(Mr. WEBB) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 1010

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1160

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of 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.

S. 1181

At the request of Mr. OBAMA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

S. 1232

At the request of Mr. DODD, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S.J. RES. 12

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S.J. Res. 12, a joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes.

S. RES. 110

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 110, a resolution expressing the sense of the Senate regarding the 30th Anniversary of ASEAN-United States dialogue and relationship.

S. RES. 118

At the request of Mr. LEVIN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 155

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 155, a resolution expressing the sense of the Senate on efforts to control violence and strengthen the rule of law in Guatemala.

S. RES. 171

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1249. A bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes; to the Committee on Armed Services.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to close the U.S. detention facilities at Guantanamo Bay, Cuba.

Guantanamo has become a lightning rod for international condemnation. Both allies and enemies have decried the stories of detainee abuse and the U.S. refusal to acknowledge that the individuals held at Guantanamo are legally entitled to be treated in accord with the Geneva Conventions. In short, the continued use of Guantanamo is causing more damage than benefit in our war on terrorism.

The Supreme Court determined last summer that the Geneva Conventions applies to Guantanamo detainees, and Congress passed the Military Commissions Act in response. There remain court challenges and policy questions as to whether the proceedings at Guantanamo are now legal. What is clear, however, is that, whether legal or not, Guantanamo is harming our national interests.

This is not solely my view.

Secretary of Defense Gates testified recently before the House Defense Appropriations Subcommittee. He said, ''I came to this position believing that Guantanamo should be closed. I know that people have expressed that as a wish. The president has expressed it as a wish.'' The Secretary remarked that Guantanamo has ''a taint about it.''

According to media accounts, the current and former Secretaries of State, Condoleezza Rice and Colin Powell, share this view.

Unfortunately, these expressions will not necessarily lead to concrete action. On March 23, White House Press Secretary Tony Snow stated that it was unlikely that the Guantanamo detention facility would close during the Bush Presidency.

That is unfortunate, but I think the way forward is now clear. It is time to close the detention facilities at Guantanamo, and it is time for the Congress to act. And so today I am proud to offer legislation to end detention operations at Guantanamo within a year.

Approximately 750 enemy combatants—including individuals believed to be Taliban fighters or al-Qaida irregulars have been sent to Guantanamo since January 11, 2002. Roughly 385 are there today, and it is estimated that only 60 to 80 of them will ever be charged. According to a Pentagon spokesman last month, another 80 detainees remain at Guantanamo despite having been cleared for transfer or release.

This is an untenable situation.

Let me be clear. I have no room in my heart for al-Qaida members or affiliates. I know full well that they would kill innocent Americans given half the chance. But the people in this administration who have made these decisions have never recognized that it is not just for the detainees' sake that we comply with U.S. and international law, it is to our benefit as well.

As Senator MCCAIN and GEN Colin Powell have forcefully argued, we treat individuals in accordance with international law to ensure that Americans captured in battle are treated likewise.

Unfortunately, due to the administration's decision not to apply Article 3 of the Geneva Conventions and to allow new interrogation techniques, there have been abuses. These have been documented, among other places, in the official report by Air Force LTG Randall Schmidt on June 9, 2005.

Ironically, use of these techniques not only turned the tide of world opinion and shocked our consciences, but they are inconsistent with producing accurate intelligence.

The second major result from mistaken administration policies has been our fall from the world's leader in the realm of ideals, not just in power.

The detentions at Guantanamo have been decried, from moral leaders such as Archbishop Desmond Tutu to political leaders like Tony Blair.

Archbishop Tutu said, ''I never imagined I would live to see the day when the United States and its satellites would use precisely the same arguments that the apartheid government used for detention without trial. It is disgraceful.''

Prime Minister Blair commented that Guantanamo Bay is an ''anomaly that at some point has to be brought to an end.''

While world leaders and various offices of the United Nations have criticized Guantanamo, terrorists around the world have used it to rally new recruits. Just like the horrible scenes from Abu Ghraib, we have found evidence that the disrespect for Islam and the Koran at Guantanamo has helped breed a new generation of terrorists.

The legislation that I introduce today would close the Guantanamo detention facilities within a year of enactment.

Everyone being held at that time would have to be transitioned to an alternative legal status. There are five major options. Detainees could be transferred to a civilian or military facility in the United States and charged with a violation of U.S. or international law for prosecution in a civilian or military proceeding; transferred to a facility in the United States for continued detention, for individuals judged to be enemy combatants; transferred to any international legal tribunal that may be authorized for this purpose; transferred to their home nation or a third-party government for further processing. This would require that the Government obtain the required assurances that the detainee will not be tortured or otherwise handled in a matter against international law; or for detainees judged to pose no continuing security threat to the United States or our allies, released.

