the Medicare program or the TRICARE program.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 875

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 875, a bill to improve energy security of the United States through a 50 percent reduction in the oil intensity of the economy of the United States by 2030 and the prudent expansion of secure oil supplies, to be achieved by raising the fuel efficiency of the vehicular transportation fleet, increasing the availability of alternative fuel sources, fostering responsible oil exploration and production, and improving international arrangements to secure the global oil supply, and for other purposes.

S. 897

At the request of Ms. MIKULSKI, the names of the Senator from Connecticut (Mr. DODD), the Senator from Delaware (Mr. CARPER) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the names of the Senator from Indiana (Mr. BAYH), the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. REED), the Senator from Delaware (Mr. CARPER), the Senator from Indiana (Mr. LUGAR) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1115

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1115, a bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

S. 1125

At the request of Mr. LOTT, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. CON. RES. 22

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Con. Res. 22, a concurrent resolution expressing the sense of the Congress that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued to promote public awareness of Down syndrome.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

AMENDMENT NO. 897

At the request of Mr. ENSIGN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 897 proposed to S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1157. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor; to the Committee on Finance.

Mr. HARKIN. Mr. President, today, I rise to introduce legislation that will strike the consumptive demand clause from Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307). Section 307 prohibits the importation of any product or good produced with forced or indentured labor including forced or indentured child labor.

The consumptive demand clause creates an exception to this prohibition. Under the exception, if a product is not made in the United States, and there is a demand for it, then a product made with forced or indentured child labor may be imported into this country.

Let us be clear: forced or indentured labor means work which is extracted from any person under the menace of penalty for nonperformance and for which the worker does not offer himself voluntarily. Let us be really clear: this means slave labor. In the case of children, it means child slavery.

Some examples of goods that are made with child slave labor include cocoa beans, hand-knotted carpets, beedis, which are small Indian cigarettes, and cotton.

Throughout my Senate career, I have worked to reduce the use of forced child labor worldwide. It was in 1992 that I first introduced a bill to ban all products made by abusive and exploitative child labor from entering the United States.

Over the years we have been making some progress. I was heartened last year when the International Labor Organization's (ILO) global report, The End of Child Labor Within Reach, detailed the progress being made on reducing the worst forms of child labor. The ILO projects that if the current pace of decline in child labor were to be maintained, child labor could be eliminated, in most of its worst forms, in 10 years—by 2016. Although there has been a tremendous amount of progress in ending child labor, there are still

some obstacles to ending these abusive practices. One of those impediments is the consumptive demand clause.

Today, hundreds of millions of children are still forced to work illegally for little or no pay, making goods that enter our country everyday. For this reason, the consumptive demand clause is outdated. Since this exception was enacted in the 1930s, the U.S. has taken numerous steps to stop the scourge of child slave labor. Most notably, the United States has ratified International Labor Organization's Convention 182 to Prohibit the Worst Forms of Child Labor. Currently, 162 other countries have also ratified this ILO Convention.

Additionally, in 2003, my staff was invited by Customs to meet with field agents on Section 307 to discuss what appropriations were needed to enforce the statute. At the meeting, the field agents reported that the consumptive demand clause was an obstacle to their ability to enforce the law that is supposed to prevent goods made with slave labor from being imported into the United States. Yet there has been no action from the Bush Administration to support efforts to remove the clause.

Retaining the consumptive demand clause contradicts our moral beliefs and our international commitments to eliminate abusive child labor. Maintaining the consumptive demand clause says to the world that the United States justifies the use of slave labor, if U.S. consumers need an item not produced in this country. Last year, Harvard University conducted a pilot study on the effects on sales of labeling towels, candles, and dolls as made under ''fair labor conditions.'' The study found that labeling the products and raising their prices slightly to cover the costs of ensuring fair labor conditions resulted in an increased demand for these products among certain consumers in New York City.

There should be no exception to a fundamental stand against the use of slave labor. I urge my colleagues to support this measure.

By Mr. INHOFE:

S. 1158. A bill to amend the Clean Air Act to increase the use of renewable and alternative fuel, and for other purposes; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce the Alternative Fuel Standard Act. The bill that I am introducing today reflects the President's draft legislation to which he referred in his State of the Union.

Although I may have some questions with the particulars of the President's plan, he and I share the common goal of increasing domestic energy security without compromising environmental quality.

As the committee of principal jurisdiction, the Committee on Environment and Public Works has a long history of moving fuels legislation. While chairman, I successfully discharged legislation that served as the historic fuels title to the comprehensive energy bill. That renewable fuels plan was the product of years of hearings, negotiation, and debate. The President's initiative deserves the same amount of attention.

According to a Labor Department report this month, most of the country's inflation can be directly attributed to higher gas prices. The USDA's Economic Research Service concluded that high gas prices will increase food costs in 2007; the Service noted that the food consumer price index increased at an annual rate of 2.3 percent in 2006 and will increase 2.5 percent to 3.5 percent.

The Energy Information Administration's April 2007 Outlook noted that the higher prices are due to continued international tensions, the conversion to summer blends, and unanticipated refinery problems.

AAA found that the average national price for gasoline is $2.87 up from $2.55 just a month earlier. Yet those national high prices seem low compared to California. AAA of Northern California noted that the average price for gasoline is $3.41 in Oakland, $3.53 in San Francisco, and averages $3.34 statewide.

The bottom line—supply source instability and inadequate domestic infrastructure have and will continue to contribute to high prices and inflation unless Congress does something about it. The President's ambitious proposal seeks to alleviate those concerns by sourcing new supply domestically.

The proposal that I am introducing would amend the Clean Air Act's existing renewable fuels standard by diversifying the types of qualifying fuels and increasing the volumes. Qualifying alternative fuels will be expanded to include fuels derived from gas and coal, and hydrogen, among others.

Cellulosic biomass ethanol is a promising technology that could significantly increase fuel supplies without compromising the food and feed prices. I am proud to say that some of the foremost research in the field is being done in my own State of Oklahoma, including a team at the Noble Foundation. Their work is engineering high energy and perennial crops that can be grown across the country.

Similarly, coal-to-liquids fuels could be the greatest domestic energy resource of all time. I have been promoting the technology for years, particularly for defense aircraft, but now is the time to expand this super clean fuel for use across America.

The plan would replace the current RFS by requiring 10 billion gallons of alternative fuel to be used in 2010 and increasing to 35 billion gallons by 2018. The bill similarly builds upon the current RFS by requiring EPA to incorporate the newer qualifying fuels into the credit trading system.

I have been seeking to increase U.S. energy security for years. I am glad that the President has stepped up and taken this issue head-on. The proposal deserves careful and proper consideration. The American people require as much. I look forward to working with my colleagues to improve U.S. domestic energy security while fully considering public health and welfare.

By Mr. HAGEL (for himself, Mr. HARKIN, Ms. SNOWE, Mr. ROBERTS, Mr. COLEMAN, Mr. WARNER, Ms. COLLINS, Mr. KENNEDY, Mr. DODD, Ms. MIKULSKI, Mr. SCHUMER, Mr. LIEBERMAN, and Mrs. MURRAY):

S. 1159. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to join my colleague from Nebraska, Senator HAGEL, in introducing the IDEA Full Funding Act. The aim of this legislation is to ensure, at long last, that Congress makes good on a commitment it made more than three decades ago when we passed what is now called the Individuals with Disabilities Education Act. At that time, in 1975, we told children with disabilities, their families, schools, and States that the Federal Government would pay 40 percent of the extra cost of special education. We have never lived up to that commitment. In fact, today, we are not even halfway there.

As we introduce this bill, we want to pay tribute to our former colleague, Senator Jim Jeffords of Vermont, who, in 2001, joined with me to introduce the first amendment to make full funding of IDEA mandatory. In 1975, as ranking member of the House subcommittee on special education, Jim Jeffords co-authored what would later be known as the Individuals with Disabilities Education Act, requiring equal access to public education for millions of students with disabilities. It was a matter of profound disappointment to Jim that, year after year, the Federal Government failed to make good on its funding promises under that law.

We tell our children all the time to keep their promises, to live up to their commitments, to do as they say they are going to do. We teach them that if they fail to do so, other people can be hurt. Well, that is what Congress has done by failing to appropriately fund IDEA: We have hurt school children all across America. We have pitted children with disabilities against other children for a limited pool of school funds. We have put parents in the position of not demanding services that their child with a disability truly needs, because they have been told that the services cost too much and other children would suffer. We have hurt school districts, which are forced, in effect, to rob Peter to pay Paul in order to provide services to students with disabilities. We have also hurt local taxpayers, who are obliged to pay higher property taxes and other local taxes

in order to pay for IDEA services because the Federal Government has reneged on its commitment.

I was pleased that, at the outset of this new Congress, we were able to increase funding for the IDEA grants to states program as part of the FY 2007 Continuing Resolution to $10.8 billion. But even that level of funding is woefully inadequate. That represents only 17.2 percent of the additional funding needed to support special education. So we have a long way to go to reach the 40 percent level. But it is time to do so. It is time for the Federal Government to make good on its promise to students with disabilities in this country.

The IDEA Full Funding Act is pretty straight forward. It authorizes increasing amounts of mandatory funding in 8-year increments that, in addition to the discretionary funding allocated through the Appropriations Committee, will finally meet the Federal Government's commitment to educating children with special needs.

This bill is a win-win-win for the American people. Students with disabilities will get the education services that they need in order to achieve and succeed. School districts will be able to provide these services without cutting into their general education budgets. And local property tax payers will get relief.

Full funding of IDEA is not a partisan issue. We all share an interest in ensuring that children with disabilities get an appropriate education, and that local school districts do not have to slash their general education budgets in order to pay for special education. We all share a sense of responsibility to make good on the promise Congress made to fully fund its promised share of special education costs.

So I urge my colleagues to join with Senator HAGEL and me in sponsoring this bill. In the 30-plus years since we passed IDEA, and in the 6 years since we passed the No Child Left Behind Act, the expectations for students with disabilities have grown immensely. Likewise, we are holding local school systems accountable in unprecedented ways. It is high time for us in Congress to also be held accountable. It is time for us to make good on our promise to fully fund IDEA.

By Ms. STABENOW (for herself, Mr. CRAIG, Mr. CRAPO, Mrs. CLINTON, Mr. CASEY, Mr. LEVIN, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. CANTWELL, Mr. WYDEN, Mr. SMITH, Mr. ISAKSON, Mr. BROWN, Mr. MENENDEZ, Mr. BURR, and Ms. SNOWE):

S. 1160. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAIG. Mr. President, I rise today to introduce the ''Specialty Crop Competition Act of 2007.'' This bipartisan legislation co-sponsored by the distinguished Senator from Michigan, Senator STABENOW, increases the focus on the contribution that specialty crops add to the United States agricultural economy. This bill specifically provides the proper and necessary attention to many challenges faced throughout each segment of the industry.

Most do not realize the significance of specialty crops and their value to the U.S. economy and the health of U.S. citizens. According to the United States Department of Agriculture Economic Research Service, fruits and vegetables alone added $29.9 billion to the U.S. economy in 2002. This figure does not even include the contribution of nursery and other ornamental plant production, which our bill recognizes.

The specialty crop industry also accounts for more than $53 billion in cash receipts for U.S. producers, which is close to 54 percent of the total cash receipts for all crops. A surprising fact to some is that my State of Idaho is a top producer of specialty crops. Idaho proudly boasts production of cherries, table grapes, apples, onions, carrots, several varieties of seed crops and of course one of our most notable specialty crops, potatoes.

Maintaining a viable and sustainable specialty crop industry also benefits the health of America's citizens. Obesity continues to plague millions of people today and is a very serious and deepening threat not only to personal health and well-being, but to the resources of the economy as well. This issue is now receiving the necessary attention at the highest levels, and specialty crops will continue to play a prominent role in reversing the obesity trend.

The ''Specialty Crop Competition Act'' will also provide a stronger position for the U.S. industry in the global market arena. This legislation promotes initiatives that will combat diseases, both native and foreign, that continue to be used as non-tariff barriers to U.S. exports by foreign governments. Additionally, provisions in this bill seek improvements to federal regulations and resources that impede timely consideration of industry sanitary and phytosanitary petitions.

This bill does not provide direct subsidies to producers like other programs. This legislation takes a major step forward to highlight the significance of this industry to the agriculture economy, the benefits to the health of U.S. citizens, and the need for a stable, affordable, diverse, and secure supply of food.

Senator STABENOW, I, and our cosponsors fully intend to work with Chairman HARKIN, Ranking Member CHAMBLISS and the entire Senate Agriculture Committee to include this legislation in the new Farm Bill that Congress will soon be debating. Specialty crops have never sat at the head of the farm policy table, but their importance to our Nation's health, security, and economy cannot be avoided any longer.

I look forward to working with my colleagues and the Administration to consider this comprehensive and necessary legislation as we begin to discuss new initiatives for the 2007 Farm Bill.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. CONRAD, Mr. SCHUMER, and Ms. CANTWELL):

S. 1161. A bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am pleased today to join with my colleagues Senators CRAIG and CONRAD and others in introducing the Medicare Medical Nutrition Therapy Act of 2007. This marks the fourth consecutive Congress that Senator CRAIG and I have joined together in introducing a bill to expand the current Medicare Medical Nutrition Therapy (MNT) benefit.

In 2000, the Congress passed a bill authorizing Medicare payment for MNT services, but only for patients with diabetes and renal diseases. Recognizing that many other diseases also have a nutrition component to their treatment, Congress asked the Centers for Medicare and Medicaid services to report back to Congress their recommendations on MNT coverage. That report was submitted to Congress in 2004 and recommended that patients with conditions such as hypertension, dyslipidemia, and certain cancers be eligible to receive MNT therapy.

Medical Nutrition Therapy is not nutrition counseling, it is much more. It involves a specific diagnosis of a disease, condition, or disorder that can be treated with nutrition intervention. That is why Congress limited MNT provider status to Registered Dietitians; they have the specific training necessary to address nutritional interventions as part of a diseased related therapy.

As we all know, Medicare is under tremendous financial stress. It is therefore critically important that bills designed to expand Medicare's coverage be both necessary and cost effective. This is exactly why Senator CRAIG and I have been such consistent supporters of expanding the MNT benefit.

Under our current bill, there is no mandated expansion of the benefit. Instead, we simply give the Centers for Medicare and Medicaid Services the authority to expand coverage using the National Coverage Determination process. The Congress has mandated that the criteria used in that process is necessary and reasonable.

As a result, the MNT benefit will not be expanded beyond diabetes and renal diseases unless such expansion is proven to be cost effective. This is likely not a difficult test for MNT to meet.

There is considerable evidence that MNT is cost effective in the treatment of conditions such as pre-diabetes, which surprisingly is not eligible for MNT.

Five years ago, in March of 2002, then HHS Secretary Tommy G. Thompson warned Americans of the risks of ''pre-diabetes,'' a condition affecting nearly 16 million Americans that sharply raises the risk for developing type 2 diabetes and increases the risk of heart disease by 50 percent.

HHS-supported research that shows most people with pre-diabetes will likely develop diabetes within a decade unless they make modest changes in their diet and level of physical activity, which can help them reduce their risks and avoid the debilitating disease.

Secretary Thompson called for physicians to begin screening overweight people age 45 and older for pre-diabetes. When Congress passed the Medicare Modernization Act in December 2003, it included diabetes (and pre-diabetes) screening in the Welcome to Medicare physical. So Medicare now covers diabetes screening and will pay for MNT for beneficiaries diagnosed with diabetes, but it will not pay for nutrition counseling for beneficiaries diagnosed with pre-diabetes. This makes no sense.

The last Congress recognized the critical role that MNT can play in the treatment of HIV/AIDS by making MNT one of the Core Medical Services under the Ryan White CARE Act. According to the American Dietetic Association, ''The importance of nutrition and especially medical nutrition therapy to the treatment and management of HIV disease cannot be overstated. MNT has become a critical element of disease management for persons living with HIV/AIDS.'' Many HIV/AIDs patients are eligible for Medicare and these patients are in need of MNT to help them manage their disease.

Since the current MNT benefit is limited under statute to just beneficiaries with diabetes and renal diseases, CMS lacks the authority to expand the benefit regardless of how cost effective it is or how many lives it might save. This makes no sense.

The bill that Senator CRAIG and I are introducing today gives the experts at CMS the authority to make those decisions. Choosing to rely on the National Coverage Determination (NCD) process would allow CMS to make decisions based upon the science, and establish the extent to which Medicare will cover specific services, procedures or technologies on a national basis. This is what the NCD is designed to do. This approach also recognizes the importance of saving Medicare dollars.

I urge my colleagues to join with me today in supporting this bill.

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. 1161

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 ''Medicare Medical Nutrition Therapy Act of 2007''.

SEC. 2. AUTHORIZING EXPANSION OF MEDICARE COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES.

(a) AUTHORIZING EXPANDED ELIGIBLE POPULATION.—Section 1861(s)(2)(V) of the Social Security Act (42 U.S.C. 1395x(s)(2)(V)) is amended—

(1) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting each such clause an additional 2 ems;

(2) by striking ''in the case of a beneficiary with diabetes or a renal disease who—'' and inserting ''in the case of a beneficiary—

''(i) with diabetes or a renal disease who—'';

(3) by adding ''or'' at the end of subclause (III) of clause (i), as so redesignated; and

(4) by adding at the end the following new clause:

''(ii) who is not described in clause (i) but who has another disease, condition, or disorder for which the Secretary has made a national coverage determination (as defined in section 1869(f)(1)(B)) for the coverage of such services;''.

(b) COVERAGE OF SERVICES FURNISHED BY PHYSICIANS.—Section 1861(vv)(1) of the Social Security Act (42 U.S.C. 1395x(vv)(1)) is amended by inserting ''or which are furnished by a physician'' before the period at the end.

(c) NATIONAL COVERAGE DETERMINATION PROCESS.—In making a national coverage determination described in section 1861(s)(2)(V)(ii) of the Social Security Act, as added by subsection (a)(4), the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall—

(1) consult with dietetic and nutrition professional organizations in determining appropriate protocols for coverage of medical nutrition therapy services for individuals with different diseases, conditions, and disorders; and

(2) consider the degree to which medical nutrition therapy interventions prevent or help prevent the onset or progression of more serious diseases, conditions, or disorders.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2008.

By Mr. AKAKA (for himself, Mr. BROWN, Mr. FEINGOLD, Mr. HAGEL, Mr. ISAKSON, and Mr. WEBB):

S. 1163. A bill to amend title 38, United States Code, to improve compensation and specially adapted housing for veterans in certain cases of impairment of vision involving both eyes, and to provide for the use of the National Directory of New Hires for income verification purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce the Blinded Veterans Paired Organ Act of 2007. This legislation would update the eligibility requirements for certain benefits provided to veterans with a service-connected disability due to blindness. It addresses two areas of veterans' law that heretofore excluded many veterans with severe vision impairment from accessing benefits that could significantly improve the quality of their lives. At a time when great changes are afoot in how this Nation prioritizes the care of its veterans, it is still important that we also remain attentive to the places where small changes can make a large impact. Several of my colleagues, including Senators BROWN, FEINGOLD, HAGEL, ISAKSON, and WEBB, join me in introducing this legislation.

This bill would relax the criteria for vision impairment in two separate areas of veterans' benefits law. The first governs eligibility for disability compensation under what is known as the ''paired organ law.'' The second relates to the criteria for blinded veterans seeking VA grants for specially adapted housing.

The paired organ law provides veterans who sustain a service-connected injury loss of function in one of their coupled organs, eyes, kidneys, ears, lungs, hands, and feet, with eligibility for additional compensation should they sustain a non-service-connected injury or loss of function in the companion organ.

With respect to vision, VA currently requires veterans to demonstrate a visual acuity of less than 5/200 in the non-service-connected eye in order to receive compensation for full service-connected blindness. However, this requires veterans to demonstrate more severe visual impairment to qualify for benefits than if the standard definition of blindness were used by VA. The standard definition, accepted by the American Medical Association, the Social Security Administration, and the motor vehicle license laws of all 50 States, is a visual acuity of 20/200 or less, or a peripheral field of vision of 20 degrees or less.

This difference in standards was initially brought to the attention of Representative TAMMY BALDWIN of Wisconsin several years ago by Dr. James Allen, a veteran of the Korean War and a long-time ophthalmologist at the Madison VA hospital. Representative BALDWIN subsequently engaged in a long fight on behalf of blinded veterans, ultimately securing passage of a bill this March which would change existing law. I would like to thank Representative BALDWIN and Dr. Allen for their hard work on behalf of veterans who are struggling with vision impairment as a result of their service and I am proud to join them in their efforts through introduction of this companion bill.

With respect to VA grants for specially adapted housing for blinded veterans, VA disburses grants of up to $10,000 to veterans with a service-connected disability due to blindness in both eyes for the purpose of adapting their homes to accommodate their disability. However, as with the paired organ statute, current law requires that veterans have a visual acuity of 5/200 or less in order to be eligible for these grants. This legislation would correct this standard as well, making

specially adapted housing grants available to veterans with a visual acuity of 20/200 or less, or a peripheral field of vison of 20 degrees or less.

