By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 370. A bill to designate the headquarters building of the Department of Education in Washington, DC, as the Lyndon Baines Johnson Federal Building; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Mr. LEVIN):

S. Res. 37. A resolution designating March 26, 2007 as ''National Support the Troops Day'' and encouraging the people of the United States to participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 21

At the request of Mr. REID, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 43

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 65

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

S. 138

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 138, a bill to amend the Internal Revenue Code of 1986 to apply the joint return limitation for capital gains exclusion to certain post-marriage sales of principal residences by surviving spouses.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 320

At the request of Mr. AKAKA, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 320, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 343

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 343, a bill to extend the District of Columbia College Access Act of 1999.

S. 347

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. WARNER) was withdrawn as a cosponsor of S. 347, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, and for other purposes.

S. 356

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 356, a bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

AMENDMENT NO. 102

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 102 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 102 proposed to H.R. 2, supra.

AMENDMENT NO. 103

At the request of Ms. SNOWE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Hampshire (Mr. SUNUNU), and the Senator from Kansas (Mr. ROBERTS) were added as a cosponsor of amendment No. 103 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 360. A bill to amend the Internal Revenue Code of 1986 to expand expenses which qualify for the Hope Scholarship Credit and to make the Hope Scholarship Credit and the Lifetime Learning Credit refundable; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senator Smith to introduce the Greater Access To Education, or GATE Act, of 2007. This legislation would amend the Internal Revenue Code of 1986 in order to make college more affordable, and thus provide greater access to postsecondary education for lower income students and working families. Simply put, this bill would expand expenses which qualify for the Hope Scholarship Credit, prevent aid for needy students from reducing the credit, and make the Hope Scholarship and Lifetime Learning Credits refundable.

The cost of attending college in the U.S. has grown by 44 percent since 2000, far outpacing the median growth in income. We've seen a 35 percent jump in inflation-adjusted average tuition and fees for in-state students at public colleges and universities since 2001–02. The cost of going to college is 6.3 percent higher than just last year, averaging $12,796 including room and board.

Unfortunately, year after year, Congress has failed to raise Pell Grant Scholarships for needy students. This critical student aid has been frozen at just over $4000 for four years. Ten years ago, the maximum Pell Grant covered more than 50 percent of the cost of tuition, fees, room and board at a public four-year college. Last year, it covered only 35 percent of those costs.

At the same time, we're seeing increasing competition among colleges and universities for the highest scoring students. And these students command higher tuition discounts, particularly in the form of merit scholarships. As a result, there's a smaller proportion of the financial aid budget available for low income students at colleges with rising tuitions.

A recent report by Education Trust found that many of the flagship and research-extensive public universities have reallocated financial aid resources away from the low income students who need help to go to college—mostly to compete for high income students who would enroll in college regardless of the amount of aid they receive. Between 1995 and 2003, flagship and other research-extensive public universities actually decreased grant aid by 13 percent for students from families with an annual income of $20,000 or less while they increased aid to students from families who make more than $100,000 by 406 percent. In 2003, these institutions spent a combined $257 million to subsidize the tuition of students from families with annual incomes over $100,000—a staggering increase from the $50 million they spent in 1995.

In addition, many colleges and universities are now using ''enrollment and revenue management'' firms to help manage admissions and financial aid. I am concerned that too many schools are trying to leverage their financial aid to entice wealthier and high scoring students to attend their schools, at the expense of aid to lower

income students. In essence, they're directing financial aid dollars to students who will increase a school's revenues and rankings.

As a result, low income students are disproportionately bearing the brunt of increased college tuition and fees. In turn, more and more students increasingly rely on loans to finance their education. And, we've seen a significant increase in the amount of student debt in this country. In New Mexico, the average student now graduates from 4 years of college with more than $16,000 in debt.

And, last year, Congress cut $12 billion out of the Federal student aid programs, pushing college further out of reach for American families. It is the largest single cut the Federal Government has made to student aid programs, and it is expected to increase the debt burden of students and their families as many borrowers of student loans will face higher interest payments.

Congress, simply, has moved in the wrong direction, and failed to help make college more affordable for students from low income and working families.

Full time students receive about $3,100 per year in aid in the form of grants and tax benefits at 4-year public institutions. In 2003–04, however, only 56 percent of 4-year public institution students from families with incomes below $30,000 received sufficient grant aid and tax benefits to cover tuition and fees.

Even worse, we know that each year there are hundreds of thousands of students who are prepared to attend a 4-year college but do not do so because of financial barriers.

We must reverse this course and make college more affordable for students from low-income and working families.

The first priority for this Congress should be to increase student aid for needy students. We must increase the amount of Pell grants to at least $5,100.

The next thing we should do is make sure that the existing education tax credits work effectively for the families that need them most. The Hope Scholarship and Lifetime Learning tax credits have helped millions of Americans finance their college education. For this tax year, the credits allow eligible tax filers to reduce their tax liability by receiving a credit of up to $1,650 for the Hope program or up to $2,000 for the Lifetime Learning credit for tuition and course-related fees paid for a single student.

Unfortunately, research shows that these tax credits are not working as effectively as they could be. They do not support students who are currently enrolled in college to any significant degree, and they do not induce greater numbers of students, including working adults who need to upgrade their education and skills, to earn a postsecondary degree.

Many students and their families are unable to take advantage of the maximum amount of the credit because it is limited to covering ''tuition and related expenses.'' Students who attend colleges with lower tuition costs, such as those attending community colleges, are not entitled to the maximum amount of the credit.

For college students attending institutions with relatively high tuition rates, the maximum credit will be available to cover the higher tuition. This is not the case, however, for many students, particularly the vast majority of community college students, as well as hundreds of thousands of students attending public four-year colleges, who attend college where the tuition is lower. These students are not able to access the full credit because tuition at these institutions is lower than the maximum credit, and the scope of the credit is limited to tuition and related expenses. College students must pay for much more than just tuition, however, including room and board, books, supplies, equipment and fees.

Further, a student's eligibility for the Hope tax credit is actually reduced by any grants the student receives—Federal, State, or private. The impact of this limitation is felt particularly by the by the low income students that receive Pell Grants or other Federal or State assistance. Often, the assistance received fully offsets the amount of the credit.

This legislation is simple and straightforward, and is crafted to address these shortcomings. First, in addition to tuition, it allows the Hope credit to cover room and board, required fees, books, supplies, and equipment. It is important to note that the IRS Code commonly recognizes non-tuition expenses, including substantial living expenses, in programs such as Section 529 plans and tax-exempt, prepaid tuition plans.

As we all know, tuition is just one of the many expenses associated with going to college. Room and board, books, supplies, equipment and fees can be prohibitively expensive for those who attend colleges that have reasonable tuition charges. The cost for books and supplies alone can be as high as $1000 per year.

In addition, the legislation changes the IRS Code so that any Federal Pell Grants and Supplemental Educational Opportunity Grants students receive are not counted against their eligible expenses when Hope eligibility is calculated. This change will provide some assistance to needier students, especially those attending four-year public colleges.

But these fixes only get to a part of the problem. Because the education tax credits are not refundable, a family of four must earn above $30,000 to get the maximum credit. A student or working family must have a positive tax liability to receive the credit. Nearly half of all families with college students do not get the full credit because their income is too low.

In fact, only 36 percent of filers claiming the credits at all had incomes under $30,000; less than 10 percent of filers claiming the credits had incomes under $15,000. By contrast, 36 percent of filers claiming the credits earned $50,000 or more.

Making the credits refundable would ensure that families in lower tax brackets are eligible for the maximum benefits and would thus make college more affordable to those students and families who need the most assistance.

