID Act of 2005, which requires States to meet minimum security standards before citizens can use drivers' licenses for Federal purposes. As the deadline for compliance with Real ID rapidly approaches, States are beginning to send a very clear message that they are deeply concerned that they will not be able to meet these standards. The bill I introduce today recognizes those concerns by giving everyone more time to devise a way to make drivers' licenses more secure without unduly burdening State governments and without threatening privacy and civil liberties.

To begin, some background may be useful. The 9/11 Commission, finding that all but one of the 9/11 hijackers had acquired some form of U.S. identification, recommended that the Federal Government should set standards for the issuance of drivers' licenses. Taking up that recommendation I worked with a bipartisan group of Senators, especially Senator LIEBERMAN, to craft a provision in the 2004 Intelligence Reform and Terrorism Prevention Act that would accomplish this goal. This provision called for the creation of a committee composed of experts from the Federal Government, from State governments, and from other interested parties such as privacy and civil liberties advocates and information technology groups. This committee was charged with developing a means of providing secure identification that protected privacy and civil liberties and respected the role of States in issuing these documents.

The committee diligently began meeting, but before it could complete its work, the House of Representatives attached the Real ID Act of 2005 to an emergency war supplemental bill, thus halting this productive effort. Unlike our intelligence reform bill, the Real ID Act of 2005 did not include States and other interested parties in the rulemaking process and instead instructed the Department of Homeland Security to simply write its own regulations. Nearly 2 years later, we still have not seen these regulations in spite of a looming May 2008 deadline for States to be in compliance with the Real ID Act.

As States begin work this year on their 2008 budgets, they still have no idea what the regulations will require of them. They do know, from a study released in 2006 by the National Governors Association, that the cost to States to implement Real ID could total more than $11 billion over the first 5 years. As a result, many States—my home State of Maine included—have passed resolutions that have sent the message to Washington that they cannot and will not implement Real ID by the May 2008 deadline.

My bill has two primary objectives: 1. It gives us the time and flexibility we need to come up with an effective system to provide secure drivers' licenses; and 2. it gets the experts from the States and from the technology industry and from the privacy and civil liberties advocates back at the table and gives them a chance to make these regulations work.

There are three main provisions in this bill: First, the bill provides that States will not have to be Real ID compliant until 2 years after the final regulations are promulgated. This means that no matter how long it takes the Department of Homeland Security to finish these regulations, States will have a full 2 years to implement them. Most likely that will mean an extension from 2008 to 2010.

Second, the bill gives the Secretary of Homeland Security more flexibility to waive certain requirements of Real ID if an aspect of the program proves technically difficult to implement. Under the current law, the Secretary of Homeland Security has the discretion to waive the requirements for Real ID on a State-by-State basis if the State cannot comply for justifiable reasons. Because it is possible that some of the technological advances necessary for Real ID may not be in place when compliance is required, the bill will provide the Secretary specific authority to waive compliance with specific requirements if these technological systems are not up and running—relieving the States from the burden of seeking exemptions from Real ID for technological reasons not within their control.

Third, it reconstitutes the committee that we created in 2004 and that was making good progress in its discussions. The committee would be required to look at the regulations published by the Department of Homeland Security and to make suggestions for modifications to meet the concerns of States, privacy advocates, and the other interested parties. The committee would report these suggestions to the Department of Homeland Security and to Congress. The Department of Homeland Security would either have to make these modifications or explain why it chose not to do so. In addition, the committee could recommend to Congress statutory changes that would mitigate concerns that could not be addressed by modifications to the regulations.

This bill gives us the time and the information that Congress and the Department of Homeland Security need to better implement the recommendations of the 9/11 Commission in order to make our drivers' licenses secure so that they cannot be used again as a part of a plot to attack our country. This bill does this in a way that does not rewind the clock three years but instead keeps us moving forward to a more secure America.

I look forward to working with my colleagues on both sides of the aisle to address Real ID and to put us back on track in protecting our privacy, protecting our liberty, and protecting our country.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 564. A bill to modernize water resources planning, and for other purposes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, today I introduce the Water Resources Planning and Modernization Act of 2007. I am pleased to be joined in introducing this legislation by the senior Senator from Arizona, Mr. MCCAIN. We have worked together for some time to modernize the U.S. Army Corps of Engineers and I thank Senator MCCAIN for his continued commitment to this issue.

I was pleased that the Senate made significant progress last Congress and included many key reforms in the Senate-passed Water Resources Development Act. I again thank my colleagues who cosponsored a successful independent peer review amendment: the Senator from Delaware, Mr. CARPER; the Senator from Connecticut, Mr. LIEBERMAN; the former Senator from Vermont, Mr. Jeffords; and the Senators from Maine, Ms. COLLINS and Ms. SNOWE. I also want to acknowledge the Senator from California, Mrs. BOXER, for her support for this amendment. In addition, I appreciate the efforts to include reform provisions in the underlying bill by the then-Environment and Public Works Committee Chairs and Ranking Members: the former Senator from Vermont, Mr. Jeffords; the Senator from Montana, Mr. BAUCUS; the Senator from Oklahoma, Mr. INHOFE; and the Senator from Missouri, Mr. BOND. After six years of efforts on this issue, we made significant progress. However, negotiations between the House and Senate stalled and no conference report was agreed to.

By introducing this bill today, I am renewing my efforts to ensure that the Corps of Engineers' water resources planning is brought into the 21st century. As we all know, Hurricane Katrina produced one of the most tragic and costly natural disasters in our Nation's history. Water resources projects authorized by Congress and planned by the Corps of Engineers contributed to the loss of vital coastal wetlands (which can provide natural buffers from storm surge), intensified the storm surge into New Orleans, and encouraged development in flood-prone areas.

The flawed project planning, however, did not end there. Floodwalls and levees that the Corps built to protect New Orleans failed catastrophically during Hurricane Katrina. It is now well recognized and indeed, the Corps has acknowledged—that flawed engineering and construction led to those failures and the flooding of much of New Orleans.

Over the past decade, dozens of governmental and scientific studies have documented other flaws in Corps of Engineers' project planning. Most recently, the Government Accountability Office (GAO) testified that recent Corps studies ''did not provide a reasonable basis for decision-making'' because they were ''were fraught with errors, mistakes, and miscalculations, and used invalid assumptions and outdated data.'' The GAO found that the recurring problems at the agency were ''systemic in nature and therefore prevalent throughout the Corps' Civil Works portfolio.''

We can, and must, do better.

Congress should not authorize additional Army Corps projects until it has considered and passed the reforms included in the Water Resources Planning and Modernization Act. From ensuring large projects are sound to using natural resources to protect our communities, modernizing water resources policy is a national priority.

The Water Resources Planning and Modernization Act of 2007 represents a sensible effort to increase our environmental stewardship and significantly reduce the government waste inherent in poorly designed or low priority U.S. Army Corps of Engineers projects. It represents a way to both protect the environment and save taxpayer dollars. With support from Taxpayers for Common Sense Action, National Taxpayers Union, Council for Citizens Against Government Waste, American Rivers, Association of State Wetland Managers, Defenders of Wildlife, Earthjustice, Environmental Defense, Friends of the Earth, National Wildlife Federation, Republicans for Environmental Protection, Sierra Club, Surfrider Foundation, and the World Wildlife Fund, the bill has the backing of a committed and diverse coalition.

The Water Resources Planning and Modernization Act of 2007 can be broadly divided into five parts: ensuring sound projects and responsible spending, valuing our natural resources, focusing our resources, identifying vulnerabilities, and updating the Army Corps of Engineer's planning guidelines.

To ensure that Corps water resources projects are sound, the bill requires independent review of those projects estimated to cost over $40 million, those requested by a Governor of an affected state, those which the head of a federal agency has determined may lead to a significant adverse impact, or those that the Secretary of the Army has found to be controversial. As crafted in the bill, independent review should not increase the length of time required for project planning but would protect the public—both those in the vicinity of massive projects and those whose tax dollars are funding projects. The Director of Independent Review can also require independent review of the technical designs and construction of flood damage reduction projects to ensure public safety and welfare. The independent review provision is identical to that supported by a majority of my colleagues last Congress and included in the Senate-passed WRDA.

We must do a better job of valuing our natural resources, such as wetlands, that provide important services. These resources can help buffer communities from storms, filter contaminants out of our water, support vibrant economies, and provide vital fish and wildlife habitat. Recognizing the role

of these natural systems, the Water Resources Planning and Modernization Act of 2007 brings the Corps' 1986 mitigation standards into line with their regulatory program by requiring Corps water resources projects to meet the same mitigation standard that is required of all private citizens and other entities under the Clean Water Act. Where States have adopted stronger mitigation standards, the Corps must meet those standards. I feel very strongly that the Federal government should be able to live up to this requirement. Unfortunately, all too often, the Corps has not completed required mitigation. This legislation will make sure that mitigation is completed, that the true costs of mitigation are accounted for in Corps projects, and that the public is able to track the progress of mitigation projects.

Our current prioritization process is not serving the public good. To address this problem, the bill reinvigorates the Water Resources Council, originally established in 1965, and charges it with providing Congress a prioritized list of authorized water resource projects within one year of enactment and then every two years following. The prioritized list would also be printed in the Federal Register for the public to see. The Water Resources Council described in the bill, comprised of cabinet-level officials, would bring together varied perspectives to shape a list of national needs. In short, the prioritization process would be improved to make sure Congress has the tools to more wisely invest limited resources while also increasing public transparency in decision making—both needed and reasonable improvements to the status quo.

Taking stock of our vulnerabilities to natural disasters must also be a priority. For this reason, the bill also directs the Water Resources Council to identify and report to Congress on the nation's vulnerability to flood and related storm damage, including the risk to human life and property, and relative risks to different regions of the country. The Water Resources Council would also recommend improvements to the nation's various flood damage reduction programs to better address those risks. Many of these improvements were discussed in a government report following the 1993 floods so the building blocks are available; we just need to update the assessment. Then, of course, we must actually take action based on the assessment. To help speed such action, the legislation specifies that the Administration will submit a response to Congress, including legislative proposals to implement the recommendations, on the Water Resources Council report no later than 90 days after the report has been made public. We cannot afford to have this report, which will outline improvements to our flood damage reduction programs, languish like others before it.

The process by which the Army Corps of Engineers analyzes water projects should undergo periodic revision. Unfortunately, the Corps' principles and guidelines, which bind the planning process, have not been updated since 1983. This is why the bill requires that the Water Resources Council work in coordination with the National Academy of Sciences to propose periodic revisions to the Corps' planning principles and guidelines, regulations, and circulars. Updating the project planning process should involve consideration of a variety of issues, including the use of modern economic analysis and the same discount rates as used by all other Federal agencies. Simple steps such as these will lead to more precise estimates of project costs and benefits, a first step to considering whether a project should move forward.

Modernizing all aspects of our water resources policy will help restore credibility to a Federal agency historically rocked by scandal and currently plagued by public skepticism. Congress has long used the Army Corps of Engineers to facilitate favored pork-barrel projects, while periodically expressing a desire to change its ways. Back in 1836, a House Ways and Means Committee report referred to Congress ensuring that the Corps sought ''actual reform, in the further prosecution of public works.'' Over 150 years later, the need for actual reform is stronger than ever.

My office has strong working relationships with the Detroit, Rock Island, and St. Paul District Offices that service Wisconsin, and I do not want this bill to be misconstrued as reflecting on the work of those district offices. What I do want is the fiscal and management cloud over the entire Army Corps to dissipate so that the Corps can better contribute to our environment and our economy—without wasting taxpayer dollars or endangering public safety.

I wish the changes we are proposing today were not needed, but unfortunately that is not the case. In fact, if there were ever a need for the bill, it is now. We must make sure that future Corps projects produce predicted benefits, are in furtherance of national priorities, and do not have negative environmental impacts. This bill gives the Corps the tools it needs to do a better job and focuses the attention of Congress on national needs, which is what the American taxpayers and the environment deserve.

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. 564

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 ''Water Resources Planning and Modernization Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term ''Council'' means the Water Resources Council established under section 101 of the Water Resources Planning Act (42 U.S.C. 1962a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

SEC. 3. NATIONAL WATER RESOURCES PLANNING AND MODERNIZATION POLICY.