This legislation is particularly important at this moment when so many of the men and women in our Armed Forces are deployed overseas in combat zones. Traumatic brain injury is frequently described as the ''signature wound'' of the conflict in Iraq and it is frequently accompanied by damage to the veteran's vision. Thus, there are numerous veterans recovering from battle wounds right now who can benefit from this legislation both in the immediate future and down the road. Some who have suffered severe vision impairment will be able to speed their readjustment by adapting their homes to accommodate the disability. And those who have suffered blindness in one eye will be assured that they are provided for in the event that they lose sight in the other eye.

With more and more servicemembers deployed in combat zones everyday, we are constantly reminded of the great sacrifice they make for this Nation. We owe it to them, at the very least, to ensure that they are not required to shoulder an undue burden when it comes to qualifying for veterans' benefits. Thus, I ask my colleagues in the Senate to join me in supporting this important legislation on behalf of blinded veterans.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. GRAHAM, and Mr. NELSON of Nebraska):

S. 1164. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program; to the Committee on Finance.

Mr. CARDIN. Mr. President, today I introduce the Colon Cancer Screen for Life Act of 2007 along with my colleagues, Senator COLLINS, Senator LIEBERMAN, and Senator GRAHAM. Many people are aware that colon cancer is the second most deadly cancer in the United States. In 2006 alone, according to the American Cancer Society, more than 150,000 new cases were diagnosed and more than 50,000 Americans died from colon cancer. In my own State of Maryland, nearly 1,000 people lost their lives to this disease last year. What people are not as aware of, however, is that colon cancer is preventable with appropriate screening, highly detectable, and curable if found early. The purpose of our bill is to increase the rate of participation in colon cancer screening and ensure that we are saving every life that we can from this deadly disease.

Medicare coverage for colorectal cancer screening through colonoscopy was authorized in the Balanced Budget Act of 1997 and further expanded in 2000 when the colonoscopy benefit was added for high risk beneficiaries. Under this Medicare benefit, a low risk beneficiary is entitled to receive a colonoscopy once every ten years and a high risk beneficiary is entitled to a colonoscopy every two years. Despite this, recent studies have shown that patients are not utilizing coverage of CRC preventive screenings. According to the Government Accountability Office, since the implementation of the benefit in 1998, the percentage of Medicare beneficiaries receiving either a screening or a diagnostic colonoscopy has increased by 1 percent.

Since providing coverage for this lifesaving service, Congress has discovered many barriers that stand in the way of patients having access to the colonoscopy benefit. One reason for such low utilization is that the physician reimbursement has been cut by 33 percent since this benefit was enacted. In 1997, a colonoscopy performed in a hospital outpatient department or an ambulatory surgery center was reimbursed at approximately $301. Now, in 2007, that reimbursement is only $198.20.

Some may argue that reductions in Medicare payments are necessary to keep the Medicare Program financially viable. While I strongly support efforts to eliminate wasteful spending in Medicare, I can assure my colleagues that is not the case here. To the contrary, providing adequate reimbursement for screening will result in Medicare savings and better health outcomes. Let me explain. Our health care system spends an estimated $8.3 billion annually to treat newly diagnosed cases of colon cancer. The average cost of direct medical care for each cancer episode is estimated to be between $35,000 for early stage detection and $80,000 for later stage detection. So each time that cancer is not detected early, that individual faces an increased risk of developing the disease and needing treatment that costs Medicare Program tens of thousands of dollars.

Patient participation has also been is that currently Medicare does not cover a preoperative visit with a physician prior to screening. While it is true that a colonoscopy is a minimally invasive procedure, an anesthetic is used to sedate the patient to make the colonoscopy less uncomfortable. Because the patient is going to be sedated, medical standards require doctors to visit with the patient before surgery to determine and protect against any risks, such as drug interaction, and to give them preoperative instructions. Recognizing the importance of these visits, Medicare does reimburse for a consultation prior to a diagnostic colonoscopy. A preoperative visit is no less medically necessary before a preventive screening, and therefore should be reimbursed in the same manner.

Finally, some beneficiaries may delay seeking colorectal cancer screening because they cannot afford Medicare's Part B deductible. Recognizing this, Congress recently took an important step by waiving the Part B deductible for preventive colon cancer screenings, effective January 1, 2007. However, gastroenterologists are now reporting that, if polyps or other signs of cancer are discovered in the course of a preventive colonoscopy, the procedure is then considered to be diagnostic and Medicare requires that the beneficiary pay a deductible. Congress needs to ensure that beneficiaries are not dissuaded from getting this lifesaving procedure by the concern that they might have to pay a deductible if a polyp is discovered. Our legislation clarifies congressional intent to ensure that CMS will waive the deductible in all screenings so that Medicare beneficiaries are not confronted with an unexpected additional expense, should the procedure's coding change.

The Colon Cancer Screen for Life Act would eliminate every one of these barriers, and in doing so, save lives. First, this legislation would increase reimbursement for colorectal cancer related procedures to ensure that physicians are able to continue to perform these valuable services. Reimbursement for procedures performed in a physician's office would be increased by up to 10 percent and reimbursement for procedures performed in Hospital Outpatient Department, HOPD, or Ambulatory Surgery Center, ASC, would be increased by up to 30 percent. The bill would also provide Medicare coverage for the preoperative doctor's visit conducted prior to a screening colonoscopy. Finally, the bill contains a technical provision to require that the deductible is waived whether or not the beneficiary's screening was clean or results in a biopsy or lesion removal.

More than 50,000 Americans will die from colon cancer this year alone. Ninety percent of these cases might have been prevented. We cannot afford to wait another moment before doing something to eliminate these and other barriers that are standing in the way of preventing colon cancer.

I urge my colleagues to join me in support of this important legislation and enact it this year.

By Mr. CARDIN:

S. 115. A bill to require Federal buildings to be designed, constructed, and certified to meet, at a minimum, the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council, and for other purposes; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, we need to make this country energy independent, and to enact a comprehensive, long-term energy policy that will give Americans the energy they need, while protecting our environment and our national security.

As one step in this direction, today I am introducing the American Green Building Act.

Our Federal Government is the largest single energy consumer in the world.

Buildings account for over a third of America's energy consumption. Buildings also account for 49 percent of sulfur dioxide emissions, 25 percent of nitrous oxide emissions, and 10 percent of particulate emissions, all of which damage our air quality. Buildings produce 38 percent of the country's carbon dioxide emissions—the chief pollutant blamed for global warming.

Federal buildings are a large part of this problem.

Energy used in Federal buildings in fiscal year 2002 accounted for 38 percent of the total Federal energy bill. Total Federal buildings and facilities energy expenditures in fiscal year 2002 were $3.73 billion.

The American Green Building Act would require all new Federal buildings to live up to green building LEED, Leadership and Energy in Environmental Design, Silver standards, set by the United States Green Building Council. These standards were created to promote sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. The average LEED-certified building uses 32 percent less electricity, 26 percent less natural gas and 36 percent less total energy. LEED-certified buildings in the U.S. are in aggregate saving 150,000 metric tons of carbon dioxide reduction, equivalent to 30,000 passenger cars not driven for one year. A single LEED-certified building is designed to save an average of 352 metric tons of carbon dioxide emissions annually, which is equivalent to 70 passenger cars not driven for one year. This standard would only apply to Federal buildings for which the design phase for construction or major renovation is begun after the date of enactment of the provision. The General Services Administration or relevant agency may waive this requirement for a building if it finds that the requirement cannot be met because of the quantity of energy required to carry out the building's purpose or because the building is used to carry out an activity relating to national security.

My bill will also require that significant new development or redevelopment projects undertaken by the Federal Government plan for storm water runoff. The hardened surfaces of modern life, such as roofs, parking lots, and paved streets, prevent rainfall from infiltrating the soil. Over 100 million acres of land have been developed in the United States. Development is increasing faster than population: Population growth in the Chesapeake Watershed, for example, increased by 8 percent during the 1990s, but the rate of impervious surface increased by 42 percent. Development not only leads to landscape changes but also to contamination of storm water runoff by pollutants throughout the watershed. Storm water runoff can carry pollutants to our streams, rivers, and oceans, and poses a significant problem for the Chesapeake Bay. Every other pollution source in the Chesapeake is decreasing, but pollution from storm water runoff is increasing. In urbanized areas, increased storm water runoff can cause increased flooding, stream bank erosion, degradation of in-stream habitat and a reduction in groundwater quality. For these reasons, as the Federal Government moves forward with development, we need to plan for how to manage storm water runoff. The storm water provisions in the American Green Building Act will be used to intercept precipitation and allow it to infiltrate rather than being collected on and conveyed from impervious surfaces.

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. 1165

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 ''American Green Building Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) LEED SILVER STANDARD.—The term ''LEED silver standard'' means the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council.

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

SEC. 3. GREEN BUILDING STANDARDS FOR FEDERAL BUILDINGS.

(a) REQUIREMENT.—Except as provided in subsection (b), a Federal building for which the design phase for construction or major renovation is begun after the date of enactment of this Act shall be designed, constructed, and certified to meet, at a minimum, the LEED silver standard.

(b) DETERMINATION OF IMPRACTICABILITY.—

(1) IN GENERAL.—Subject to paragraph (3)(B), the requirement under subsection (a) shall not apply to a Federal building if the head of the Federal agency with jurisdiction over the Federal building, in accordance with the factors described in paragraph (2), determines that compliance with the requirement under subsection (a) would be impracticable.

(2) FACTORS FOR DETERMINATION.—In determining whether compliance with the requirement under subsection (a) would be impracticable, the head of the Federal agency with jurisdiction over the Federal building shall determine—

(A) the quantity of energy required by each activity carried out in the Federal building; and

(B) whether the Federal building is used to carry out an activity relating to national security.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the head of each Federal agency shall prepare and submit to the Secretary a report that includes a description of each Federal building for which the head of the Agency with jurisdiction over the Federal building determined that compliance with the requirement under subsection (a) would be impracticable.

(B) REVIEW BY SECRETARY.—Not later than 90 days after the date on which the Secretary receives a report from a head of a Federal agency under subparagraph (A), the Secretary shall review the report and notify the head of the Federal agency on whether any Federal building described in the report submitted by the head of the Federal agency shall be required to comply with the requirement under subsection (a).

(4) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out this subsection.

(c) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress the results of a study comparing—

(A) the expected energy savings resulting from the implementation of this section; with

(B) energy savings under all other Federal energy savings requirements.

(2) INCLUSION.—The Secretary shall include in the report any recommendations for changes to Federal law necessary to reduce or eliminate duplicative or inconsistent Federal energy savings requirements.

SEC. 4. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving property with a footprint that exceeds 5,000 square feet and that is federally-owned or federally-financed shall use site planning, design, construction, and maintenance strategies for the property to maintain, to the maximum extent technically feasible, predevelopment hydrology with regard to the temperature, rate, volume, and duration of flow.

By Mr. WARNER:

S. 1166. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain zone compensation of civilian employees of the United States; to the Committee on Finance.

Mr. WARNER. Mr. President, I rise today to introduce the Federal Employee Combat Zone Tax Parity Act, which would provide parity to civilian Federal employees by extending the tax credit currently received by military personnel in combat zones to the civilian Federal employees working alongside them. My fellow Virginian, Congressman FRANK WOLF, has introduced a similar bill in the House of Representatives.

In addition, several Federal employee organizations, such as the American Federation of Government Employees (AFGE), the National Treasury Employees Union (NTEU), the Financial Management Association (FMA), the Senior Executives Association (SEA), the American Foreign Service Association (AFSA), and the National Federation of Federal Employees (NFFE), strongly support this legislation.

As of today, I have made eleven separate trips to Iraq and Afghanistan to see firsthand the work of our military personnel, which is essential to success in these regions. In addition, the work of our Federal civilian employees in these regions is significantly important.

At the moment, a majority of the work in the reconstruction of these countries is being done by the military and the Department of State (DOS). These dedicated men and women deserve our gratitude. However, as I have said on a number of occasions, our challenging task requires the coordination and work of Federal agencies across the spectrum.

Regardless of whether one is in the military or a civilian, there are certain risks and hardships associated with working overseas. As a result, the Federal Government provides certain incentives to individuals when they take on extremely challenging jobs. For example, those in the military working in a combat zone receive the Combat Zone Tax Credit.

This tax credit permits military personnel working in combat zones to exclude a certain amount of income from their Federal income taxes. This benefit for the military was established in 1913.

Private contractors working in Iraq and Afghanistan get a similar benefit. Under the Foreign Earned Income Tax Credit, contractors are allowed to exclude a portion of their income from taxes while they work abroad, like in Iraq and Afghanistan.

To date, however, no similar benefit exists for Federal employees serving in the same combat zones. I do not believe it is fair for our Federal employees to be excluded from the same benefits available to military personnel and private contractors in the same combat zone.

The Commonwealth of Virginia, of which I have been honored to serve for the last 28 years in the Senate, is home to over 200,000 Federal employees. I have long been a strong supporter of our Federal employees as I have been for our military personnel.

Our efforts in the war on terrorism can only be successful with a highly skilled and experienced workforce. I can personally attest to the dedication of civil service employees throughout the Federal Government. Since the September 11th attacks, Federal employees have been relocated, reassigned, and worked long hours under strenuous circumstances without complaints, proving time and again their loyalty to their country is first and foremost.

During my service as Secretary of the Navy—during which I was privileged to have some 650,000 civilian employees working side by side with the uniformed Navy—I valued very highly the sense of teamwork between the civilian and uniformed members of the United States Navy. Teamwork is an intrinsic military value, in my judgment, and essential to mission accomplishment. A sense of parity and fairness is important for developing this teamwork.

In Iraq and Afghanistan, the teamwork of the entire Federal Government is essential to harness our overall efforts to secure a measure of democracy for the peoples of those countries, and we need to make it easier for our Federal employees to participate.

Last year, I offered additional legislation that became law under an emergency supplemental bill to achieve this goal. My bill, S. 2600, provided the heads of agencies other than DOS and the Department of Defense (DOD) with the authority, at their discretion, to give their employees who serve in Iraq and Afghanistan allowances, benefits, and gratuities comparable to those provided to State Department and DOD employees serving in those countries.

At that time, the agency heads of non-DOD and DOS agencies did not have such authority, and it is essential, as part of the U.S. effort to bring democracy and freedom to Iraq and Afghanistan, that agency heads be able to give their workers in those countries the same benefits as those they work beside.

In the last estimate, there are almost 2,000 Federal employees working a variety of jobs in Iraq and Afghanistan. I am grateful for their hard work in potentially dangerous situations. And, I know there are many other Federal employees who are anxious to serve their country and engage in these efforts, but it is a lot to risk.

Providing parity in this important tax credit would provide a significant incentive for individuals to take on this challenge—a challenge that America desperately needs Federal employees to undertake.

Throughout the world, America's civil servants are serving our government and our people, often in dangerous situations. They are on the ground in the war on terrorism taking over new roles to relieve military personnel of tasks civilian employees can perform. They are playing a vital role in the reconstruction of Iraq and Afghanistan.

We have a long tradition in Congress of recognizing the valuable contributions of our Federal employees in both the military service and in the civil service by providing fair and equitable treatment. This bill gives us the ability to continue this tradition while at the same time providing an important incentive to help America meet its needs.

I urge my colleagues to join with me in support of 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. 1166

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 ''Federal Employee Combat Zone Tax Parity Act''.

SEC. 2. EXCLUSION FROM GROSS INCOME FOR CERTAIN COMBAT ZONE COMPENSATION OF CIVILIAN EMPLOYEES OF THE UNITED STATES.

(a) IN GENERAL.—Section 112 of the Internal Revenue Code of 1986 (relating to certain combat zone compensation of members of the Armed Forces) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

''(c) CIVILIAN EMPLOYEES OF THE UNITED STATES GOVERNMENT.—

''(1) IN GENERAL.—Gross income does not include so much of the compensation as does not exceed the maximum amount specified in subsection (b) for active service as an employee of the United States for any month during any part of which such employee—

''(A) served in a combat zone, or

''(B) was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone; but this subparagraph shall not apply for any month beginning more than 2 years after the date of the termination of combatant activities in such zone.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) EMPLOYEE OF THE UNITED STATES.—The term 'employee of the United States' has the meaning given such term by section 2105 of title 5, United States Code, and includes—

''(i) an individual in the commissioned corps of the Public Health Service or the commissioned corps of the National Oceanic and Atmospheric Administration, and

''(ii) an individual not otherwise described in the preceding provisions of this subparagraph who is treated as an employee of the United States or an agency thereof for purposes of section 911(b).

''(B) ACTIVE SERVICE.—The term 'active service' means active Federal service by an employee of the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2201(b) of such Code is amended by striking ''112(c)'' both places it appears and inserting ''112(d)''.

(2) The heading for section 112 of such Code is amended to read as follows:

''SEC. 112. CERTAIN COMBAT ZONE COMPENSATION OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE UNITED STATES.''.

(3) The item relating to section 112 in the table of sections for part III of subchapter B of chapter 1 of such Code is amended to read as follows:

''Sec. 112. Certain combat zone compensation of members of the Armed Forces and civilian employees of the United States.''.

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

By Mr. HARKIN:

S. 1167. A bill to amend the Higher Education Act of 1965 in order to provide funding for student loan repayment for civil legal assistance attorneys; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am introducing the Legal Aid Attorney Loan Repayment Act. This important legislation is critical to ensuring that basic civil liberties are protected for all of our citizens. Our promise of ''equal justice under law'' rings hollow if those who are most vulnerable are denied access to representation. Legal Aid attorneys across the country protect the safety, security, and health of low-income citizens. When a senior citizen is the victim of a financial scam, when a family faces the loss of their home, or, all too often, when a woman

seeks protection from abuse, Legal Aid is there to help them. Legal Aid attorneys are critical to ensuring that poverty is not a barrier to accessing the justice system.

Despite the importance of the services they provide, almost half of the eligible people seeking assistance from Legal Aid are being turned away because of a lack of funding. Additional qualified and experienced attorneys would alleviate some of the shortages facing Legal Aid.

I started my legal career as a legal service lawyer, and it is an experience that I will never forget. It helped shape many of my views about how government can most effectively help those in need. Working as a Legal Aid attorney is one of the most rewarding career choices a young lawyer can make.

Unfortunately, these days, it's harder and harder for newly minted lawyers to make the choice that I made to work for Legal Aid. The average starting salary for a Legal Aid lawyer is now $35,000. But the average annual loan repayment burden for a new law school graduate is $12,000! Many law graduates who are able to take positions with Legal Aid end up leaving after two or three years because their debt is too burdensome. They leave at a time when they have gained the necessary experience to provide valuable services to low-income clients, creating a revolving door of inexperienced lawyers within Legal Aid services.

That is why I am introducing this bill to provide a loan-repayment program for new law graduates who chose to work for Legal Aid. Such programs are available for Federal prosecutors and other Federal employees. But, for Legal Aid attorneys—who have the lowest incomes—there is not adequate access to loan-repayment programs. Estimates suggest that there are fewer than 2,000 attorneys who would need the assistance of such a program. This bill builds on existing loan-repayment and retention programs for lawyers in other fields by providing partial loan-repayment assistance to full time civil legal assistance lawyers. Recipients who receive the loan-repayment assistance must commit to a minimum of three years of service. And the bill prioritizes awards for those who have practiced public service law with less than five years of experience. This program is critical to ensure that lawyers who want to commit to public service are able to do so.

We have a responsibility to ensure that all citizens have appropriate protection under the law. By establishing a loan-repayment program, Legal Aid programs are better able to attract and retain qualified personnel. I urge my colleagues to support this critical legislation to reduce the barriers to public service and protect access to legal representation for all of our citizens.

By Mr. ALEXANDER:

S. 1168. A bill to amend the Clean Air Act to establish a regulatory program for sulfur dioxide, nitrogen oxides mercury, and carbon dioxide emissions from the electric generating sector; to the Committee on Environment and Public Works.

Mr. ALEXANDER. Mr. President, today I introduce legislation to reduce air pollution and the threat of global warming by enacting strict standards on the four major pollutants from powerplants. I send the legislation to the desk and ask it be introduced.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. ALEXANDER. Mr. President, I am pleased that Senator JOE LIEBERMAN, of Connecticut, who chairs a key environmental subcommittee, will be the bill's lead cosponsor, so it will be known as the Alexander-Lieberman Clean Air Climate Change Act of 2007. It will establish an aggressive but practical and achievable set of limits on four key pollutants. This is a little different sort of clean air and climate change bill, and I would like to talk for a few minutes about exactly what it does and why we are doing it this way.