What would this accomplish?

First, and most importantly, it would end the stain on America's reputation and reiterate that we are a nation of laws and justice.

Second, moving trials to the United States, whether under the military commission process or otherwise, would enhance the credibility of those proceedings. As Secretary Gates testified, ''no matter how transparent, no matter how open the trials, if they took place at Guantanamo in the international community, they would lack credibility.''

Finally, moving detainees to the mainland would ease the logistics of trials and oversight. It would obviate the need for the government to run its own airline business shuttling Members of Congress, lawyers, reporters, and military police to Guantanamo.

Some will argue that closing Guantanamo will damage our security. Let me make clear: I am not for releasing any terrorist, any Taliban fighter, or anyone that we will have to face again on the battlefield.

We have high-security prisons and military brigs around the nation and know how to keep prisoners from harming the local population. In fact, the Justice Department has successfully convicted Sheikh Omar Abdel-Rahman and Ramzi Yousef for their roles in the first World Trade Center bombing. Jose Padilla was held in a naval brig, and is currently awaiting a trial in the United States. Our military and criminal justice systems are up to this task.

Nor is it the case that moving detainees from Guantanamo will hinder our ability to gain intelligence from them. In fact, the majority of detainees are not being interrogated at Guantanamo, and almost none of them have any actionable intelligence left after imprisonment for years.

Finally, I am aware that legislation has been introduced to amend the Military Commissions Act, especially with regard to its habeas corpus provisions. I support these efforts. But legal experts have testified that moving detainees to the United States would have little impact on the Government's ability to prosecute them. The procedures of the Military Commissions Act, or any other court martial or criminal proceeding, do not depend on the location of the trial. Indeed, the Supreme Court has already held that legal process at Guantanamo is subject to U.S. law.

As I said at the beginning of my remarks, it is our responsibility to ensure that the war on terror is being fought in a way that maximizes our ability to prevail. The situation at Guantanamo has impeded our success. It has strained our relations with key allies. It has provided fodder to our detractors. And it has dampened the national support we need to keep fighting our enemies.

After more than 5 years, it is time to close this prison. I urge my colleagues to support this legislation.

I ask 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. 1249

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

SECTION 1. REQUIRED CLOSURE OF GUANTANAMO BAY DETENTION FACILITY.

(a) CLOSURE OF DETENTION FACILITY.—Not later than one year after the date of the enactment of this Act—

(1) the President shall close the Department of Defense detention facility at Guantanamo Bay, Cuba; and

(2) all detainees detained at such facility shall be removed from the facility and—

(A) transferred to a military or civilian detention facility in the United States and charged with a violation of United States or international law and tried in an Article III court or military legal proceeding before a regularly-constituted court;

(B) transferred to a military or civilian detention facility in the United States without being charged with a violation of law if the detainee may be held as an enemy combatant or detained pursuant to other legal authority as Congress may authorize;

(C) transferred to an international tribunal operating under the authority of the United Nations with jurisdiction to hold trials of such individuals;

(D) transferred to their country of citizenship or a different country for further legal process, provided that such country provides adequate assurances that the individual will not be subject to torture or cruel, inhuman, or degrading treatment; or

(E) released from any further detention.

(b) IMMIGRATION STATUS.—The transfer of an individual under subsection (a) shall not be considered an entry into the United States for purposes of immigration status.

By Ms. SNOWE (for herself and Ms. CANTWELL):

S. 1250. A bill to direct the United States Trade Representative to conduct an investigation of the personal exemption allowance that Canada provides for merchandise purchased abroad by Canadian residents, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to address the urgent need to end Canada's trade-distorting personal customs duty exemption scheme, which severely disadvantages border-area businesses in Maine and across the country.

The U.S.-Canada Free Trade Agreement of 1989 and the subsequent North American Free Trade Agreement, NAFTA, of 1994 were intended to create a level playing field for companies in both countries in terms of cross-border commerce. However, the spirit—if not the letter of these agreements—have been abrogated by Canada's schedule of personal exemptions from customs duties and taxes for returning Canadian residents.

Under this scheme, Canada allows its residents no personal exemption from customs duties on goods purchased during trips abroad lasting less than 24 hours. For trips between 24 and 48 hours, Canadians are exempt from their government's duties and taxes on only the first C$50 of purchases. In contrast, the United States allows its residents to bring $200 of merchandise into the country duty free upon returning from a trip abroad lasting less than 48 hours.