I believe we all can agree that maintaining a skilled and educated workforce should rank as one of our highest priorities. The National Academy of Sciences projected that while the U.S. economy is doing well today, current trends indicate that the U.S. may not fare as well in the future, particularly in the areas of science and technology, where innovation is spurred and high-wage jobs follow.

This Congress should do everything in its power to ensure that every capable student who wants to go to college should be able to, which will in turn ensure that we have workers to fill the high-quality, high-wage jobs we are working so hard to create. I urge my colleagues to support this critical legislation.

I ask unanimous consent that the text of this 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. 360

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 ''Greater Access To Education Act of 2007''.

SEC. 2. EXPANSION OF EDUCATIONAL EXPENSES ALLOWED AS PART OF HOPE SCHOLARSHIP CREDIT.

(a) QUALIFIED TUITION AND RELATED EXPENSES EXPANDED TO INCLUDE ROOM AND BOARD, BOOKS, SUPPLIES, AND EQUIPMENT.—Paragraph (1) of section 25A(f) of the Internal Revenue Code of 1986 (defining qualified tuition and related expenses) is amended by adding at the end the following new subparagraph:

''(D) ADDITIONAL EXPENSES ALLOWED FOR HOPE SCHOLARSHIP CREDIT.—For purposes of the Hope Scholarship Credit, such term shall, with respect to any academic period, include—

''(i) reasonable costs for such period incurred by the eligible student for room and board while attending the eligible educational institution, and

''(ii) fees, books, supplies, and equipment required for such period for courses of instruction at the eligible educational institution.''.

(b) HOPE SCHOLARSHIP CREDIT NOT REDUCED BY FEDERAL PELL GRANTS AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.—Subsection (g) of section 25A of such Code (relating to special rules) is amended by adding at the end the following new paragraph:

''(8) PELL AND SEOG GRANTS.—For purposes of the Hope Scholarship Credit, paragraph (2) shall not apply to amounts paid for an individual as a Federal Pell Grant or a Federal supplemental educational opportunity grant

under subparts 1 and 3, respectively, of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a and 1070b et seq., respectively).''.

(c) EXPANDED HOPE EXPENSES NOT SUBJECT TO INFORMATION REPORTING REQUIREMENTS.—Subsection (e) of section 6050S of such Code (relating to definitions) is amended by striking ''subsection (g)(2)'' and inserting ''subsections (f)(1)(D) and (g)(2)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid after December 31, 2006 (in tax years ending after such date), for education furnished in academic periods beginning after such date.

SEC. 3. HOPE AND LIFETIME LEARNING CREDITS TO BE REFUNDABLE.

(a) CREDIT TO BE REFUNDABLE.—Section 25A of the Internal Revenue Code of 1986 (relating to Hope and Lifetime Learning credits), as amended by section 2, is hereby moved to subpart C of part IV of subchapter A of chapter 1 of such Code (relating to refundable credits) and inserted after section 35.

(b) TECHNICAL AMENDMENTS.—

(1) Section 36 of the Internal Revenue Code of 1986 is redesignated as section 37.

(2) Section 25A of such Code (as moved by subsection (a)) is redesignated as section 36.

(3) Paragraph (1) of section 36(a) of such Code (as redesignated by paragraph (2)) is amended by striking ''this chapter'' and inserting ''this subtitle''.

(4) Subparagraph (B) of section 72(t)(7) of such Code is amended by striking ''section 25A(g)(2)'' and inserting ''section 36(g)(2)''.

(5) Subparagraph (A) of section 135(d)(2) of such Code is amended by striking ''section 25A'' and inserting ''section 36''.

(6) Section 221(d) of such Code is amended—

(A) by striking ''section 25A(g)(2)'' in paragraph (2)(B) and inserting ''section 36(g)(2)'',

(B) by striking ''section 25A(f)(2)'' in the matter following paragraph (2)(B) and inserting ''section 36(f)(2)'', and

(C) by striking ''section 25A(b)(3)'' in paragraph (3) and inserting ''section 36(b)(3)''.

(7) Section 222 of such Code is amended—

(A) by striking ''section 25A'' in subparagraph (A) of subsection (c)(2) and inserting ''section 36'',

(B) by striking ''section 25A(f)'' in subsection (d)(1) and inserting ''section 36(f)'', and

(C) by striking ''section 25A(g)(2)'' in subsection (d)(1) and inserting ''section 36(g)(2)''.

(8) Section 529 of such Code is amended—

(A) by striking ''section 25A(g)(2)'' in subclause (I) of subsection (c)(3)(B)(v) and inserting ''section 36(g)(2)'',

(B) by striking ''section 25A'' in subclause (II) of subsection (c)(3)(B)(v) and inserting ''section 36'', and

(C) by striking ''section 25A(b)(3)'' in clause (i) of subsection (e)(3)(B) and inserting ''section 36(b)(3)''.

(9) Section 530 of such Code is amended—

(A) by striking ''section 25A(g)(2)'' in subclause (I) of subsection (d)(2)(C)(i) and inserting ''section 36(g)(2)'',

(B) by striking ''section 25A'' in subclause (II) of subsection (d)(2)(C)(i) and inserting ''section 36'', and

(C) by striking ''section 25A(g)(2)'' in clause (iii) of subsection (d)(4)(B) and inserting ''section 36(g)(2)''.

(10) Subsection (e) of section 6050S of such Code is amended by striking ''section 25A'' and inserting ''section 36''.

(11) Subparagraph (J) of section 6213(g)(2) of such Code is amended by striking ''section 25A(g)(1)'' and inserting ''section 36(g)(1)''.

(12) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ''or from section 36 of such Code''.

(13) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following:

''Sec. 36. Hope and Lifetime Learning credits.

''Sec. 37. Overpayments of tax.''.

(14) The table of sections for subpart A of such part IV is amended by striking the item relating to section 25A.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

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

S. 361. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''; to the Committee on environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator DOMENICI to introduce a bill to designate the United States Courthouse in Santa Fe, NM as the ''Honorable Santiago E. Campos United States Courthouse.'' Santiago Campos was appointed to the Federal bench in 1978 by President Jimmy Carter and was the first Hispanic Federal judge in New Mexico. He held the title of Chief U.S. District Judge from February 5, 1987 to December 31, 1989 and took senior status in 1992.

Judge Campos was a dedicated and passionate public servant who spent most of his life committed to working for the people of New Mexico and our Nation. He served as a seaman first class in the United States Navy from 1944 to 1946, as the Assistant Attorney General and then First Assistant Attorney General of New Mexico from 1954 to 1957, and as a district court judge from 1971 to 1978 in the First Judicial District in the State of New Mexico. He was the prime mover in reestablishing Federal court judicial activity in Santa Fe and had his chambers in the courthouse there for over 22 years. For his dedication to the State, Judge Campos received distinguished achievement awards in 1993 from both the State Bar of New Mexico and the University of New Mexico.

Sadly, Judge Campos passed away January 20, 2001 after a long battle with cancer. Judge Campos was an extraordinary jurist and served as a role model and mentor to others in New Mexico. He was admired and respected by all that knew him. I believe that it would be an appropriate tribute to Judge Campos to have the courthouse in Santa Fe bear his name.

The Senate passed a bill in the 108th Congress to name the same courthouse for Judge Campos by unanimous consent. Unfortunately, the House was unable to take up the measure and it failed to be signed into law. I rise again to ask the Senate to pass the bill and honor the work and dedication of Judge Santiago Campos.

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. 361

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

SECTION 1. DESIGNATION.

The United States courthouse at South Federal Place in Santa Fe, New Mexico, shall be known and designated as the ''Santiago E. Campos United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Santiago E. Campos United States Courthouse''.

By Mr. ROCKEFELLER:

S. 364. A bill to strengthen United States trade laws and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation that will help America's manufacturers compete on even terms with foreign manufacturers.