Most of us in the Senate can be measured by where we come from. I come from the Great Smoky Mountains. When I go home tomorrow afternoon, after we hopefully start the competitiveness legislation debate, I will go to my home about 2 miles from the Great Smoky Mountains National Park. When the Cherokees named the Great Smoky Mountains, which today have become our most visited national park, they were not talking about smog and soot. Unfortunately, today they probably would be. There has been a lot of recent progress, but air pollution is still a serious health problem, causing illnesses from asthma to premature death, and making it harder to attract new jobs.

To be specific about that, recently, over the last 20 years, the auto industry has become important to Tennessee.

Tennessee was in competition recently for a Toyota plant that nearly came to Chattanooga but went to Mississippi. In the last 25 years, one-third of our manufacturing jobs have become auto jobs. I can remember when there were not any, and I was Governor, and the Nissan plant decided to come to Tennessee in 1980. The first thing I had to do as Governor was to help them go down to the air quality board and get a permit to paint 500,000 cars and trucks a year. That is a lot of paint, and produces a lot of emissions in the area. If Tennessee had not had clean air at that time, that Nissan plant would have been in Georgia. So clean air is not only about our health, although the more we learn about the effects of nitrogen pollutants and sulfur pollutants, the more that we learn that it and mercury are about our health, clean air is also about our ability to attract jobs. So we want to make sure that when Nissan or Toyota or any of the suppliers of any automobile company—General Motors with a Saturn plant in Tennessee—when they want to look at our State for expansion—they are not limited by our inability to meet clean air standards.

We also have jobs that come from another direction. In Tennessee, tourism is big business. Many people know about Yellowstone in the West, but the Great Smoky Mountains have three times as many visitors as any Western park, nearly 10 million visitors a year, and they come to see the Great Smokies, not to see smog, not to see soot. They want to enjoy it.

When I go into Sevierville, Dolly Parton's hometown, and ask the Chamber of Commerce right there next to Maryville where I grew up, what is your No. 1 issue, these conservative Republicans in Sevier County say to me: Clean air. That is what the Chamber of Commerce there says, clean air. So we Tennesseans think clean air is important for our health, because we love to look at our mountains and because of our jobs.

I am the chairman of the Tennessee Valley Authority Congressional Caucus. I sit on the Senate's Environment and Public Works Committee. I am especially delighted that Senator LIEBERMAN, who is the cosponsor of this legislation, not only is on that committee, but he chairs one of the major subcommittees on the Environment and Public Works Committee that has to do with global warming.

What we are hoping is that this legislation, which I am about to describe, along with legislation Senator CARPER of Delaware is introducing today or tomorrow, will help move along the debate about how we deal with global warming in our country.

In the legislation I have presented, the Alexander-Lieberman legislation, we seek to preserve our jobs while we clean the air and preserve the planet. We have a number of concerns in our country, and global warming is only one of those. So I would argue that the provisions we have set out are aggressive, but they are practical and they are achievable. They set schedules for powerplants to reduce emissions for sulfur dioxide, for nitrogen oxide, for mercury, and for carbon dioxide. Doing so will relieve some of the worst air-related health environmental problems such as ozone, acid rain, mercury contamination, and global warming.

I think it is important to note that one of the differences with this Alexander-Lieberman bill is it proposes carbon caps only on powerplants that produce electricity; it does not propose carbon caps on the economy as a whole.

Now, why would we only do that? Well, here are the reasons for that: No. 1, when we talk about global warming and carbon, we are dealing with a huge, complex economy. This country of ours produces and uses about 25 percent of all of the energy in the world. We have businesses that range from the shoe shop to Google to chemical plants.

I think we have to be very careful in Washington about coming up with great schemes and great ideas that sound good here but that might not apply to everyone across the country, because everyone across the country has a natural conservatism about the wisdom of those who are in Washington. We could scare them to death with some talk of an economywide global warming bill. So I am more comfortable thinking sector by sector. I want our steps to be practical and cost effective.

I do believe a market-based cap and trade system for powerplants makes a lot of sense. Powerplants are the logical place to start with carbon regulation. Powerplants produce about 40 percent of all the carbon in our economy. Powerplants are increasing emissions of carbon at a rate faster than any other large segment in our economy. We have selected in our legislation what we call a market-based cap and trade system to regulate the amount of carbon that is produced. This is not a new idea. The market-based cap and trade system was actually introduced by a Republican administration in which I served in the Cabinet, the first George Bush. It was a part of the Clean Air Act amendments in 1990. It was introduced because we were concerned about the amount of sulfur coming out of powerplants. Basically it created a lot of flexibility for those powerplants. It used a market system. We have now had 15 years experience with it. It has worked very well. It has significantly reduced the amount of sulfur in the air. It has done it in a way that most everyone concedes is the lowest possible cost of regulation.

It is a minimal amount of rules from here, a maximum amount of market decisions and individual decisions by individual utilities. So we have had that system in effect since 1990. There has been a similar system in effect for nitrogen. There has been a similar cap and trade system in Europe. We have a lot of experience with cap and trade. So we have elected to use a similar cap and trade market-based system to regulate the carbon coming out of the same smokestacks that sulfur, nitrogen, and mercury come out of. We can already measure the amount of carbon coming out, so we do not have to guess about that. We do not have to invent a new system.

We do have to be careful about what the standards are, what the dates are. We want to know what the costs will be to the ratepayers. We want to keep electric rates as low as we possibly can, as well as making the energy clean.

But if we are concerned about global warming in this generation, because I think we should be, then powerplants are a good place to start. It is time to finish the job of cleaning the air of sulfur, of too much sulfur, too much nitrogen, and too much mercury. It is time to take the right first step with controlling carbon emissions. It is time to acknowledge that climate change is real, that human activity is a big part of the problem, and that it is up to us to act.

Now not only am I glad to be working with Senator LIEBERMAN, who will be the lead cosponsor of this legislation, he, of course, is already a leader in this area and he has an economywide piece of legislation which he introduced. Senator MCCAIN in the last session—I am not about to try to speak for another Senator, but I think Senator LIEBERMAN is taking the position he would like to see several good trains moving down the track toward the same station in hopes that one of them eventually gets there, and that we can learn from each other.

That is the attitude I take with the legislation Senator CARPER has described today and that he is introducing today or tomorrow. Senator CARPER and I have worked together through two Congresses on four pollutant legislation. A lot has happened since we started working. For example, the Administration, to its credit, through the Environmental Protection Agency, has stiffened requirements for sulfur and nitrogen. I applaud President Bush for that. They are very good requirements. They have also proposed the regulation of mercury for the first time in our country's history. I applaud the EPA for that. So a lot has changed since Senator CARPER and I first started.

Also we have learned a lot. Senators who do not always have their mouths open learn a lot. We have discovered one of the most difficult areas in fashioning a market-based cap and trade system for sulfur or for nitrogen or for carbon is who pays for it. We called that the allocation system.

Senator CARPER and I started out with what we called an output system. We thought that sounded pretty good. It would be based upon the amount of electricity you would be putting out. But the more we studied it, he came to a different conclusion and I came to a different conclusion. I came to the conclusion that we should use historical emissions. In other words, we are saying to a utility in the United States: We are about to impose upon you some requirements for cleaning up more sulfur, cleaning up more nitrogen, cleaning up mercury—for the first time—and regulating the emissions of carbon for the first time, and I understand that is a significant cost.

That capital cost will have to be borne in the end by ratepayers. So, in my view, it seems to me that the fairest way to impose that cost would be through what we call the historical allocation system. That is the way we have done it with allowances for sulfur and nitrogen for the last 15 years.

In fact, the input or the historical allowance system as the way to pay the bill has been the way it is done almost everywhere, I believe.

But there is another way to allocate that is called the output. Senator CARPER selected that. There is still a third way to allocate the costs of doing whatever regulation we do, and that is called the auction. A market-based cap and trade system sounds complicated, but it is not so complicated. It basically says to each emitter of one of the pollutants: You have an allowance to emit one ton of that sulfur or of that carbon, and as long as you emit that much, you are okay. If you emit more than that, you are going to have to buy allowances to emit that much more from someone else. So it costs you more. Or if you emit less, you can sell your allowance. Then as the law goes along over the years, 2009 or 2010 to 2015, the amount of pollutants that come down, your allowance total drops down as well.

One of the favored proposals mostly—and especially by many environmental groups—is an auction of those allowances. Well, I have resisted. I have been careful about the auctions. I have been to a lot of auctions. I know they must have them in Minnesota as well as Tennessee. I have yet to see one where the purpose of the auction was not to get the highest possible price.

Well, if I am paying my electric bill down in Memphis, or if I am at Eastman Chemical in east Tennessee or ALCOA trying to keep my electric costs in line, I am not interested in my Senator coming to Washington and having an auction to raise my electric rates to the highest possible price.

So also there is the temptation that if you auction off these allowances, and there are a lot of them when we are talking about carbon allowances, many more than when we are talking about sulfur allowances over the last 15 years. They will bring in a lot of money. And whenever you bring in a lot of money, and 100 different Senators and lots of Congressmen know there is a pot of money, they will come up with a lot of ways to spend that money. And where will that money come from? Well, it has got to come from the man or women or family paying the electric bill in Nashville, or Knoxville. So I have been conservative about the use of auctions.

Senator LIEBERMAN and I, in this bill, say 75 percent of the allowance comes from historical emissions and 25 percent are sold in an auction. This gets way down in the weeds, as we say. But one of the things that I think may be beneficial from Senator CARPER going ahead with his bill, which relies on an output system that becomes a 100-percent auction, and way we go ahead in the Alexander-Lieberman bill with 75-percent input and 25-percent auction, may be that our colleagues will do as we have been doing over the last few months, and spend a little more time understanding allowances and auctions, and we can come to a better conclusion about this.

I value greatly my relationship with Senator CARPER and respect his leadership in this area. He chairs one of the principal subcommittees on the Environment Committee upon which I serve

and the Presiding Officer serves. What I hope is he and I are moving into a new stage of our working relationship on clean air and climate change, and the result of that will be that all of our ideas will be out in front of our colleagues and that it will move the debate along.

I would emphasize, we agree, he and I, on a lot more than we disagree on. In fact, I believe on all of the standards and deadlines for meeting those standards for nitrogen, sulfur, and mercury, we agree. We agree there should not be a cap and trade system for mercury because mercury is a neurotoxin, and down in east Tennessee where I live, we do not want TVA buying a lot of allowances so they can emit a lot more mercury, because it doesn't go up in the air and blow into North Carolina, it goes up in the air and comes right down on top of us, for the most part. We don't want that.

We don't want that. The more we learn about mercury, the less we want it. We don't have cap and trade for mercury, although we do suggest that for carbon.

Climate change has become the issue of the moment. Everybody is talking about it. There are movies about it. The Vice President was here testifying about it. It is not the only issue that faces us that has to do with air pollution. I am more concerned in Tennessee about sulfur, nitrogen, and mercury than I am about carbon. That is why this is a four-pollutant bill. We ought to address all of these at once.

I was in this body 40 years ago as a staff assistant working for Howard Baker. I remember very well when Senator Baker, a Republican, and Senator Muskie of Maine, a Democrat, worked together on the committee on which the Presiding Officer and I now serve. They passed the first Clean Water Act and the first Clean Air Act. The Clean Water Act, some people have said, is the most important piece of urban renewal legislation ever enacted because the rivers of America had gotten so dirty, nobody wanted to live on them. The rivers of America are where most of our great cities are. As soon as they were cleaned up, people moved back to the cities and around the rivers. That was 1970 and 1971.

It is appropriate to think about that now because Earth Day is coming up this weekend. I can remember Earth Day, which began in 1970. Suddenly the environment, which had been an issue that was reserved for only a few people, became a national craze. It was almost like a hula hoop. Everybody was interested in the environment and recycling. Former Senator Gaylord Nelson was a leader in creating Earth Day. I can remember sitting in a meeting of President Nixon and the Republican leadership in 1970 when I was on the White House staff, and President Nixon was trying to explain to the Republican leaders the importance of environmental issues. It was 8 o'clock in the morning, and they weren't listening very well. It was a new subject. But Gaylord Nelson was doing it. The kids were doing it. People were recycling. The Republican President was talking to the Republican leadership, and Senator Baker, Senator Muskie, and the Congress passed the first Clean Air and Clean Water Acts.

Many of us who have lived a while can remember things are better today in many ways. When I was a student at Vanderbilt in Nashville, it was so smoggy in the mornings, you couldn't see downtown. Your clothes got dirty during the day. Things got gradually better. In 1990, when the first President Bush was in office, we passed important Clean Air Act amendments, and the first cap and trade system for sulfur began. What also happened was that we learned more about how damaging these pollutants are to our health.

As a result, the standards which we once thought were high seemed low. Knoxville, the biggest city near where I grew up, near the Smoky Mountains, is the 14th most polluted city for ozone. Ozone irritates lung tissue, increases the risk of dying prematurely, increases the swelling of lung tissue. It increases the risk of being hospitalized with worsened lung diseases and triggering asthma attacks. At risk in Knoxville County alone are 176,000 children, 112,000 seniors, 15,000 children with asthma, and 50,000 adults with asthma. Ozone is not emitted directly from tailpipes and smokestacks. The raw ingredients come from coal-fired powerplants and cars.

Sulfur is in many ways our biggest problem. It is the primary contributor to haze. It causes difficulty in breathing. It causes damage to lung tissue and respiratory disease and premature death.

We know that mercury is also a problem. Monitoring by the National Park Service in the Great Smoky Mountains has found high levels of mercury deposits from air pollution. Mercury pollution of rivers and streams contaminates the fish we eat and poses a serious threat to children and pregnant women.

This bill is a clean air and a climate change bill. I hope our committee, as we take advantage of this resurgence of interest in the quality of air and our health and what we need to do about it, we won't just do part of the job. I would like to look at the whole picture. What we do in this bill is take the standards that the EPA has created for nitrogen and sulfur and put them into law. We make them a little stricter, but basically we put them into law. We take the mercury rule of the EPA, and we put it into law. We make it even stricter. The EPA says get rid of 70 percent of it. We say get rid of 90 percent. Then for the first time we put into law carbon caps on electric powerplants which produce 40 percent of all the carbon produced in the United States and are the fastest growing sector producing carbon in America.

I hope my colleagues will carefully consider this sector-by-sector approach to climate change. Carbon caps might be the best way—I believe they are—for dealing with electric powerplants. When it comes to fuel, there may be another strategy that makes sense. We could deal with that sector in a different way. For example, when we were dealing with sulfur, we didn't put a cap and trade on diesel fuel. We did on powerplants. But when we got to diesel fuel, we just said that you have to have ultra low sulfur diesel for big trucks, which just now went into effect.

There is also the large segment of building energy use. If we took the sector of building energy use, the fuel segment, and the electric powerplants, if we added that to a few stationery sources in America and developed strategies that were aggressive but practical and cost-effective for each of those segments, we would be up in the 85 to 90 percent of all the carbon we produce in America. That makes a lot more sense to me than trying to devise some one-size-fits-all system that affects every little shop, store, or farm in America. If we can get most of it this way, maybe we can learn something so that someday we can get the rest of it.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a section-by-section description of the Alexander-Lieberman bill, a one-page summary of the Alexander-Lieberman Clean Air/Climate Change Act of 2007, as well as a short memorandum which we describe as discussion points and with which I will conclude my remarks by going over in just a moment, and a letter from the National Parks Conservation Association endorsing the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 through 4.)

Mr. ALEXANDER. Senator LIEBERMAN and I don't have all the answers with this legislation. I feel much more comfortable with this legislation today than I did with any I helped introduce last year or the year before because I have learned a lot more. But I will guarantee my colleagues that there are several areas in which I would welcome advice. Over the last several weeks, I have met with a dozen, two dozen environmental groups, utilities, Tennessee citizens, others who had suggestions. For example, the discussion points that I have put into the record contain five points that are arguable. I have come to a tentative conclusion on them. That is in the bill. But there is another side to the point. I am looking for advice.

For example, should we cap only carbon or all greenhouse gases emitted from electricity plants? I chose to cap CO_2 only. That is because this is a four-pollutant bill—sulfur, nitrogen, mercury, and carbon. It is not primarily a climate change bill.

Another consideration is that it seems Europe's experience is that it may be better to cap just carbon and

not all greenhouse gases. That is a question we can debate.

What should the size of an auction be in terms of the allowances? I discussed that earlier. Senator LIEBERMAN and I have chosen 25 percent of the total number of allowances. Senator CARPER, in his bill, eventually goes to 100 percent. There are arguments on both sides.

What influenced my decision was, I wanted to keep the costs down as much as possible. I was afraid that if we used some different kind of allowance allocation, we might literally take money away from the emitters that they ought to be using to put scrubbers on to reduce sulfur, nitrogen, mercury, or carbon and pay it to other utilities.

What rules should govern the use of offset allowances by electric plants? Offsets are an ingenious idea. The idea would be that an emitter of carbon might be able to pay somebody else to reduce their output of carbon and, therefore, we would end up with the same amount of carbon. There are many advantages to that. For example, the Tennessee Valley Authority might pay a Tennessee farmer to manage his livestock crop in a way as to not produce as much methane, might pay a Tennessee farmer to plant a lot of trees. Both of those things would reduce greenhouse gases, and the farmer would have more money in his pocket. That is a good idea.

The downside of offsets is that if they are unregulated entirely, it seems to me they could become a gimmick or a fad or worse. What we have done in this bill is adopt a system of offsets from a consortium of States ranging from Maryland to Maine—that includes Senator LIEBERMAN's State of Connecticut—and used those model rules on offsets. That tends to limit the way offsets may be used. It is a good place to at least begin. In other words, a utility might produce more carbon, but it might pay someone else who is reducing carbon by using biomass or by sequestering carbon in some other way.

There is a question about how should new coal-fired electric plants be treated. There are probably 160 new coal plants on the drawing boards. Some of them hope to escape the rules Congress is considering about capping the output of carbon. I don't think they should. This bill would apply to all coal-fired powerplants, including those on the drawing boards. It also would give an incentive to the first 30 of those plants to meet a high standard of clean coal technology. We don't want to encourage the use of natural gas in this bill. That is the last thing we want to do. We don't want to discourage the use of coal. We have a lot of coal. It would help make us energy independent. We want to encourage the creation of the kind of technology that will permit us to use coal in a clean way that either recaptures the carbon and stores it or finds some other way to deal with it.

Finally, what should the CO_2 cap levels be? We can debate that, and I am sure we will. But the cap level we pick in this legislation is to say, let's freeze at the level of last year, starting with 2011, and go down step by step into 2025 to 1.5 billion metric tons. This is our contribution to the debate.

We have learned enough about our health, about our ability to attract jobs, to know we need to finish the job of cleaning up the air of nitrogen, of sulfur, and of mercury; and we need to take the right first step to begin to control the emission of carbon to deal with global warming. I believe the right first step is a market-based cap and trade system of electricity plants which is described here.

May I also say this: Some people say: Well, let's wait until China does it. Let's wait until India does it. The great danger is that we will not unleash the technological genius of the United States of America to clean our air and to deal efficiently and inexpensively with the emissions of carbon. If we do not figure that out, India and China are going to build so many dirty coal powerplants that it will not make any difference what we do because the wind will blow the dirty air around here, and we will suffer and the planet will suffer whatever the consequences are of global warming and of the other pollutants that come from coal.

So we have an obligation not just to the world to do this, we have to do this for ourselves because 100, 200, 300, 400, 500 new coal-fired powerplants in India and China will obliterate any of the good work we might do here. I believe if we take the aggressive but practical cost-effective steps in this Clean Air/Climate Change Act, we will unleash the great entrepreneurial spirit of our country. We will be able to create an inexpensive way to deal with carbon on a segment-by-segment basis, deal with the other pollutants, and India and China will have to follow. The rest of the world will follow, and we will be better off.

I cannot imagine more interesting and exciting work to be doing. This is the kind of subject on which we should be working together on a bipartisan basis.

I thank Senator LIEBERMAN for joining me in cosponsoring this legislation. I salute Senator CARPER for his continued leadership. I look forward to working with him.

EXHIBIT 1

CLEAN AIR/CLIMATE CHANGE ACT OF 2007, SECTION BY SECTION DESCRIPTION, APRIL 19, 2007

TITLE I: GENERAL PROVISIONS

Sec. 101. New Source Performance Standard

Requires all new coal-fired electricity plants constructed or modified after January 1, 2015, to meet a performance standard of 1,100 pounds of carbon dioxide (CO_2) per megawatthour of electricity generated (MWh).

Between January 1, 2011 and December 31, 2020, 5 percent of the total CO_2 allowances will be set aside for new coal-fired power plants built after enactment that meet this performance standard.

Sec. 102. New Source Review Program

Beginning January 1, 2020, electricity plants that have been operating for 40 years or more have to meet a performance standard of 2 pounds of sulfur dioxide per MWh and 1 pound of nitrogen oxides per MWh.

Sec. 103. Integrated Air Quality Planning for the Electric Generating Sector

Cuts sulfur dioxide and nitrogen oxide emissions in two phases:

Phase One—codifies Phase One of the Clean Air Interstate Rule (CAIR).