As the U.S. Trade Representative said in its 2007 National Trade Estimate Report on Foreign Trade Barriers, this disparity between the Canadian and U.S. personal duty exemption schedules discourages shopping visits to the United States by Canadian border residents. Understandably, it is therefore a major concern for Maine and other U.S. border-area businesses, which rely on such cross-border commerce for their very livelihoods.

Canada's personal duty exemption scheme has thus produced an unwelcome area of friction in a largely vibrant and friendly cross-border relationship. Moreover, it is inconsistent with Canada's international trade obligations to the United States under Chapter Twelve of the North American Free Trade Agreement. Under that agreement, Canada is obligated to accord to United States service providers,

including retail and distribution service providers, treatment no less favorable than that it accords to its own service providers and the service providers of any other country.

When one considers, as Canada's government no doubt has, that foreign travel by Canadian residents lasting less than 48 hours is almost exclusively to the United States, Canada's personal customs duty exemption scheme appears to be a deliberate attempt to favor its own retail establishments at the expense of U.S. merchants just across the border. This scheme thus defeats the very purpose of NAFTA—to foster cross-border commerce unrestrained by protectionist policies.

Despite this inconsistency with NAFTA and frequent requests by U.S. lawmakers and trade officials, Canada has for years refused to change its personal duty exemption scheme. That is why Senator CANTWELL and I today introduce a bill that would direct the U.S. Trade Representative to initiate an investigation of Canada's personal duty exemption scheme under the section 301 process of the Trade Act of 1974—the statue setting forth the procedures for identifying and taking action against foreign trade practices which are unjustifiable or burden and restrict U.S. commerce.

The section 301 process exists—like NAFTA itself—to ensure that mutually respectful trade relationships can efficiently handle and amicably survive substantive disagreements over trade rules. We therefore introduce this bill not to embarrass or chastise Canada but to formally initiate the process of bringing this particular disagreement to a principled resolution. I urge our colleagues from border and nonborder States alike to join us seeking that fair outcome.

By Mr. MCCONNELL (for himself, Mrs. LINCOLN, and Mr. BUNNING):

S. 1251. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of horses, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise today to introduce the Equine Equity Act of 2007 with my colleague from Arkansas, Mrs. LINCOLN, and my colleague from Kentucky, Mr. BUNNING.

On this upcoming Saturday, the sporting world turns its attention to my hometown of Louisville for the annual running of the Kentucky Derby. It has been appropriately called ''the most exciting 2 minutes in sports,'' and has given us such great champions as Secretariat, Seattle Slew, and the courageous Barbaro.

The activities surrounding the derby also allow Kentucky to show off one of its signature industries, the horse industry. Long after the pageantry and festivities of derby day, the horse industry remains a vital part of Kentucky's economy and cultural heritage. Horses are Kentucky's largest agricultural product. The horse industry contributes $3.5 billion to Kentucky's economy, and directly employs more than 50,000 Kentuckians.

While many Americans appropriately identify the horse industry as one of Kentucky's signature industries, the industry's economic impact extends well beyond the borders of the Commonwealth. A recent economic impact study by the firm of Deloitte Touche Tohmatsu found that the horse industry contributes approximately $39 billion in direct economic impacts to the U.S. economy each year. The industry sustains 1.4 million full-time equivalent jobs each year, with over 460,000 of those jobs created from direct spending within the industry.

Nearly 2 million Americans own horses, either for racing, showing or recreational purposes. While the popular image of horse owners might focus on Millionaire's Row at Churchill Downs on derby day, the facts tell a different story. Only about one-quarter, 28 percent, of U.S. horse owners have incomes greater than $100,000. More than one in every three, 34 percent, horse owners has an income of less than $50,000.

Like many businesses, outside investments are essential to the operation and growth of the horse industry. Without investors willing to buy and breed horses, it is impossible for the industry to thrive. Unfortunately, there are several unfair, unwise provisions in the tax code that discourage investment in the horse industry.

In an effort to address these concerns, today I introduce the Equine Equity Act with my colleague from Arkansas, Mrs. LINCOLN, and my good friend from Kentucky Mr. BUNNING. The Equine Equity Act includes two key provisions.

First, it will provide capital gains treatment for horses that is equal to other investments. Nearly all capital assets are eligible to receive more favorable capital gains tax treatment once they are held for 12 months. However, horses and cattle must be held for two years to receive capital gains treatment. This legislation would reduce the capital gains holding period for horses from 24 months to 12 months.

Second, it will apply equal depreciation standards for all racehorses. Current law states that racehorses that begin training when older than 24 months of age are depreciated over 3 years, while those horses that begin training before reaching 24 months of age are depreciated over 7 years.

Most horses begin training before they reach 24 months, but their racing careers do not last 7 years. This legislation would reduce the depreciation period for racehorses to 3 years more accurately reflect the racing life of horses.