For generations, American manufacturing has been a tremendous source of pride and a ladder to the middle class. Unfortunately, over the last several years, the manufacturing sector of our economy has suffered disproportionately and millions of good jobs have been lost. In my home State of West Virginia, well over 10,000 manufacturing jobs have disappeared since 2001. Workers and manufacturers in all of our States have found it increasingly difficult to compete in today's global markets, when the odds are stacked against them because of unfair trading practices.

American industry can compete with anyone in the world when it's a fair fight. Our domestic and international trade laws were set up to establish a level playing field, but unfortunately some of our trading partners have repeatedly found ways to circumvent these laws in order to gain an unfair advantage in trade with the United States. This has led to our record-breaking—and still growing—trade deficits, which threaten the long-term health of our economy, and have contributed to the migration of manufacturing jobs to factories overseas. This is an enormous problem that the United States must face and conquer.

A large part of the problem in recent years is that the Bush Administration has not been an aggressive enforcer of U.S. domestic trade laws. It has also failed to successfully advocate for U.S. interests in the multilateral dispute settlement setting. The bill I introduce today, the Strengthening America's Trade Law Act of 2007, will improve our ability to correct deficiencies in four areas of U.S. trade policy: first, it will address problems in the U.S. approach to the WTO Dispute Settlement process; second, it will strengthen antidumping remedies, third, it will expand

the reach of countervailing duties, and fourth, it will remove the President's discretion to disregard the recommendations of the International Trade Commission in certain circumstances.

The steel industry is perhaps the best-known example of how our trade laws can help or hurt domestic industry when it is injured by unfair foreign trade practices, but industries from timber to chinaware to candlemaking are all too familiar with this point.

This bill contains a number of provisions that would provide meaningful improvements to U.S. trade law. The United States would remain fully compliant with its obligations in the World Trade Organization under this legislation.

Let me briefly describe what this bill will do to level the playing field for American manufacturers.

Title I of the Strengthening America's Trade Laws Act bolsters the United States' position in WTO dispute settlement proceedings. The dispute settlement system set up in 1994 upon the creation of the WTO was intended to establish a rules-based system of enforcing trade agreements. However, recent cases involving U.S. application of its laws regarding import surges, anti-dumping and countervailing duties have raised concerns about the fairness of the system.

To address these concerns, Title I allows the direct participation in WTO dispute settlement proceedings of the U.S. business and trade associations that are directly affected by these proceedings, which would improve the prospects of zealous advocacy on behalf of U.S. interests at stake. It also creates a Congressional Advisory Commission on WTO Dispute Settlement that would analyze WTO decisions that are adverse to the United States, report to Congress on the propriety of the decisions and provide guidance for how the Congress might proceed in responding to adverse decisions.

Title I also requires Congressional approval of all measures taken by the U.S. government to comply with adverse decisions. In most cases, compliance with an adverse WTO decision calls for legislative changes, but in some cases such as the recent case involving ''zeroing'' on dumping determinations, the Bush Administration has determined that the United States can comply with the adverse decision through regulatory changes such as altering the methodology through which the Commerce Department calculates the dumping margin. This provision of my trade bill would prevent the Administration from side-stepping Congress in determining how to respond to an adverse decision in the WTO. Congressional oversight is an important element of our trade policy, and these provisions would help restore it.

Title II of the Strengthening America's Trade Laws Act tightens the rules in anti-dumping cases in favor of the petitioning domestic industry and makes it harder for dumping countries and businesses to circumvent the rules. Additionally, it applies a stricter methodology for determining the market value of goods from countries designated as ''nonmarket economies'' (NMEs). These countries presently include small former Soviet republics such as Turkmenistan and Georgia, and also large U.S. trading partners such as China. These NME designations are an important element of U.S. trade policy, and Title II gives Congress the ability to approve or disapprove any change in a country's NME status.

Title II also overrules the recent decision by the Federal Circuit in the Bratsk case, which inappropriately added a new requirement not presently included in our anti-dumping laws, namely that ITC anti-dumping investigations must include evaluating the role of imports that are not actually subject to the investigation. This speculative element is not part of the investigation process that Congress mandated the ITC to follow in anti-dumping cases, and my bill would remove this judicially-added requirement that was never a part of our trade remedy law.

Title III of the Strengthening America's Trade Laws Act expands the reach of countervailing duties (CVDs) in order to address two significant sources of unfair trade: China's artificially undervalued currency, and the disparate treatment that international trade rules give to value-added taxes (VAT) used by most U.S. trade partners.

Unlike anti-dumping duties, CVDs have not been applied against imports from NME countries like China, leaving a huge hole in the trade remedies available to U.S. manufacturers who are competing against subsidized imports from China. This bill explicitly makes CVDs applicable to NME countries, and it and provides a methodology for determining subsidy levels in NMEs that is similar to the methodology for determining fair market value in anti-dumping investigations regarding NME countries.

Next, Title III designates currency exchange rate manipulation as a subsidy that can be addressed by application of CVDs. It is well known that China's government pegs its currency's value to the value of a ''basket'' of currencies including the dollar rather than allowing the value to be determined freely in currency exchange markets. This practice keeps China's currency artificially low, boosting Chinese exports and protecting Chinese domestic industry from imports. In December, Federal Reserve Chairman Ben Bernanke called this practice what it is, an ''effective subsidy.'' This provision of Title III would allow the U.S. government to apply our CVD law to this subsidy.

Title III also contains a vital provision that would lead to the possible future use of CVDs as a remedy for the differential treatment that international trade rules give to value-added taxes (VAT) used by most U.S. trade partners. WTO rules provide that rebates on ''direct'' taxes such as income, employment, and real estate taxes constitute subsidies, whereas rebates on ''indirect taxes'' such as sales and VAT taxes are not subsidies. This puts U.S. producers at a significant disadvantage to producers in countries that use value-added tax (VAT) systems.

Over 135 U.S. trading partners use VAT taxes for a significant amount of their revenue, and when U.S. exports enter a VAT tax country, they are subject to the importing country's VAT tax, whereas U.S. imports from a VAT tax country are not subject to the producing country's VAT tax. This unfair tax treatment constitutes both a hidden import duty for U.S. exports and a hidden export subsidy for VAT tax country products entering the United States.

This provision of Title III would push the USTR to negotiate this issue to a satisfactory conclusion within the next two years. Failing such negotiations, it would designate this differential treatment a countervailable subsidy which would then be subject to CVDs.

Finally, Title IV of the Strengthening America's Trade Laws Act would remove Presidential discretion to ignore the recommendations of the ITC in safeguard cases regarding China, or so-called ''Section 421'' cases. Section 421 of the legislation that provided for China's accession to the WTO is a ''safeguard'' provision that provides for temporary relief from surges of imports that have caused injury to domestic industry. There are a number of recent examples of President Bush's failure to take action in cases in which the ITC has recommended ''safeguard'' relief most notably on December 30, 2005, when he denied the relief that the ITC had recommended for U.S. steel pipe and tube manufacturers in the face of a surge of imports from China. Title IV would ensure that such denials do not happen in the future by removing Presidential discretion in applying safeguard measures in cases involving imports from China and instead making the findings and recommendations of the ITC the final word on the matter.

The Strengthening America's Trade Laws Act will provide meaningful improvements to U.S. trade law and a more level playing field for U.S. workers and manufacturers in an increasingly competitive global economy. I commend it to my colleagues and urge them to join me in pushing for its swift enactment. Congress has sat on the sidelines for too long as our country's finest manufacturers have been dealt blow after blow. This bill will not solve the trade deficit alone, but it is a reasonable start.

I am going to ask my leadership, in my caucus and on the Finance Committee, to work with me on this legislation, and I look forward to joining

forces with my allies on the other side of the aisle to move this bill. I ask unanimous consent that the bill be entered into the record. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 364

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Strengthening America's Trade Laws Act''.