It is the policy of the United States that all water resources projects carried out by the Corps of Engineers shall—

(1) reflect national priorities for flood damage reduction, navigation, and ecosystem restoration; and

(2) seek to avoid the unwise use of floodplains, minimize vulnerabilities in any case in which a floodplain must be used, protect and restore the extent and functions of natural systems, and mitigate any unavoidable damage to natural systems.

SEC. 4. MEETING THE NATION'S WATER RESOURCE PRIORITIES.

(a) REPORT ON THE NATION'S FLOOD RISKS.—Not later than 18 months after the date of enactment of this Act, the Council shall submit to the President and Congress a report describing the vulnerability of the United States to damage from flooding and related storm damage, including the risk to human life, the risk to property, and the comparative risks faced by different regions of the country. The report shall assess the extent to which the Nation's programs relating to flooding are addressing flood risk reduction priorities and the extent to which those programs may unintentionally be encouraging development and economic activity in floodprone areas, and shall provide recommendations for improving those programs in reducing and responding to flood risks. Not later than 90 days after the report required by this subsection is published in the Federal Register, the Administration shall submit to Congress a report that responds to the recommendations of the Council and includes proposals to implement recommendations of the Council.

(b) PRIORITIZATION OF WATER RESOURCES PROJECTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Council shall submit to Congress an initial report containing a prioritized list of each water resources project of the Corps of Engineers that is not being carried out under a continuing authorities program, categorized by project type and recommendations with respect to a process to compare all water resources projects across project type. The Council shall submit to Congress a prioritized list of water resources projects of the Corps of Engineers every 2 years following submission of the initial report. In preparing the prioritization of projects, the Council shall endeavor to balance stability in the rankings from year to year with recognizing newly authorized projects. Each report prepared under this paragraph shall provide documentation and description of any criteria used in addition to those set forth in paragraph (2) for comparing water resources projects and the assumptions upon which those criteria are based.

(2) PROJECT PRIORITIZATION CRITERIA.—In preparing a report under paragraph (1), the Council shall prioritize each water resource project of the Corps of Engineers based on the extent to which the project meets at least the following criteria:

(A) For flood damage reduction projects, the extent to which such a project—

(i) addresses the most critical flood damage reduction needs of the United States as identified by the Council;

(ii) does not encourage new development or intensified economic activity in flood prone areas and avoids adverse environmental impacts; and

(iii) provides significantly increased benefits to the United States through the protection of human life, property, economic activity, or ecosystem services.

(B) For navigation projects, the extent to which such a project—

(i) produces a net economic benefit to the United States based on a high level of certainty that any projected trends upon which the project is based will be realized;

(ii) addresses priority navigation needs of the United States identified through comprehensive, regional port planning; and

(iii) minimizes adverse environmental impacts.

(C) For environmental restoration projects, the extent to which such a project—

(i) restores the natural hydrologic processes and spatial extent of an aquatic habitat;

(ii) is self-sustaining; and

(iii) is cost-effective or produces economic benefits.

(3) SENSE OF CONGRESS.—It is the sense of Congress that to promote effective prioritization of water resources projects, no project should be authorized for construction unless a final Chief's report recommending construction has been submitted to Congress, and annual appropriations for the Corps of Engineers' Continuing Authorities Programs should be distributed by the Corps of Engineers to those projects with the highest degree of design merit and the greatest degree of need, consistent with the applicable criteria established under paragraph (2).

(c) MODERNIZING WATER RESOURCES PLANNING GUIDELINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Council, in coordination with the National Academy of Sciences, shall propose revisions to the planning principles and guidelines, regulations, and circulars of the Corps of Engineers to improve the process by which the Corps of Engineers analyzes and evaluates water projects.

(2) PUBLIC PARTICIPATION.—The Council shall solicit public and expert comment and testimony regarding proposed revisions and shall subject proposed revisions to public notice and comment.

(3) REVISIONS.—Revisions proposed by the Council shall improve water resources project planning through, among other things—

(A) focusing Federal dollars on the highest water resources priorities of the United States;

(B) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by all other Federal agencies;

(C) discouraging any project that induces new development or intensified economic activity in flood prone areas, and eliminating biases and disincentives to providing projects to low-income communities, including fully accounting for the prevention of loss of life as required by section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281);

(D) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;

(E) utilizing a comprehensive, regional approach to port planning;

(F) promoting environmental restoration projects that reestablish natural processes;

(G) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993; and

(H) ensuring the effective implementation of the National Water Resources Planning and Modernization Policy established by this Act.

(d) REVISION OF PLANNING GUIDELINES.—Not later than 180 days after submission of the proposed revisions required by subsection (b), the Secretary shall implement the recommendations of the Council by incorporating the proposed revisions into the planning principles and guidelines, regulations, and circulars of the Corps of Engineers. These revisions shall be subject to public notice and comment pursuant to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''). Effective beginning on the date on which the Secretary carries out the first revision under this paragraph, the Corps of Engineers shall not be subject to—

(1) subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17); and

(2) any provision of the guidelines entitled ''Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies'' and dated 1983, to the extent that such a provision conflicts with a guideline revised by the Secretary.

(e) AVAILABILITY.—Each report prepared under this section shall be published in the Federal Register and submitted to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(f) WATER RESOURCES COUNCIL.—Section 101 of the Water Resources Planning Act (42 U.S.C. 1962a) is amended in the first sentence by inserting ''the Secretary of Homeland Security, the Chairperson of the Council on Environmental Quality,'' after ''Secretary of Transportation,''.

(g) FUNDING.—In carrying out this section, the Council shall use funds made available for the general operating expenses of the Corps of Engineers.

SEC. 5. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term ''construction activities'' means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term ''project study'' means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) DIRECTOR OF INDEPENDENT PEER REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and

shall immediately make the report available to the public on the Internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel. Panels may be established as early in the planning process as deemed appropriate by the Director of Independent Review, but shall be appointed no later than 90 days before the release for public comment of a draft study subject to review under subsection (c)(1)(A), and not later than 30 days after a determination that review is necessary under subsection (c)(1)(B), (c)(1)(C), or (c)(1)(D).

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105-2-408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review makes a determination that an independent review is necessary to ensure public health, safety, and welfare on any project—

(A) for which the reliability of performance under emergency conditions is critical;

(B) that uses innovative materials or techniques;

(C) for which the project design is lacking in redundancy, or that has a unique construction sequencing or a short or overlapping design construction schedule; or

(D) other than a project described in subparagraphs (A) through (C), as the Director of Independent Review determines to be appropriate.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director of Independent Review shall ensure that these reviews be carried out in a way to protect the public health, safety, and welfare, while not causing unnecessary delays in construction activities.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall—

(A) take into consideration recommendations contained in the report, provide a written explanation of recommendations not adopted, and immediately make the report and explanation available to the public on the Internet; and

(B) submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 6. MITIGATION.

(a) MITIGATION.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1), by striking ''to the Congress'' and inserting ''to Congress, and shall not choose a project alternative in any final record of decision, environmental impact statement, or environmental assessment,'', and by inserting in the second sentence ''and other habitat types'' after ''bottomland hardwood forests''; and

(2) by adding at the end the following:

''(3) MITIGATION REQUIREMENTS.—

''(A) MITIGATION.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that mitigation for each water resources project complies fully with the mitigation standards and policies established by each State in which the project is located. Under no circumstances shall the mitigation required for a water resources project be less than would be required of a private party or other entity under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

''(B) MITIGATION PLAN.—The specific mitigation plan for a water resources project required under paragraph (1) shall include, at a minimum—

''(i) a detailed plan to monitor mitigation implementation and ecological success, including the designation of the entities that will be responsible for monitoring;

''(ii) specific ecological success criteria by which the mitigation will be evaluated and determined to be successful, prepared in consultation with the Director of the United States Fish and Wildlife Service or the Director of the National Marine Fisheries Service, as appropriate, and each State in which the project is located;

''(iii) a detailed description of the land and interests in land to be acquired for mitigation, and the basis for a determination that land and interests are available for acquisition;

''(iv) sufficient detail regarding the chosen mitigation sites, and types and amount of restoration activities to be conducted, to permit a thorough evaluation of the likelihood of the ecological success and aquatic and terrestrial resource functions and habitat values that will result from the plan; and

''(v) a contingency plan for taking corrective actions if monitoring demonstrates that mitigation efforts are not achieving ecological success as described in the ecological success criteria.

''(4) DETERMINATION OF MITIGATION SUCCESS.—

''(A) IN GENERAL.—Mitigation under this subsection shall be considered to be successful at the time at which monitoring demonstrates that the mitigation has met the ecological success criteria established in the mitigation plan.

''(B) EVALUATION AND REPORTING.—The Secretary shall consult annually with the Director of the United States Fish and Wildlife Service and the Director of the National Marine Fisheries Service, as appropriate, and each State in which the project is located, on each water resources project requiring mitigation to determine whether mitigation monitoring for that project demonstrates that the project is achieving, or has achieved, ecological success. Not later than 60 days after the date of completion of the annual consultation, the Director of the United States Fish and Wildlife Service or the Director of the National Marine Fisheries Service, as appropriate, shall, and each State in which the project is located may, submit to the Secretary a report that describes—

''(i) the ecological success of the mitigation as of the date of the report;

''(ii) the likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan;

''(iii) the projected timeline for achieving that success; and

''(iv) any recommendations for improving the likelihood of success.

The Secretary shall respond in writing to the substance and recommendations contained in such reports not later than 30 days after the date of receipt. Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.''.

(b) MITIGATION TRACKING SYSTEM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project constructed, operated, or maintained by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and other habitat types affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation required for the project, project operation, or permitted activity;

(C) the quantity and type of mitigation that has been completed for the project, project operation, or permitted activity; and

(D) the status of monitoring for the mitigation carried out for the project, project operation, or permitted activity.

(2) REQUIRED INFORMATION AND ORGANIZATION.—The recordkeeping system shall—

(A) include information on impacts and mitigation described in paragraph (1) that occur after December 31, 1969; and

(B) be organized by watershed, project, permit application, and zip code.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 7. PROJECT ADMINISTRATION.

(a) CHIEF'S REPORTS.—The Chief of Engineers shall not submit a Chief's report to Congress recommending construction of a water resources project until that Chief's report has been reviewed and approved by the Secretary of the Army.

(b) PROJECT TRACKING.—The Secretary shall assign a unique tracking number to each water resources project, to be used by each Federal agency throughout the life of the project.

(c) REPORT REPOSITORY.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers. These documents shall be made available to the public for review, and electronic copies of those documents shall be permanently available, through the Internet website of the Corps of Engineers.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. MARTINEZ, Mrs. CLINTON, Mr. CORNYN, Mr. SALAZAR, and Mrs. BOXER):

S. 565. A bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the next generation of Hispanic Serving Institutions legislation. This legislation is critical if we, as a nation, are going to continue to compete in a global economy. Education is the key to building a strong and dynamic economy, and therefore, it is our obligation to ensure quality educational opportunities for all Americans. That is why I am introducing, along with my colleague, Senator HUTCHISON, the Next Generation Hispanic Serving Institutions Act of 2007. This legislation is supported by the Hispanic Associations of Colleges and Universities, and the Hispanic Education Coalition, a coalition of 25 organizations dedicated to improving educational opportunities for more than 40 million Hispanics living in the United States. I ask unanimous consent that their letters of support appear in the text following this statement. Senators BILL NELSON, MARTINEZ, CLINTON, CORNYN, SALAZAR, BOXER, and FEINSTEIN have joined in this effort as cosponsors.

According to Census Bureau data, the Hispanic population in the United States grew by 25.7 million between 1970 and 2000, and continues to grow at a very brisk pace. The most recent Census data puts the Hispanic population at over 40 million, representing approximately 14 percent of the U.S. population and making it the Nation's largest minority group. Estimates project that the Hispanic population will grow by 25 million between 2000 and 2020. By the year 2050, 1 in 4 Americans will be of Hispanic origin.