I appreciate the willingness of my colleagues from Arkansas and Kentucky to join me in introducing this legislation of tremendous importance to our states. I look forward to working with them and our colleagues in the Senate to enact this bipartisan bill 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. 1251

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 ''Equine Equity Act of 2007''.

SEC. 2. 3-YEAR DEPRECIATION FOR ALL RACE HORSES.

(a) IN GENERAL.—Clause (i) of section 168(e)(3)(A) of the Internal Revenue Code of 1986 (relating to 3-year property) is amended to read as follows:

''(i) any race horse,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

SEC. 3. REDUCTION OF HOLDING PERIOD TO 12 MONTHS FOR PURPOSES OF DETERMINING WHETHER HORSES ARE SECTION 1231 ASSETS.

(a) IN GENERAL.—Subparagraph (A) of section 1231(b)(3) of the Internal Revenue Code of 1986 (relating to definition of livestock) is amended by striking ''and horses''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. AKAKA:

S. 1252. A bill to amend title 10, United States Code, to provide for uniformity in the awarding of disability ratings for wounds or injuries incurred by members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mr. AKAKA. Mr. President, today I introduce legislation that would reform the Department of Defense Disability Evaluation System. This legislation offers common sense solutions to problems within the Disability Evaluation System that first gained public attention in connection with the stories about the conditions at Walter Reed Army Medical Center. Unfortunately, the problems with the Disability Evaluation System are not limited to the Army but exist throughout the military services.

At an April 12, 2007, Joint Senate Armed Services and Veterans' Affairs Committee Hearing, we received testimony that identified problems with the current system. Examples of the issues identified were the failure to use the VA disability rating schedule in a consistent manner across the military services; the failure to include all, not just the most severe medical conditions that would render a servicemember unfit when making a disability decision; the lack of uniform training for Disability Evaluation System personnel; and the lack of accountability and supervision by DoD over the disability process.

Some have suggested that the solution to the problems within the Disability Evaluation System is to radically change it. Under current DoD

practice, a service-specific Physical Evaluation Board, PEB, makes a ''fitness'' for duty determination. If a servicemember is found to be unfit for continued service, the PEB then makes a disability decision. Instead of seeking ways to ensure that the system functions as intended, some have suggested that the military continue to make ''fitness'' determinations, but that the Department of Veterans Affairs would be responsible for making disability decisions for servicemembers found to be unfit.

While this may appear to be a reasonable recommendation, I am concerned that if this recommendation is implemented without careful consideration, we might be creating more problems than we can solve.

The VA disability rating system is already stressed with its existing caseload. In this time of armed conflict when there are more injured servicemembers each day, it makes no sense to add more pressure to an already overburdened VA system, especially when there is no indication that VA would do a better job than DoD in making disability ratings. As long as there is consistency in how we determine what percentage of disability a servicemembers receives, it should not matter who makes the rating.

Rather than shifting the focus to VA, I believe our focus should be on solving the problems of fairness and consistency for assigning disability ratings within and across the Services. To that end, the bill I am introducing addresses consistency of disability ratings within DoD, uniform use of the Veterans Affairs rating schedule across the military services, uniform training of Medical Evaluation Board/Physical Evaluation Board personnel, and accountability by DoD to ensure compliance with disability rating regulations and policies.

This legislation is a good first step towards changing the DoD Disability Evaluation System that needs to be reformed for the benefit of our wounded and seriously injured servicemembers. It will improve DoD-wide disability rating regulations and policies, and ensure consistency as these regulations and policies are applied across the Services.

Mr. President, I urge my colleagues to join me in making these positive changes to the DoD Disability Evaluation System. We owe our injured and disabled servicemembers no less.

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. 1252

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

SECTION 1. UNIFORMITY IN DISABILITY RATINGS FOR MEMBERS OF THE ARMED FORCES.

(a) UNIFORMITY IN DISABILITY RATINGS.—

(1) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1216 the following new section:

''§ 1216a. Ratings of disability: uniformity; schedule of ratings to be utilized

''(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations uniform standards for determinations of ratings of disability under this chapter in order to assure that the ratings of disability issued by the military departments for members of the armed forces with a wound or injury of a particular degree of disablement are consistent across the military departments.

''(b) CONSIDERATION OF APPLICABLE MEDICAL CONDITIONS.—The Secretary of Defense shall prescribe in regulations requirements that, in making the determination of a rating of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned shall take into account all medical conditions incurred by the member while entitled to basic pay or while absent as described in section 1201(c)(3) of this title that render the member unfit to perform the duties of the member's office, grade, rank, or rating, as determined utilizing the standard schedule for rating disabilities referred to in subsection (c).