Phase Two—in 2015, replaces CAIR with a national program, reducing the current SO_2 cap of 9.4 million tons to 2.0 million tons per year and establishing eastern and western NOx caps totaling 1.6 million tons per year.

Requires mercury emissions to be cut by 90 percent in 2015 without trading.

Establishes a Climate Champions Program that authorizes EPA to recognize electricity plants that meet a 1,100 pound of CO_2 per MWh.

Reduces carbon dioxide emissions as follows:

2011–2014 2.3 billion metric tons of CO_2
2015–2019 2.1 billion metric tons
2020–2024 1.8 billion metric tons
2025 and thereafter 1.5 billion metric tons

Authorizes an auction of 25 percent of the CO_2 allowances to be used to mitigate increased electricity costs, if any, of consumers and energy-intensive industries.

Sec. 104. Revisions to Sulfur Dioxide Allowance Program

Updates the allowance allocation formulas of the Title IV SO_2 program to meet the 2015 cap of 2.0 million tons per year and to include allowances for electricity plants built from 1990 to 2006.

Sec. 105. Air Quality Forecasts and Warnings

Requires the Administrator of the National Oceanic and Atmospheric Administration (NOAA), in cooperation with the EPA Administrator, to issue air quality forecasts and warnings.

Sec. 106. Relationship to Other Law

Requires the EPA Administrator within 2 years to promulgate regulations for the underground injection of CO_2 in a manner that protects human health and the environment.

TITLE II: GREENHOUSE GAS OFFSETS

Sec. 201. Greenhouse Gas Offsets

Establishes standards for offset allowances in six categories: landfill methane capture and destruction; sulfur hexafluoride reductions; sequestration of carbon due to afforestation or reforestation; reduction and avoidance of carbon dioxide emissions from natural gas, oil, and propane end-use combustion due to end-use energy efficiency; avoided methane emissions from agricultural manure management operations; and eligible biomass.

EXHIBIT 2

ALEXANDER-LIEBERMAN CLEAN AIR/CLIMATE CHANGE ACT OF 2007

Why legislation is needed

To improve public health and reduce the threat of global warming, Congress must enact electricity sector legislation that puts stricter standards on sulfur and nitrogen pollution, cuts mercury emissions by 90 percent, and places the first caps on carbon emissions.

The Environmental Protection Agency's new rules to limit sulfur, nitrogen, and mercury don't go far enough, fast enough.

Under current law, too many communities live with air that is unhealthy to breathe, and mercury continues to pollute our rivers and streams.

The Clean Air/Climate Change Act sets aggressive, but practical and achievable limits

for reducing four pollutants in order to preserve our jobs while we clean the air and preserve our planet.

Why the bill focuses on the electricity sector

Electricity plants are the logical place to start because:

They produce 40% of the CO_2 in our country, at a rate almost twice as fast as any other large segment of the economy.

We have 15 years' experience with a market-based cap and trade program to reduce sulfur emissions.

How Clean Air/Climate Change Act works

The Clean Air/Climate Change Act of 2007 provides an aggressive—yet achievable—schedule for power plants to reduce emissions and alleviate some of our worst air-related health and environmental problems, such as ozone, acid rain, mercury contamination, and global warming.

Specifically, the Clean Air/Climate Change Act would:

Cut sulfur dioxide (SO_2) emissions by 82 percent by 2015. This acid rain-causing pollution would be cut from today's 11 million tons to a cap of 2 million tons in 2015.

Cut emissions of nitrogen oxides (NO_x) by 68 percent by 2015. Ozone pollution would be cut from today's 5 million tons to a cap of 1.6 million tons in 2015.

Cut mercury emissions at each power plant by 90 percent in 2015. This is a stringent, yet achievable goal that would greatly reduce the risks this neurotoxin poses to children and pregnant women.

Implement a cap, trade, and offsets program to reduce CO_2 emissions. CO_2 emissions would be capped at 2.3 billion metric tons in 2011, 2.1 billion metric tons in 2015, 1.8 billion metric tons in 2020, and 1.5 billion metric tons in 2025 and beyond.

Innovative features

In order to encourage prompt, deep yet cost-effective CO_2 reductions, the Clean Air/Climate Change Act contains several innovative features, including:

Climate Champions Program. Establishes a reserve of 5% of all CO_2 allowances as an incentive for new coal-fired electricity plants that meet a performance standard of 1,100 pounds of CO_2 per megawatthour between 2011 and 2020. (This performance standard is comparable to an IGCC coal plant with 60% CO_2 capture and storage.)

Minimizes costs. Auctions 25% of the CO_2 allowances and authorizes the proceeds to be used to mitigate increased electricity costs (if any) to consumers and energy-intensive industry.

Discourages fuel switching from coal to natural gas. The use of natural gas to generate electricity can create volatility in electricity prices for consumers.

Flexible compliance. Permits the use of offsets so that companies may meet their carbon emissions reduction flexibly and cost-effectively.

EXHIBIT 3

CLEAN AIR/CLIMATE CHANGE ACT OF 2007, DISCUSSION POINTS

ISSUES THAT SEN. ALEXANDER WOULD LIKE TO DISCUSS

1. Should Congress cap only CO_2 or all greenhouse gases emitted from electricity plants?

2. What size should an auction be?

3. What rules should govern the use of offset allowances electricity plants?

4. How should new coal-fired electricity plants be treated?

5. What should CO_2 cap levels be?

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1. Should Congress cap only CO_2 or all greenhouse gases emitted from electricity plants

Clean Air/Climate Change Oct

Caps CO_2 only.

Discussion

In his bill, Sen. Alexander chose to cap CO_2 only. In part, that decision is a result of the Clean Air/Climate Change Act being a bill that limits the four major pollutants emitted from electricity plants: sulfur dioxide, nitrogen oxides, mercury, and carbon dioxide. It is not primarily a climate change bill.

Another consideration is the experience gained from Phase One of the European Union's Emissions Trading Scheme (EU ETS), the largest cap and trade program in the world. The EU ETS capped only CO_2 in its first phase. Phase Two of that program, which starts in 2008, will cap six greenhouse gases: carbon dioxide, methane, nitrogen oxides, perflourocarbons hydrofluorocarbons, and sulfur hexaflouride

The U.K. House of Commons Environmental Audit Committee in its Fourth Report (dated March 27, 2005) recommended that Phase Two not be expanded to include gases other than carbon dioxide.

Instead, the House of Commons Committee recommended minimal significant changes to the shape and scope of the trading program.

The House of Commons Committee also recommended non-carbon greenhouse gases be addressed through regulation and not through trading.

What is the best approach?

2. What size should an auction be

Clean Air/Climate Change Act

Auctions 25 percent of CO_2 allowances.

Uses the proceeds to offset increased electricity costs (if any) of consumers and energy-intensive industries.

Discussion

The total value of the CO_2 allowances will be much higher than the total value of SO_2 allowances because there will be about 1,000 times more CO_2 allowances than SO_2 allowances. Because CO_2 allowances will be so much more valuable, economists recommend that there be an auction.

In its 2004 report, the National Commission on Energy Policy (NCEP) recommended that 10 percent of allowances be auctioned. However, in March 2007 NCEP changed its recommendation on allocation. NCEP now recommends that 50 percent of allowances be auctioned.

Similarly, a March 2007 NCEP paper states that businesses and consumers at the end of the energy supply chain—not oil, natural gas, and electric utilities—bear the largest share of the costs of a greenhouse gas emissions cap-and-trade program.

Auctioning 25 percent of the CO_2 allowances for the power sector would generate revenues sufficient to protect consumers from higher electricity rates.

The Regional Greenhouse Gas Initiative (RGGI) model rule recommends that 25 percent of CO_2 allowances be auctioned.

3. What rules should govern the use of offset allowances by electricity plants?

Clean Air/Climate Change Act

Includes the RGGI model rules on offsets.

Offset types: landfill methane capture and destruction; sulfur hexafluoride reductions; sequestration of carbon through afforestation or reforestation; reduction and avoidance of carbon dioxide emissions from natural gas, oil, and propane end-use combustion due to end-use energy efficiency; avoided methane emissions from agricultural management operations; and eligible biomass.

Discussion

Allowing electricity plants to meet their CO_2 reductions through offsets provides compliance flexibility that greatly reduces costs to consumers and industry.

Offsets must be real reductions, however, and not gimmicks.

RGGI's model rules on offsets were adopted in an extensive, multi-state stakeholder process.

Sen. Alexander is seeking additional measures to include in a four pollutant law that will prevent fuel switching to natural gas, as the use of natural gas to generate electricity can create volatility in electricity prices for consumers.

4. How should new coal-fired electricity plants be treated

Clean Air/Climate Change Act

New fossil fuel electricity plants coming on line after January 1, 2007 will be required to purchase 100 percent of their required allowances.

Between January 1, 2007 and December 31, 2020, 5 percent of the total CO_2 allowances will be set aside as an incentive for new coal-fired power plants that meet a performance standard of 1,100 pounds of CO_2 per megawatt hour.

In 2015, all new coal-fired electricity plants must meet this performance standard.

Discussion

Electricity sector climate legislation should actively discourage the construction of new conventional fossil fuel power plant and encourage technologies that allow for the capture and sequestration of CO_2.

A performance standard of 1,100 pounds of CO_2 per MWh (the same standard used in California for electricity purchases from out-of-state coal-fired power plants) will ensure that new coal-fired power plants capture at least 60 percent of their CO_2.

Denying CO_2 allowances to plants that fail to meet this standard is a powerful disincentive to building conventional coal plants that lack lack carbon capture technology.

Otherwise, new conventional coal plants will lock in high CO_2 emissions for years.

Inclusion of natural gas-fired plants in this program is important to avoid creating an incentive to shift more generation to natural gas.

What should CO_2 cap levels be

Clean Air/Climate Chance Act

The power sector CO_2 cap should decline over time on the following schedule: 2011–2014, 2.3 billion metric tons; 2015–2019, 2.1 million metric tons; 2020–2024, 1.8 billion metric tons; and 2025 and beyond; 1.5 billion metric tons.

Discussion

This an aggressive yet achievable cap that starts with limiting electricity sector CO_2 to the level emitted in 2006 and then declines in a step wise manner out to 2025.

An electricity sector CO_2 cap on 1.5 billion metric tons is roughly equivalent to the electricity sector cap in the Lieberman-McCain Climate Stewardship and Innovation Act.

Electricity plants emit 40 percent of U.S. carbon dioxide. Emissions from this major sector source of carbon dioxide need to be reduced now in order to preserve the option of stabilizing atmospheric concentrations at 450 parts per million, the level that scientists believe will most likely prevent some of the worst global warming impacts being projected.

Delaying emissions reductions will make the job more challenging and expensive down the road.

EXHIBIT 4

NATIONAL PARKS CONSERVATION ASSOCIATION,
Washington, DC, April 18, 2007.

Hon. LAMAR ALEXANDER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALEXANDER: On behalf of the National Parks Conservation Association, we strongly commend you for introducing the Clean Air/Climate Change Act of 2007, a bill designed to provide healthier air to millions of Americans, help restore clear skies to our national parks, and take important steps toward addressing global warming.

As I know you are well aware, coal-fired power plants are a leading source of the pollutants that cause asthma attacks and respiratory disease in humans, habitat damage and hazy skies in our parks, and mercury-laden fish in our rivers and lakes. They are also the main industrial source of the pollution that causes global warming. Technologies are readily available that can allow these plants to operate much more cleanly. The Clean Air/Climate Change Act would employ flexible market mechanisms and adequate lead-time so these technologies can be affordably applied at these plants to help restore air quality and diminish the causes of global warming. Starting with the coal-fired power plants, which are the worst offenders, before proceeding to address other polluters makes strategic and economic sense.

Taken together, the provisions in the Clean Air/Climate Change Act provide a comprehensive and balanced solution to the problem of coal-fired power plant pollution. The National Parks Conservation Association is pleased to support the Clean Air/Climate Change Act of 2007. From all of us, thank you for your strong leadership on this incredibly important subject.

Sincerely,

THOMAS C. KIERNAN,
President.

By Mr. DURBIN (for himself, Mr. KERRY, Mr. FEINGOLD, Ms. CANTWELL, Mr. MENENDEZ, Mr. CARDIN, Mr. REED, Mr. HARKIN, Mr. KENNEDY, Mr. BAYH, Mr. LIEBERMAN, Ms. STABENOW, Mr. SCHUMER, Mr. LAUTENBERG, Mrs. BOXER, Mr. WHITEHOUSE, Mr. BROWN, Mrs. CLINTON, and Mr. LEAHY):

S. 1170. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Basin and Range Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to introduce America's Red Rock Wilderness Act of 2007. This legislation continues our Nation's commitment to preserve our natural heritage. Preservation of our Nation's vital natural resources will be one of our most important legacies.

America's Red Rock Wilderness Act will designate as wilderness some of our Nation's most remarkable, but currently unprotected public lands. Bureau of Land Management (BLM) lands in Utah harbor some of the largest and most remarkable roadless desert areas anywhere in the world. Included in the 9.4 million acres I seek to protect are well known landscapes, like the Grand Staircase Escalante National Monument, as well as lesser known areas just outside Zion National Park, Canyonlands National Park, and Arches National Park. Together this wild landscape offers spectacular vistas of rare rock formations, canyons and desert lands, important archaeological sites, and habitat for rare plant and animal species.

I have visited many of the areas this Act would designate as wilderness. I can tell you that the natural beauty of these truly unique landscapes is a compelling reason for Congress to grant these lands wilderness protection. I have the honor of introducing legislation first introduced by my friend and former colleague in the House of Representatives, Wayne Owens. As the representative for much of Utah's Red Rock country, Representative Owens pioneered the Congressional effort to protect Utah wilderness. He did this with broad public support, which still exists not only in Utah, but in all corners of our Nation.

The wilderness designated in this bill was chosen based on more than twenty years of meticulous research and surveying. Volunteers have taken inventories of thousands of square miles of BLM land in Utah to help determine which lands should be protected. These volunteers provided extensive documentation to ensure that these areas meet Federal wilderness criteria. The BLM also completed a reinventory of approximately six million acres of Federal land in the same area in 1999. While only six million acres of the total 9.4 million acres were inventoried by the BLM, the results provide a convincing confirmation that the areas designated for protection under this bill meet Federal wilderness criteria.

For more than 20 years, Utah conservationists have been working to add the last great blocks of undeveloped BLM-administered land in Utah to the National Wilderness Preservation System. The lands proposed for protection surround and connect eight of Utah's nine national park, monument and recreation areas. These proposed BLM wilderness areas easily equal their neighboring national parklands in scenic beauty, opportunities for recreation, and ecological importance. Yet, unlike the parks, most of these scenic treasures lack any form of long-term protection.

Today, the BLM is in the process of making critical decisions about the future stewardship and use of nearly six million acres of wild lands that my legislation would protect. The BLM will decide which areas should be preserved or developed and whether they will be left roadless or have roads cut through them. It also will determine if these wild lands will be open to off-road vehicles or exploited for mineral mining and oil and gas exploration. Any policies put in place will stand for 15 to 20 years, a timespan long enough to leave a lasting mark on this landscape.

Americans understand the need for wise and balanced stewardship of these wild landscapes. Unfortunately, the Administration has proposed little or no serious protections for Utah's most majestic places. Instead, the BLM appears to lack a solid conservation ethic and routinely favors development and consumptive uses of our wild public land. In just the last four years, the BLM has leased for oil and gas development over 125,000 acres of land that would have been designated for wilderness in America's Red Rock Wilderness Act.

This legislation represents a realistic balance between our need to protect our natural heritage and our demand for energy. While wilderness designation has been portrayed as a barrier to energy independence, it is important to note that within the entire 9.4 million acres of America's Red Rock Wilderness Act the amount of ''technically recoverable'' undiscovered natural gas and oil resources amounts to less than four days of oil and four weeks of natural gas at current consumption levels.

America's Red Rock Wilderness Act is a lasting gift to the American public. By protecting this serene yet wild land we are giving future generations the opportunity to enjoy the same untrammeled landscape that so many now cherish.

I'd like to thank my colleagues who are original cosponsors of this measure, many of whom have supported the bill since it was first introduced. Original cosponsors are Senators KERRY, FEINGOLD, CANTWELL, MENENDEZ, CARDIN, REED, HARKIN, KENNEDY, BAYH, LIEBERMAN, STABENOW, SCHUMER, LAUTENBERG, BOXER, WHITEHOUSE, BROWN and CLINTON. Additionally, I would like to thank The Utah Wilderness Coalition, which includes The Wilderness Society and Sierra Club; The Southern Utah Wilderness Alliance; and all of the other national, regional and local, hard-working groups who, for years, have championed this legislation.

Theodore Roosevelt once stated:

''The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value.''

Enactment of this legislation will help us realize Roosevelt's vision. To protect these precious resources in Utah for future generations, I urge my colleagues to support America's Red Rock Wilderness Act.

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. 1170

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''America's Red Rock Wilderness Act of 2007''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

(2) STATE.—The term ''State'' means the State of Utah.

TITLE I—DESIGNATION OF WILDERNESS AREAS

SEC. 101. GREAT BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Great Basin region of western Utah is comprised of starkly beautiful mountain ranges that rise as islands from the desert floor;

(2) the Wah Wah Mountains in the Great Basin region are arid and austere, with massive cliff faces and leathery slopes speckled with piñon and juniper;

(3) the Pilot Range and Stansbury Mountains in the Great Basin region are high enough to draw moisture from passing clouds and support ecosystems found nowhere else on earth;

(4) from bristlecone pine, the world's oldest living organism, to newly-flowered mountain meadows, mountains of the Great Basin region are islands of nature that—

(A) support remarkable biological diversity; and

(B) provide opportunities to experience the colossal silence of the Great Basin; and

(5) the Great Basin region of western Utah should be protected and managed to ensure the preservation of the natural conditions of the region.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Antelope Range (approximately 17,000 acres).

(2) Barn Hills (approximately 20,000 acres).

(3) Black Hills (approximately 9,000 acres).

(4) Bullgrass Knoll (approximately 15,000 acres).

(5) Burbank Hills/Tunnel Spring (approximately 92,000 acres).

(6) Conger Mountains (approximately 21,000 acres).

(7) Crater Bench (approximately 35,000 acres).

(8) Crater and Silver Island Mountains (approximately 121,000 acres).

(9) Cricket Mountains Cluster (approximately 62,000 acres).

(10) Deep Creek Mountains (approximately 126,000 acres).

(11) Drum Mountains (approximately 39,000 acres).

(12) Dugway Mountains (approximately 24,000 acres).

(13) Essex Canyon (approximately 1,300 acres).

(14) Fish Springs Range (approximately 64,000 acres).

(15) Granite Peak (approximately 19,000 acres).

(16) Grassy Mountains (approximately 23,000 acres).

(17) Grouse Creek Mountains (approximately 15,000 acres).

(18) House Range (approximately 201,000 acres).

(19) Keg Mountains (approximately 38,000 acres).

(20) Kern Mountains (approximately 15,000 acres).

(21) King Top (approximately 110,000 acres).

(22) Ledger Canyon (approximately 9,000 acres).

(23) Little Goose Creek (approximately 1,200 acres).

(24) Middle/Granite Mountains (approximately 80,000 acres).

(25) Mountain Home Range (approximately 90,000 acres).

(26) Newfoundland Mountains (approximately 22,000 acres).

(27) Ochre Mountain (approximately 13,000 acres).

(28) Oquirrh Mountains (approximately 9,000 acres).

(29) Painted Rock Mountain (approximately 26,000 acres).

(30) Paradise/Steamboat Mountains (approximately 144,000 acres).

(31) Pilot Range (approximately 45,000 acres).

(32) Red Tops (approximately 28,000 acres).

(33) Rockwell-Little Sahara (approximately 21,000 acres).

(34) San Francisco Mountains (approximately 39,000 acres).

(35) Sand Ridge (approximately 73,000 acres).

(36) Simpson Mountains (approximately 42,000 acres).

(37) Snake Valley (approximately 100,000 acres).

(38) Stansbury Island (approximately 10,000 acres).

(39) Stansbury Mountains (approximately 24,000 acres).

(40) Thomas Range (approximately 36,000 acres).

(41) Tule Valley (approximately 159,000 acres).

(42) Wah Wah Mountains (approximately 167,000 acres).

(43) Wasatch/Sevier Plateaus (approximately 29,000 acres).

(44) White Rock Range (approximately 5,200 acres).

SEC. 102. ZION AND MOJAVE DESERT WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the renowned landscape of Zion National Park, including soaring cliff walls, forested plateaus, and deep narrow gorges, extends beyond the boundaries of the Park onto surrounding public land managed by the Secretary;

(2) from the pink sand dunes of Moquith Mountain to the golden pools of Beaver Dam Wash, the Zion and Mojave Desert areas encompass 3 major provinces of the Southwest that include—

(A) the sculpted canyon country of the Colorado Plateau;

(B) the Mojave Desert; and

(C) portions of the Great Basin;

(3) the Zion and Mojave Desert areas display a rich mosaic of biological, archaeological, and scenic diversity;

(4) 1 of the last remaining populations of threatened desert tortoise is found within this region; and

(5) the Zion and Mojave Desert areas in Utah should be protected and managed as wilderness areas.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Beaver Dam Mountains (approximately 30,000 acres).