Currently, Hispanics make up about 13 percent of the U.S. labor force. While the overall labor force is projected to slow down over the next decades as an increasing number of workers reach retirement age, the Hispanic labor force is expected to continue growing at a fast pace. It will expand by nearly 10 million workers between now and 2020, through a combination of immigration and native-born youth reaching working age.

Our Nation's economic and social success rests, in large part, on the level of skills and knowledge attained by our Hispanic population.

I was one of the authors and lead supporters of the original Hispanic-Serving Institutions proposal when it was enacted as part of the Higher Education Act in 1992 in order to increase educational opportunities for Hispanic students. Since then, Hispanic-Serving Institutions (HSIs) have made significant strides in increasing the number of Hispanic students enrolling in and graduating from college. Although Hispanic-serving institutions account for only 5 percent of all institutions of higher education in the United States, HSIs enroll over half (51 percent) of all Hispanics pursuing higher education degrees in the 50 States, the District of Columbia, and Puerto Rico.

While Hispanic high school graduates go on to college at higher rates than they did even ten years ago, Hispanics still lag behind their non-Hispanic peers in postsecondary school enrollment. In 2000, only 21.7 percent of all Hispanics ages 18 through 24 were enrolled in postsecondary degree-granting institutions in the United States.

We must take HSIs to the next level. While the percentage of Hispanics attending college has increased significantly over the past few years, Hispanics only earned 6 percent of all bachelor's degrees awarded, 4 percent of all master's degrees, and only 3 percent of all doctorates. But the pace of bachelor's degrees or higher earned by Hispanics is accelerating rapidly, according to the Department of Education. Therefore, we must keep pace. We must increase the capacity of our institutions of higher education to serve the increasing number of Hispanic students.

The Next Generation HSI bill does just that. Simply, this legislation will improve educational opportunities for Hispanic students by establishing a competitive grant program to expand post-baccalaureate degree opportunities at HSIs.

Current law only provides support for two-year and four-year Hispanic Serving Institutions. This legislation will support graduate fellowships and support services for graduate students, facilities improvement, faculty development, technology and distance education, and collaborative arrangements with other institutions. This legislation will build capacity and establish a long overdue graduate program for HSIs.

Hispanic students now account for nearly 17 percent of the total kindergarten through grade 12 student population. Estimates project that this student population will grow from 11 million in 2005 to 16 million in 2020. We must provide our institutions of higher education with the resources and supports to build capacity and serve the increasing Hispanic student population. We must be ready for the next generation of students to meet the demands of a competitive workforce and to fully participate in the global economy. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

HACU,
San Antonio, TX, February 8, 2007.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the Hispanic Association of Colleges and Universities (HACU) and its 450 member institutions, I want to express my sincerest appreciation for your efforts in re-introducing the ''Next Generation Hispanic-Serving Institutions Act.'' You have long been a champion of Hispanic higher education issues and we appreciate all that you do.

This landmark piece of legislation, first introduced in the 108th Congress with bipartisan support, will help to eradicate the chronic shortage of Hispanic professionals lacking advanced degrees. As we both know, the number of Hispanics earning post-baccalaureate degrees at HSIs between the years of 1991 and 2000 increased by 136 percent, thus showing the demand and need to increase graduate program capacity at these institutions. Of the more than 270 HSIs serving half

of the 1.8 million Hispanics enrolled in higher education programs, only 44 have graduate programs in place. This failure to provide adequate graduate opportunity is a travesty to the Hispanic community and should be addressed.

The eagerly anticipated re-introduction of The Next Generation Hispanic-Serving Institutions Act in the 110th Congress will be a central focus of HACU's 2007 Legislative Agenda. As the only nationally recognized voice for our country's fast-growing community of HSIs, HACU fully recognizes the critical importance of this proposal to dramatically expand post-baccalaureate degree opportunities for the country's youngest and largest ethnic population.

Your past success at winning support for HSIs in Title V of the Higher Education Act and your new efforts to build upon that success with the inclusion of a new graduate education component are extraordinary testimony to your leadership in opening the doors to college and career success for this and future generations of our youth.

Please call upon our offices for any assistance in support of your important work, which is so critical to building a better future for our Hispanic communities and for our country.

Respectfully,

ANTONIO R. FLORES,
President and CEO.

HISPANIC EDUCATION COALITION,
February 8, 2007.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the Hispanic Education Coalition and its twenty-five member organizations, we express our strong support for your re-introduction of the ''Next Generation Hispanic-Serving Institutions Act.'' You have long been a champion of Hispanic higher education, and we appreciate all that you do to secure equal educational opportunities for Latinos.

The Next Generation Hispanic-Serving Institutions Act will help to eradicate the chronic shortage of Hispanic professionals with advanced degrees. The number of Hispanics earning post-baccalaureate degrees at HSIs between the years of 1991 and 2000 increased by 136 percent, demonstrating a high demand and need to increase graduate program capacity at these institutions. Out of 262 HACU member HSIs that serve over 50% of the 1.6 million Hispanics enrolled in higher education programs, only 44 currently have graduate programs in place. The Next Generation Hispanic-Serving Institutions Act will help to remedy this deficit.

The Hispanic Education Coalition and its member organizations commend your leadership and will work with you to secure final passage of this important legislation.

Sincerely,

PETER ZAMORA,
Acting Regional Counsel, MALDEF.
ROGER ROSENTHAL,
Executive Director, Migrant Legal Action Program.

S. 565

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 ''Next Generation Hispanic-Serving Institutions Act''.

SEC. 2. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 (20 U.S.C. 1101d) the following new part:

''PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

''SEC. 511. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds the following:

''(1) According to the United States Census, by the year 2050 one in four Americans will be of Hispanic origin.

''(2) Despite the dramatic increase in the Hispanic population in the United States, the National Center for Education Statistics reported that in 1999, Hispanics accounted for only 4 percent of the master's degrees, 3 percent of the doctor's degrees, and 5 percent of first-professional degrees awarded in the United States.

''(3) Although Hispanics constitute 10 percent of the college enrollment in the United States, they comprise only 3 percent of instructional faculty in colleges and universities.

''(4) The future capacity for research and advanced study in the United States will require increasing the number of Hispanics pursuing postbaccalaureate studies.

''(5) Hispanic-serving institutions are leading the Nation in increasing the number of Hispanics attaining graduate and professional degrees.

''(6) Among Hispanics who received master's degrees in 1999–2000, 25 percent earned them at Hispanic-serving institutions.

''(7) Between 1991 and 2000, the number of Hispanic students earning master's degrees at Hispanic-serving institutions grew 136 percent, the number receiving doctor's degrees grew by 85 percent, and the number earning first-professional degrees grew by 47 percent.

''(8) It is in the national interest to expand the capacity of Hispanic-serving institutions to offer graduate and professional degree programs.

''(b) PURPOSES.—The purposes of this part are—

''(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

''(2) to expand and enhance the postbaccalaureate academic offerings, and program quality, that are educating the majority of Hispanic college students and helping large numbers of Hispanic students and other low-income individuals complete postsecondary degrees.

''SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

''(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to Hispanic-serving institutions that offer postbaccalaureate certifications or degrees.

''(b) ELIGIBILITY.—In this part, an 'eligible institution' means an institution of higher education that—

''(1) is an eligible institution under section 502; and

''(2) offers a postbaccalaureate certificate or degree granting program.

''SEC. 513. AUTHORIZED ACTIVITIES.

''Grants awarded under this part shall be used for 1 or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for needy postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

''(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

''(8) Other activities proposed in the application submitted pursuant to section 514 that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.

''SEC. 514. APPLICATION AND DURATION.

''(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students and will lead to greater financial independence.

''(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

''(c) LIMITATION.—The Secretary shall not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.''.

(b) COOPERATIVE ARRANGEMENTS.—Section 524(a) of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is amended by inserting ''and section 513'' after ''section 503''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 528(a) of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—There are authorized to be appropriated to carry out part A of this title $175,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) PART B.—There are authorized to be appropriated to carry out part B of this title $125,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

By Mr. LEVIN (for himself and Mr. MCCAIN) (by request):

S. 567. A bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes; to the Committee on Armed Services.

Mr. LEVIN. Mr. President, Senator MCCAIN and I are today introducing, by request, the administration's proposed

National Defense Authorization Act for Fiscal Year 2008. As is the case with any bill that is introduced by request, we introduce this bill for the purpose of placing the administration's proposals before Congress and the public without expressing our own views on the substance of these proposals. As chairman and ranking member of the Armed Services Committee, we look forward to giving the administration's requested legislation our most careful review and thoughtful consideration.

By Mr. LUGAR:

S. 569. A bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce the Vaccines for the Future Act of 2007.

This legislation seeks to accelerate the development of vaccines for HIV/AIDS, malaria, tuberculosis and other diseases that are major killers of people living in developing countries. HIV/AIDS, malaria, and tuberculosis are devastating sub-Saharan Africa where, combined, they claim as many as 5 million lives a year. Yet there are no vaccines for these diseases.

Vaccines are one of the most effective public health measures of the 20th century. With U.S. leadership, the global community has eradicated smallpox, and we are close to eradicating polio. Vaccines for diseases such as measles and tetanus have dramatically reduced childhood mortality worldwide. These public health victories benefit every country.

Vaccines for diseases such as AIDS, tuberculosis, malaria, and for other, less well-known diseases would save millions of lives. Partnerships between governments, private foundations, and businesses have made significant strides toward the development of vaccines, but much more needs to be done.

One of the biggest challenges is that drug companies do not have a strong financial incentive to invest in the development of vaccines for these diseases because there is no reliable market for them. In other words, vaccine manufacturers are reluctant to commit the hundreds of millions of dollars necessary to create a new vaccine with no obvious way to recoup their investment. What is needed is the promise of market demand to encourage industry to develop the vaccines for these diseases.

Five countries—Britain, Italy, Norway, Russia, and Canada—along with the Bill and Melinda Gates Foundation, have developed such a market solution. On February 9, 2007, in Rome, they pledged $1.5 billion for an initiative called an Advance Market Commitment, AMC, aimed at encouraging pharmaceutical companies to develop vaccines for diseases caused by the pneumococcus bacterium, such as pneumonia and meningitis. These diseases claim the lives of an estimated 1 million children per year, most of whom live in the developing world. Through this AMC, these countries and the Gates Foundation have pledged to purchase pneumococcal vaccines that will work in poor countries.

Although a vaccine for pneumococcal disease exists in the United States and other developed countries, this version is not effective against the strains prevalent in developing countries. By committing to purchase large quantities of a successful vaccine beforehand, the Advance Market Commitment aims to bridge the gap between the vaccine makers' research costs and the future sales needed to cover the costs of their investment. Experts are hopeful that this initiative could accelerate by a decade the widespread use of a pneumococcal vaccine specific to the developing world and could prevent the deaths of an estimated 5.4 million children by 2030.

In 2005, the United States, at the G8 Summit in Gleneagles, Scotland, agreed to encourage the development of vaccines for diseases affecting the developing world and endorsed the Advance Market Commitment concept. I believe that, with continued strong U.S. leadership, we can save many more lives in this new century. Because of the promise that vaccines hold, I am introducing the ''Vaccines for the Future Act of 2007.'' My bill would authorize the United States to contribute to the Advance Market Commitment for pneumococcal vaccines. Equally important, it would require the administration to develop a comprehensive strategy and make a commitment to speed development, testing, and distribution of life-saving vaccines for other diseases, including AIDS, malaria, and tuberculosis, through innovative financial incentives like the AMC.

I am hopeful that my fellow Senators will join me in supporting this legislation.

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

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

S. 569

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 ''Vaccines for the Future Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AIDS.—The term ''AIDS'' has the meaning given the term in section 104A(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

(3) DEVELOPING COUNTRY.—The term ''developing country'' means a country that the World Bank determines to be a country with a lower middle income or less.

(4) HIV/AIDS.—The term ''HIV/AIDS'' has the meaning given the term in section 104A(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2).

(5) GAVI ALLIANCE.—The term ''GAVI Alliance'' means the public-private partnership launched in 2000 for the purpose of saving the lives of children and protecting the health of all people through the widespread use of vaccines.