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

TITLE I—DISPUTE SETTLEMENT

Subtitle A—Findings, Purpose, and Definitions

SEC. 101. CONGRESSIONAL FINDINGS AND PURPOSE.

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

(1) The United States joined the World Trade Organization as an original member with the goal of creating an improved global trading system and providing expanded economic opportunities for United States workers, farmers, and businesses.

(2) The dispute settlement rules of the WTO were created to enhance the likelihood that governments will observe their WTO obligations.

(3) Successful operation of the WTO dispute settlement system was critical to congressional approval of the Uruguay Round Agreements and is critical to continued support by the United States for the WTO. In particular, it is imperative that dispute settlement panels and the Appellate Body—

(A) operate with fairness and in an impartial manner;

(B) strictly observe the terms of reference and any applicable standard of review set forth in the Uruguay Round Agreements; and

(C) not add to the obligations, or diminish the rights, of WTO members under the Uruguay Round Agreements in violation of Articles 3.2 and 19.2 of the Dispute Settlement Understanding.

(4) An increasing number of reports by dispute settlement panels and the Appellate Body have raised serious concerns within the Congress about the ability of the WTO dispute settlement system to operate in accordance with paragraph (3).

(5) In particular, several reports of dispute settlement panels and the Appellate Body have added to the obligations and diminished the rights of WTO members, particularly under the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, the Agreement on Subsidies and Countervailing Measures, and the Agreement on Safeguards.

(6) In order to come into compliance with reports of dispute settlement panels and the Appellate Body that have been adopted by the Dispute Settlement Body, the Congress may need to amend or repeal statutes of the United States. In such cases, the Congress must have a high degree of confidence that the reports are in accordance with paragraph (3).

(7) The Congress needs impartial, objective, and juridical advice to determine the appropriate response to reports of dispute settlement panels and the Appellate Body.

(8) The United States remains committed to the multilateral, rules-based trading system.

(b) PURPOSE.—It is the purpose of this subtitle to provide for the establishment of the Congressional Advisory Commission on WTO Dispute Settlement to provide objective and impartial advice to the Congress on the operation of the dispute settlement system of the World Trade Organization.

SEC. 102. DEFINITIONS.

In this title:

(1) ADVERSE FINDING.—The term ''adverse finding'' means—

(A) in a proceeding of a dispute settlement panel or the Appellate Body that is initiated against the United States, a finding by the panel or the Appellate Body that any law, regulation, practice, or interpretation of the United States, or any State, is inconsistent with the obligations of the United States under a Uruguay Round Agreement (or nullifies or impairs benefits accruing to a WTO member under such an Agreement); or

(B) in a proceeding of a panel or the Appellate Body in which the United States is a complaining party, any finding by the panel or the Appellate Body that a measure of the party complained against is not inconsistent with that party's obligations under a Uruguay Round Agreement (or does not nullify or impair benefits accruing to the United States under such an Agreement).

(2) APPELLATE BODY.—The term ''Appellate Body'' means the Appellate Body established by the Dispute Settlement Body pursuant to Article 17.1 of the Dispute Settlement Understanding.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(4) DISPUTE SETTLEMENT BODY.—The term ''Dispute Settlement Body'' means the Dispute Settlement Body established pursuant to the Dispute Settlement Understanding.

(5) DISPUTE SETTLEMENT PANEL; PANEL.—The terms ''dispute settlement panel'' and ''panel'' mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

(6) DISPUTE SETTLEMENT UNDERSTANDING.—The term ''Dispute Settlement Understanding'' means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(7) TERMS OF REFERENCE.—The term ''terms of reference'' has the meaning given that term in the Dispute Settlement Understanding.

(8) TRADE REPRESENTATIVE.—The term ''Trade Representative'' means the United States Trade Representative.

(9) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien admitted for permanent residence into the United States; and

(B) a corporation, partnership, labor organization, or other legal entity organized under the laws of the United States or of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States.

(10) URUGUAY ROUND AGREEMENT.—The term ''Uruguay Round Agreement'' means any of the Agreements described in section 101(d) of the Uruguay Round Agreements Act.

(11) WORLD TRADE ORGANIZATION; WTO.—The terms ''World Trade Organization'' and ''WTO'' mean the organization established pursuant to the WTO Agreement.

(12) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(13) WTO MEMBER.—The term ''WTO member'' has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)).

Subtitle B—Participation in WTO Panel Proceedings

SEC. 111. PARTICIPATION IN WTO PANEL PROCEEDINGS.

(a) IN GENERAL.—If the Trade Representative, in proceedings before a dispute settlement panel or the Appellate Body of the WTO, seeks—

(1) to enforce United States rights under a multilateral trade agreement, or

(2) to defend an action or determination of the United States Government that is challenged,

a United States person that is supportive of the United States Government's position before the panel or Appellate Body and that has a direct economic interest in the panel's or Appellate Body's resolution of the matters in dispute shall be permitted to participate in consultations and panel or Appellate Body proceedings. The Trade Representative shall issue regulations, consistent with subsections (b) and (c), ensuring full and effective participation by any such person.

(b) ACCESS TO INFORMATION.—The Trade Representative shall make available to persons described in subsection (a) all information presented to or otherwise obtained by the Trade Representative in connection with the WTO dispute settlement proceeding in which such persons are participating. The Trade Representative shall promulgate regulations to protect information designated as confidential in the proceeding.

(c) PARTICIPATION IN PANEL PROCESS.—Upon request from a person described in subsection (a), the Trade Representative shall—

(1) consult in advance with such person regarding the content of written submissions from the United States to the panel or Appellate Body concerned or to the other member countries involved;

(2) include, if appropriate, such person or the person's appropriate representative as an advisory member of the delegation in sessions of the dispute settlement panel or Appellate Body;

(3) allow such person, if such person would bring special knowledge to the proceeding, to appear before the panel or Appellate Body, directly or through counsel, under the supervision of responsible United States Government officials; and

(4) in proceedings involving confidential information, allow the appearance of such person only through counsel as a member of the special delegation.

Subtitle C—Congressional Advisory Commission on WTO Dispute Settlement

SEC. 121. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Congressional Advisory Commission on WTO Dispute Settlement (in this subtitle referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 5 members, all of whom shall be judges or former judges of the Federal judicial circuits and shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering the recommendations of the Chairman and ranking member of each of the appropriate congressional committees. Commissioners shall be chosen without regard to political affiliation and solely on the basis of each Commissioner's fitness to perform the duties of a Commissioner.

(2) DATE.—The appointments of the initial members of the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members of the Commission shall each be appointed for a term of 5 years, except that of the members first appointed, 3 members shall each be appointed for a term of 3 years.

(2) VACANCIES.—

(A) IN GENERAL.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made and shall be subject to the same conditions as the original appointment.

(B) UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—Except for the initial meeting, the Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

(h) FUNDING.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

SEC. 122. DUTIES OF THE COMMISSION.

(a) ADVISING THE CONGRESS ON THE OPERATION OF THE WTO DISPUTE SETTLEMENT SYSTEM.—

(1) IN GENERAL.—The Commission shall review—

(A) all adverse findings that are—

(i) adopted by the Dispute Settlement Body; and

(ii) the result of a proceeding initiated against the United States by a WTO member; and

(B) upon the request of either of the appropriate congressional committees—

(i) any adverse finding of a dispute settlement panel or the Appellate Body—

(I) that is adopted by the Dispute Settlement Body; and

(II) in which the United States is a complaining party; or

(ii) any other finding that is contained in a report of a dispute settlement panel or the Appellate Body that is adopted by the Dispute Settlement Body.