(2) Beaver Dam Wash (approximately 23,000 acres).

(3) Beaver Dam Wilderness Expansion (approximately 8,000 acres).

(4) Canaan Mountain (approximately 67,000 acres).

(5) Cottonwood Canyon (approximately 12,000 acres).

(6) Cougar Canyon/Docs Pass (approximately 41,000 acres).

(7) Joshua Tree (approximately 12,000 acres).

(8) Mount Escalante (approximately 17,000 acres).

(9) Parunuweap Canyon (approximately 43,000 acres).

(10) Red Butte (approximately 4,500 acres).

(11) Red Mountain (approximately 21,000 acres).

(12) Scarecrow Peak (approximately 16,000 acres).

(13) Square Top Mountain (approximately 23,000 acres).

(14) Zion Adjacent (approximately 58,000 acres).

SEC. 103. GRAND STAIRCASE-ESCALANTE WILDERNESS AREAS.

(a) GRAND STAIRCASE AREA.—

(1) FINDINGS.—Congress finds that—

(A) the area known as the Grand Staircase rises more than 6,000 feet in a series of great cliffs and plateaus from the depths of the Grand Canyon to the forested rim of Bryce Canyon;

(B) the Grand Staircase—

(i) spans 6 major life zones, from the lower Sonoran Desert to the alpine forest; and

(ii) encompasses geologic formations that display 3,000,000,000 years of Earth's history;

(C) land managed by the Secretary lines the intricate canyon system of the Paria River and forms a vital natural corridor connection to the deserts and forests of those national parks;

(D) land described in paragraph (2) (other than East of Bryce, Upper Kanab Creek, Moquith Mountain, Bunting Point, and Vermillion Cliffs) is located within the Grand Staircase-Escalante National Monument; and

(E) the Grand Staircase in Utah should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Bryce View (approximately 4,500 acres).

(B) Bunting Point (approximately 11,000 acres).

(C) Canaan Peak Slopes (approximately 2,300 acres).

(D) East of Bryce (approximately 750 acres).

(E) Glass Eye Canyon (approximately 24,000 acres).

(F) Ladder Canyon (approximately 14,000 acres).

(G) Moquith Mountain (approximately 16,000 acres).

(H) Nephi Point (approximately 14,000 acres).

(I) Paria-Hackberry (approximately 188,000 acres).
(J) Paria Wilderness Expansion (approximately 3,300 acres).
(K) Pine Hollow (approximately 11,000 acres).
(L) Slopes of Bryce (approximately 2,600 acres).
(M) Timber Mountain (approximately 51,000 acres).
(N) Upper Kanab Creek (approximately 49,000 acres).
(O) Vermillion Cliffs (approximately 26,000 acres).
(P) Willis Creek (approximately 21,000 acres).
(b) KAIPAROWITS PLATEAU.—
(1) FINDINGS.—Congress finds that—
(A) the Kaiparowits Plateau east of the Paria River is 1 of the most rugged and isolated wilderness regions in the United States;
(B) the Kaiparowits Plateau, a windswept land of harsh beauty, contains distant vistas and a remarkable variety of plant and animal species;
(C) ancient forests, an abundance of big game animals, and 22 species of raptors thrive undisturbed on the grassland mesa tops of the Kaiparowits Plateau;
(D) each of the areas described in paragraph (2) (other than Heaps Canyon, Little Valley, and Wide Hollow) is located within the Grand Staircase-Escalante National Monument; and
(E) the Kaiparowits Plateau should be protected and managed as a wilderness area.
(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(A) Andalex Not (approximately 18,000 acres).
(B) The Blues (approximately 21,000 acres).
(C) Box Canyon (approximately 2,800 acres).
(D) Burning Hills (approximately 80,000 acres).
(E) Carcass Canyon (approximately 83,000 acres).
(F) The Cockscomb (approximately 11,000 acres).
(G) Fiftymile Bench (approximately 12,000 acres).
(H) Fiftymile Mountain (approximately 203,000 acres).
(I) Heaps Canyon (approximately 4,000 acres).
(J) Horse Spring Canyon (approximately 31,000 acres).
(K) Kodachrome Headlands (approximately 10,000 acres).
(L) Little Valley Canyon (approximately 4,000 acres).
(M) Mud Spring Canyon (approximately 65,000 acres).
(N) Nipple Bench (approximately 32,000 acres).
(O) Paradise Canyon-Wahweap (approximately 262,000 acres).
(P) Rock Cove (approximately 16,000 acres).
(Q) Warm Creek (approximately 23,000 acres).
(R) Wide Hollow (approximately 6,800 acres).
(c) ESCALANTE CANYONS.—
(1) FINDINGS.—Congress finds that—
(A) glens and coves carved in massive sandstone cliffs, spring-watered hanging gardens, and the silence of ancient Anasazi ruins are examples of the unique features that entice hikers, campers, and sightseers from around the world to Escalante Canyon;
(B) Escalante Canyon links the spruce fir forests of the 11,000-foot Aquarius Plateau with winding slickrock canyons that flow into Glen Canyon;
(C) Escalante Canyon, 1 of Utah's most popular natural areas, contains critical habitat for deer, elk, and wild bighorn sheep that also enhances the scenic integrity of the area;
(D) each of the areas described in paragraph (2) is located within the Grand Staircase-Escalante National Monument; and
(E) Escalante Canyon should be protected and managed as a wilderness area.
(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(A) Brinkerhof Flats (approximately 3,000 acres).
(B) Colt Mesa (approximately 28,000 acres).
(C) Death Hollow (approximately 49,000 acres).
(D) Forty Mile Gulch (approximately 6,600 acres).
(E) Hurricane Wash (approximately 9,000 acres).
(F) Lampstand (approximately 7,900 acres).
(G) Muley Twist Flank (approximately 3,600 acres).
(H) North Escalante Canyons (approximately 176,000 acres).
(I) Pioneer Mesa (approximately 11,000 acres).
(J) Scorpion (approximately 53,000 acres).
(K) Sooner Bench (approximately 390 acres).
(L) Steep Creek (approximately 35,000 acres).
(M) Studhorse Peaks (approximately 24,000 acres).

SEC. 104. MOAB-LA SAL CANYONS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—
(1) the canyons surrounding the La Sal Mountains and the town of Moab offer a variety of extraordinary landscapes;
(2) outstanding examples of natural formations and landscapes in the Moab-La Sal area include the huge sandstone fins of Behind the Rocks, the mysterious Fisher Towers, and the whitewater rapids of Westwater Canyon; and
(3) the Moab-La Sal area should be protected and managed as a wilderness area.
(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(1) Arches Adjacent (approximately 12,000 acres).
(2) Beaver Creek (approximately 41,000 acres).
(3) Behind the Rocks and Hunters Canyon (approximately 22,000 acres).
(4) Big Triangle (approximately 20,000 acres).
(5) Coyote Wash (approximately 28,000 acres).
(6) Dome Plateau-Professor Valley (approximately 35,000 acres).
(7) Fisher Towers (approximately 18,000 acres).
(8) Goldbar Canyon (approximately 9,000 acres).
(9) Granite Creek (approximately 5,000 acres).
(10) Mary Jane Canyon (approximately 25,000 acres).
(11) Mill Creek (approximately 14,000 acres).
(12) Porcupine Rim and Morning Glory (approximately 20,000 acres).
(13) Renegade Point (approximately 6,600 acres).
(14) Westwater Canyon (approximately 37,000 acres).
(15) Yellow Bird (approximately 4,200 acres).

SEC. 105. HENRY MOUNTAINS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—
(1) the Henry Mountain Range, the last mountain range to be discovered and named by early explorers in the contiguous United States, still retains a wild and undiscovered quality;
(2) fluted badlands that surround the flanks of 11,000-foot Mounts Ellen and Pennell contain areas of critical habitat for mule deer and for the largest herd of free-roaming buffalo in the United States;
(3) despite their relative accessibility, the Henry Mountain Range remains 1 of the wildest, least-known ranges in the United States; and
(4) the Henry Mountain range should be protected and managed to ensure the preservation of the range as a wilderness area.
(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.
(1) Bull Mountain (approximately 16,000 acres).
(2) Bullfrog Creek (approximately 35,000 acres).
(3) Dogwater Creek (approximately 3,400 acres).
(4) Fremont Gorge (approximately 20,000 acres).
(5) Long Canyon (approximately 16,000 acres).
(6) Mount Ellen-Blue Hills (approximately 140,000 acres).
(7) Mount Hillers (approximately 21,000 acres).
(8) Mount Pennell (approximately 147,000 acres).
(9) Notom Bench (approximately 6,200 acres).
(10) Oak Creek (approximately 1,700 acres).
(11) Ragged Mountain (approximately 28,000 acres).

SEC. 106. GLEN CANYON WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—
(1) the side canyons of Glen Canyon, including the Dirty Devil River and the Red, White and Blue Canyons, contain some of the most remote and outstanding landscapes in southern Utah;
(2) the Dirty Devil River, once the fortress hideout of outlaw Butch Cassidy's Wild Bunch, has sculpted a maze of slickrock canyons through an imposing landscape of monoliths and inaccessible mesas;
(3) the Red and Blue Canyons contain colorful Chinle/Moenkopi badlands found nowhere else in the region; and
(4) the canyons of Glen Canyon in the State should be protected and managed as wilderness areas.
(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(1) Cane Spring Desert (approximately 18,000 acres).
(2) Dark Canyon (approximately 134,000 acres).
(3) Dirty Devil (approximately 242,000 acres).
(4) Fiddler Butte (approximately 92,000 acres).
(5) Flat Tops (approximately 30,000 acres).
(6) Little Rockies (approximately 64,000 acres).
(7) The Needle (approximately 11,000 acres).
(8) Red Rock Plateau (approximately 213,000 acres).
(9) White Canyon (approximately 98,000 acres).

SEC. 107. SAN JUAN-ANASAZI WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) more than 1,000 years ago, the Anasazi Indian culture flourished in the slickrock canyons and on the piñon-covered mesas of southeastern Utah;

(2) evidence of the ancient presence of the Anasazi pervades the Cedar Mesa area of the San Juan-Anasazi area where cliff dwellings, rock art, and ceremonial kivas embellish sandstone overhangs and isolated benchlands;

(3) the Cedar Mesa area is in need of protection from the vandalism and theft of its unique cultural resources;

(4) the Cedar Mesa wilderness areas should be created to protect both the archaeological heritage and the extraordinary wilderness, scenic, and ecological values of the United States; and

(5) the San Juan-Anasazi area should be protected and managed as a wilderness area to ensure the preservation of the unique and valuable resources of that area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Allen Canyon (approximately 5,900 acres).

(2) Arch Canyon (approximately 30,000 acres).

(3) Comb Ridge (approximately 15,000 acres).

(4) East Montezuma (approximately 45,000 acres).

(5) Fish and Owl Creek Canyons (approximately 73,000 acres).

(6) Grand Gulch (approximately 159,000 acres).

(7) Hammond Canyon (approximately 4,400 acres).

(8) Nokai Dome (approximately 93,000 acres).

(9) Road Canyon (approximately 63,000 acres).

(10) San Juan River (Sugarloaf) (approximately 15,000 acres).

(11) The Tabernacle (approximately 7,000 acres).

(12) Valley of the Gods (approximately 21,000 acres).

SEC. 108. CANYONLANDS BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) Canyonlands National Park safeguards only a small portion of the extraordinary red-hued, cliff-walled canyonland region of the Colorado Plateau;

(2) areas near Arches National Park and Canyonlands National Park contain canyons with rushing perennial streams, natural arches, bridges, and towers;

(3) the gorges of the Green and Colorado Rivers lie on adjacent land managed by the Secretary;

(4) popular overlooks in Canyonlands Nations Park and Dead Horse Point State Park have views directly into adjacent areas, including Lockhart Basin and Indian Creek; and

(5) designation of those areas as wilderness would ensure the protection of this erosional masterpiece of nature and of the rich pockets of wildlife found within its expanded boundaries.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Bridger Jack Mesa (approximately 33,000 acres).

(2) Butler Wash (approximately 27,000 acres).

(3) Dead Horse Cliffs (approximately 5,300 acres).

(4) Demon's Playground (approximately 3,700 acres).

(5) Duma Point (approximately 14,000 acres).

(6) Gooseneck (approximately 9,000 acres).

(7) Hatch Point Canyons/Lockhart Basin (approximately 149,000 acres).

(8) Horsethief Point (approximately 15,000 acres).

(9) Indian Creek (approximately 28,000 acres).

(10) Labyrinth Canyon (approximately 150,000 acres).

(11) San Rafael River (approximately 101,000 acres).

(12) Shay Mountain (approximately 14,000 acres).

(13) Sweetwater Reef (approximately 69,000 acres).

(14) Upper Horseshoe Canyon (approximately 60,000 acres).

SEC. 109. SAN RAFAEL SWELL WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the San Rafael Swell towers above the desert like a castle, ringed by 1,000-foot ramparts of Navajo Sandstone;

(2) the highlands of the San Rafael Swell have been fractured by uplift and rendered hollow by erosion over countless millennia, leaving a tremendous basin punctuated by mesas, buttes, and canyons and traversed by sediment-laden desert streams;

(3) among other places, the San Rafael wilderness offers exceptional back country opportunities in the colorful Wild Horse Badlands, the monoliths of North Caineville Mesa, the rock towers of Cliff Wash, and colorful cliffs of Humbug Canyon;

(4) the mountains within these areas are among Utah's most valuable habitat for desert bighorn sheep; and

(5) the San Rafael Swell area should be protected and managed to ensure its preservation as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cedar Mountain (approximately 15,000 acres).

(2) Devils Canyon (approximately 23,000 acres).

(3) Eagle Canyon (approximately 38,000 acres).

(4) Factory Butte (approximately 22,000 acres).

(5) Hondu Country (approximately 20,000 acres).

(6) Jones Bench (approximately 2,800 acres).

(7) Limestone Cliffs (approximately 25,000 acres).

(8) Lost Spring Wash (approximately 37,000 acres).

(9) Mexican Mountain (approximately 100,000 acres).

(10) Molen Reef (approximately 33,000 acres).

(11) Muddy Creek (approximately 240,000 acres).

(12) Mussentuchit Badlands (approximately 25,000 acres).

(13) Pleasant Creek Bench (approximately 1,100 acres).

(14) Price River-Humbug (approximately 120,000 acres).

(15) Red Desert (approximately 40,000 acres).

(16) Rock Canyon (approximately 18,000 acres).

(17) San Rafael Knob (approximately 15,000 acres).

(18) San Rafael Reef (approximately 114,000 acres).

(19) Sids Mountain (approximately 107,000 acres).

(20) Upper Muddy Creek (approximately 19,000 acres).

(21) Wild Horse Mesa (approximately 92,000 acres).

SEC. 110. BOOK CLIFFS AND UINTA BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Book Cliffs and Uinta Basin wilderness areas offer—

(A) unique big game hunting opportunities in verdant high-plateau forests;

(B) the opportunity for float trips of several days duration down the Green River in Desolation Canyon; and

(C) the opportunity for calm water canoe weekends on the White River;

(2) the long rampart of the Book Cliffs bounds the area on the south, while seldom-visited uplands, dissected by the rivers and streams, slope away to the north into the Uinta Basin;

(3) bears, Bighorn sheep, cougars, elk, and mule deer flourish in the back country of the Book Cliffs; and

(4) the Book Cliffs and Uinta Basin areas should be protected and managed to ensure the protection of the areas as wilderness.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.

(1) Bourdette Draw (approximately 15,000 acres).

(2) Bull Canyon (approximately 2,800 acres).

(3) Chipeta (approximately 95,000 acres).

(4) Dead Horse Pass (approximately 8,000 acres).

(5) Desbrough Canyon (approximately 13,000 acres).

(6) Desolation Canyon (approximately 557,000 acres).

(7) Diamond Breaks (approximately 9,000 acres).

(8) Diamond Canyon (approximately 166,000 acres).

(9) Diamond Mountain (also known as ''Wild Mountain'') (approximately 27,000 acres).

(10) Dinosaur Adjacent (approximately 10,000 acres).

(11) Goslin Mountain (approximately 4,900 acres).

(12) Hideout Canyon (approximately 12,000 acres).

(13) Lower Bitter Creek (approximately 14,000 acres).

(14) Lower Flaming Gorge (approximately 21,000 acres).

(15) Mexico Point (approximately 15,000 acres).

(16) Moonshine Draw (also known as ''Daniels Canyon'') (approximately 10,000 acres).

(17) Mountain Home (approximately 9,000 acres).

(18) O-Wi-Yu-Kuts (approximately 13,000 acres).

(19) Red Creek Badlands (approximately 3,600 acres).

(20) Seep Canyon (approximately 21,000 acres).

(21) Sunday School Canyon (approximately 18,000 acres).

(22) Survey Point (approximately 8,000 acres).

(23) Turtle Canyon (approximately 39,000 acres).

(24) White River (approximately 24,500 acres).

(25) Winter Ridge (approximately 38,000 acres).

(26) Wolf Point (approximately 15,000 acres).

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. GENERAL PROVISIONS.

(a) NAMES OF WILDERNESS AREAS.—Each wilderness area named in title I shall—

(1) consist of the quantity of land referenced with respect to that named area, as

generally depicted on the map entitled ''Utah BLM Wilderness Proposed by S. [_____], 110th Congress''; and

(2) be known by the name given to it in title I.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the Office of the Director of the Bureau of Land Management.

SEC. 202. ADMINISTRATION.

Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this Act shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 203. STATE SCHOOL TRUST LAND WITHIN WILDERNESS AREAS.

(a) IN GENERAL.—Subject to subsection (b), if State-owned land is included in an area designated by this Act as a wilderness area, the Secretary shall offer to exchange land owned by the United States in the State of approximately equal value in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) and section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)).

(b) MINERAL INTERESTS.—The Secretary shall not transfer any mineral interests under subsection (a) unless the State transfers to the Secretary any mineral interests in land designated by this Act as a wilderness area.

SEC. 204. WATER.

(a) RESERVATION.—

(1) WATER FOR WILDERNESS AREAS.—

(A) IN GENERAL.—With respect to each wilderness area designated by this Act, Congress reserves a quantity of water determined by the Secretary to be sufficient for the wilderness area.

(B) PRIORITY DATE.—The priority date of a right reserved under subparagraph (A) shall be the date of enactment of this Act.

(2) PROTECTION OF RIGHTS.—The Secretary and other officers and employees of the United States shall take any steps necessary to protect the rights reserved by paragraph (1)(A), including the filing of a claim for the quantification of the rights in any present or future appropriate stream adjudication in the courts of the State—

(A) in which the United States is or may be joined; and

(B) that is conducted in accordance with section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560, chapter 651).

(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in this Act relinquishes or reduces any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) SPECIFICATION OF RIGHTS.—The Federal water rights reserved by this Act are specific to the wilderness areas designated by this Act.

(2) NO PRECEDENT ESTABLISHED.—Nothing in this Act related to reserved Federal water rights—

(A) shall establish a precedent with regard to any future designation of water rights; or

(B) shall affect the interpretation of any other Act or any designation made under any other Act.

SEC. 205. ROADS.

(a) SETBACKS.—

(1) MEASUREMENT IN GENERAL.—A setback under this section shall be measured from the center line of the road.

(2) WILDERNESS ON 1 SIDE OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on only 1 side shall be set at—

(A) 300 feet from a paved Federal or State highway;

(B) 100 feet from any other paved road or high standard dirt or gravel road; and

(C) 30 feet from any other road.

(3) WILDERNESS ON BOTH SIDES OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on both sides (including cherry-stems or roads separating 2 wilderness units) shall be set at—

(A) 200 feet from a paved Federal or State highway;

(B) 40 feet from any other paved road or high standard dirt or gravel road; and

(C) 10 feet from any other roads.

(b) SETBACK EXCEPTIONS.—

(1) WELL-DEFINED TOPOGRAPHICAL BARRIERS.—If, between the road and the boundary of a setback area described in paragraph (2) or (3) of subsection (a), there is a well-defined cliff edge, stream bank, or other topographical barrier, the Secretary shall use the barrier as the wilderness boundary.

(2) FENCES.—If, between the road and the boundary of a setback area specified in paragraph (2) or (3) of subsection (a), there is a fence running parallel to a road, the Secretary shall use the fence as the wilderness boundary if, in the opinion of the Secretary, doing so would result in a more manageable boundary.

(3) DEVIATIONS FROM SETBACK AREAS.—

(A) EXCLUSION OF DISTURBANCES FROM WILDERNESS BOUNDARIES.—In cases where there is an existing livestock development, dispersed camping area, borrow pit, or similar disturbance within 100 feet of a road that forms part of a wilderness boundary, the Secretary may delineate the boundary so as to exclude the disturbance from the wilderness area.