(6) NEGLECTED DISEASE.—The term ''neglected disease'' means—

(A) HIV/AIDS;

(B) malaria;

(C) tuberculosis; or

(D) any infectious disease that, according to the World Health Organization, afflicts over 1,000,000 people and causes more than 250,000 deaths each year in developing countries.

(7) WORLD BANK.—The term ''World Bank'' means the International Bank for Reconstruction and Development.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Immunization is an inexpensive and effective public health intervention that has had a profound life-saving impact around the world.

(2) During the 20th century, global immunization efforts have successfully led to the eradication of smallpox and the elimination of polio from the Western Hemisphere, Europe, and most of Asia. Vaccines for diseases such as measles and tetanus have dramatically reduced childhood mortality worldwide, and vaccines for diseases such as influenza, pneumonia, and hepatitis help prevent sickness and death of adults as well as children.

(3) According to the World Health Organization, combined, AIDS, tuberculosis, and malaria kill more than 5,000,000 people a year, most of whom are in the developing world, yet there are no vaccines for these diseases.

(4) Other, less well-known neglected diseases, such as pneumococcal disease, lymphatic filariasis, leptospirosis, leprosy, and onchocerciasis, result in severe health consequences for individuals afflicted with them, such as anemia, blindness, malnutrition and impaired childhood growth and development. In addition, these diseases result in lost productivity in developing countries costing in the billions of dollars.

(5) Infants, children, and adolescents are among the populations hardest hit by AIDS, malaria, and many other neglected diseases. Nearly 11,000,000 children under age 5 die each year due to these diseases, primarily in developing countries. Existing and future vaccines that target children could prevent more than 2,500,000 of these illnesses and deaths.

(6) The devastating impact of neglected diseases in developing countries threatens the political and economic stability of these countries and constitutes a threat to United States economic and security interests.

(7) Of more than $100,000,000,000 spent on health research and development across the world, only $6,000,000,000 is spent each year on diseases that are specific to developing countries, most of which is from public and philanthropic sources.

(8) Despite the devastating impact these and other diseases have on developing countries, it is estimated that only 10 percent of the world's research and development on health is targeted on diseases affecting 90 percent of the world's population.

(9) Because the developing country market is small and unpredictable, there is an insufficient private sector investment in research

for vaccines for neglected diseases that disproportionately affect populations in developing countries.

(10) Creating a broad range of economic incentives to increase private sector research on neglected diseases is critical to the development of vaccines for neglected diseases.

(11) In recognition of the need for more economic incentives to encourage private sector investment in vaccines for neglected diseases, an international group of health, technical, and economic experts has developed a framework for an advance market commitment pilot program for pneumococcal vaccines. Pneumococcal disease, a cause of pneumonia and meningitis, kills 1,600,000 people every year, an estimated 1,000,000 of whom are children under age 5. This pilot program will seek to stimulate investments to develop and produce pneumococcal vaccines that could prevent between 500,000 and 700,000 deaths by the year 2020.

(12) On February 9, 2007, 5 countries, Britain, Canada, Italy, Norway, and Russia, together with the Bill and Melinda Gates Foundation, pledged, under a plan called an Advance Market Commitment, to purchase pneumococcal vaccines now under development. Together, these countries and the Bill and Melinda Gates Foundation have committed $1,500,000,000 for this program. Experts believe that this initiative could accelerate by a decade the widespread use of such a vaccine in the developing world and could prevent the deaths of an estimated 5,400,000 children by 2030.

SEC. 4. SENSE OF CONGRESS ON SUPPORT FOR NEGLECTED DISEASES.

It is the sense of Congress that—

(1) the President should continue to encourage efforts to support the Global HIV Vaccine Enterprise, a virtual consortium of scientists and organizations committed to accelerating the development of an effective HIV vaccine;

(2) the United States should work with the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV/AIDS (''UNAIDS''), the World Health Organization, the International AIDS Vaccine Initiative, the GAVI Alliance, and the World Bank to ensure that all countries heavily affected by the HIV/AIDS pandemic have national AIDS vaccine plans;

(3) the United States should support and encourage the carrying out of the agreements of the Group of 8 made at the 2005 Summit at Gleneagles, Scotland, to increase direct investment and create market incentives, including through public-private partnerships and advance market commitments, to complement public research in the development of vaccines, microbicides, and drugs for HIV/AIDS, malaria, tuberculosis, and other neglected diseases;

(4) the United States should support the development of effective vaccines for infants, children, and adolescents as early as is medically and ethically appropriate, in order to avoid significant delays in the availability of pediatric vaccines at the cost of thousands of lives;

(5) the United States should continue supporting the work of the GAVI Alliance and the Global Fund for Children's Vaccines as appropriate and effective vehicles to purchase and distribute vaccines for neglected diseases at an affordable price once such vaccines are discovered in order to distribute them to the developing world;

(6) the United States should work with others in the international community to address the multiple obstacles to the development of vaccines for neglected diseases including scientific barriers, insufficient economic incentives, protracted regulatory procedures, lack of delivery systems for products once developed, liability risks, and intellectual property rights; and

(7) the United States should contribute to the pilot Advance Market Commitment for pneumococcal vaccines launched in Rome on February 9, 2007, which could prevent some 500,000 to 700,000 child deaths by the year 2020 and an estimated 5,400,000 child deaths by 2030.

SEC. 5. PUBLIC-PRIVATE PARTNERSHIPS.

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

(1) Partnerships between governments and the private sector (including foundations, universities, corporations, community-based organizations, and other nongovernmental organizations) are playing a critical role in the area of global health, particularly in the fight against neglected diseases, including HIV/AIDS, tuberculosis, and malaria.

(2) These public-private partnerships improve the delivery of health services in developing countries and accelerate research and development of vaccines and other preventive medical technologies essential to combating infectious diseases that disproportionately kill people in developing countries.

(3) These public-private partnerships maximize the unique capabilities of each sector while combining financial and other resources, scientific knowledge, and expertise toward common goals which cannot be achieved by either sector alone.

(4) Public-private partnerships such as the International AIDS Vaccine Initiative, PATH's Malaria Vaccine Initiative, and the Global TB Drug Facility are playing cutting edge roles in the efforts to develop vaccines for these diseases.

(5) Public-private partnerships serve as incentives to the research and development of vaccines for neglected diseases by providing biotechnology companies, which often have no experience in developing countries, with technical assistance and on the ground support for clinical trials of the vaccine through the various stages of development.

(6) Sustaining existing public-private partnerships and building new ones where needed are essential to the success of the efforts by the United States and others in the international community to find a cure for these and other neglected diseases.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the sustainment and promotion of public-private partnerships must be a central element of the strategy pursued by the United States to create effective incentives for the development of vaccines and other preventive medical technologies for neglected diseases debilitating the developing world; and

(2) the United States Government should take steps to address the obstacles to the development of these technologies by increasing investment in research and development and establishing market and other incentives.

SEC. 6. COMPREHENSIVE STRATEGY FOR ACCELERATING THE DEVELOPMENT OF VACCINES FOR NEGLECTED DISEASES.

(a) REQUIREMENT FOR STRATEGY.—The President shall establish a comprehensive strategy to accelerate efforts to develop vaccines and microbicides for neglected diseases such as HIV/AIDS, malaria, and tuberculosis. Such strategy shall—

(1) expand public-private partnerships and seek to leverage resources from other countries and the private sector;

(2) include the negotiation of advance market commitments and other initiatives to create economic incentives for the research, development, and manufacturing of vaccines and microbicides for HIV/AIDS, tuberculosis, malaria, and other neglected diseases;

(3) address intellectual property issues surrounding the development of vaccines and microbicides for neglected diseases;

(4) maximize United States capabilities to support clinical trials of vaccines and microbicides in developing countries;

(5) address the issue of regulatory approval of such vaccines and microbicides, whether through the Commissioner of the Food and Drug Administration, or the World Health Organization, or another entity; and

(6) expand the purchase and delivery of existing vaccines.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report setting forth the strategy described in subsection (a) and the steps to implement such strategy.

SEC. 7. ADVANCE MARKET COMMITMENTS.

(a) PURPOSE.—The purpose of this section is to improve global health by creating a competitive market for future vaccines through advance market commitments.

(b) AUTHORITY TO NEGOTIATE.—

(1) IN GENERAL.—The Secretary of the Treasury shall enter into negotiations with the appropriate officials of the World Bank, the International Development Association, and the GAVI Alliance, the member nations of such entities, and other interested parties for the purpose of establishing advance market commitments to purchase vaccines and microbicides to combat neglected diseases.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the status of the negotiations to create advance market commitments under this section. This report may be submitted as part of the report submitted under section 6(b).

(c) REQUIREMENTS.—The Secretary of the Treasury shall work with the entities referred to in subsection (b) to ensure that there is an international framework for the establishment and implementation of advance market commitments and that such commitments include—

(1) legally binding contracts for product purchase that include a fair market price for a guaranteed number of treatments to ensure that the market incentive is sufficient;

(2) clearly defined and transparent rules of competition for qualified developers and suppliers of the product;

(3) clearly defined requirements for eligible vaccines to ensure that they are safe and effective;

(4) dispute settlement mechanisms; and

(5) sufficient flexibility to enable the contracts to be adjusted in accord with new information related to projected market size and other factors while still maintaining the purchase commitment at a fair price.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2009 through 2014 to fund an advance market commitment pilot program for pneumococcal vaccines.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended without fiscal year limitation.

By Mr. WARNER (for himself and Mr. WEBB):

S. 570. A bill to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the

Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, I rise today to introduce the Virginia Ridge and Valley Act of 2007. This bill seeks to add six new wilderness areas, expand six existing wilderness areas, and create two new national scenic areas in the Jefferson National Forest. Today, Congressman RICK BOUCHER will join me by introducing companion legislation in the United States House of Representatives.

Throughout my nearly three decades in the United States Senate, I have strived to preserve Virginia's natural resources through the designation of wilderness areas and, today, I am proud to say that Virginia boasts just over 100,000 acres of designated wilderness lands. However, there is still much work to be done. If enacted, the Virginia Ridge and Valley Act of 2007 will substantially increase this figure by expanding our opportunities for uninterrupted enjoyment in the forest with the addition of nearly 43,000 acres of new wilderness and wilderness study lands and almost 12,000 acres of national scenic areas.

Virginia is blessed with great natural beauty and diversity. From the coves and inlets of the Chesapeake Bay, to the exquisite peaks of the Shenandoah Mountains, residents and visitors alike can enjoy a bountiful array of natural treasures. As demand for development in Virginia continues to increase, it is imperative that Congress act expeditiously to protect these wild lands. Through wilderness and national scenic area designations, we can ensure that these areas retain their natural character and influences.

As an avid outdoorsman, I enjoy opportunities for recreation like most Americans. Therefore, I want to stress the many joyful outdoor activities that will be enhanced by the wilderness designation in these areas, including: hunting, fishing, hiking, camping, canoeing, and horseback riding, to name a few. By designating these lands as wilderness and scenic areas, we ensure that Virginians will be able to enjoy these activities in an unspoiled playground for generations to come.

I am pleased that my colleague from Virginia, Senator JIM WEBB, has agreed to co-sponsor this important legislation, and I urge the rest of my colleagues to join me in support of this bill. I thank you for this opportunity to speak on behalf of the Virginia Ridge and Valley Act of 2007.

By Mr. KENNEDY (for himself, Mr. SMITH, and Mr. DURBIN):

S. 572. A bill to ensure that Federal student loans are delivered as efficiently as possible in order to provide more grant aid to students; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, more than 40 years ago, Congress recognized the importance of a college education in opening the door to the American dream. We agreed then that no qualified student should be denied the opportunity to go to college because of the cost. Guided by that principle, we enacted the Higher Education Act of 1965.

Times have changed since then. College education has become even more critical to success in the global economy. Yet, Congress has shamefully lost sight of this fundamental principle, especially in recent years.

Today, 400,000 qualified students a year don't attend a four-year college because they can't afford it. The cost of college has more than tripled over the last twenty years, and vast numbers of families can't keep up. Twenty years ago, the maximum Pell Grant—the lifeline to college for low-income and first-generation students—covered more than half the cost of attendance at a typical four-year public college. Today, it only covers 32 percent.