(2) SCOPE OF REVIEW.—The Commission shall advise the Congress in connection with each adverse finding under paragraph (1)(A) or (1)(B)(i) or other finding under paragraph (1)(B)(ii) on—

(A) whether the dispute settlement panel or the Appellate Body, as the case may be—

(i) exceeded its authority or its terms of reference;

(ii) added to the obligations, or diminished the rights, of the United States under the Uruguay Round Agreement that is the subject of the finding;

(iii) acted arbitrarily or capriciously, engaged in misconduct, or demonstrably departed from the procedures specified for panels and the Appellate Body in the applicable Uruguay Round Agreement; or

(iv) deviated from the applicable standard of review, including in antidumping, countervailing duty, and other trade remedy cases, the standard of review set forth in Article 17.6 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994;

(B) whether the finding is consistent with the original understanding by the United States of the Uruguay Round Agreement that is the subject of the finding as explained in the statement of administrative action approved under section 101(a) of the Uruguay Round Agreements Act (19 U.S.C. 3511(a)); and

(C) what actions, if any, the United States should take in response to the finding, including any proposals to amend, rescind, or otherwise modify a law, regulation, practice, or interpretation of the United States.

(3) NO DEFERENCE.—In advising the Congress under paragraph (2), the Commission shall not accord deference to findings of law made by the dispute settlement panel or the Appellate Body, as the case may be.

(b) DETERMINATION; REPORT.—

(1) DETERMINATION.—

(A) IN GENERAL.—Not later than 150 days after the date on which the Commission receives notice of a report or request under section 123(b), the Commission shall make a written determination with respect to the matters described in paragraph (2) of subsection (a), including a full analysis of the basis for its determination. A vote by a majority of the members of the Commission shall constitute a determination of the Commission, although the members need not agree on the basis for their vote.

(B) DISSENTING OR CONCURRING OPINIONS.—Any member of the Commission who disagrees with a determination of the Commission or who concurs in such a determination on a basis different from that of the Commission or other members of the Commission, may write an opinion expressing such disagreement or concurrence, as the case may be.

(2) REPORT.—The Commission shall promptly report the determinations described in paragraph (1)(A) to the appropriate congressional committees. The Commission shall include with the report any opinions written under paragraph (1)(B) with respect to the determination.

(c) AVAILABILITY TO THE PUBLIC.—Each report of the Commission under subsection (b)(2), together with the opinions included with the report, shall be made available to the public.

SEC. 123. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold a public hearing to solicit views concerning an adverse finding or other finding described in section 122(a)(1), if the Commission considers such hearing to be necessary to carry out the purpose of this subtitle. The Commission shall provide reasonable notice of a hearing held pursuant to this subsection.

(b) INFORMATION FROM INTERESTED PARTIES AND FEDERAL AGENCIES.—

(1) NOTICE TO COMMISSION.—

(A) UNDER SECTION 122(a)(1)(A).—The Trade Representative shall advise the Commission not later than 5 business days after the date the Dispute Settlement Body adopts an adverse finding that is to be reviewed by the Commission under section 122(a)(1)(A).

(B) UNDER SECTION 122(a)(1)(B).—Either of the appropriate congressional committees may make and notify the Commission of a request under section 122(a)(1)(B) not later than 1 year after the Dispute Settlement Body adopts the adverse finding or other finding that is the subject of the request.

(C) FINDINGS ADOPTED PRIOR TO APPOINTMENT OF COMMISSION.—With respect to any adverse finding or other finding to which section 122(a)(1)(B) applies and that is adopted before the date on which the first members of the Commission are appointed under section 121(b)(2), either of the appropriate congressional committees may make and notify the Commission of a request under section 122(a)(1)(B) with respect to the adverse finding or other finding not later than 1 year after the date on which the first members of the Commission are appointed under section 121(b)(2).

(2) SUBMISSIONS AND REQUESTS FOR INFORMATION.—

(A) IN GENERAL.—The Commission shall promptly publish in the Federal Register notice of—

(i) the notice received under paragraph (1) from the Trade Representative or either of the appropriate congressional committees; and

(ii) an opportunity for interested parties to submit written comments to the Commission.

(B) COMMENTS AVAILABLE TO PUBLIC.—The Commission shall make comments submitted pursuant to subparagraph (A)(ii) available to the public.

(C) INFORMATION FROM FEDERAL AGENCIES AND DEPARTMENTS.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon the request of the chairperson of the Commission, the

head of such department or agency shall furnish the information requested to the Commission in a timely manner.

(3) ACCESS TO PANEL AND APPELLATE BODY DOCUMENTS.—

(A) IN GENERAL.—The Trade Representative shall make available to the Commission all submissions and relevant documents relating to an adverse finding described in section 122(a)(1), including any information contained in such submissions and relevant documents identified by the provider of the information as proprietary information or information designated as confidential by a foreign government.

(B) PUBLIC ACCESS.—Any document that the Trade Representative submits to the Commission shall be available to the public, except information that is identified as proprietary or confidential or the disclosure of which would otherwise violate the rules of the WTO.

(c) ASSISTANCE FROM FEDERAL AGENCIES; CONFIDENTIALITY.—

(1) ADMINISTRATIVE ASSISTANCE.—Any agency or department of the United States that is designated by the President shall provide administrative services, funds, facilities, staff, or other support services to the Commission to assist the Commission with the performance of the Commission's functions.

(2) CONFIDENTIALITY.—

(A) DOCUMENTS AND INFORMATION FROM AGENCIES.—The Commission shall protect from disclosure any document or information submitted to it by a department or agency of the United States that the agency or department requests be kept confidential.

(B) DISCLOSURE OF DOCUMENTS AND INFORMATION OF COMMISSION.—The Commission shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

Subtitle D—Congressional Approval of Regulatory Action Relating to Adverse WTO Decisions

SEC. 131. CONGRESSIONAL APPROVAL OF REGULATORY ACTIONS RELATING TO ADVERSE WTO DECISIONS.

(a) IN GENERAL.—Section 123(g) of the Uruguay Round Agreements Act (19 U.S.C. 3533(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking ''and'';

(B) by redesignating subparagraph (F) as subparagraph (H); and

(C) by inserting after subparagraph (E) the following new subparagraphs:

''(F) the appropriate congressional committees have received the report on the determinations of the Congressional Advisory Commission on WTO Dispute Settlement under section 122(b)(2) of the Strengthening America's Trade Laws Act with respect to the relevant dispute settlement panel or Appellate Body decision;

''(G) a joint resolution, described in paragraph (2), approving the proposed modification or final rule is enacted into law after the appropriate congressional committees receive the report on the determinations of the Congressional Advisory Commission on WTO Dispute Settlement under section 122(b)(2) of the Strengthening America's Trade Laws Act; and''; and

(2) by amending paragraph (2) to read as follows:

''(2) JOINT RESOLUTION TO APPROVE MODIFICATION IN AGENCY REGULATION OR PRACTICE.—

''(A) IN GENERAL.—For the purposes of paragraph (1)(G), a joint resolution is a joint resolution of the 2 Houses of the Congress, the matter after the resolving clause of which is as follows: 'That the Congress approves the modifications to the regulation or practice of the United States proposed in a report submitted to the Congress under subparagraph (D) or (F) of section 123(g)(1) of the Uruguay Round Agreements Act (19 U.S.C. 3533(g)(1) (D) and (F)) on _____, relating to _____.', with the first blank space being filled with the date on which the report is submitted to the Congress and the second blank space being filled with the specific modification proposed to the regulation or practice of the United States.

''(B) PROCEDURAL PROVISIONS.—The procedural provisions of subsections (d) through (i) of section 206 of the Strengthening America's Trade Laws Act shall apply to a joint resolution described in subparagraph (A).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) MODIFICATIONS MADE BETWEEN JANUARY 1, 2007 AND THE DATE OF THE ENACTMENT OF THIS ACT.—

(A) IN GENERAL.—Modifications to any regulation or practice of a department or agency of the United States made pursuant to the provisions of section 123(g) of the Uruguay Round Agreements Act (19 U.S.C. 3533(g)) that became effective on or after January 1, 2007, and before the date of the enactment of this Act, shall be suspended upon the enactment of this Act and have no effect.