(B) LIMITATION ON EXCLUSION OF DISTURBANCES.—The Secretary shall make a boundary adjustment under subparagraph (A) only if the Secretary determines that doing so is consistent with wilderness management goals.

(C) DEVIATIONS RESTRICTED TO MINIMUM NECESSARY.—Any deviation under this paragraph from the setbacks required under in paragraph (2) or (3) of subsection (a) shall be the minimum necessary to exclude the disturbance.

(c) DELINEATION WITHIN SETBACK AREA.—The Secretary may delineate a wilderness boundary at a location within a setback under paragraph (2) or (3) of subsection (a) if, as determined by the Secretary, the delineation would enhance wilderness management goals.

SEC. 206. LIVESTOCK.

Within the wilderness areas designated under title I, the grazing of livestock authorized on the date of enactment of this Act shall be permitted to continue subject to such reasonable regulations and procedures as the Secretary considers necessary, as long as the regulations and procedures are consistent with—

(1) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) section 101(f) of the Arizona Desert Wilderness Act of 1990 (Public Law 101–628; 104 Stat. 4469).

SEC. 207. FISH AND WILDLIFE.

Nothing in this Act affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

SEC. 208. MANAGEMENT OF NEWLY ACQUIRED LAND.

Any land within the boundaries of a wilderness area designated under this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act and other laws applicable to wilderness areas.

SEC. 209. WITHDRAWAL.

Subject to valid rights existing on the date of enactment of this Act, the Federal land referred to in title I is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public law;

(2) location, entry, and patent under mining law; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

Mr. FEINGOLD. Mr. President, I am very pleased to again join with the Senior Senator from Illinois, Mr. DURBIN, as an original cosponsor of legislation, America's Red Rocks Wilderness Act of 2007, to designate areas of pristine Federal lands in Utah as wilderness.

I had an opportunity to travel twice to Utah. I viewed firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside of the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal and inside the Grand Staircase-Escalante National Monument to Upper Calf Creek Falls. I also viewed the lands proposed for designation in this bill from a river trip down the Colorado River, and in the San Rafael Swell with members of the Emery County government.

I support this legislation, for a few reasons, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the Bureau of Land Management, BLM, lands of southern Utah.

Second, I support this legislation because I believe it sets the broadest and boldest mark for the lands that should be protected in southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompasses all the BLM lands of wilderness quality in Utah. Unfortunately, the Senate has not, as we do today, always had the benefit of considering wilderness designations for all of the deserving lands in southern Utah. During the 104th Congress, I joined with

the former Senator from New Jersey, Mr. Bradley, in opposing that Congress's omnibus parks legislation. It contained provisions, which were eventually removed, that many in my home State of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of southern Utah are very special to the people of Wisconsin. In writing to me over the last few years, my constituents have described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunikar of the Capital Times, a paper in Madison, WI, wrote:

> Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans. The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines of the Great Basin include some of the last of our country's wilderness, which is not fully protected. We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah. This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children.

I believe that the measure being introduced today will accomplish that goal. The measure protects wild lands that really are not done justice by any description in words. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the Grand Staircase-Escalante National Monument. These regions appeal to all types of American outdoor interests from hikers and sightseers to hunters.

Phil Haslanger of the Capital Times, answered an important question I am often asked when people want to know why a Senator from Wisconsin would cosponsor legislation to protect lands in Utah. He wrote on September 13, 1995 simply that ''These are not scenes that you could see in Wisconsin. That's part of what makes them special.'' He continues, and adds what I think is an even more important reason to act to protect these lands than the landscape's uniqueness, ''the fight over wilderness lands in Utah is a test case of sorts. The anti-environmental factions in Congress are trying hard to remove restrictions on development in some of the nation's most splendid areas.''

Wisconsinites are watching this test case closely. I believe that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the Nation is headed with respect to its stewardship of natural resources. What Haslanger's Capital Times comments make clear is that while some in Congress may express concern about creating new wilderness in Utah, wilderness, as Wisconsinites know, is not created by legislation. Legislation to protect existing wilderness ensures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Finally, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the Federal Government for the people of the United States. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin as it is for other Americans.

I am eager to work with my colleague from Illinois, Mr. DURBIN, to protect these lands. I commend him for introducing this measure.

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

S. 1171. A bill to amend the Colorado River Storage Project Act and Public Law 87–483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, on behalf of myself and Senator DOMENICI, I am pleased today to introduce a bill which attempts to promote good stewardship of our limited water supplies in the San Juan River basin in New Mexico. The bill is entitled the ''Northwestern New Mexico Rural Water Projects Act''. Within its scope are a number of provisions relating to and amending Federal statutes that relate to the Bureau of Reclamation and the use of water in the Colorado River basin. There are also new authorizations for the Bureau of Reclamation. Finally, there are provisions that will resolve the Navajo Nation's water rights claims in the San Juan River in New Mexico. This bill is critical for New Mexico's future. I look forward to working with my colleagues in the Senate to see that it gets enacted into law.

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. 1171

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Northwestern New Mexico Rural Water Projects Act''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) ACRE-FEET.—The term ''acre-feet'' means acre-feet per year.

(2) AGREEMENT.—The term ''Agreement'' means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(3) ANIMAS-LA PLATA PROJECT.—The term ''Animas-La Plata Project'' has the meaning given the term in section 3 of Public Law 100–585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106–554; 114 Stat. 2763A–258).

(4) CITY.—The term ''City'' means the city of Gallup, New Mexico.

(5) COMPACT.—The term ''Compact'' means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(6) CONTRACT.—The term ''Contract'' means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

(7) DEPLETION.—The term ''depletion'' means the depletion of the flow of the San Juan River stream system in State of New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

(8) DRAFT IMPACT STATEMENT.—The term ''Draft Impact Statement'' means the draft

environmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(9) FUND.—The term ''Fund'' means the Reclamation Waters Settlements Fund established by section 201(a).

(10) HYDROLOGIC DETERMINATION.—The term ''hydrologic determination'' means the draft hydrologic determination entitled ''Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico,'' prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87–483; 76 Stat. 99), and dated May 2006.

(11) NATION.—The term ''Nation'' means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the ''Navajo Tribe,'' the ''Navajo Tribe of Arizona, New Mexico & Utah,'' and the ''Navajo Tribe of Indians'' and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(12) NAVAJO INDIAN IRRIGATION PROJECT.—The term ''Navajo Indian Irrigation Project'' means the Navajo Indian irrigation project authorized by section 2 of Public Law 87–483 (76 Stat. 96).

(13) NAVAJO RESERVOIR.—The term ''Navajo Reservoir'' means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.).

(14) NAVAJO NATION MUNICIPAL PIPELINE.—The term ''Navajo Nation Municipal Pipeline'' means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973; 114 Stat. 2763A–263).

(15) NON-NAVAJO IRRIGATION DISTRICT.—The term ''Non-Navajo Irrigation Districts'' means—

(A) the Hammond Conservancy District;

(B) the Bloomfield Irrigation District; and

(C) any other community ditch organization in the San Juan River basin in State of New Mexico.

(16) PROJECT.—The term ''Project'' means the Northwestern New Mexico Rural Water Supply Project (commonly known as the ''Navajo-Gallup Pipeline Project'') authorized under section 302(a), as substantially described as the preferred alternative in the Draft Impact Statement.

(17) PROJECT PARTICIPANTS.—The term ''Project Participants'' means the City, the Nation, and the Jicarilla Apache Nation.

(18) RESOLUTION.—The term ''Resolution'' means the Resolution of the Upper Colorado River Commission entitled ''Use and Accounting of Upper Basin Water Supplied to the Lower Basin in New Mexico by the Proposed Project'' and dated June 17, 2003.

(19) SAN JUAN RIVER RECOVERY IMPLEMENTATION PROGRAM.—The term ''San Juan River Recovery Implementation Program'' means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(20) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(21) STREAM ADJUDICATION.—The term ''stream adjudication'' means the general stream adjudication that is the subject of New Mexico v. United States, et al., No. 75–185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(22) TRUST FUND.—The term ''Trust Fund'' means the Navajo Nation Water Resources Development Trust Fund established by section 402(a).

SEC. 3. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 401(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

TITLE I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87–483

SEC. 101. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.

(a) PARTICIPATING PROJECTS.—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620(2)) is amended by inserting ''the Northwestern New Mexico Rural Water Supply Project,'' after ''Fruitland Mesa,''.

(b) NAVAJO RESERVOIR WATER BANK.—The Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') is amended—

(1) by redesignating section 16 (43 U.S.C. 620o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620n) the following:

''SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

''(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87–483 (76 Stat. 99).

''(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

''(1) is consistent with applicable law; and

''(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

''(A) Public Law 87–483 (76 Stat. 96); and

''(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

''(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

''(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

''(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

''(B) water in the top water bank be subject to evaporation and other losses during storage;

''(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release; and

''(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying releases required under the San Juan River Recovery Implementation Program.

''(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.''.

SEC. 102. AMENDMENTS TO PUBLIC LAW 87–483.

(a) NAVAJO INDIAN IRRIGATION PROJECT.—Public Law 87–483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

''SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

''(b)(1) Subject to paragraph (2), the average diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

''(A) 508,000 acre-feet per year; or

''(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

''(2) The quantity of water diverted for any 1 year shall not be more than 15 percent of the average diversion determined under paragraph (1).

''(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

''(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106–392 (114 Stat. 1602).

''(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

''(3) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

''(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 401(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

''(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo Nation, for any beneficial use in accordance with—

''(1) the agreement executed under section 401(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

''(2) the contract executed under section 304(a)(2)(B) of the Northwestern New Mexico Rural Water Projects Act; and

''(3) any other applicable law.

''(e)(1) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

''(A) the Northwestern New Mexico Rural Water Supply Project under section 302 of the Northwestern New Mexico Rural Water Projects Act; or

''(B) other nonirrigation purposes authorized under subsection (c) or (d).

''(2) The Secretary shall not reallocate, or require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies under paragraph (1).''.

(b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of Public Law 87–483 (76 Stat. 100) is amended by adding at the end the following:

''(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria:

''(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

''(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including the demand for delivery for uses in the State of Arizona under the Northwestern New Mexico Rural Water Supply Project authorized by section 302(a) of the Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage for future recovery and use.

''(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the San Juan-Chama Project authorized by section 8.

''(2) The Secretary shall not include in the normal diversion requirements—

''(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

''(B) the quantity of water anticipated to be supplied through reuse.

''(3) If the State of New Mexico determines that water uses under Navajo Reservoir water supply contracts or diversions by the San Juan-Chama Project need to be reduced in any 1 year for the State to comply with the Upper Colorado River Basin Compact, as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48), the Secretary shall reduce the normal diversion requirements for the year to reflect the water use or diversion limitations imposed by the State of New Mexico.

''(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall allocate the shortage to the demands on the Navajo Reservoir water supply in the following order of priority:

''(A) The demand for delivery for uses in the State of Arizona under the Northwestern New Mexico Rural Water Supply Project authorized by section 303 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

''(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 401(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

''(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning the water supply under subsection (a).

''(2) For any year for which the Secretary determines and allocates a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

''(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act').

''(f) The Secretary of the Interior shall apply the sharing and apportionment of water determined under subsections (a), (d), and (e) on an annual volume basis.

''(g) The Secretary of the Interior may revise a determination of shortages, apportionments, or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

''(h) Nothing in this section prohibits the Secretary from reallocating water for any year, including a year in which a shortage is determined under subsection (a), in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

''(i) Any water available for diversion under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent practicable, in proportionate amounts to the diversion demands of all contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.''.

SEC. 103. EFFECT ON FEDERAL WATER LAW.

Unless expressly provided in this Act, nothing in this Act modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(3) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(4) the Act of September 30, 1968 (commonly known as the ''Colorado River Basin Project Act'') (82 Stat. 885);

(5) Public Law 87–483 (76 Stat. 96);

(6) the Treaty between the United States of America and Mexico representing utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

TITLE II—RECLAMATION WATER SETTLEMENTS FUND

SEC. 201. RECLAMATION WATER SETTLEMENTS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Reclamation Water Settlements Fund'', consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of fiscal years 2018 through 2028, the Secretary of the Treasury shall deposit in the Fund, if available, $100,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—For each of fiscal years 2018 through 2030, on request by the Secretary pursuant to paragraphs (2) and (3), the Secretary of the Treasury shall transfer from the Fund to the Secretary an amount not to exceed $100,000,000 for the fiscal year requested.

(2) REQUESTS.—The Secretary may request a transfer from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States or any other agreement approved by Congress that is entered into by the Secretary, if the settlement or other agreement requires the Bureau of Reclamation to plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by a reclamation project that is in existence on the date of enactment of this Act.

(3) USE FOR COMPLETION OF PROJECT.—

(A) PRIORITIES.—

(i) FIRST PRIORITY.—The first priority for expenditure of amounts in the Fund shall be for the purposes described in subparagraph (B).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) COMPLETION OF PROJECT.—Effective beginning January 1, 2018, if, in the judgment of the Secretary, the deadline described in section 401(f)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 309(a), the Secretary shall request the Secretary of the Treasury to transfer from the Fund to the Secretary such amounts on an annual basis pursuant to paragraph (1), not to exceed a total of $500,000,000, as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(C) PROHIBITED USE OF FUND.—The Secretary shall not use any amount transferred from the Fund under subparagraph (A) to carry out any other feature or activity described in title IV other than a feature or activity relating to the construction of the water supply infrastructure authorized as part of the Project.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2030—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

TITLE III—NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT

SEC. 301. PURPOSES.

The purposes of this subtitle are—

(1) to authorize the Secretary to construct the Northwestern New Mexico Rural Water Supply Project;

(2) to allocate the water supply for the Project among the Nation, the city of Gallup, New Mexico, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the city of Gallup and the Jicarilla Apache Nation.

SEC. 302. AUTHORIZATION OF NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) PROJECT FACILITIES.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona.

(B) Any pumping plants associated with the pipelines authorized under subparagraph (A).

(5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system, power substation, power distribution works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities to connect Project facilities to existing high-voltage transmission facilities.

(c) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(2) LIMITATION.—The Secretary may not condemn water rights for purposes of the Project.

(d) CONDITIONS.—

(1) IN GENERAL.—The Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract;

(B) the contracts authorized under section 304 are executed;

(C) the Secretary—

(i) completes an environmental impact statement for the Project; and

(ii) has issued a record of decision that provides for a preferred alternative; and

(D) the State of New Mexico has made arrangements with the Secretary to contribute $25,000,000 toward the construction costs of the Project.

(2) COST SHARING.—State contributions required under paragraph (1)(D) shall be in addition to amounts that the State of New Mexico contributes for the planning and construction of regional facilities to distribute Project water to the City and surrounding Nation communities before the date on which the City executes a repayment contract under section 304(b).

(3) EFFECT.—The design and construction of the Project shall not be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(e) POWER ISSUES.—

(1) RESERVATION.—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(2) REALLOCATION OF COSTS.—Notwithstanding the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.), the Secretary shall not reallocate or reassign any cost associated with the Project from an entity covered by this title to the power function.

(f) CONVEYANCE OF PROJECT FACILITIES.—

(1) IN GENERAL.—The Secretary is authorized to enter into separate agreements with the City and the Nation to convey each Project facility authorized under subsection (b) to the City and the Nation after—

(A) completion of construction of the Project; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this subtitle;

(ii) requirements acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project; and

(II) the allocation and payment of annual operation, maintenance, and replacement costs of the Project based on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance, including the requirement that the City and the Nation shall—

(I) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as necessary to administer and fulfill the conditions of the Contract executed under section 304(a)(2)(B).

(2) CONVEYANCE TO THE CITY OF GALLUP OR NAVAJO NATION.—In conveying a Project facility under this subsection, the Secretary shall convey to—

(A) the City the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Project that are located within the corporate boundaries of the City; and

(B) the Nation the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Project that are located outside the corporate boundaries of the City.

(3) EFFECT OF CONVEYANCE.—The conveyance of each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(4) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) COLORADO RIVER STORAGE PROJECT POWER.—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) REGIONAL USE OF PROJECT FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), Project facilities constructed under subsection (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 303(b) if—

(A) capacity is available without impairing any water delivery to a Project Participant; and

(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(iii) agrees to pay a fee established by the Secretary to assist in the recovery of any capital cost relating to that use.

(2) EFFECT OF PAYMENTS.—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment requirements or the operation, maintenance, and replacement payment requirements of the Project Participants.

SEC. 303. DELIVERY AND USE OF NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT WATER.

(a) USE OF PROJECT WATER.—

(1) IN GENERAL.—In accordance with this Act and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(2) USE ON CERTAIN LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Nation may use Project water allocations on—

(i) land held by the United States in trust for the Nation and members of the Nation; and

(ii) land held in fee by the Nation.

(B) TRANSFER.—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) HYDROELECTRIC POWER.—Hydroelectric power may be generated as an incident to the delivery of Project water under paragraph (1).

(4) STORAGE.—

(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) STATE APPROVAL.—Delivery of water under subparagraph (A) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this Act.

(b) PROJECT WATER AND CAPACITY ALLOCATIONS.—

(1) DIVERSION.—The Project shall divert from the Navajo Reservoir and the San Juan River a quantity of water that does not exceed the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) ALLOCATION.—

(A) IN GENERAL.—Water diverted under paragraph (1) shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this Act, and other applicable law.

(B) ALLOCATION TO THE CITY OF GALLUP.—The Project shall deliver at the point of diversion from the San Juan River not more than 7,500 acre-feet of water for use by the City.

(C) ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—For use by the Nation in the State of New Mexico, the Project shall deliver at the points of diversion from the San Juan River or at Navajo Reservoir the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.—In accordance with subsection (d), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water for use by the Nation in the State of Arizona.

(E) ALLOCATION TO JICARILLA APACHE NATION.—The Project shall deliver at Navajo Reservoir not more than 1,200 acre-feet of water for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation in the State of New Mexico.

(3) USE IN EXCESS OF ALLOCATION QUANTITY.—Notwithstanding each allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a Project Participant to exceed the allocation quantity limit of that Project Participant if—

(A) capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefitting from the increased allocation quantity—

(i) has the right to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use any Project facility; and

(iii) agrees to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(c) SOURCES OF WATER.—The sources of water for the Project allocated by subsection (b) shall be water originating in—

(1) drainage of the San Juan River above Navajo Dam, to be supplied under New Mexico State Engineer File No. 2849; and

(2) inflow to the San Juan River arising below Navajo Dam, to be supplied under New Mexico State Engineer File No. 3215.

(d) CONDITIONS FOR USE IN ARIZONA.—

(1) REQUIREMENTS.—Project water shall not be delivered for use by any community of the Nation in the State of Arizona under subsection (b)(2)(D) until the date on which—

(A) the Secretary determines by hydrologic investigation that sufficient water is reasonably likely to be available to supply uses from water of the Colorado River system allocated to the State of Arizona;

(B) the Secretary submits to Congress the determination described in subparagraph (A);

(C) the Secretary determines that the uses in the State of Arizona are within the apportionment of the water of the Colorado River made to the State of Arizona through compact, statute, or court decree;

(D) Congress has approved a Navajo Reservoir supply contract between the Nation and the United States to provide for the delivery of Project water for the uses in Arizona;

(E) the Navajo Nation and the State of Arizona have entered into an agreement providing for delivery of water of the Project for uses in Arizona; and

(F) any other determination is made as may be required by the Compact.

(2) ACCOUNTING OF USES IN ARIZONA.—Any depletion of water from the San Juan River stream system in the State of New Mexico that results from the diversion of water by the Project for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona)—

(A) shall be accounted for as a part of the Colorado River System apportionments to the State of Arizona; and

(B) shall not increase the total quantity of water to which the State of Arizona is entitled to use under any compact, statute, or court decree.

(e) FORBEARANCE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona occurs (as determined under section 11 of Public Law 87–483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of the water supply of the Navajo Reservoir for uses in the State of New Mexico under the apportionments of water to the Navajo Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) LIMITATION OF FORBEARANCE.—The Nation may forebear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements relating to accounting and water quantity described in subsection (d)(2).

(f) EFFECT.—Nothing in this Act—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (e).

(g) CONSISTENCY WITH UPPER COLORADO RIVER BASIN COMPACT.—In accordance with the Resolution and notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use in the Lower Colorado River Basin in the State of New Mexico; and

(2) water diverted under paragraph (1) shall be a part of the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact.

SEC. 304. PROJECT CONTRACTS.

(a) NAVAJO NATION CONTRACT.—

(1) HYDROLOGIC DETERMINATION.—Congress recognizes that the Hydrologic Determination satisfactory to support approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) APPROVAL.—

(i) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with this Act, Congress approves, ratifies, and incorporates by reference the Contract.

(ii) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this Act, that amendment is authorized, ratified, and confirmed.