''(c) UTILIZATION OF SCHEDULE FOR RATING DISABILITIES OF DEPARTMENT OF VETERANS AFFAIRS.—In order to ensure uniformity in determinations of disability for purposes of this chapter and under the laws administered by the Secretary of Veterans Affairs, each Secretary concerned shall utilize the standard schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of the schedule by the United States Court of Appeals for Veterans Claims or the United States Court of Appeals for the Federal Circuit, in making any determination of disability for purposes of this chapter. Such Secretary may not modify the schedule, or any interpretation of the schedule, whether by regulation, administrative action, or otherwise, in making any such determination for purposes of this chapter.

''(d) TRAINING OF CERTAIN PERSONNEL.—In order to ensure the compliance of such personnel with the provisions of this section in the making of determinations of ratings of disability of members of the armed forces under this chapter, the Secretary of Defense shall prescribe in regulations uniform requirements for training in the making of such determinations for personnel as follows:

''(1) Physical evaluation board personnel.

''(2) Physicians who serve on medical examination boards.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1216 the following new item:

''1216a. Ratings of disability: uniformity; schedule of ratings to be utilized.''.

(3) CONFORMING AMENDMENT.—Section 1216(a) of such title is amended by adding at the end the following new sentence: ''Such regulations shall be consistent with the provisions of section 1216a of this title and the regulations prescribed under that section.''.

(b) REGULATIONS.—The Secretary of Defense shall prescribe the regulations required by section 1216a of title 10, United States Code (as added by subsection (a)), not later than 180 days after the date of the enactment of this Act.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the actions to be taken by the Secretary to implement the requirements to be prescribed under section 1216a of title 10, United States Code (as so added), and to otherwise ensure that determinations of the ratings of disability of members of the Armed Forces for purposes of chapter 61 of title 10, United States Code, are made in a fair, uniform, and timely manner.

(d) EFFECTIVE DATE.—Except as provided in subsection (b), section 1216a of title 10, United States Code (as so added), shall take effect on the date that is 180 days after the date of the enactment of this Act.

By Mr. BINGAMAN (for himself and Mr. AKAKA) (by request):

S. 1253. A bill to establish a fund for the National Park Centennial Challenge, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, on March 9, 2007, the Administration transmitted draft legislation entitled the National Park Centennial Challenge Fund Act,'' which was referred to the Committee on Energy and Natural Resources. On behalf of Senator AKAKA, the Chairman of the Subcommittee on National Parks, and myself, I am pleased today to introduce the National Park Centennial Challenge Fund Act, by request, as a courtesy to the Administration.

Both Secretary of the Interior Dirk Kempthorne and National Park Service Director Mary Bomar have made clear that the National Park Centennial Initiative is one of the highest priorities of the Department of the Interior. The initiative proposes up to $3 billion in new funds over the next decade, with three components.

The first component of the initiative is the ''President's Centennial Commitment,'' under which the Administration is proposing an additional $100 million per year in new discretionary funds for the National Park Service. The second and third components, which the Administration collectively describes as the ''President's Centennial Challenge,'' would seek to raise up to $100 million each year over a ten-year period from private donations. All donations would be matched with new Federal funding, up to $100 million annually.

The new funding would be used for ''signature projects and programs,'' which the draft legislation defines as ''a project or program identified by the Director of the National Park Service as one that will help prepare the national parks for another century of conservation, preservation, and enjoyment.''

Mr. President, while I commend the Administration for this effort to secure increased funding for our national parks, I still need to better understand many of the specifics of the proposal, and until then, am reserving judgment on it.

For example, we need to understand whether the initiative will result in significant new funding for our national parks, or whether increases in funding from the initiative will simply be offset by funding reductions in other important areas. I also have questions

about whether the philanthropic goals proposed by this legislation are realistic, given the historic levels of private contributions for national parks. In addition, we need to learn more about the type of projects and programs that would be funded under the initiative, and what role Congress should have in establishing funding priorities. Finally, any legislative initiative that proposes $1 billion in new direct spending without an offset will certainly be carefully reviewed.

Secretary Kempthorne and Director Bomar have indicated that they intend to make recommendations to the President later this month on appropriate signature projects and programs as well as goals for the initiative. I look forward to working with both Secretary Kempthorne and Director Bomar on this proposal once those recommendations are complete.

I ask unanimous consent that the text of the bill be printed in the RECORD, along with the transmittal letter from Director Bomar and a section-by-section analysis of the bill prepared by the Department of the Interior.