Yet each year, the federal government wastes billions of taxpayer dollars on subsidies to private lenders to do a job that could be done much more efficiently without these middlemen.

At a time when students and families are pinching pennies more than ever to pay for college, we can't let this situation continue. We should use scarce tax dollars to help students, not banks.

The system we created 40 years ago involved federally-guaranteed student loans made by private lenders, and it's now known as the Federal Family Education Loan Program, or FFEL. At that time, Congress wasn't sure lenders would be willing to loan money to students with no credit history, so we created a system with guarantees against default. Four decades later, student default rates are near an all-time low and private lenders hold over $100 billion in federal student loan volume. Federal guarantees and subsidies have made student loans the second most profitable business for banks, after credit cards. The stock price of the biggest lender, Sallie Mae, has skyrocketed from $3 to more than $40 in the last decade.

In 1994, Congress finally recognized that we could give students a better deal and save billions of dollars by cutting out the middleman. We created the Direct Loan program, in which loans are issued directly to students, from the United States Treasury. The loans are serviced and collected under contracts with private companies, but there is no middleman making the loans.

The Direct Loan program is much less expensive for taxpayers, because it provides loan capital at a lower rate than banks, and avoids billions of dollars in unnecessary subsidies to lenders.

If we had gone to a system of 100 percent Direct Loans in 1994, the government would have saved over $30 billion since the program was created. Unfortunately, because of the lobbying of the private lenders, the FFEL program continues, and the Direct Loan program has never been allowed to compete on a level playing field.

As a result, we continue to waste taxpayer money by paying an unnecessary middleman, we shield lenders from risk, and we continue to guarantee them a very profitable return.

It's time to encourage serious competition in the college loan marketplace, and let students reap the benefits.

Today, Senator GORDON SMITH (R-OR), Congressmen GEORGE MILLER (D-CA) and TOM PETRI (R-WI) and I are proposing a bipartisan plan to do that. Our bill will increase student financial aid by squeezing billions of dollars in corporate welfare out of the student loan program.

Our bill, The Student Aid Reward Act, will provide colleges and universities with grant aid to increase scholarships for their students. It is completely paid for by increased efficiency in delivering student loans. The bill encourages colleges to use the direct loans, which are cheaper for both the government and taxpayers, and allows them to keep half the savings to increase need-based aid. The Congressional Budget Office estimates that our plan will generate $13 billion in savings over the next 10 years from schools switching to the more efficient program. The bill would provide at least $10 billion for additional college scholarship aid at no additional cost to taxpayers.

According to President Bush's 2008 education budget, student loans made through the more expensive FFEL program in 2007 cost $3 more for every $100 in loans than the same loans made directly from the Treasury. Yet, colleges and students have no incentive under current law to use the more efficient program.

Our Student Aid Reward Act encourages colleges to choose the less expensive of the government's student loan programs.

It requires the Secretary of Education to determine every year which loan program is more efficient. Schools are rewarded with additional scholarship funds for using the more efficient of the two programs. Competition will encourage both programs to improve the efficiency of their operations. Schools, students, and taxpayers will all benefit.

Estimates based on the most recent Bush Administration budget indicate that under our plan, each college will receive an incentive payment equal to one and a half percent of the total amount borrowed by students at the college.

In Massachusetts: students at Boston College will receive almost $1.4 million in additional financial aid. Students at UMASS Amherst will receive $1.3 million more. Students at Springfield College will receive over $700,000 more.

Students at Emerson College would receive nearly half a million dollars more.

For students nationwide, college will be more affordable for millions of young men and women at no additional taxpayer cost.

Title IV of the Higher Education Act today is called ''Student Assistance''—not ''Lender Assistance.'' The federal student aid system was created to help students and families afford college. But in recent years, it has been corrupted into a system that lines the pockets of the banks. It's time to throw the private money lenders out of the temple of higher education. Scarce Federal education dollars should go to deserving students, not greedy private lenders.

Mr. President, I ask unanimous consent that the text of the Student Aid Reward Act of 2007 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. 572

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Aid Reward Act of 2007''.

SEC. 2. STUDENT AID REWARD PROGRAM.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 489 the following:

''SEC. 489A. STUDENT AID REWARD PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a Student Aid Reward Program to encourage institutions of higher education to participate in the student loan program under this title that is most cost-effective for taxpayers.

''(b) PROGRAM REQUIREMENTS.—In carrying out the Student Aid Reward Program, the Secretary shall—

''(1) provide to each institution of higher education participating in the student loan program under this title that is most cost-effective for taxpayers, a Student Aid Reward Payment, in an amount determined in accordance with subsection (c), to encourage the institution to participate in that student loan program;

''(2) require each institution of higher education receiving a payment under this section to provide student loans under such student loan program for a period of 5 years after the date the first payment is made under this section;

''(3) where appropriate, require that funds paid to institutions of higher education under this section be used to award students a supplement to such students' Federal Pell Grants under subpart 1 of part A;

''(4) permit such funds to also be used to award need-based grants to lower- and middle-income graduate students; and

''(5) encourage all institutions of higher education to participate in the Student Aid Reward Program under this section.

''(c) AMOUNT.—The amount of a Student Aid Reward Payment under this section shall be not less than 50 percent of the savings to the Federal Government generated by the institution of higher education's participation in the student loan program under this title that is most cost-effective for taxpayers instead of the institution's participation in the student loan program that is not most cost-effective for taxpayers.

''(d) TRIGGER TO ENSURE COST NEUTRALITY.—

''(1) LIMIT TO ENSURE COST NEUTRALITY.—Notwithstanding subsection (c), the Secretary shall not distribute Student Aid Reward Payments under the Student Aid Reward Program that, in the aggregate, exceed the Federal savings resulting from the implementation of the Student Aid Reward Program.

''(2) FEDERAL SAVINGS.—In calculating Federal savings, as used in paragraph (1), the Secretary shall determine Federal savings on loans made to students at institutions of higher education that participate in the student loan program under this title that is most cost-effective for taxpayers and that, on the date of enactment of this section, participated in the student loan program that is not most cost-effective for taxpayers, resulting from the difference of—

''(A) the Federal cost of loan volume made under the student loan program under this title that is most cost-effective for taxpayers; and

''(B) the Federal cost of an equivalent type and amount of loan volume made, insured, or guaranteed under the student loan program under this title that is not most cost-effective for taxpayers.

''(3) DISTRIBUTION RULES.—If the Federal savings determined under paragraph (2) is not sufficient to distribute full Student Aid Reward Payments under the Student Aid Reward Program, the Secretary shall—

''(A) first make Student Aid Reward Payments to those institutions of higher education that participated in the student loan program under this title that is not most cost-effective for taxpayers on the date of enactment of this section; and

''(B) with any remaining Federal savings after making Student Aid Reward Payments under subparagraph (A), make Student Aid Reward Payments to the institutions of higher education eligible for a Student Aid Reward Payment and not described in subparagraph (A) on a pro-rata basis.

''(4) DISTRIBUTION TO STUDENTS.—Any institution of higher education that receives a Student Aid Reward Payment under this section—

''(A) shall distribute, where appropriate, part or all of such payment among the students of such institution who are Federal Pell Grant recipients by awarding such students a supplemental grant; and

''(B) may distribute part of such payment as a supplemental grant to graduate students in financial need.

''(5) ESTIMATES, ADJUSTMENTS, AND CARRY OVER.—

''(A) ESTIMATES AND ADJUSTMENTS.—The Secretary shall make Student Aid Reward Payments to institutions of higher education on the basis of estimates, using the best data available at the beginning of an academic or fiscal year. If the Secretary determines thereafter that loan program costs for that academic or fiscal year were different than such estimate, the Secretary shall adjust by reducing or increasing subsequent Student Aid Reward Payments paid to such institutions of higher education to reflect such difference.

''(B) CARRY OVER.—Any institution of higher education that receives a reduced Student Aid Reward Payment under paragraph (3)(B), shall remain eligible for the unpaid portion of such institution's financial reward payment, as well as any additional financial reward payments for which the institution is otherwise eligible, in subsequent academic or fiscal years.

''(e) DEFINITIONS.—In this section:

''(1) The term 'student loan program under this title that is most cost-effective for taxpayers' means the loan program under part B or D of this title that has the lowest overall cost to the Federal Government (including administrative costs) for the loans authorized by such parts.

''(2) The term 'student loan program under this title that is not most cost-effective for taxpayers' means the loan program under part B or D of this title that does not have the lowest overall cost to the Federal Government (including administrative costs) for the loans authorized by such parts.''.

By Ms. STABENOW (for herself, Ms. MURKOWSKI, Ms. COLLINS, Ms. SNOWE, Mr. AKAKA, Mr. COCHRAN, and Mr. MENENDEZ):

S. 573. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, February is American Heart Month, and heart disease remains the Nation's leading cause of death.

Many women believe that heart disease is a man's disease and, unfortunately, do not review it as a serious health threat. However, every year, since 1984, cardiovascular disease claims the lives of more women than men. In fact, cardiovascular disease death rates have declined significantly in men since 1979, while the death rate for women hasn't experienced the same rate of decline. The numbers are disturbing: cardiovascular diseases claim the lives of more than 460,000 women per year; that's nearly a death a minute among females and nearly 12 times as many lives as claimed by breast cancer. One in three females has some form of cardiovascular disease. And one in four females dies from heart disease.

That is why I am pleased to join my colleague from Michigan, Senator STABENOW, to introduce important legislation, the HEART for Women Act, or Heart disease Education, Analysis and Research, and Treatment for Women Act. This important bill improves the prevention, diagnosis and treatment of heart disease and stroke in women.

In my State of Alaska—taken together—heart disease, stroke and other cardiovascular diseases are also the leading cause of death, totaling nearly 800 deaths each year. Women in Alaska have higher death rates from stroke than do women nationally. Mortality among Native Alaskan women is dramatically on the rise, whereas, it is actually declining among Caucasian women in the Lower 48.

Despite being the number one killer, many women and their health care providers do not know that the biggest health care threat to women is heart disease. In fact, a recent survey found that 43 percent of women still don't know that heart disease is the number one killer of women.

Perhaps even more troubling, is the lack of awareness among health care providers. According to American

Heart Association figures, less than one in five physicians recognize that more women suffer from heart disease than men. Among primary care physicians, only 8 percent of primary care physicians—and even more astounding—only 17 percent of cardiologists recognize that more women die of heart disease than men. Additionally, studies show that women are less likely to receive aggressive treatment because heart disease often manifests itself differently in women than men.

This is why the HEART Act is so important. Our bill takes a three-pronged approach to reducing the heart disease death rate for women, through; 1. education; 2. research; and, 3. screening.

First, the bill would authorize the Department of Health and Human Services to educate healthcare professionals and older women about unique aspects of care in the prevention, diagnosis and treatment of women with heart disease and stroke.

Second, the bill would require disclosure of gender-specific health information that is already being reported to the Federal Government. Many agencies already collect information based on gender, but do not disseminate or analyze the gender differences. This bill would release that information so that it could be studied, and important health trends in women could be detected.

Lastly, the bill would authorize the expansion of the Centers for Disease Control and Prevention's WISEWOMAN program (the Well-Integrated Screening and Evaluation for Women Across the Nation program). The WISEWOMAN program provides free heart disease and stroke screening to low-income uninsured women, but the program is currently limited to just 14 States.

My State of Alaska is fortunate to have two WISEWOMAN program sites. These programs screen for high blood pressure, cholesterol and glucose in Native Alaskan women and provide invaluable counseling on diet and exercise. One program in Alaska alone has successfully screened 1,437 Alaskan Native women and has provided them with a culturally appropriate intervention program that has produced life-saving results.

Mr. President, heart disease, stroke and other cardiovascular diseases cost Americans more than any other disease—an estimated $430 billion in 2007, including more than $280 billion in direct medical costs. To put that number in perspective, that's about the same as the projected Federal deficit for 2007. We, as a nation, can control those costs—prevention through early detection is the most cost-effective way to combat this disease.