(B) EXECUTION OF CONTRACT.—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this Act (including any amendment that is required to make the Contract consistent with this Act).

(3) NO REPAYMENT OBLIGATION.—The Nation is not obligated to repay—

(A) any share of the construction costs of the Nation relating to the Project authorized by section 302(a); or

(B) any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Subject to subsection (f), the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) CITY OF GALLUP CONTRACT.—

(1) CONTRACT AUTHORIZATION.—To the extent consistent with this Act, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of any construction cost of the City relating to the Project; and

(B) to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the City relating to the Project, based on the ability of the City to pay the construction costs of each facility of the Project that is allocable to the City.

(B) MINIMUM PERCENTAGE.—The share of the construction costs of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City.

(3) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to

providing capacity to deliver water to the City that are in excess of the share of the City of the construction costs of the Project, as determined under paragraph (2), shall be nonreimbursable.

(4) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(5) TITLE TRANSFER.—If title is transferred to the City prior to repayment under section 302(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(6) OPERATION, MAINTENANCE AND REPLACEMENT OBLIGATION.—The City shall pay the operation, maintenance, and replacement costs for each facility of the Project that is allocable to the City.

(7) WATER DELIVERY SUBCONTRACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the portion of the Project for which the City is responsible by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, but for a period not exceeding 99 years, with—

(i) the Nation, as authorized by the Contract; or

(ii) the Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237).

(B) EFFECT.—Nothing in this paragraph—

(i) prevents the City from obtaining an alternate source of water for the portion of the Project for which the City is responsible, subject to approval of the Secretary and the State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer; or

(ii) obligates the Nation or the Jicarilla Apache Nation to enter into a water delivery subcontract with the City.

(c) JICARILLA APACHE NATION CONTRACT.—

(1) CONTRACT AUTHORIZATION.—To the extent consistent with this Act, the Secretary is authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project; and

(B) to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the Jicarilla Apache Nation of the construction costs of the Project, based on the ability of the Jicarilla Apache Nation to pay the construction costs of the Project facilities that are allocable to the Jicarilla Apache Nation.

(B) MINIMUM PERCENTAGE.—The share of the Jicarilla Apache Nation under subparagraph (A) shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation.

(3) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to providing capacity to deliver water to the Jicarilla Apache Nation that are in excess of the share of the Jicarilla Apache Nation of the construction costs of the Project, as determined under paragraph (2), shall be nonreimbursable.

(4) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(5) NAVAJO INDIAN IRRIGATION PROJECT COSTS.—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation.

(6) OPERATION, MAINTENANCE AND REPLACEMENT OBLIGATION.—The Jicarilla Apache Nation shall pay the operation, maintenance, and replacement costs relating to each facility of the Project that are allocable to the Jicarilla Apache Nation.

(d) CAPITAL COST ALLOCATIONS.—For purposes of determining the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the report prepared by the Bureau of Reclamation in the Draft Impact Statement allocating capital construction costs for the Project.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the report prepared by the Bureau of Reclamation in the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

(f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Project is substantially complete and the Nation receives a delivery of water generated by the Project, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs of the Project allocable to the Nation that the Secretary determines are in excess of the ability of the Nation to pay.

(2) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States.

(3) EFFECT ON CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (2) shall not alter the obligations of the Nation or the United States under a repayment contract.

(4) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 302(f) shall terminate on the date on which the Project facility is transferred.

SEC. 305. USE OF NAVAJO NATION MUNICIPAL PIPELINE.

In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey water for other purposes (including purposes relating to the Project).

SEC. 306. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) WELLS IN THE SAN JUAN RIVER BASIN.—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in the State of New Mexico for municipal and domestic uses.

(c) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—

(1) IN GENERAL.—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) USE.—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under subsections (b) and (c).

(2) LIMITATION.—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) CONDITION.—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) CONVEYANCE OF WELLS.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Nation to convey to the Nation—

(A) any well or related pipeline facility constructed or rehabilitated under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT.—On completion of a conveyance under paragraph (1), the Nation shall assume responsibility for the operation, maintenance, and replacement of the well or related pipeline facility conveyed.

(3) EFFECT OF CONVEYANCE.—The conveyance to the Nation of the conjunctive use wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(g) USE OF PROJECT FACILITIES.—The capacities of the treatment facilities, main pipelines, and lateral pipelines of the Project authorized by section 302(b) may be used to treat and convey groundwater to Nation communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) LIMITATIONS.—The diversion and use of groundwater by wells constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

SEC. 307. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) REHABILITATION.—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the Project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the Project.

(b) CONDITION.—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Upon the date of completion of the rehabilitation, the Nation shall assume the obligations for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 308. OTHER IRRIGATION PROJECTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) GRANTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of carrying out a project under subsection (b) shall be not more than 50 percent.

(2) FORM.—The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) STATE CONTRIBUTION.—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to construct the Project such sums as are necessary for the period of fiscal years 2008 through 2022.

(2) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2005 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) USE.—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(b) APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.—

(1) SAN JUAN WELLS.—There is authorized to be appropriated to the Secretary for the construction or rehabilitation of conjunctive use wells under section 306(b) $30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2008 through 2018.

(2) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—There is authorized to be appropriated to the Secretary for the construction or rehabilitation of conjunctive use wells under section 306(c) such sums as are necessary for the period of fiscal years 2008 through 2024.

(3) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2004 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) NONREIMBURSABLE EXPENDITURES.—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) USE.—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(c) SAN JUAN RIVER IRRIGATION PROJECTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary—

(A) to carry out section 307(a)(1), not more than $7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2008 through 2014; and

(B) to carry out section 307(a)(2), not more than $15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2008 through 2017.

(2) ADJUSTMENT.—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(3) NONREIMBURSABLE EXPENDITURES.—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) OTHER IRRIGATION PROJECTS.—There are authorized to be appropriated to the Secretary to carry out section 308 $11,000,000 for the period of fiscal years 2008 through 2017.

(e) CULTURAL RESOURCES.—

(1) IN GENERAL.—The Secretary may use not more than 4 percent of amounts made available under subsections (a) and (b) for the survey, recovery, protection, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts made available under paragraph (1) shall be nonreimbursable and nonreturnable to the United States.

(f) FISH AND WILDLIFE FACILITIES.—

(1) IN GENERAL.—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a) and (b) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts expended under paragraph (1) shall be nonreimbursable and nonreturnable to the United States.

TITLE IV—NAVAJO NATION WATER RIGHTS

SEC. 401. AGREEMENT.

(a) AGREEMENT APPROVAL.—

(1) APPROVAL BY CONGRESS.—Except to the extent that any provision of the Agreement conflicts with this Act, Congress approves, ratifies, and incorporates by reference the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this Act).

(2) EXECUTION BY SECRETARY.—The Secretary, acting on behalf of the United States, shall enter into the Agreement to the extent that the Agreement does not conflict with this Act, including—

(A) any exhibits to the Agreement requiring the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this Act.

(3) AUTHORITY OF SECRETARY.—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.—The State of New Mexico may administer releases of stored water from Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

(b) WATER AVAILABLE UNDER CONTRACT.—

(1) QUANTITIES OF WATER AVAILABLE.—

(A) IN GENERAL.—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) WATER QUANTITIES.—The quantities of water referred to in subparagraph (A) are as follows:

	Diversion (acre-feet/year)	Depletion (acre-feet/year)
Navajo Indian Irrigation Project	508,000	270,000
Northwestern New Mexico Rural Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

(C) MAXIMUM QUANTITY.—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) TERMS, CONDITIONS, AND LIMITATIONS.—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this Act, and any other applicable law.

(2) AMENDMENTS TO CONTRACT.—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

(3) RIGHTS OF THE NATION.—The Nation may, under the Contract—

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, the Resolution, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this Act (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 303(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this Act and the Contract.

(c) SUBCONTRACTS.—

(1) IN GENERAL.—

(A) SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) APPROVAL REQUIRED.—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) SUBMITTAL.—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) DEADLINE.—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) ENFORCEMENT.—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) COMPLIANCE WITH OTHER LAW.—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(2) ALIENATION.—

(A) PERMANENT ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) MAXIMUM TERM.—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) FORFEITURE.—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) NO PER CAPITA PAYMENTS.—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) WATER LEASES NOT REQUIRING SUBCONTRACTS.—

(1) AUTHORITY OF NATION.—

(A) IN GENERAL.—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) COMPLIANCE WITH OTHER LAW.—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) ALIENATION; MAXIMUM TERM.—

(A) ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) MAXIMUM TERM.—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) FORFEITURE.—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) HYDROGRAPHIC SURVEY.—

(1) PREPARATION.—The Secretary, on behalf of the United States, shall prepare a hydrographic survey under the joint supervision of the Secretary and the State of New Mexico (acting through the New Mexico State Engineer) to identify and quantify any historic or existing diversion or use of water (including from surface water and underground water sources) by the Nation or a member of the Nation from the San Juan River Basin in the State of New Mexico, as described in subparagraph 4.2 of the Agreement.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), there is authorized to be appropriated to the Bureau of Indian Affairs to carry out paragraph (1) $5,000,000 for the period of fiscal years 2008 through 2013.

(B) ADJUSTMENT.—The amounts made available under subparagraph (A) shall be adjusted by such amounts as are necessary to account for increases in the costs of preparing a hydrographic survey after January 1, 2004, as determined using cost indices applicable to the types of technical and engineering work involved in preparing the hydrographic survey.

(C) NONREIMBURSABLE EXPENDITURES.—Any amounts made available under this paragraph shall be nonreimbursable to the United States.

(f) NULLIFICATION.—

(1) DEADLINES.—

(A) IN GENERAL.—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) AGREEMENT.—Not later than December 31, 2008, the Secretary shall execute the Agreement.

(ii) CONTRACT.—Not later than December 31, 2009, the Secretary and the Nation shall execute the Contract.

(iii) PARTIAL FINAL DECREE.—Not later than December 31, 2012, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) HYDROGRAPHIC SURVEY.—Not later than December 31, 2013, the Secretary shall complete the hydrographic survey described in subsection (e).

(v) FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.—Not later than December 31, 2014, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 307(a)(1) shall be completed.

(vi) SUPPLEMENTAL PARTIAL FINAL DECREE.—Not later than December 31, 2015, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vii) HOGBACK-CUDEI IRRIGATION PROJECT.—Not later than December 31, 2017, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 307(a)(2) shall be completed.

(viii) TRUST FUND.—Not later than December 31, 2018, the United States shall make all deposits into the Trust Fund under section 402.

(ix) CONJUNCTIVE WELLS.—Not later than December 31, 2018, the funds authorized to be appropriated under section 309(b)(1) for the conjunctive use wells authorized under section 306(b) should be appropriated.

(x) NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT.—Not later than December 31, 2022, the construction of all Project facilities shall be completed.

(B) EXTENSION.—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.—

(A) PETITION.—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) TERMINATION.—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

(i) the Trust Fund shall be terminated;

(ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;

(iii) the authorizations for construction and rehabilitation of water projects under this Act shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and

(iv) this title and titles I and III shall be null and void.

(3) CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.—

(A) IN GENERAL.—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 306.

(ii) A failure—

(I) to determine or resolve an accounting of the use of water under this Act in the State of Arizona;

(II) to obtain a necessary water right for the consumptive use of water in Arizona;

(III) to contract for the delivery of water for use in Arizona; or

(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(4) RIGHTS OF THE NATION.—A tribal right under the Contract, a water right adjudicated consistent with the Contract in the stream adjudication by the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other tribal water right stipulated, adjudicated, or decreed as described in the Agreement and this Act shall be held in

trust by the United States in perpetuity for the benefit of the Nation.

(g) EFFECT ON RIGHTS OF INDIAN TRIBES.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(2) EXCEPTION.—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.

SEC. 402. TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ''Navajo Nation Water Resources Development Trust Fund'', consisting of—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest earned on investment of amounts in the Trust Fund under subsection (d).

(b) USE OF FUNDS.—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this Act; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

(c) MANAGEMENT.—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund, and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) INVESTMENT OF THE TRUST FUND.—The Secretary shall invest amounts in the Trust Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) REQUIREMENTS.—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this Act.

(3) NO LIABILITY.—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act.

(5) ANNUAL REPORT.—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) LIMITATION.—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) CONDITIONS.—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal—

(A) before December 31, 2018; and

(B) until the date on which the court in the stream adjudication has entered—

(i) the Partial Final Decree described in paragraph 3.0 of the Agreement; and

(ii) the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for deposit in the Trust Fund—

(1) $6,000,000 for each of fiscal years 2008 through 2012; and

(2) $4,000,000 for each of fiscal years 2013 through 2017.

SEC. 403. WAIVERS AND RELEASES.

(a) EXECUTION.—The Nation, on behalf of itself and members of the Nation (other than members in their capacity as allottees), and the United States, acting through the Secretary and in its capacity as trustee for the Nation, shall execute waivers and releases in accordance with paragraph 7.0 of the Agreement.

(b) RESERVATION.—Notwithstanding subsection (a), the Nation and its members (including members in their capacity as allottees) and the United States, as trustee for the Nation and allottees, shall retain the rights and claims specified in paragraph 7.0 of the Agreement.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The waivers and releases described in subsection (a) shall be effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 401(f)(1) have been met.

(2) DEADLINE.—If the deadlines in section 401(f)(1)(A) have not been met by the later of March 1, 2023, or the date of any extension under section 401(f)(1)(B)—

(A) the waivers and releases described in subsection (a) shall be of no effect; and

(B) section 401(f)(2)(B) shall apply.

By Mr. DURBIN (for himself, Mr. LUGAR, Mrs. LINCOLN, Mr. SMITH, Mr. OBAMA, Mr. REED, Mr. WYDEN, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. DOMENICI, Mr. KENNEDY, Mr. ROCKEFELLER, and, Mr. AKAKA):

S. 1172. A bill to reduce hunger in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, President Eisenhower once stated, ''Every gun that is made, every warship that is launched, every rocket fired, signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in armaments is not spending its money alone: it is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.''

In as trying a time as we live in today, his statement cannot ring more true. We are in the middle of a war with no seeming end in sight. We have daily debates about the numbers in our budget. But President Eisenhower was right. We are not spending our money alone.

In a Nation as rich as ours, we should be able to arrange our priorities to meet the needs of our country, but the unfortunate reality is that in the United States today, children go hungry. Children count on school, not only for education but also for their meals. Seniors are forced to make a choice between life-saving medicines and groceries for their meals. Families are forced to make the difficult choice between paying for food and paying for utilities or their rent or mortgage or even their medicine or medical care. This is the reality of our America.

As Senators, we often hear from families that tell us the difficulty in making ends meet. More and more working families are turning to food banks, pantries and soup kitchens for emergency food assistance. When examining the actual costs of housing, food, utilities and other necessities, researchers have found that in most areas of the country, families need about 200 percent of the poverty level to achieve ''minimal economic self-sufficiency.'' Individuals and families are faced with a cost of living that continues to rise and an increasing gap between what low-wage workers earn and what is required to meet basic needs.

In my State of Illinois, over 158,000 Illinois households experienced hunger in 2005. If we include households that have had to struggle to put food on the table or have had to skip meals to make sure the food would last through the week—that's 440,000 households in Illinois living with food insecurity—9 percent of Illinois households. These are working families who need more to lead healthy, happy lives.

Fortunately, we have some programs in existence to offer hope. Since President Johnson started the war on poverty, we have documented that the Federal nutrition programs work to reduce hunger. When people are able to use Food Stamps, there are enough groceries to last through the week. When new moms are helped by WIC, they and their babies have enough milk and eggs and fruit. When senior citizens are near a Commodity Supplemental Food Program site, they can take home a box of food to fill the pantry AND buy their prescription drugs. Our school children can fill their stomachs and then focus on learning—because of the Federal school food program. In cases of emergency, like the

tragic occurrences of hurricanes, our Federal nutrition assistance programs have been there to assist families in need. These Federal food programs work, but more can be done.

Last Congress, I introduced the Hunger Free Communities Act with Senators LINCOLN, SMITH and LUGAR. The bill creates new grant programs that help communities make the most of the Federal nutrition programs and build on their successes.

First, the bill makes grant money available to local groups that are working to eliminate hunger in their communities. Each day, soup kitchens serve meals, and food pantries give groceries, and volunteers collect food, make sandwiches, and deliver food. Our bill creates an anti-hunger grant program—the first of its kind—that asks communities to assess hunger and hunger relief at the local level. Grant money is available to help with that assessment or grant money can be used to help fill in the gaps that a local plan identifies.

Second, we create a funding stream that food banks and soup kitchens can use to keep up their buildings and trucks and kitchen equipment. The response of the food bank network to the crisis after hurricanes Katrina and Rita was remarkable. Tons of food was donated, transported and delivered by thousands of volunteers from all over the country. But within days, America's Second Harvest recognized the food banks needed freezers, forklifts, delivery trucks and repairs to warehouses and equipment. My bill creates the only Federal funding stream specifically for the capital needs of local hunger relief efforts. Helping these organizations is especially important for those organizations in underserved areas and areas where rates of food insecurity, hunger, poverty, or unemployment are higher than the national average.

Late last Congress, the Hunger Free Communities Act was passed by the Senate. I had hoped that there might be time for the House to act on it before the Session ended, but we ran out of time. This was, however, a small victory. It was a small step toward progress—a step that both Democrats and Republicans want to take for the health and well-being of our communities.

There are still too many parents in this country who skip meals because there is not enough money in the family food budget for them and their children to eat every night. There are still too many babies and toddlers in America who are not getting the nutrition their minds and bodies need to develop to their fullest potential. There are too many seniors, and children, who go to bed hungry. In the richest Nation in the history of the world, that is unacceptable.

Progress against hunger is possible, even with a war abroad and budget deficits at home. I am heartened by the 43 United States Senators who agreed with me and cosponsored the Hunger Free Communities Act last year. I am heartened by the support of the Illinois Coalition on Hunger, Bread for the World and America's Second Harvest. Congress will be reauthorizing many nutrition programs this year with the farm bill, and the Hunger Free Communities Act should be a part of that. I believe this bill can take a modest but meaningful step toward eliminating hunger in this country. We tried to make that first step when the bill passed the Senate late last year. We can do it again and should.

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. 1172

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hunger-Free Communities Act of 2007''.

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

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) at the 1996 World Food Summit, the United States, along with 185 other countries, pledged to reduce the number of undernourished people by half by 2015; and

(B) as a result of that pledge, the Department of Health and Human Services adopted the Healthy People 2010 goal to cut food insecurity in half by 2010, and in doing so reduce hunger;

(2) national nutrition programs are among the fastest, most direct ways to efficiently and effectively prevent hunger, reduce food insecurity, and improve nutrition among the populations targeted by a program;

(3) in 2001, food banks, food pantries, soup kitchens, and emergency shelters helped to feed more than 23,000,000 low-income people; and

(4) community-based organizations and charities can help—

(A) play an important role in preventing and reducing hunger;

(B) measure community food security;

(C) develop and implement plans for improving food security;

(D) educate community leaders about the problems of and solutions to hunger;

(E) ensure that local nutrition programs are implemented effectively; and

(F) improve the connection of food insecure people to anti-hunger programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) DOMESTIC HUNGER GOAL.—The term ''domestic hunger goal'' means—

(A) the goal of reducing hunger in the United States to at or below 2 percent by 2010; or

(B) the goal of reducing food insecurity in the United States to at or below 6 percent by 2010.

(2) EMERGENCY FEEDING ORGANIZATION.—The term ''emergency feeding organization'' has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) FOOD SECURITY.—The term ''food security'' means the state in which an individual has access to enough food for an active, healthy life.

(4) HUNGER-FREE COMMUNITIES GOAL.—The term ''hunger-free communities goal'' means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

TITLE I—NATIONAL COMMITMENT TO END HUNGER

SEC. 101. HUNGER REPORTS.

(a) STUDY.—

(1) TIMELINE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study of major matters relating to the problem of hunger in the United States, as determined by the Secretary.

(B) UPDATE.—Not later than 5 years after the date on which the study under subparagraph (A) is conducted, the Secretary shall update the study.

(2) MATTERS TO BE ASSESSED.—The matters to be assessed by the Secretary in the study and update under this section shall include—

(A) data on hunger and food insecurity in the United States;

(B) measures carried out during the previous year by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals;

(C) measures that could be carried out by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals; and

(D) the impact of hunger and household food insecurity on obesity, in the context of poverty and food assistance programs.

(b) RECOMMENDATIONS.—The Secretary shall develop recommendations on—

(1) removing obstacles to achieving domestic hunger goals and hunger-free communities goals; and

(2) otherwise reducing domestic hunger.

(c) REPORT.—The Secretary shall submit to the President and Congress—

(1) not later than 1 year after the date of enactment of this Act, a report that contains—

(A) a detailed statement of the results of the study, or the most recent update to the study, conducted under subsection (a)(1); and

(B) the most recent recommendations of the Secretary under subsection (b); and

(2) not later than 5 years after the date of submission of the report under paragraph (1), an update of the report.