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

S. 1253

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 ''National Park Centennial Challenge Fund Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) our national parks are icons of America;

(2) the one hundredth anniversary of the National Park System will be in 2016;

(3) it is appropriate for all Americans to help in the efforts to enhance our parks as the country gets ready for this centennial celebration;

(4) the President has proposed a National Park Centennial Initiative that, over ten years, will provide up to $3,000,000,000 to prepare parks for another century of conservation, preservation, and enjoyment; and

(5) a part of that Initiative is the establishment of a Centennial Challenge to encourage individuals, foundations, and the private sector to donate money each year by providing up to $100,000,000 in dedicated Federal funding to match donations for signature projects and programs.

(b) PURPOSE.—It is the purpose of this Act to establish a fund in the Treasury that will be used to finance signature projects and programs to enhance the National Park System as it approaches its centennial in 2016 and to prepare the parks for another century of conservation, preservation, and enjoyment.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHALLENGE FUND.—The term ''Challenge Fund'' means the National Park Centennial Challenge Fund.

(2) DIRECTOR.—The term ''Director'' means the Director of the National Park Service.

(3) QUALIFIED DONATION.—The term ''qualified donation'' means a cash non-Federal donation to the National Park Service that the Director certifies is for a listed signature project or program.

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

(5) SIGNATURE PROJECT OR PROGRAM.—The term ''signature project or program'' means any project or program identified by the Director as one that will help prepare the national parks for another century of conservation, preservation and enjoyment.

SEC. 4. NATIONAL PARK CENTENNIAL CHALLENGE FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the National Park Centennial Challenge Fund. The Challenge Fund shall consist of:

(1) Qualified donations transferred from the Donations to the National Park Service account, in accordance with section 6(a).

(2) Amounts appropriated from the general fund of the Treasury, in accordance with section 6(b).

(b) AVAILABILITY.—All amounts deposited in the Challenge Fund shall be available, subject to restrictions in section 6(c), to the Secretary for signature projects and programs under this Act without further appropriation and without fiscal year limitation. No monies shall be available for indirect administrative costs. The expenditure of amounts in the Challenge Fund shall follow Federal procurement and financial laws and standards.

SEC. 5. SIGNATURE PROJECTS AND PROGRAMS.

(a) LIST.—The Secretary, acting through the Director, shall develop a list of signature projects and programs eligible for funding from the Challenge Fund. The list shall be submitted to the President and to the Committees on Appropriations and Energy and Natural Resources in the United States Senate, and to the Committees on Appropriations and Natural Resources in the House of Representatives.

(b) SIGNATURE PROJECTS AND PROGRAMS.—For purposes of this Act, a signature project or program shall be a project or program identified by the Director as one that will help prepare the national parks for another century of conservation, preservation and enjoyment.

(c) UPDATES.—The Secretary, acting through the Director, may, from time to time as the Secretary or Director finds necessary, add any project or program to the list developed pursuant to subsection (a) that the Director believes is a signature project or program. If the Director adds any project or program to the list, the Secretary shall notify the Committees referred to in subsection (a) at the time the project or program is added.

SEC. 6. DONATIONS AND MATCHING FEDERAL FUNDS.

(a) QUALIFIED DONATIONS.—Beginning on October 1, 2007, and ending on September 30, 2017, the Secretary may transfer to the Challenge Fund qualified donations of cash, including cash to liquidate a letter of credit, received by the National Park Service.

(b) MATCHING AMOUNT.—There is hereby appropriated in each fiscal year beginning on October 1, 2007 and ending on September 30, 2017, an amount equal to the qualified donations received and the pledge of donations through letters of credit in the same fiscal year, not to exceed $100,000,000 in any one year. In no case may the matching amount exceed the amount of donations received or pledged in any year. For the purpose of this subsection, the Secretary may consider a donation for any fiscal year to be received when a pledge of a donation for that fiscal year is guaranteed and a valid irrevocable letter of credit is issued for such purposes.

(c) OBLIGATIONS.—The Secretary may not obligate any amounts based on a letter of credit, or amounts to match a letter of credit pursuant to subsection (b), until amounts from that letter of credit are deposited in the Challenge Fund.

(d) SOLICITATION.—Nothing in this Act shall be construed as expanding any authority that exists on the date of its enactment with respect to the ability of the National Park Service and its employees to receive or solicit for donations.

SEC. 7. REPORT TO CONGRESS.

The Secretary shall provide with the submission of the President's budget a list of the signature projects and programs and the status of their funding.

SEC. 8. REGULATIONS.

The Secretary may promulgate such regulations as may be necessary to carry out this Act.

UNITED STATES DEPARTMENT OF THE INTERIOR,
Washington, DC.

Hon. DICK CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is enclosed a draft bill, the proposed ''National Park Centennial Challenge Fund Act.'' We recommend that the draft bill be introduced, referred to the appropriate Committee for consideration, and enacted.