Tomorrow, as we celebrate Valentine's Day and see images of hearts just about everywhere, let us not forget that the heart is much more than a symbol—it is a vital organ that can't be taken for granted. Coronary disease can be effectively treated and sometimes even prevented—it does not have to be the number one cause of death in women. And, that is why I encourage my colleagues to support the HEART for Women Act.

By Mr. REID:

S. 574. A bill to express the sense of Congress on Iraq; read the first time.

Mr. REID. 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. 574

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

SECTION 1. SENSE OF CONGRESS ON IRAQ.

It is the sense of Congress that—

(1) Congress and the American people will continue to support and protect the members of the United States Armed Forces who are serving or who have served bravely and honorably in Iraq; and

(2) Congress disapproves of the decision of President George W. Bush announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq.

SEC. 2. FREQUENCY OF REPORTS ON CERTAIN ASPECTS OF POLICY AND OPERATIONS.

The United States Policy in Iraq Act (section 1227 of Public Law 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note) is amended by adding at the end the following new subsection:

''(d) FREQUENCY OF REPORTS ON CERTAIN ASPECTS OF UNITED STATES POLICY AND MILITARY OPERATIONS IN IRAQ.—Not later than 30 days after the date of the enactment of this subsection, and every 30 days thereafter until all United States combat brigades have redeployed from Iraq, the President shall submit to Congress a report on the matters set forth in paragraphs (1)(A), (1)(B), and (2) of subsection (c). To the maximum extent practicable each report shall be unclassified, with a classified annex if necessary.''.

By Mr. DOMENICI (for himself, Mr. DORGAN, Mrs. HUTCHISON, Mr. KYL, and Mrs. MURRAY)

S. 575. A bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DOMENICI. Mr. President, I rise today with Senator DORGAN to introduce a bill of critical importance to the security of our borders: the Border Infrastructure and Technology Modernization Act.

It was two decades ago when an American border last underwent a comprehensive infrastructure overhaul. That was when Senator Dennis DeConcini of Arizona and I put forth a $357 million effort to modernize the southwest border. A great deal has changed since 1986, and more importantly, since September 11, 2001. Congress has acted to improve security at airports and seaports, but we have not yet addressed our busiest ports, located on our land borders. This is where our infrastructure is its weakest, and we must act to prevent terrorists from exploiting this weakness. It is critical that we give our northern and southern borders the resources they need to address their vulnerabilities.

In 2001, the General Services Administration completed a comprehensive assessment of infrastructure needs on the southwestern and northern borders of the United States. This assessment found that overhauling both borders would cost $784 million.

Since the publication of that assessment, many of the needs identified remain outstanding, and new needs have arisen as facilitating commerce has become more complicated in the face of new security concerns.

Congress must address these needs. We must give the Department of Homeland Security the tools it needs to secure our borders. The Border Infrastructure and Technology Modernization Act creates a number of those tools.

The bill requires the General Service Administration (GSA) to identify port of entry infrastructure and technology improvement projects that would enhance homeland security. The GSA would work with the Department of Homeland Security to prioritize and implement these projects based on need.

The Secretary of Homeland Security would have to prepare a Land Border Security Plan to assess the vulnerabilities at each port of entry on the northern border and the southern border. This plan will require the cooperation of Federal, State and local entities involved at our borders to ensure that the individuals with first hand knowledge of our border needs are consulted about the plan.

My bill would also modernize homeland security along the United States' borders by implementing a program to test and evaluate new technologies.

Because equipment and technology alone will not solve the security problems on our border, these test sites will also house facilities so personnel who must use these technologies can train under realistic conditions.

I believe that these measures are an important part of addressing this nation's homeland security needs, and I am pleased to introduce the bill with Senator DORGAN.

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. 575

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 ''Border Infrastructure and Technology Modernization Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner responsible for United States Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term ''maquiladora'' means an entity located in

Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Border and Transportation Security of the Department of Homeland Security.

SEC. 3. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.

(a) INSPECTORS AND AGENTS.—

(1) INCREASE IN INSPECTORS AND AGENTS.—During each of fiscal years 2008 through 2012, the Under Secretary shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(B) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Under Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—The Under Secretary shall provide appropriate training for agents, inspectors, and associated support staff of the Department of Homeland Security on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

SEC. 4. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106–319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Under Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 5; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under paragraph (3) of such subsection.

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 5. NATIONAL LAND BORDER SECURITY PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than January 31 of each year, the Under Secretary shall prepare a National Land Border Security Plan and submit such plan to Congress.

(b) CONSULTATION.—In preparing the plan required in subsection (a), the Under Secretary shall consult with the Under Secretary for Information Analysis and Infrastructure Protection and the Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border.

(c) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Under Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 6. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with the Under Secretary, shall develop a plan to expand the size and scope (including personnel needs) of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall establish a demonstration program along the southern border for the purpose of implementing at least one Customs-Trade Partnership Against Terrorism program along that border. The Customs-Trade Partnership Against Terrorism program selected for the demonstration program shall have been successfully implemented along the northern border as of the date of the enactment of this Act.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 7. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Under Secretary shall carry out a technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTED.—Under the demonstration program, the Under Secretary shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(2) FACILITIES DEVELOPED.—At a demonstration site selected pursuant to subsection (c)(2), the Under Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including cross-training among agencies, advanced law enforcement training, and equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Under Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month in the 12 full months preceding the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Under Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Under Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report shall include an assessment by the Under Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) to carry out the provisions of section 3, such sums as may be necessary for the fiscal years 2008 through 2012;

(2) to carry out the provisions of section 4—

(A) to carry out subsection (a) of such section, such sums as may be necessary for the fiscal years 2008 through 2012; and

(B) to carry out subsection (d) of such section—

(i) $100,000,000 for each of the fiscal years 2008 through 2012; and

(ii) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out the provisions of section 6—

(A) to carry out subsection (a) of such section—

(i) $30,000,000 for fiscal year 2008, of which $5,000,000 shall be made available to fund the demonstration project established in paragraph (2) of such subsection; and

(ii) such sums as may be necessary for the fiscal years 2009 through 2012; and

(B) to carry out subsection (b) of such section—

(i) $5,000,000 for fiscal year 2008; and

(ii) such sums as may be necessary for the fiscal years 2009 through 2012; and

(4) to carry out the provisions of section 7, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized in this Act may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this Act.

By Mr. DODD (for himself, Mr. LEAHY, Mr. FEINGOLD, and Mr. MENENDEZ):

S. 576. A bill to provide for the effective prosecution of terrorists and guarantee due process rights; to the Committee on Armed Services.

Mr. DODD. Mr. President, I rise today to introduce the Restoring the Constitution Act of 2007—a bill to provide for the effective prosecution of terrorists and guarantee due process rights. I am pleased to be joined by Senators LEAHY, FEINGOLD, and MENENDEZ as original cosponsors. This bill would make significant important changes to the Military Commissions Act of 2006 which became law last October.

I have served in this body for more than a quarter-century, but I remember few days darker than September 28, 2006, the day the Senate passed President Bush's Military Commissions Act. Let me be honest with you, I believe this body gave in to fear that day. I believe we looked for refuge in the rule of men, when we should have trusted in the rule of law.

Restoring the Constitution Act of 2007 is more than mere tinkering with provisions of the Military Commissions Act. This legislation, which is similar to the bill that I introduced in the last Congress, makes major and important changes to that law in order to ensure we have the essential legal tools to achieve a lasting American victory without violating American values.

What does this proposed legislation do?

It restores the writ of habeas corpus for individuals held in U.S. custody.

It narrows the definition of unlawful enemy combatant to individuals who directly participate in hostilities against the United States in a zone of active combat, who are not lawful combatants.

It requires that the United States live up to its Geneva Convention obligations by deleting a prohibition in the law that bars detainees from invoking Geneva Conventions as a source of rights at trial.

It permits the accused to retain qualified civilian attorneys to represent them at trial.

It prevents the use of evidence in court gained through the unreliable and immoral practices of torture and coercion.

It charges the military judge with the responsibility for ensuring that the jury is appropriately informed as to the sources, methods and activities associated with developing out of court statements proposed to be introduced at trial, or alternatively that the statement is not introduced.

It empowers military judges to exclude hearsay evidence they deem to be unreliable.

It authorizes the U.S. Court of Appeals for the Armed Forces to review decisions by the military commissions.

It limits the authority of the President to interpret the meaning and application of the Geneva Conventions and makes that authority subject to congressional and judicial oversight.

It clarifies the definition of war crimes in statute to include certain violations of the Geneva Conventions.

Finally, it provides for expedited judicial review of the Military Commissions Act of 2006 to determine the constitutionally of its provisions.

To be clear—I absolutely believe that under very clearly proscribed circumstances military commissions can be a useful instrument for bringing our enemies to justice. But those who ask us to choose between national security and moral authority are offering us a false choice, and a dangerous one. Our Nation has been defeating tyrants and would-be tyrants for more than two centuries. And in all that struggle, we've never sold our principles—because if We did, we would be walking in the footsteps of those we most despise.

In times of peril, throwing away due process has been a constant temptation—but that is why we honor so highly those who resisted it. At Nuremberg, America rejected the certainty of execution for the uncertainty of a trial, and gave birth to a half-century of moral authority. Today I am asking my colleagues to reclaim that tradition, to put the principles of the Constitution above the passion of the moment. That reclamation can begin today—if we remedy President Bush's repugnant law. We can do it—and keep America Secure at the same time.

Freedom from torture. The right to counsel. Habeas corpus. To be honest, it still amazes me that we have to come to the floor of the Senate to debate these protections at all. What would James Madison have said if you told him that someday in the future, a Senator from Connecticut would be forced to publicly defend habeas corpus, the defendant's right to a day in court, the foundation of Our legal system dating back to the 13 century? What have we come to that such long-settled, long-honored rights have been called into question?

But here we are. And now it is upon us to renew them. I'd like to talk in detail about several key components of my legislation. The Military Commissions Act eliminated habeas corpus. Habeas corpus allows a person held by the government to question the legality of his detention. In my view, to deny this right not only undermines the rule of law, but damages the very fabric of America. It is not who we are, and it is not who we aspire to be. My bill reopens the doors to the Court house by restoring the writ of habeas corpus for individuals held in U.S. custody.

By approving the Military Commissions Act, Congress abdicated its constitutionally-mandated authority and responsibility to safeguard this principle and serve as a co-equal check on the executive branch. This law confers an unprecedented level of power on the president, allowing him the sole right to designate any individual as an ''unlawful enemy combatant'' if he or she engaged in hostilities or supported hostilities against the United States. In my view and in the view of many legal experts, this definition of ''unlawful enemy combatant'' is unmanageably vague. As we have all seen, ''unlawful enemy combatants'' are subject to arrest and indefinite detention, in many cases without ever being changed with a crime, let alone being found guilty. My bill would curtail potential abuse of the unlawful enemy combatant designation by narrowing the definition of unlawful enemy combatant to individuals who directly participate in hostilities against the United States in ''a zone of active combat'', and who are not lawful combatants. This correction is desperately needed to restore America's standing in the world and to right injustices that have recently been documented by international human rights organizations.

According to the Pentagon, last October, only 70 out of the 435 detainees housed at U.S. prison camps were expected to face a military trial, leaving hundreds of others to be held indefinitely. And while the Pentagon acknowledges that at least 110 of these detainees were labeled ''ready to release,'' for some reason they have been kept under lock and key. Then there are stories such as the one about Asif Iqbal, a British humanitarian aid volunteer who, according to a January 10, 2007 Associated Press story, was mistakenly captured in Afghanistan and subjected to isolation, painful positioning, screeching music, strobe

lights, sleep deprivation, and extreme temperatures. After three months, of enduring such treatment, Iqbal was released in 2004 without any charges brought against him.