(B) APPROVAL OF MODIFICATIONS.—On or after the date of the enactment of this Act, the Trade Representative and the head of the department or agency within whose jurisdiction the modification described in subparagraph (A) falls may seek approval of such modification pursuant to the procedures set out in section 123(g)(1) of the Uruguay Round Agreements Act (19 U.S.C. 3533(g)(1)), as amended by subsection (a).

Subtitle E—Clarification of Rights and Obligations Through Negotiations

SEC. 141. CLARIFICATION OF RIGHTS AND OBLIGATIONS IN THE WTO THROUGH NEGOTIATIONS.

(a) IN GENERAL.—After an adverse finding, the United States shall work within the World Trade Organization to obtain clarification of the Uruguay Round Agreement to which the adverse finding applies to conform the Agreement to the understanding of the United States regarding the rights and obligations of the United States and shall not modify the law, regulation, practice, or interpretation of the United States in response to the adverse finding if—

(1) the United States has stated at the Dispute Settlement Body that the adverse finding has created obligations never agreed to by the United States;

(2) either of the appropriate congressional committees by resolution finds that the adverse finding has created obligations never agreed to by the United States; or

(3) the Congressional Advisory Commission on WTO Dispute Resolution makes a determination under section 122(a)(2)(A)(ii) that the adverse finding has created obligations never agreed to by the United States.

(b) APPLICABILITY.—

(1) IN GENERAL.—This section shall apply to any adverse finding on or after January 1, 2002.

(2) EFFECT ON MODIFICATION OF REGULATION, PRACTICE, OR INTERPRETATION ADOPTED BEFORE ENACTMENT OF THIS ACT.—

(A) IN GENERAL.—Any agency that modified a regulation, practice, or interpretation in response to an adverse finding between January 1, 2002 and the date of the enactment of this Act shall provide notice that the modification shall cease to have force and effect on the date that is 30 days after the date of the enactment of this Act and such modification shall cease to have force and effect on such date.

(B) APPLICABILITY IN TRADE REMEDY CASES.—The cessation of the force and effect of the modification described in subparagraph (A) shall apply with respect to—

(i) investigations initiated—

(I) on the basis of petitions filed under section 702(b), 732(b), or 783(a) of the Tariff Act of 1930 (19 U.S.C. 1671a(b), 1673a(b), and 1677n(a)) or section 202(a), 221, 251(a), or 292(a) of the Trade Act of 1974 (19 U.S.C. 2252(a), 2271, 2341(a), and 2401a(a)) after the date on which the modification ceases to have force and effect under subparagraph (A);

(II) by the administering authority under section 702(a) or 732(a) of the Tariff Act of 1930 (19 U.S.C. 1671a(a) and 1673a(a)) after such date; or

(III) under section 753 of the Tariff Act of 1930 (19 U.S.C. 1675b) after such date;

(ii) reviews initiated under section 751 of the Tariff Act of 1930 (19 U.S.C. 1675)—

(I) by the administering authority or the International Trade Commission on their own initiative after such date; or

(II) pursuant to a request filed after such date; and

(iii) all proceedings conducted under section 129 of the Uruguay Round Agreements Act (19 U.S.C. 3538) commenced after such date.

(3) EFFECT ON PRIOR STATUTORY CHANGES.—

(A) IN GENERAL.—Paragraph (2)(A) shall not apply to modifications to statutes of the United States made in response to adverse findings.

(B) CLARIFICATION OF UNITED STATES RIGHTS.—If a statute of the United States has been modified in response to an adverse finding, the United States shall obtain clarification of the rights and obligations of the United States affected by the adverse finding pursuant to subsection (a).

TITLE II—STRENGTHENING ANTIDUMPING AND COUNTERVAILING DUTY LAWS

SEC. 201. PREVENTION OF CIRCUMVENTION.

Section 781(c) of the Tariff Act of 1930 (19 U.S.C. 1677j(c)) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE.—The administering authority may exclude altered merchandise from the class or kind of merchandise subject to an investigation and order or finding described in paragraph (1), if such exclusion is not inconsistent with the affirmative determination of the Commission on which the order or finding is based.''.

SEC. 202. EXPORT PRICE AND CONSTRUCTED EXPORT PRICE.

Section 772(c)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1677a(c)(2)(A)) is amended by inserting ''(including antidumping and countervailing duties imposed under this title)'' after ''duties''.

SEC. 203. NONMARKET ECONOMY METHODOLOGY.

Section 773(c)(4) of the Tariff Act of 1930 (19 U.S.C. 1677b(c)(4)) is amended to read as follows:

''(4) VALUATION OF FACTORS OF PRODUCTION.—

''(A) IN GENERAL.—The administering authority, in valuing factors of production under paragraph (1), shall utilize, to the extent possible, the prices or costs of factors of production in one or more market economy countries that are—

''(i) at a level of economic development comparable to that of the nonmarket economy country; and

''(ii) significant producers of comparable merchandise.

In this paragraph, the term 'surrogate' refers to the values, calculations, and market economy countries used under this subparagraph.

''(B) VALUING MATERIALS USED IN PRODUCTION.—In determining the value of materials used in production under subparagraph (A), the following applies:

''(i) The administering authority may use the value of inputs that are purchased from market economy suppliers and are not suspected of being dumped or subsidized, only for the quantity of such purchases.

''(ii) All materials purchased or otherwise obtained from nonmarket economy countries shall be valued using surrogate values under subparagraph (A).

''(iii) A purchased material shall be viewed as suspected of being subsidized if there are any affirmative findings by the United States or another WTO member of export subsidy programs in the supplying country.

''(iv) A purchased material shall be viewed as suspected of being dumped if there are any affirmative findings by the United States or other WTO member of dumping in the general category of merchandise, or if information supplied by the petitioner or otherwise of record suggests significant underpricing to the purchaser in the nonmarket economy country.

''(v) Surrogate values for materials from a market economy country shall be disregarded as not reflective of prices in that surrogate market only if prices in that market are viewed as aberrational, such as a case in which prices undersell or exceed any reported price in that surrogate market by a large amount.

''(vi) There shall be a presumption that the administering authority will include all market prices from a surrogate market. Prices that are high or low shall be excluded only when it is demonstrated that the prices are not reflective of prices in the surrogate country for the relevant category of merchandise.

''(vii) If amounts pertaining to the cost of production of imports into a surrogate country from market economy suppliers are used for valuing the materials used, such amounts shall be valued on the basis of CIF (cost, insurance, and freight), plus duties paid, to provide a proxy for prices in the surrogate country competing with locally produced goods. Such values shall not be reduced by the import duties.

''(C) VALUING LABOR.—

''(i) The administering authority may use an average of wage rates for market economies, but shall ensure that labor rates used fully reflect all labor costs, including benefits, health care, and pension costs.

''(ii) Labor shall be the total labor employed by a nonmarket economy country producer or used by a nonmarket economy country producer in the overall business, with allocations to other merchandise produced or sold by that producer that is not subject merchandise.

''(iii) Labor shall reflect the average labor for all other producers in the nonmarket economy country that are producing the particular merchandise subject to investigation or review, and shall not be limited to operations used for export.