TITLE II—STRENGTHENING COMMUNITY EFFORTS

SEC. 121. HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a public food program service provider or a nonprofit organization, including but not limited to an emergency feeding organization, that demonstrates the organization has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made

available under section 125 to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(3) NON-FEDERAL SHARE.—

(A) CALCULATION.—The non-Federal share of the cost of an activity under this section may be provided in cash or in kind, fairly evaluated, including facilities, equipment, or services.

(B) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this section through a State government, a local government, or a private source.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund;

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity;

(C) list any partner organizations of the eligible entity that will participate in an activity funded by the grant;

(D) describe any agreement between a partner organization and the eligible entity necessary to carry out an activity funded by the grant; and

(E) if an assessment described in subsection (d)(1) has been performed, include—

(i) a summary of that assessment; and

(ii) information regarding the means by which the grant will help reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities that—

(A) demonstrate in the application of the eligible entity that the eligible entity makes collaborative efforts to reduce hunger in the community of the eligible entity; and

(B)(i) serve a predominantly rural and geographically underserved area;

(ii) serve communities in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates;

(iii) provide evidence of long-term efforts to reduce hunger in the community;

(iv) provide evidence of public support for the efforts of the eligible entity; or

(v) demonstrate in the application of the eligible entity a commitment to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—

(1) ASSESSMENT OF HUNGER IN THE COMMUNITY.—

(A) IN GENERAL.—An eligible entity in a community that has not performed an assessment described in subparagraph (B) may use a grant received under this section to perform the assessment for the community.

(B) ASSESSMENT.—The assessment referred to in subparagraph (A) shall include—

(i) an analysis of the problem of hunger in the community served by the eligible entity;

(ii) an evaluation of any facility and any equipment used to achieve a hunger-free communities goal in the community;

(iii) an analysis of the effectiveness and extent of service of existing nutrition programs and emergency feeding organizations; and

(iv) a plan to achieve any other hunger-free communities goal in the community.

(2) ACTIVITIES.—An eligible entity in a community that has submitted an assessment to the Secretary shall use a grant received under this section for any fiscal year for activities of the eligible entity, including—

(A) meeting the immediate needs of people in the community served by the eligible entity who experience hunger by—

(i) distributing food;

(ii) providing community outreach; or

(iii) improving access to food as part of a comprehensive service;

(B) developing new resources and strategies to help reduce hunger in the community;

(C) establishing a program to achieve a hunger-free communities goal in the community, including—

(i) a program to prevent, monitor, and treat children in the community experiencing hunger or poor nutrition; or

(ii) a program to provide information to people in the community on hunger, domestic hunger goals, and hunger-free communities goals; and

(D) establishing a program to provide food and nutrition services as part of a coordinated community-based comprehensive service.

SEC. 122. HUNGER-FREE COMMUNITIES INFRASTRUCTURE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an emergency feeding organization (as defined in section 201A(4) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501(4))).

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 40 percent of any funds made available under section 125 to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund; and

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a community that has carried out long-term efforts to reduce hunger in the community.

(D) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out activities of the eligible entity, including—

(1) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community;

(2) assisting an emergency feeding organization in the community in obtaining locally-produced produce and protein products; and

(3) assisting an emergency feeding organization in the community to process and serve wild game.

SEC. 123. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a national or regional nonprofit organization that carries out an activity described in subsection (d).

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 10 percent of any funds made available under section 125 to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) demonstrate that the eligible entity does not operate for profit;

(B) describe any national or regional training program carried out by the eligible entity, including a description of each region served by the eligible entity;

(C) describe any national or regional technical assistance provided by the eligible entity, including a description of each region served by the eligible entity; and

(D) describe the means by which each organization served by the eligible entity—

(i) works to achieve a domestic hunger goal;

(ii) works to achieve a hunger-free communities goal; or

(iii) used a grant received by the organization under section 121 or 122.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a region in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a region that has carried out long-term efforts to reduce hunger in the region.

(D) The eligible entity serves a region that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out national or regional training and technical assistance for organizations that—

(1) work to achieve a domestic hunger goal;

(2) work to achieve a hunger-free communities goal; or

(3) receive a grant under section 121 or 122.

SEC. 124. REPORT.

Not later than September 30, 2013, the Secretary shall submit to Congress a report describing—

(1) each grant made under this title, including—

(A) a description of any activity funded by such a grant; and

(B) the degree of success of each activity funded by such a grant in achieving hunger-free communities goals; and

(2) the degree of success of all activities funded by grants under this title in achieving domestic hunger goals.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $50,000,000 for each of fiscal years 2008 through 2013.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 1174. A bill to amend the Natural Gas Act to modify a provision relating to the siting, construction, expansion, and operation of liquefied natural gas terminals; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am introducing legislation to restore the authority of State and local governments to protect the environment and ensure public safety with respect to the siting of Liquefied Natural Gas (LNG) terminals within their States. This measure would strike a provision in the Energy Policy Act of 2005 which gave the Federal Regulatory Energy Commission (FERC) power to preempt State and local concerns in the siting, construction and operation of LNG facilities.

In recent years, the LNG industry has proposed building dozens of new LNG terminals throughout the United States, as LNG's share of the natural gas market continues to grow rapidly. Many of these terminals are being planned near populated areas or in environmentally sensitive coastal areas. As a highly hazardous and combustible fuel source, LNG poses serious safety concerns to local communities from potential accidents, as well as terrorism risks. Richard Clarke, a former Bush Administration Counter Terrorism official, noted that LNG terminals and tankers present ''especially attractive targets'' to terrorists. Experts have identified anumber of potentially catastrophic events that could arise from an LNG release, including pool fires—an extremely intense fire that cannot be extinguished and can spread over considerable distance, flammable vapor clouds that may drift some distance from the spill site, and flameless explosions. According to the Congressional Research Service, there have been approximately 13 serious accidents at LNG plants around the world over the past six decades, including three accidents which caused fatalities—two in Algeria in 1977 and 2004 respectively, and another at Cove Point, MD; in 1979, which killed one worker and caused some $3 million in damages.

In the State of Maryland, which is already home to one of six operating LNG terminals in the United States, AES Sparrows Point LNG, LLC and Mid-Atlantic Express, LLC has proposed building a new terminal near a densely-populated area of Baltimore. Our area Congressional Delegation, Governor O'Malley, Baltimore County Executive Jim Smith and other local officials and community leaders believe this project poses unacceptable public safety, economic and environmental risks and does not serve the public interest. Yet, under current law, the Federal Energy Regulatory Commission now has exclusive authority to approve onshore LNG terminal siting applications. While the law requires FERC to consult with State and local governments regarding safety concerns, they have no role in the final decision. Moreover, while the law permits states to conduct safety inspections of LNG terminals, they do not have the authority to require any safety precautions or to take enforcement actions if they discover problems at a facility during a safety inspection.

It is vital, in my opinion, that State and local authorities and the public have a meaningful opportunity to participate in the decision-making process about the siting of these plants. These terminals have the potential for tremendous impacts on the communities in which they would be constructed and would operate. The measure I am introducing today seeks to restore that authority and give Governors the same veto powers for onshore LNG terminal proposals as they currently exercise for offshore terminal proposals under the Deepwater Port Act. I urge my colleagues to join me in supporting this measure.

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

S. 1175. A bill to end the use of child soldiers in hostilities around the world, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I rise today to discuss an issue of children's rights and human rights: the recruitment and use of child soldiers.

Hundreds of thousands of children in the world today serve as child soldiers, boys and girls alike.

They serve as combatants, porters, human mine detectors and sex slaves.

Their health and lives are endangered and their childhoods are sacrificed.

The bulk of these children are captured, recruited, or sold into service with rebel groups such as the infamous Lord's Resistance Army in Uganda.

But some serve with uniformed armed forces or government-supported paramilitaries or militias.

Even more troubling, children have served as child soldiers for governments that receive U.S. military assistance.

Today, Senator SAM BROWNBACK and I are introducing legislation addressing this issue.

Our bill, the Child Soldiers Prevention Act, will ensure that U.S. taxpayer dollars are not used to support foreign militaries known to recruit or use child soldiers in government armed forces or government-supported militaries.

U.S. military assistance can continue under this bill, but it will be used to remedy the problem by helping countries successfully demobilize their child soldiers and professionalize their forces.

Under the terms of this bill, Foreign Military Assistance and other defense-related aid would be limited if countries are clearly identified in the State Department's Human Rights report as recruiting or using child soldiers.

Military assistance to these countries would be limited to supporting the professionalization of their forces until they eliminate the use of child soldiers.

If years of abuse continue, then U.S. assistance would eventually be eliminated.

In all circumstances, the President would be able to waive these rules if he deems that it is in the national interest.

What do we mean by professionalization?

We mean creating regular militaries which conform to long-standing international norms, such as not using children, respecting human rights, and functioning as professional armies.

This bill can only affect governmental or government sanctioned military and paramilitary organizations.

But that is where we have leverage through our foreign military assistance programs and we will use whatever leverage we have to address this heinous phenomenon.

In the last year, many of us have read the haunting memoir of Ishmael Beah, A LONG WAY GONE: Memoirs of a Boy Soldier.

Beah is all of 26: that might seem too young to write a memoir, but sadly, his youth was stolen from him many years ago.

Beah grew up in war-torn Sierra Leone. He was born in 1980.

Eleven years later, civil war broke out, killing tens of thousands of people and driving millions from their homes.

At the age of twelve, he fled attacking rebels.

Beah's parents and his two brothers were among those killed.

By thirteen, he'd been picked up by the government army, but that was no refuge.

Fleeing the rebels who had killed so many of his friends and family, Beah wound up in a village run by government troops.

He wrote of this moment in his life, ''In the beginning it seemed we had found safety the smiles on people's faces assured us that there was nothing to worry about anymore. All that darkened the mood of the village was the sight of orphaned children. There were over thirty boys between the ages of six and sixteen. I was one of them. Apart from this, there were no indications that our childhood was threatened, much less that we would be robbed of it.''

That was exactly what was happening, though.

In Beah's first battle he watched his eleven-year old tent-mate bleed out before his very eyes.

He writes of this awful day, ''My face, my hands, my shirt and gun were covered with blood. I raised the gun and pulled the trigger, and I killed a man. Suddenly, as if someone was

shooting them inside my brain, all the massacres I had seen since the day I was touched by war began flashing in my head. Every time I stopped shooting to change magazines and saw my two young lifeless friends, I angrily pointed my gun into the swamp and killed more people.''

That was at 13. Thirteen—- an age for junior high soccer games, not for going to war.

Ultimately during his time in the government army, Beah says he killed ''too many people to count.''

In 1998 he fled and in 1999 he was able to come to New York.

Returning to civilization, according to Beah, was actually harder than the act of becoming a child soldier because ''dehumanizing children is a relatively easy task.''

Thank God, Sierra Leone's civil war is over.

But too many children in the world continue to be forced to serve as child soldiers.

Ensuring that countries professionalize their militaries and help their child soldiers make the transition back into civil society is a humanitarian issue but also in the best interest for our own armed forces.

We do not want American soldiers in a position where they have to return fire on children.

Delay in such a moment could cost an American soldier his life, but think also of the psychic costs of having to kill a child in battle.

We want our troops to avoid such a situation and we want to ensure that American taxpayer dollars are used as they should be: for professionalizing the militaries of countries whom we are assisting.

It is not enough for child soldiers simply to be demobilized: U.S.-funded programs assist in the rehabilitation of child soldiers and the reintegration of these young people back into civilian life.

Some of these child veterans of war have witnessed or been forced to do terrible things.

Many of the girls have been victims of rape and may be coming back into civilian life with their own children.

I strongly support programs to provide psychological services, educational and vocational training, and other assistance to these traumatized young people.

I also support efforts to bring to justice those rebel leaders and others who kidnap children for use as child soldiers.

The use of child soldiers represents a basic issue of human rights.

For that reason, next week Senator COBURN, who is the ranking member on the Judiciary Subcommittee on Human Rights and the Law, and I will be holding a Subcommittee hearing on Child Soldiers and the Law.

In this hearing, we will explore the persistent use of child soldiers despite the fact that this practice is widely acknowledged as a war crime.

Is this persistent crime in part a failure of enforcement?

Are reforms needed in U.S. law to criminalize this terrible practice?

How is this issue addressed under our immigration laws?

Expert witnesses from non-governmental and faith-based organizations will speak to these issues in our hearing next Tuesday.

So too will Ishmael Beah, whose words vividly capture the horror of children at war.

I am introducing this bill and our subcommittee is holding this hearing as progressive steps to remedy a terrible and persistent problem.

Here in Washington, on the floor of the Senate, it is hard to imagine the atrocities that children endure every day, as combatants, as sex slaves, and as forced labor for militaries and paramilitaries.

But those atrocities do continue.

At the least we should ensure that U.S. assistance goes to remedy the problem and that it is never used to prolong it.

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. 1175

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 ''Child Soldier Prevention Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the September 7, 2005, report to the General Assembly of the United Nations by the Special Representative of the Secretary-General for Children and Armed Conflict, ''In the last decade, two million children have been killed in situations of armed conflict, while six million children have been permanently disabled or injured. Over 250,000 children continue to be exploited as child soldiers and tens of thousands of girls are being subjected to rape and other forms of sexual violence.''.

(2) According to the Center for Emerging Threats and Opportunities (CETO), Marine Corps Warfighting Laboratory, ''The Child Soldier Phenomenon has become a post-Cold War epidemic that has proliferated to every continent with the exception of Antarctica and Australia.''.

(3) Many of the children currently serving in armed forces or paramilitaries were forcibly conscripted through kidnapping or coercion, a form of human trafficking, while others joined military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety.

(4) Some military and militia commanders force child soldiers to commit gruesome acts of ritual killings or torture, including acts of violence against other children.

(5) Many female child soldiers face the additional psychological and physical horrors of rape and sexual abuse, enslavement for sexual purposes by militia commanders, and severe social stigma should they return home.

(6) Some military and militia commanders target children for recruitment because of their psychological immaturity and vulnerability to manipulation and indoctrination. Children are often separated from their families in order to foster dependence on military units and leaders. Consequently, many of these children suffer from deep trauma and are in need of psychological counseling and rehabilitation.

(7) Child soldiers are exposed to hazardous conditions and are at risk of physical injury and disability, psychological trauma, sexually transmitted diseases, respiratory and skin infections, and often death.

(8) On May 25, 2000, the United Nations adopted and opened for signature, ratification, and accession the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (in this Act referred to as the ''Optional Protocol''), which establishes 18 as the minimum age for conscription or forced recruitment and requires states party to ensure that members of their armed forces under the age of 18 do not take a direct part in hostilities.

(9) On June 18, 2002, the Senate unanimously approved the resolution advising and consenting to the ratification of the Optional Protocol.

(10) On December 23, 2002, the United States presented the ratified optional protocol to the United Nations.

(11) More than 110 governments worldwide have ratified the optional protocol, establishing a clear international norm concerning the use of children in combat.

(12) On December 2, 1999, the United States ratified International Labour Convention 182, the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which includes the use of child soldiers among the worst forms of child labor.

(13) On October 7, 2005, the Senate gave its advice and consent to the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

(14) It is in the national security interest of the United States to reduce the chances that members of the United States Armed Forces will be forced to encounter children in combat situations.

(15) Section 502B(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(3)) provides that ''the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise''.

SEC. 3. CHILD SOLDIER DEFINED.

In this Act, consistent with the provisions of the Optional Protocol, the term ''child soldier''—

(1) means—

(A) any person under age 18 who takes a direct part in hostilities as a member of governmental armed forces;

(B) any person under age 18 who has been compulsorily recruited into governmental armed forces;

(C) any person under age 16 voluntarily recruited into governmental armed forces; and

(D) any person under age 18 recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(2) includes any person described in subparagraphs (B), (C), and (D) of paragraph (1) who is serving in any capacity, including in

a support role such as a cook, porter, messenger, medic, guard, or sex slave.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress—

(1) to condemn the conscription, forced recruitment or use of children by governments, paramilitaries, or other organizations in hostilities;

(2) that the United States Government should support and, where practicable, lead efforts to establish and uphold international standards designed to end this abuse of human rights;

(3) that the United States Government should expand ongoing services to rehabilitate recovered child soldiers and to reintegrate them back into their communities by—

(A) offering ongoing psychological services to help victims recover from their trauma and relearn how to deal with others in nonviolent ways such that they are no longer a danger to their community;

(B) facilitating reconciliation with their communities through negotiations with traditional leaders and elders to enable recovered abductees to resume normal lives in their communities; and

(C) providing educational and vocational assistance;

(4) that the United States should work with the international community, including, where appropriate, third country governments, nongovernmental organizations, faith-based organizations, United Nations agencies, local governments, labor unions, and private enterprise—

(A) on efforts to bring to justice rebel organizations that kidnap children for use as child soldiers, including the Lord's Resistance Army (LRA) in Uganda, Fuerzas Armadas Revolucionarias de Colombia (FARC), and Liberation Tigers of Tamil Eelam (LTTE), including, where feasible, by arresting the leaders of such groups; and

(B) on efforts to recover those children who have been abducted and to assist them in their rehabilitation and reintegration into communities;

(5) that the Secretary of State, the Secretary of Labor, and the Secretary of Defense should coordinate programs to achieve the goals specified in paragraph (3), and in countries where the use of child soldiers is an issue, whether or not it is supported or sanctioned by the governments of such countries, United States diplomatic missions should include in their mission program plans a strategy to achieve the goals specified in such paragraph;

(6) that United States diplomatic missions in countries in which governments use or tolerate child soldiers should develop, as part of annual program planning, strategies to promote efforts to end this abuse of human rights; and

(7) that, in allocating or recommending the allocation of funds or recommending candidates for programs and grants funded by the United States Government, United States diplomatic missions should give particular consideration to those programs and candidates deemed to promote the end to this abuse of human rights.

SEC. 5. PROHIBITION.

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), none of the funds appropriated or otherwise made available for international military education and training, foreign military financing, foreign military sales, direct commercial sales, or excess Defense articles by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) or any other Act making appropriations for foreign operations, export financing, and related programs may be obligated or otherwise made available to the government of a country that is clearly identified by the Department of State in the Department of State's most recent Country Reports on Human Rights Practices as having governmental armed forces or government supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) NOTIFICATION TO COUNTRIES IN VIOLATION OF THE STANDARDS OF THIS ACT.—The Secretary of State shall formally notify any government identified pursuant to subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—The President shall publish each waiver granted under paragraph (1) in the Federal Register and shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives of each such waiver, including the justification for the waiver, in accordance with the regular notification procedures of such Committees.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a country assistance otherwise prohibited under subsection (a) upon certifying to Congress that the government of such country—

(1) has implemented effective measures to come into compliance with the standards of this Act; and

(2) has implemented effective policies and mechanisms to prohibit and prevent future use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR PROFESSIONALIZATION OF THE MILITARY.—

(1) IN GENERAL.—The President may provide to a country assistance for international military education and training otherwise prohibited under subsection (a) upon certifying to Congress that—

(A) the government of such country is implementing effective measures to demobilize child soldiers in its forces or in government supported paramilitaries and to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) LIMITATION.—The exception under paragraph (1) may not remain in effect for more than 2 years following the date of notification specified in section 5(b).

SEC. 6. REPORTS.

(a) PREPARATION OF REPORTS REGARDING CHILD SOLDIERS.—United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the Human Rights Reports that relate to child soldiers, the Secretary of State shall ensure that such reports shall include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) INCLUSION OF INFORMATION ON VIOLATIONS.—When the Secretary of State determines that a government has violated the standards of this Act, the Secretary shall clearly indicate that fact in the relevant Annual Human Rights Report.

(d) LETTER TO CONGRESS.—Not later than June 15 of each year for 10 years following the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives—

(1) a list of the countries receiving notification that they are in violation of the standards of this Act;

(2) a list of any waivers or exceptions exercised under this Act;

(3) justification for those waivers and exceptions; and

(4) a description of any assistance provided pursuant to this Act.

SEC. 7. REPORT ON IMPLEMENTATION OF ACT.

Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report setting forth a strategy for achieving the policy objectives of this Act, including a description of an effective mechanism for coordination of United States Government efforts to implement this strategy.

SEC. 8. TRAINING FOR FOREIGN SERVICE OFFICERS.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following new subsection:

''(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided after January 1, 2008, for officers of the Service, including chiefs of mission, instruction on matters related to child soldiers and the substance of the Child Soldier Prevention Act of 2007.''.

SEC. 9. EFFECTIVE DATE; APPLICABILITY.

This Act shall take effect 180 days after the date of the enactment of this Act and shall apply to funds obligated after such effective date.

AMENDMENTS SUBMITTED AND PROPOSED

SA 898. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 897 proposed by Mr. ENSIGN (for himself and Mr. CRAIG) to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table.

SA 899. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 900. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 901. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 898. Mr. ENSIGN submitted an amendment intended to be proposed to