Such sordid episodes have gravely undermined our apparent commitment to the Geneva Conventions and damaged our status both at home and in the global community. By failing to reaffirm our obligations under these vital treaties, the Military Commissions Act has only further eroded America's moral authority and perhaps ceded our nation's status as the leading proponent of international law and human rights. For this reason, the legislation I am offering today will reaffirm our obligations under the Geneva Conventions in several key ways. First, it would allow detainees to invoke the Geneva Conventions as a source of rights in their trials, overturning a ban put in place by the Military Commissions Act. Second, this legislation will limit the authority of the President to interpret and redefine the meaning and application of the Geneva Conventions by subjecting this authority to Congressional and judicial oversight. Lastly, my bill would statutorily define certain violations of the Geneva Conventions as war crimes. These provisions are all vitally important in allowing the United States to effectively wage the war on terror. The war that we are currently waging requires increasing international cooperation, but the President's plan puts us on a path of increasing isolation from even our staunchest allies.

Furthermore, this path is undermining our government's commitments to fundamental tenets of the American legal system. One of these tenets entails the right of the accused not only to confront his/her accuser but also to retain an attorney to represent him/her at trial. This is a basic right afforded to even the most egregious criminals under domestic law. And yet, under the administration's plan, this measure is being abandoned. In response, my bill sets standards for legal representation and allows for civilian legal counsel in military commission proceedings.

Even more importantly, my bill improves on these proceedings by prohibiting the use in court of any evidence that was gained through the unreliable and immoral practices of coercion. Incredibly, the Military Commissions Act lacks this blanket ban on evidence gained through torture. This is critically important for two very different reasons. Torture has been proven to be ineffective in interrogations, yielding highly unreliable information because a detainee, hoping to end the pain, will simply say whatever he believes an interrogator wants to hear. Second, torture allows foreign militaries to mistreat future American prisoners of war and use U.S. actions as an excuse. No one has said it with more authority than our colleague, Senator JOHN MCCAIN.

As he stated last year, ''the intelligence we collect must be reliable and acquired humanely, under clear standards understood by all our fighting men and women . . . the cruel actions of a few to darken the reputation of our country in the eyes of millions,''

To address these concerns, my bill restores to military judges the responsibility of ensuring that information introduced at trial has not been obtained through methods defined as cruel, inhuman, or degrading treatment by the Detainee Treatment Act of 2005. Sadly, the Military Commissions Act shows disrespect for and mistrust of the highly trained professionals on our military's bench by stripping them of autonomy and authority. The legislation I am proposing today empowers military judges to exclude hearsay evidence they deem to be unreliable. In addition, this bill will grant military judges discretion in the event that classified evidence has a bearing on the innocence of an individual but is excluded due to national security concerns and declassified alternatives are insufficient. America's military judges have been fully trained and prepared to handle classified information. The Bush administration's failure to recognize this fact is an insult to the men and women of our military's bench and an affront to our military's justice system.

Unlike the current administration, I trust our courts to be able to handle the delicate legal and national security issues inherent in the cases involving so-called unlawful enemy combatants. This legislation therefore provides for appeals of the military commissions' decisions to be heard by the U.S. Court of Appeals for the Armed Forces. In my view, the right to an appeal is one of the most fundamental rights granted to anyone in our justice system. We 3 grant appeals to people accused of some of the most heinous crimes imaginable. We do this because we know that courts are not infallible. They can err in their decisions, and in order for these mistakes to be rectified and to avoid punishing innocent men and women, appeals must be allowed.

All of these provisions are important. But perhaps none is more urgent than the final measure in my bill, which requires expedited judicial review of the Military Commissions Act of 2006 to determine the constitutionally of its provisions. I believe that the United States Congress made a crucial mistake—that is why we must ensure that each provision of the Administration's Military Commissions Act is quickly reviewed by our Nation's courts. I believe that upon such review, those best qualified to make these judgments—members of our esteemed judiciary—will see to it that the most egregious provisions of this act will be overturned.

All 100 members of this body have been given the gravest of responsibilities. The people of this country have entrusted us with this Nation's security; and they have entrusted us with this Nation's principles. But those who argue that our principles stand in the way of our security are sadly, sorely mistaken: They are the source of our strength.

Five months ago, we departed from that source. But it is not too late to turn back. It is not too late to redeem our error. I implore my colleagues to join me.

Mr. FEINGOLD. Mr. President, I am pleased to cosponsor the Restoring the Constitution Act of 2007, which was introduced today by Senator DODD. It amends the deeply flawed Military Commissions Act of 2006 to restore basic due process rights and to ensure that no person is subject to indefinite detention without charge based on the sole discretion of the President.

Let me be clear: I welcome efforts to bring terrorists to justice. This administration has for too long been distracted by the war in Iraq from the fight against al Qaeda. We need a renewed focus on the terrorist networks that present the greatest threat to this country.

Last year, the President agreed to consult with Congress on the makeup of military commissions only because he was essentially ordered to do so by the Supreme Court in the Hamdan decision. Congress should have taken that opportunity to pass legislation that would allow these trials to proceed in accordance with our laws and our values. That is what separates America from our enemies. These trials, conducted appropriately, would have had the potential to demonstrate to the world that our democratic, constitutional system of government is not a hindrance but a source of strength in fighting those who attacked us.

Instead, we passed the Military Commissions Act, legislation that violates the basic principles and values of our constitutional system of government. It allows the government to seize individuals on American soil and detain them indefinitely with no opportunity for them to challenge their detention in court. And the new law would permit an individual to be convicted on the basis of coerced testimony and even allow someone convicted under these rules to be put to death.

The checks and balances of our system of government and the fundamental fairness of the American people and legal system are among our greatest strengths in the fight against terrorism. I was deeply disappointed that Congress enacted the Military Commissions Act. The day that bill became law was a stain on our Nation's history.

It is time to undo the harm caused by that legislation.

The Restoring the Constitution Act amends the Military Commissions Act to remedy its most serious flaws, and I am pleased to support it.

First of all, this legislation would restore the great writ of habeas corpus, to ensure that detainees at Guantanamo Bay and elsewhere—people who have been held for years but have not

been tried or even charged with any crime—have the ability to challenge their detention in court. Senator DODD's bill would repeal the habeas stripping provisions of both the Military Commissions Act and the Detainee Treatment Act.

Habeas corpus is a fundamental recognition that in America, the government does not have the power to detain people indefinitely and arbitrarily. And that in America, the courts must have the power to review the legality of executive detention decisions.

Habeas corpus is a longstanding vital part of our American tradition, and is enshrined in the U.S. Constitution.

As a group of retired judges wrote to Congress last year, habeas corpus ''safeguards the most hallowed judicial role in our constitutional democracy—ensuring that no man is imprisoned unlawfully.''

The Military Commissions Act fundamentally altered that historical equation. Faced with an executive branch that has detained hundreds of people without trial for years now, it eliminated the right of habeas corpus.

Under the Military Commissions Act, some individuals, at the designation of the executive branch alone, could be picked up, even in the United States, and held indefinitely without trial, without due process, without any access whatsoever to the courts. They would not be able to call upon the laws of our great nation to challenge their detention because they would have been put outside the reach of the law.

That is unacceptable, and it almost surely violates our Constitution. But that determination will take years of protracted litigation. Under the Dodd bill, we would not have to wait. We would restore the right to habeas corpus now. We can provide a lawful system of military commissions so that those who have committed war crimes can be brought to justice, without denying one of the most basic rights guaranteed by the Constitution to those held in custody by our government.

Some have suggested that terrorists who take up arms against this country should not be allowed to challenge their detention in court. But that argument is circular—the writ of habeas allows those who might be mistakenly detained to challenge their detention in court, before a neutral decisionmaker. The alternative is to allow people to be detained indefinitely with no ability to argue that they are not, in fact, enemy combatants. Unless it can be said with absolute certainty that every person detained as an enemy combatant was correctly detained—and there is ample evidence to suggest that is not the case—then we should make sure that people can't simply be locked up forever, without court review, based on someone slapping a ''terrorist'' label on them.

We must return to the great writ. We must be true to our Nation's proud traditions and principles by restoring the writ of habeas corpus, by making clear that we do not permit our government to pick people up off the street, even in U.S. cities, and detain them indefinitely without court review. That is not what America is about.

But the Restoring the Constitution Act does far more than restore habeas corpus. It also addresses who can be subject to trial by military commission.

The Military Commissions Act was justified as necessary to allow our government to prosecute Khalid Sheikh Mohammed and other dangerous men transferred to Guantanamo Bay in 2006. Yet if you look at the fine print of that legislation, it becomes clear that it is much, much broader than that. It would permit trial by military commission not just for those accused of planning the September 11 attacks, but also individuals, including legal permanent residents of this country, who are alleged to have ''purposefully and materially supported hostilities'' against the United States or its allies.

This is extremely broad. And by including hostilities not only against the United States but also against its allies, the Military Commissions Act allows the U.S. to hold and try by military commission individuals who have never engaged, directly or indirectly, in any action against the United States.

Not only that, but the Military Commissions Act would also define as an unlawful enemy combatant subject to trial by military commission, anyone who ''has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.'' This essentially grants a blank check to the executive branch to decide entirely on its own who can be tried by military commission.

Senator DODD's bill makes clear that the President cannot unilaterally decide who is eligible for trial by military commission. Under the Dodd bill, in order to be tried by military commission, an individual must have directly participated in hostilities against the United States in a zone of active combat, or have been involved in the September 11 attacks, and cannot be a lawful enemy combatant.

Senator DODD's bill also addresses the structure and process of the military commissions themselves. It ensures that these military commission procedures hew closely to the long-established military system of justice, as recommended by countless witnesses at congressional hearings last summer.

Some examples of the ways in which the Dodd bill improves the military commission procedures include: It prevents the use of evidence in court gained through torture or coercion. It ensures that any evidence seized within the United States without a search warrant cannot be introduced as evidence. It empowers military judges to exclude hearsay evidence they deem to be unreliable. It authorizes the existing U.S. Court of Appeals for the Armed Forces to review decisions by military commissions, rather than the newly created ''Court of Military Commission Review,'' whose members would be appointed by the Secretary of Defense. And it provides for expedited judicial review of the Military Commissions Act to determine the constitutionally of its provisions before anyone is tried by military commission, so that we will not face even more delays in the future.

Many of these provisions were included in the bill passed by the Senate Armed Services Committee in September 2006, but then stripped out or altered in backroom negotiations with the Administration. The bill also improves changes to the War Crimes Act and emphasizes the importance of compliance with the Geneva Conventions.

In sum, Senator DODD's legislation addresses many of the most troubling and legally suspect provisions of the Military Commissions Act. Congress would be wise to make these changes now, rather than wait around while the Military Commissions Act is subject to further legal challenge, and another 4 or 5 years are squandered while cases work their way through the courts again.

In closing let me quote John Ashcroft. According to the New York Times, at a private meeting of high-level officials in 2003 about the military commission structure, then-Attorney General Ashcroft said: ''Timothy McVeigh was one of the worst killers in U.S. history. But at least we had fair procedures for him.'' How sad that Congress passed legislation about which the same cannot be said. We can and must undo this mistake.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. LEVIN, Ms. CANTWELL, Mrs. BOXER, Mr. FEINGOLD, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. LAUTENBERG, and Ms. MIKULSKI):

S. 577. A bill to amend the Commodity Exchange Act to add a provision relating to reporting and recordkeeping for positions involving energy commodities; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators SNOWE, LEVIN, CANTWELL, BOXER, FEINGOLD, BINGAMAN, LIEBERMAN, LAUTENBERG, and MIKULSKI to introduce a bill to provide necessary Federal oversight of our energy markets.

Just as is currently required for trades performed on the New York Mercantile Exchange (NYMEX), this bill would require record keeping and create an audit trail for all electronic over-the-counter energy trades.

Generally, in energy markets, the term ''over-the-counter trading'' refers to the trading of an energy commodity directly between two parties that does not take place on a regulated exchange.

Six years after the California energy crisis, this bill is long overdue. As global oil and gas prices increase and as we work to reduce global greenhouse gas emissions, the American public needs reliable, transparent energy markets that are not subject to manipulation by traders.