''(D) VALUING FACTORY OVERHEAD, GENERAL SELLING AND ADMINISTRATIVE EXPENSES, AND PROFIT.—

''(i) IN GENERAL.—The administering authority shall use the best information available with respect to likely values of factory overhead, general selling and administrative expenses, and profit from a surrogate country. If the values determined under subparagraphs (B) and (C) for materials used and labor consumed result in amounts that are demonstrably larger or smaller than the amounts used in determining surrogate ratios from financial or other reports from a surrogate country, adjustments shall be made to the ratios to reflect fully the level of such costs and profits in the surrogate country on a per item produced basis.

''(ii) RATIOS DEFINED.—For purposes of this subparagraph, the term 'ratios' means—

''(I) the ratio of factory overhead to labor, materials, and energy;

''(II) the ratio of general selling and administrative costs to factory overhead, labor, materials, and energy; and

''(III) the ratio of profit to general selling and administrative costs, factory overhead, labor, materials, and energy.

''(E) USE OF CONFIDENTIAL INFORMATION FROM A FOREIGN PRODUCER IN A SURROGATE COUNTRY.—The administering authority shall generally use publicly available information to value factors of production, except that, in a case in which any foreign producer in the surrogate country that is willing to provide information to the administering authority on factors of production to produce the same class of merchandise and such information is subject to verification, the administering authority shall accept and use such information. The relationship of the foreign producer providing the information to a party to the proceeding shall not be a basis for disqualification.''.

SEC. 204. DETERMINATIONS ON THE BASIS OF FACTS AVAILABLE.

Section 776(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1677e(a)(2)(B)) is amended to read as follows:

''(B) fails to provide such information by the deadline for submission of the information or in the form and manner required, and in conformity with prior administering authority determinations in the proceeding and final judicial decisions in the proceeding, subject to subsections (c)(1) and (e) of section 782,''.

SEC. 205. CLARIFICATION OF DETERMINATION OF MATERIAL INJURY.

Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended by adding at the end the following new subparagraph:

''(J) CLARIFICATION OF DETERMINATION OF MATERIAL INJURY.—In determining if there is material injury, or threat of material injury, by reason of imports of the subject merchandise, the Commission shall make the Commission's determination without regard to—

''(i) whether other imports are likely to replace subject merchandise, or

''(ii) the effect of a potential order on the domestic industry.''.

SEC. 206. REVOCATION OF NONMARKET ECONOMY COUNTRY STATUS.

(a) AMENDMENT OF DEFINITION OF ''NONMARKET ECONOMY COUNTRY''.—Section 771(18)(C)(i) of the Tariff Act of 1930 (19 U.S.C. 1677(18)(C)(i)) is amended to read as follows:

''(i) Any determination that a foreign country is a nonmarket economy country shall remain in effect until—

''(I) the administering authority makes a final determination to revoke the determination under subparagraph (A); and

''(II) a joint resolution is enacted into law pursuant to section 206 of the Strengthening America's Trade Laws Act.''.

(b) NOTIFICATION BY PRESIDENT; JOINT RESOLUTION.—Whenever the administering authority makes a final determination under section 771(18)(C)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1677(18)(C)(i)(I)) to revoke the determination that a foreign country is a nonmarket economy country—

(1) the President shall notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of that determination not later than 10 days after the publication of the administering authority's final determination in the Federal Register;

(2) the President shall transmit to the Congress a request that a joint resolution be introduced pursuant to this section; and

(3) a joint resolution shall be introduced in the Congress pursuant to this section.

(c) DEFINITION.—For purposes of this section, the term ''joint resolution'' means only a joint resolution of the 2 Houses of the Congress, the matter after the resolving clause of which is as follows: ''That the Congress approves the change of nonmarket economy status with respect to the products of _____ transmitted by the President to the Congress on _____.'', the first blank space being filled in with the name of the country with respect to which a determination has been made under section 771(18)(C)(i) of the Tariff Act of 1930 (19 U.S.C. 1677(18)(C)(i)), and the second blank space being filled with the date on which the President notified the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives under subsection (b)(1).

(d) INTRODUCTION.—A joint resolution shall be introduced (by request) in the House by the majority leader of the House, for himself, or by Members of the House designated by the majority leader of the House, and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself, or by Members of the Senate designated by the majority leader of the Senate.

(e) AMENDMENTS PROHIBITED.—No amendment to a joint resolution shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the presiding officer to entertain a request to suspend the application of this subsection by unanimous consent.

(f) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(1) IN GENERAL.—If the committee or committees of either House to which a joint resolution has been referred have not reported the joint resolution at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar. A vote on final passage of the joint resolution shall be taken in each House on or before the close of the 15th day after the joint resolution is reported by the committee or committees of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the joint resolution. If, prior to the passage by one House of a joint resolution of that House, that House receives the same joint resolution from the other House, then—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House, but

(B) the vote on final passage shall be on the joint resolution of the other House.

(2) COMPUTATION OF DAYS.—For purposes of paragraph (1), in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

(g) FLOOR CONSIDERATION IN THE HOUSE.—

(1) MOTION PRIVILEGED.—A motion in the House of Representatives to proceed to the consideration of a joint resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE LIMITED.—Debate in the House of Representatives on a joint resolution shall be limited to not more than 20 hours, which

shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a joint resolution or to move to reconsider the vote by which a joint resolution is agreed to or disagreed to.

(3) MOTIONS TO POSTPONE.—Motions to postpone, made in the House of Representatives with respect to the consideration of a joint resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a joint resolution shall be decided without debate.

(5) OTHER RULES.—Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a joint resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(h) FLOOR CONSIDERATION IN THE SENATE.—

(1) MOTION PRIVILEGED.—A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE LIMITED.—Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) CONTROL OF DEBATE.—Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) OTHER MOTIONS.—A motion in the Senate to further limit debate is not debatable. A motion to recommit a joint resolution is not in order.

(i) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsections (c) through (h) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such subsections (c) through (h) are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions described in subsection (c), and subsections (c) through (h) supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

TITLE III—EXPANSION OF APPLICABILITY OF COUNTERVAILING DUTIES

SEC. 301. APPLICATION OF COUNTERVAILING DUTIES TO NONMARKET ECONOMIES AND STRENGTHENING APPLICATION OF THE LAW.

(a) IN GENERAL.—Section 701(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1671(a)(1)) is amended by inserting ''(including a nonmarket economy country)'' after ''country'' each place it appears.

(b) DEFINITION OF COUNTERVAILABLE SUBSIDY.—Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended by adding at the end the following: ''For purposes of clauses (i) through (iv), if there is a reasonable indication that government intervention has distorted prices or other economic indicators in the country that is subject to the investigation or review, or if data regarding such prices or economic indicators are otherwise unavailable, then the administering authority shall measure the benefit conferred to the recipient by reference to data regarding relevant prices or other economic indicators from a country other than the country that is subject to the investigation or review. If there is a reasonable indication that prices or other economic indicators within a political subdivision, dependent territory, or possession of a foreign country are distorted, or data are not available, then the administering authority shall measure the benefit conferred to the recipient in that political subdivision, dependent territory, or possession by reference to data from the most comparable area or region in which relevant prices or other economic indicators are not distorted, regardless of whether such area or region is in the same country.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) apply to petitions filed under section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a) on or after the date of the enactment of this Act.

(d) ANTIDUMPING PROVISIONS NOT AFFECTED.—The amendments made by subsections (a) and (b) shall not affect the status of a country as a nonmarket economy country for the purposes of any matter relating to antidumping duties under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

SEC. 302. TREATMENT OF EXCHANGE-RATE MANIPULATION AS COUNTERVAILABLE SUBSIDY UNDER TITLE VII OF THE TARIFF ACT OF 1930.

(a) AMENDMENTS TO DEFINITION OF COUNTERVAILABLE SUBSIDY.—Section 771(5)(D) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(D)) is amended—

(1) by striking ''The term'' and inserting ''(i) The term'';

(2) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively; and

(3) by adding at the end the following:

''(ii) The term 'provides a financial contribution' includes engaging in exchange-rate manipulation (as defined in paragraph (5C)).''.