August 25, 2016, will be the one hundredth birthday of the National Park Service (NPS). In 1872, President Grant signed a law to protect Yellowstone, making it America's first national park. By 1916, 40 national parks and monuments existed, but they had no clear or consistent management. On August 25, 1916, President Woodrow Wilson established the NPS to protect and manage these magnificent parks. The challenge facing the NPS as it readies itself for its centennial celebration is to conserve what is timeless while keeping pace with the modern needs and expectations of the American people. During the last five years, the NPS has built a strong foundation of improving parks, with 6,600 park improvements completed or underway. This past August, on the 90th birthday of the NPS, President Bush issued a challenge to prepare national parks for another century of conservation, preservation, and enjoyment.

President Bush stated: ''I call on all Americans to help in these efforts and to enhance our parks as we get ready for the National Park Service's centennial celebration. Through continuing cooperation and partnership, our national parks can endure for the next 100 years and beyond.''

The President also directed the Secretary of the Interior to develop a formal written directive about the future of national parks. He directed us to establish specific performance goals that, when achieved, will make sure our parks continue to be places where children and families can learn about our nation's great history, enjoy quality time together and have fun outdoors. He asked that we identify signature projects and programs that reflect and highlight these goals that would be undertaken by leveraging philanthropic, partnership, and government investments for the benefit of national parks and their visitors.

The President's FY 2008 budget includes the National Park Centennial Initiative, one of the highest priorities of the Deprtment of the Interior. This Initiative proposes up to $3 billion in new funds for the National Park System over the next ten years. The President's FY 2008 parks budget totals nearly $2.4 billion, the largest budget ever for programs that support parks. It includes the highest increase in parks operation funding ever proposed. It provides for further improvement of our national parks during the next decade leading up to the 2016 centennial celebration. It funds:

The President's Centennial Commitment: This is $100 million a year—one billion dollars over 10 years—for activities to achieve new levels of excellence in our parks. These discretionary funds will be used to hire more seasonal rangers, interpreters, and maintenance workers, repair buildings, improve natural landscapes, and enhance the Junior Ranger Program.

The President's Centennial Challenge: We are challenging individuals, foundations, businesses, and the private sector to contribute at least $100 million annually to support signature programs and projects in our national parks. The enclosed draft bill would allow us to match those contributions with up to $100 million of mandatory funding annually for the next ten years.

The proposed National Park Service Centennial Challenge Fund Act would establish the National Park Service Centennial Challenge Fund (Challenge Fund), which would encourage private donations for signature projects and programs in national parks by matching those donations with Federal funds of up to $100 million a year for a ten year period ending on September 30, 2017. The Fund would be available to the Secretary without further appropriation and with no fiscal year limitations.

A list of signature projects and programs eligible for funding under the Challenge will be included in the Centennial report that the Secretary plans to send to the President in late May 2007. The list will be prepared by the Director of the National Park Service, drawing on ideas generated through listening sessions, public engagement, and the input of Park Service professionals. Additional projects may be added to the list from time to time, as necessary.

The President's Centennial Challenge Fund will not be used to hire NPS permanent staff or for projects outside of park boundaries. Its focus will be on those signature projects an programs that will help prepare the National Park System for another century of conservation, preservation, and enjoyment.

Soliciting for Centennial Challenge donations will be done primarily through the National Park Foundation and local friends' groups. National Park Service employees will be subject to the current fundraising guidelines. The draft bill clearly states its intent is not to expand existing authority in this area. For large donations, the National Park Service will enter into a written agreement with a donor that lays out the terms and conditions for how the funds will be used.

The President has called on all Americans to help in conserving natural resources and improving the condition of our park facilities. It is his hope and the hope of the Department of the Interior that through leveraging philanthropic, partnership, and government investments for the benefit of national parks and their visitors the national parks can endure for the next 100 years and beyond.

The President's budget includes appropriate proposed offsets within the budget of the Department of the Interior that, if enacted, are sufficient to ensure that this proposal complies with Rule XXI, new clause 10, of the House of Representatives.

The Office of Management and Budget has advised that presentation of this proposal to the Congress is in accord with the President's program.

Sincerely,

MARY A. BOMAR,
Director, National Park Service.

THE PROPOSED NATIONAL PARK CENTENNIAL CHALLENGE FUND ACT SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The first section provides for the title of the Act, the National Park Centennial Fund Act.

Section 2. Findings and Purpose. The second section includes findings explaining the need for the National Park Centennial Challenge and the Challenge Fund established under this Act. Subsection (b) sets forth the purpose of the Act, which is to establish a fun in the Treasury that will include private donations, and provide Federal funds to match those donations, for signature projects and programs to enhance the National Park System as it approaches its Centennial celebration in 2016.