Specifically, the bill would: require traders who perform trades on electronic trading facilities such as the Intercontinental Exchange (ICE) to keep records and report large positions carried by their market participants in energy commodities for five years or longer. These are the same requirements that apply to traders that do business on NYMEX; require traders to provide such records to the Commodity Futures Trading Commission (CFTC) or the Justice Department upon request. Again, these are the same requirements for NYMEX traders; and require persons in the United States who trade U.S. energy commodities delivered in the U.S. on foreign futures exchanges to keep similar records and report large trades.

The Western Energy Crisis in 2000–2001 provided a wake-up call about the extent to which energy traders can impact demand and drive up prices.

California and the entire West Coast faced rolling blackouts and skyrocketing electricity costs, while companies like Enron, Duke, Williams, AES and Reliant enjoyed record revenues and profits.

In California, the cost of electricity was $8 billion in 1999, $27 billion in 2000, $27.5 billion in 2001, and $12 billion in 2002 after the crisis abated. Demand did not increase by more than 150 percent between 1999 and 2000. But prices did.

Why? Because companies like Enron manipulated the market in order to drive the price of electricity up.

As a result, Californians have been left with a $40 billion bill. This is an unacceptable burden.

One of the main causes of the crisis is a loophole in current law that allows for energy commodities—such as natural gas, electricity, oil, and gasoline—to be traded on over-the-counter markets with no Federal oversight.

While over-the-counter trades of all other commodities—pork bellies, soybeans, wheat and rice, for example—are regulated by the Federal Government, energy trades are not.

Our country currently faces natural gas prices that have been extremely volatile, and oil prices that have gone through the roof.

With gas prices reaching well above $2 per gallon across the country, and over $2.50 in my State of California, our constituents deserve to know why those prices are so high.

The New York Times has reported that manipulation of electronic energy trades has pushed these prices higher and higher.

Testifying at the Enron trial, the former Chief Executive Officer of Enron North America and Enron Energy Services, David Delainey was asked: ''Is volatility a good thing for a speculative trader?''

His response: ''Yes.''

When asked to explain his answer, he said: The higher the volatility that you have, the better—the higher the potential profit you can make from an open position you might have in the marketplace . . . if the price change is only a couple cents either way, you can't make a whole lot of money in trading.

And if you have, you know, 50, 60 cents, dollar moves in price you're going to make a lot more money for—for every position you might have . . .

Unfortunately, Enron's demise did not sound the death knell for unregulated over-the-counter energy trades. Instead, these trades now take place on the Intercontinental Exchange (ICE).

Over-the-counter trades performed on ICE are exempt from Federal oversight. In other words, the CFTC cannot require traders on ICE to keep records or report trades in energy commodities. As a result, the CFTC does not have a complete picture of what occurs in the energy markets.

The CFTC has recently asked ICE to provide information for certain electronically traded energy contracts. ICE has agreed to comply. I welcome these positive developments, but nonetheless believe that this legislation is necessary to remove any doubt as to the CFTC's authority to mandate these reports and to ensure these requirements are not administratively removed at some later date.

In this request, the CFTC has only asked ICE to report those trades that are performed using NYMEX-established prices. NYMEX does not establish prices for electricity, so none of the electricity trades will be reported. This means that under current circumstances, the CFTC still will not be getting a full picture of the energy market from ICE's reports.

Our bill will require reporting of all electronic over-the-counter energy trades and will provide legislative certainty that these trades will be reported.

We learned the hard way that if there is no oversight of these markets, they are subject to manipulation.

It is high time to fix this problem. Our bill will do just this.

That is why I urge my colleagues to support this bill. The legislation will simply provide the CFTC with the data it needs to ensure that manipulation and fraud are not taking place on our energy markets.

So who would be against this proposal?

The traders who are making millions of dollars off of volatility in these markets. And some of these traders are people who learned their skills at Enron—like star-Enron trader John Arnold who made $75 to $100 million in 2005 at Centaurus Energy, a hedge fund investing in energy commodities.

The other beneficiaries of high oil and natural gas prices are the energy companies themselves. Oil major Chevron made almost $13.4 billion in the first 9 months of 2006—a 34 percent rise in profits over the same 9 months in 2005.

The number 3 U.S. oil company, ConocoPhillips, reported a 25 percent surge in profits in the first 9 months of 2006, boosted by sharply higher crude oil prices. Net income in the first 9 months of 2006 rose to $12.35 billion from $9.85 billion in the same time period of 2005.

And ExxonMobil made more money in 2006 than any company in history. All of these record profits are due to the fact that oil prices are so high.

So while consumers are paying more than $2 a gallon at the pump, traders and oil companies are making out like bandits.

I hope that we have enough consensus this year to pass this legislation in order to shine some light on our energy markets and determine if speculation, manipulation, or hoarding is occurring in the oil, gas, and electricity markets.

I would like to thank the following organizations for their support of this bill: Agricultural Retailers Association, Air Transport Association of America, American Public Gas Association, American Public Power Association, Consumer Federation of America, Consumers Union, Industrial Energy Consumers of America, National Association of Wheat Growers, National Barley Growers Association, New England Fuel Initiative, Pacific Northwest Oil Heat Council, Petroleum Transportation and Storage Association, Petroleum Marketers Association of America, PG&E Corporation, Sempra, and Southern California Edison.

I urge my colleagues to join me in supporting this legislation and I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 577

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 ''Oil and Gas Traders Oversight Act of 2007''.

SEC. 2. REPORTING AND RECORDKEEPING FOR POSITIONS INVOLVING ENERGY COMMODITIES.

(a) IN GENERAL.—Section 2(h) of the Commodity Exchange Act (7 U.S.C. 2(h)) is amended by adding at the end the following:

''(7) REPORTING AND RECORDKEEPING FOR POSITIONS INVOLVING ENERGY COMMODITIES.—

''(A) DEFINITIONS.—In this paragraph:

''(i) DOMESTIC TERMINAL.—The term 'domestic terminal' means a technology, software, or other means of providing electronic access within the United States to a contract, agreement, or transaction traded on a foreign board of trade.

''(ii) ENERGY COMMODITY.—The term 'energy commodity' means a commodity or the derivatives of a commodity that is used primarily as a source of energy, including—

''(I) coal;

''(II) crude oil;

''(III) gasoline;
''(IV) heating oil;
''(V) diesel fuel;
''(VI) electricity;
''(VII) propane; and
''(VIII) natural gas.

''(iii) REPORTABLE CONTRACT.—The term 'reportable contract' means—

''(I) a contract, agreement, or transaction involving an energy commodity, executed on an electronic trading facility, or

''(II) a contract, agreement, or transaction for future delivery involving an energy commodity for which the underlying energy commodity has a physical delivery point within the United States and that is executed through a domestic terminal.

''(B) RECORD KEEPING.—The Commission, by rule, shall require any person holding, maintaining, or controlling any position in any reportable contract under this section—

''(i) to maintain such records as directed by the Commission for a period of 5 years, or longer, if directed by the Commission; and

''(ii) to provide such records upon request to the Commission or the Department of Justice.

''(C) REPORTING OF POSITIONS INVOLVING ENERGY COMMODITIES.—The Commission shall prescribe rules requiring such regular or continuous reporting of positions in a reportable contract in accordance with such requirements regarding size limits for reportable positions and the form, timing, and manner of filing such reports under this paragraph, as the Commission shall determine.

''(D) OTHER RULES NOT AFFECTED.—

''(i) IN GENERAL.—Except as provided in clause (ii), this paragraph does not prohibit or impair the adoption by any board of trade licensed, designated, or registered by the Commission of any bylaw, rule, regulation, or resolution requiring reports of positions in any agreement, contract, or transaction made in connection with a contract of sale for future delivery of an energy commodity (including such a contract of sale), including any bylaw, rule, regulation, or resolution pertaining to filing or recordkeeping, which may be held by any person subject to the rules of the board of trade.

''(ii) EXCEPTION.—Any bylaw, rule, regulation, or resolution established by a board of trade described in clause (i) shall not be inconsistent with any requirement prescribed by the Commission under this paragraph.

''(E) CONTRACT, AGREEMENT, OR TRANSACTION FOR FUTURE DELIVERY.—Notwithstanding sections 4(b) and 4a, the Commission shall subject a contract, agreement, or transaction for future delivery in an energy commodity to the requirements established by this paragraph.''.

(b) CONFORMING AMENDMENTS.—Section 4a(e) of the Commodity Exchange Act (7 U.S.C. 6a(e)) is amended—

(1) in the first sentence—

(A) by inserting ''or by an electronic trading facility operating in reliance on section 2(h)(3)'' after ''registered by the Commission''; and

(B) by inserting ''electronic trading facility,'' before ''or such board of trade''; and

(2) in the second sentence, by inserting ''or by an electronic trading facility operating in reliance on section 2(h)(3)'' after ''registered by the Commission''.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. REED, Ms. SNOWE, Mr. HARKIN, Mr. BINGAMAN, Mrs. CLINTON, Ms. MIKULSKI, Mr. DODD, Mr. DURBIN, Mrs. BOXER, Mr. KERRY, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. LEVIN, Mr. AKAKA, Ms. CANTWELL, and Mr. MENENDEZ):

S. 578. A bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it's a privilege to join my Senate and House colleagues in introducing the ''Protecting Children's Health in Schools Act of 2006.'' This bill will ensure that the Nation's 7 million school children with disabilities will have continued access to health care in school.

In 1975, the Nation made a commitment to guarantee children with disabilities equal access to education. For these children to learn and thrive in schools, the integration of education with health care is of paramount importance. Coordination with Medicaid makes an immense difference to schools in meeting the needs of these children.

This year, however, the Bush Administration has declared its intent to end Medicaid reimbursements to schools for the support services they need in order to provide medical and health-related services to disabled children. The Administration is saying ''NO'' to any further financial help to Medicaid-covered disabled children who need specialized transportation to obtain their health services at school. It is saying ''NO'' to any legitimate reimbursement to the school for costs incurred for administrative duties related to Medicaid services.

It's bad enough that Congress and the Administration have not kept the commitment to ''glide-path'' funding of IDEA needs in 2004. Now the Administration proposes to deny funding to schools under the Federal program that supports the health needs of disabled children. It makes no sense to make it so difficult for disabled children to achieve in school—both under IDEA and the No Child Left Behind.

At stake is an estimated $3.6 billion in Medicaid funds over the next five years. Such funding is essential to help identify disabled children and connect them to services that can meet their special health and learning needs during the school day.

This decision by the Administration follows years of resisting Medicaid reimbursements to schools that provide these services, without clear guidance on how schools should appropriately seek reimbursement.

The ''Protecting Children's Health in Schools Act'' recognizes the importance of schools as a site of delivery of health care. It ensures that children with disabilities can continue to obtain health services during the school day. The bill also provides for clear and consistent guidelines to be established, so that schools can be held accountable and seek appropriate reimbursement.

The legislation has the support of over 60 groups, including parents, teachers, principals, school boards, and health care providers—people who work with children with disabilities every day and know what is needed to facilitate their growth, development, and long-term success.

I urge all of our colleagues to join us in supporting these children across the Nation, by providing the realistic support their schools need in order to meet these basic health care requirements of their students.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 78—DESIGNATING APRIL 2007 AS ''NATIONAL AUTISM AWARENESS MONTH'' AND SUPPORTING EFFORTS TO INCREASE FUNDING FOR RESEARCH INTO THE CAUSES AND TREATMENT OF AUTISM AND TO IMPROVE TRAINING AND SUPPORT FOR INDIVIDUALS WITH AUTISM AND THOSE WHO CARE FOR INDIVIDUALS WITH AUTISM

Mr. HAGEL (for himself, Mr. FEINGOLD, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 78

Whereas autism is a developmental disorder that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others;

Whereas autism affects an estimated 1 in every 150 children in the United States;

Whereas autism is 4 times more likely to occur in boys than in girls;

Whereas autism can affect anyone, regardless of race, ethnicity, or other factors;

Whereas it costs approximately $80,000 per year to treat an individual with autism in a medical center specializing in developmental disabilities;

Whereas the cost of special education programs for school-aged children with autism is often more than $30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at upwards of $90,000,000,000 per year;

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

Whereas designating April 2007 as ''National Autism Awareness Month'' will increase public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2007 as ''National Autism Awareness Month'';

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services;

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autism, identify the best