Section 3. Definitions. Section 3 defines the terms used in the Act.

Secton 4. National Park Centennial Challenge Fund. This section establishes the National Park Centennial Challenge Fund, the Challenge Fund for short. The Challenge Fund shall consist of amounts for signature projects and programs transferred from the Donations to the National Park Service account and amounts appropriated from the general fund of the Treasury as matching funds.

Subsection (b) provides that all amounts in the Fund are to be available to the Secretary of the Interior without further appropriation and without any fiscal year limitation. This allows the National Park Service (NPS) to receive and match donations for signature projects and programs that may take more than one fiscal year to complete or that may need a certain level of funding before they commence. No funds from this account are to be used for indirect administrative costs. The expenditure of amounts in the Challenge Fund shall follow Federal procurement and financial laws and standards.

Section 5. Signature Projects and Programs. Subsection (a) requires the Secretary, acting through the Director of the NPS, to develop a list of signature projects and programs eligible for funding from the Challenge Fund. That list is to be submitted to the President and to the Senate Committees on Appropriations and Energy and Natural Resources, and the House Committees on Appropriations and Natural Resources. Subsection (b) provides that a signature project or program is a project or program identified by the Director of the NPS as one that will help prepare the NPS for another century of conservation, preservation, and enjoyment. Signature projects and programs will be chosen after listening sessions, public engagement, and the input of NPS employees.

Subsection (c) authorizes the Secretary, acting through the Director, to add projects to the list from time-to-time as they find necessary. It requires notification like that required in subsection (a) for the original list of signature projects and programs.

Section 6. Donations and Matching Funds. Subsection (a) authorizes the Secretary to transfer, to the Challenge Fund qualified donations of cash received by the National Park Service. This includes cash payments to liquidate commitments made under a valid letter of credit.

Subsection (b) appropriates up to $100 million a year in matching funds. The amount of matching funds made available each year would equal the qualified cash donations received in that year, plus the amount of donations pledged in that year under a valid irrevocable letter of credit. For donations pledged under a letter of credit, a match would be provided when the commitment is made and not a second time when the donation is paid. If a letter of credit is withdrawn, then the associated matching funds would be returned to the Treasury. Up to $100 million in matching funds would be available in each year beginning in fiscal year 2008 and going through fiscal year 2017. If all of the $100 million in matching funds is not used in a given year, the remaining balance cannot be used to increase the amount of matching funds in subsequent years. For example, if only $60 million in donations or commitments under a letter of credit are received and are thus eligible for the same amount of matching funds in a fiscal year, that does not mean that matching funds available for the next fiscal year would increase to $140 million.

Subsection (c) specifies that the Secretary may not obligate any amounts based on a letter of credit, or amounts to match a letter of credit pursuant to subsection (b), until the donation promised under a letter of credit is deposited in the Challenge Fund.

Subsection (d) makes it clear that nothing in this Act expands the existing authority of the NPS and its employees with regard to fundraising. NPS employees will still be subject to Director's Order 21, which specifically sets out the guidelines with regard to this matter.

Section 7. Report to Congress. This section requires the Secretary to submit an annual report with the President's budget on the administration of the Centennial Challenge. The report is to include the current list of signature projects and programs and a description of any funding they have received from the Challenge Fund.

Section 8. Regulations. This section authorizes the Secretary to promulgate such regulations as may be necessary to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 176—RECOGNIZING APRIL 30, 2007, AS ''NATIONAL HEALTHY SCHOOLS DAY''

Mrs. CLINTON (for herself, Mr. KERRY, Mr. FEINGOLD, Mr. SANDERS, Mr. CASEY, and Mr. BAYH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 176

Whereas over half of schools have problems linked to indoor air quality;

Whereas children are more vulnerable to environmental hazards as they breathe in more air per pound of body weight due to their developing systems;

Whereas children spend an average of 30 to 50 hours per week in school;

Whereas poor indoor environmental quality is associated with a wide rage of problems that include poor concentration, respiratory illnesses, learning difficulties, and cancer;

Whereas research suggests that children attending schools in poor condition score 11 percent lower on standardized tests than students who attend schools in good condition;

Whereas an average of 1 out of every 13 school-age children has asthma, the leading cause of school absenteeism, accounting for approximately 14,700,000 missed school days each year;

Whereas 17 separate studies all found positive health impacts from improved indoor air-quality, ranging from 13.5 percent up to 87 percent improvement;

Whereas our Nation's schools spent approximately $8,000,000,000 on energy costs in the last school year, causing officials to