(b) DEFINITION OF EXCHANGE-RATE MANIPULATION.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by inserting after paragraph (5B) the following new paragraph:

''(5C) DEFINITION OF EXCHANGE-RATE MANIPULATION.—

''(A) IN GENERAL.—For purposes of paragraphs (5) and (5A), the term 'exchange-rate manipulation' means protracted large-scale intervention by a country to undervalue the country's currency in the exchange market that prevents effective balance-of-payments adjustment or that gains an unfair competitive advantage over any other country.

''(B) FACTORS.—In determining whether exchange-rate manipulation is occurring and a benefit thereby conferred, the administering authority in each case—

''(i) shall consider the exporting country's—

''(I) bilateral balance-of-trade surplus or deficit with the United States;

''(II) balance-of-trade surplus or deficit with its other trading partners individually and in the aggregate;

''(III) foreign direct investment in its territory;

''(IV) currency-specific and aggregate amounts of foreign currency reserves; and

''(V) mechanisms employed to maintain its currency at a fixed exchange rate relative to another currency and, particularly, the nature, duration, monetary expenditures, and potential monetary expenditures of those mechanisms;

''(ii) may consider such other economic factors as are relevant; and

''(iii) shall measure the trade surpluses or deficits described in subclauses (I) and (II) of clause (i) with reference to the trade data reported by the United States and the other trading partners of the exporting country, unless such trade data are not available or are demonstrably inaccurate, in which case the exporting country's trade data may be relied upon if shown to be sufficiently accurate and trustworthy.

''(C) TYPE OF ECONOMY.—A country found to be engaged in exchange-rate manipulation may have—

''(i) a market economy;

''(ii) a nonmarket economy; or

''(iii) a combination thereof.''.

SEC. 303. AFFIRMATION OF NEGOTIATING OBJECTIVE ON BORDER TAXES.

The Congress reaffirms the negotiating objective relating to border taxes set forth in section 2102(b)(15) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3802(b)(15)).

SEC. 304. PRESIDENTIAL CERTIFICATION; APPLICATION OF COUNTERVAILING DUTY LAW.

(a) CERTIFICATION BY THE PRESIDENT.—

(1) IN GENERAL.—The President shall certify to the Congress by January 1, 2009 that, under the Agreement on Subsidies and Countervailing Measures or subsequent agreement of the World Trade Organization, the full or partial exemption, remission, or deferral specifically related to exports of direct taxes is treated in the same manner as the full or partial exemption, remission, or deferral specifically related to exports of indirect taxes.

(2) EFFECT OF FAILURE TO CERTIFY.—If the President does not make the certification to Congress required by paragraph (1) by January 1, 2009, the Secretary of Commerce, in any investigation conducted under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) to determine whether a countervailable subsidy is being provided with respect to a product of a country that provides the full or partial exemption, remission, or deferral specifically related to exports of indirect taxes on products exported from that country, shall treat as a countervailable subsidy the full or partial exemption, remission, or deferral specifically related to exports of indirect taxes paid on that product.

(b) DEFINITIONS.—In this section:

(1) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—The term ''Agreement on Subsidies and Countervailing Measures'' means the agreement referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(2) DIRECT TAXES.—The term ''direct taxes'' means taxes on wages, profits, interest, rents, royalties, and all other forms of income, and taxes on the ownership of real property.

(3) IMPORT CHARGES.—The term ''import charges'' means tariffs, duties, and other fiscal charges that are levied on imports.

(4) INDIRECT TAXES.—The term ''indirect taxes'' means sales, excise, turnover, value added, franchise, stamp, transfer, inventory, and equipment taxes, border taxes, and all taxes other than direct taxes and import charges.

(5) FULL OR PARTIAL EXEMPTION, REMISSION, OR DEFERRAL SPECIFICALLY RELATED TO EXPORTS OF DIRECT TAXES.—The term ''full or partial exemption, remission, or deferral specifically related to exports of direct taxes'' means direct taxes that are paid to the United States Government by a business concern and are fully or partially exempted, remitted, or deferred by the Government by reason of the export by that business concern of its products from the United States.

(6) FULL OR PARTIAL EXEMPTION, REMISSION, OR DEFERRAL SPECIFICALLY RELATED TO EXPORTS OF INDIRECT TAXES.—The term ''full or partial exemption, remission, or deferral specifically related to exports of indirect taxes'' means indirect taxes that are paid to the government of a country by a business concern and are fully or partially exempted, remitted, or deferred by that government by reason of the export by that business concern of its products from that country.

(c) EFFECTIVE PERIOD.—

(1) IN GENERAL.—Subsection (a) shall cease to be effective on the date on which the President makes a certification described in subsection (a).

(2) TERMINATION OF COUNTERVAILING DUTY ORDERS.—Any countervailing duty order that is issued pursuant to an investigation conducted under subsection (a) and is still in effect on the date described in paragraph (1) shall terminate on such date.

TITLE IV—LIMITATION ON PRESIDENTIAL DISCRETION IN ADDRESSING MARKET DISRUPTION

SEC. 401. ACTION TO ADDRESS MARKET DISRUPTION.

Section 421 of the Trade Act of 1974 (19 U.S.C. 2451) is amended—

(1) in subsection (a), by striking ''to the extent and for such period'' and all that follows to the end period and inserting ''as recommended by the International Trade Commission'';

(2) in subsection (e), by striking ''agreed upon by either group'' and all that follows to the end period and inserting ''shall be considered an affirmative determination'';

(3) in subsection (f)—

(A) by striking ''ON PROPOSED REMEDIES'' in the heading and inserting ''FOR RELIEF'';

(B) by striking ''the Commission shall propose'' and inserting ''the Commission shall recommend''; and

(C) by striking ''proposed action'' and inserting ''recommended action'';

(4) by striking subsection (h);

(5) in subsection (i)—

(A) in the flush sentence at the end of paragraph (1), by striking ''agreed upon by either group'' and all that follows to the end period and inserting ''shall be deemed an affirmative determination''; and

(B) by striking paragraphs (3) and (4);

(6) by striking subsections (j) and (k);

(7) by amending paragraph (1) of subsection (*l*) to read as follows: ''(1) The President's implementation of the International Trade Commission remedy shall be published in the Federal Register.'';

(8) by amending subsection (m) to read as follows:

''(m) EFFECTIVE DATE OF RELIEF.—Import relief under this section shall take effect on the date the International Trade Commission's recommendation is published in the Federal Register, but not later than 15 days after the date of the Commission's vote recommending the relief.'';

(9) by amending subsection (n) to read as follows:

''(n) MODIFICATION OF RELIEF.—Any import relief that includes an increase in duty or the imposition of import restrictions shall be for a period not to exceed 3 years.''; and

(10) by striking subsection (o).

TITLE V—MISCELLANEOUS

SEC. 501. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), this Act and the amendments made by this Act shall apply with respect to goods from Canada and Mexico.

By Mr. DOMENICI:

S. 366. A bill to authorize the conveyance of certain Federal land in the State of New Mexico; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DOMENICI. Mr. President, today I rise to introduce an uncontroversial piece of legislation that I hope will receive prompt committee action and will make its way quickly to the President's desk for his signature.

I would first like to familiarize the Senate with the important mission and related work of the Chihuahuan Desert Nature Park in Las Cruces, NM. The Chihuahuan Desert is the largest desert in North America and contains a great variety of unique plant and animal species. The ecosystem makes up an indispensable part of the Southwest's treasured ecological diversity. As such, it is important that we teach our youth an appreciation for New Mexico's biological diversity and impart upon them the value of this ecological treasure.

The Chihuahuan Desert Nature Park is a non-profit institution that has spent the past six years providing hands-on science education to K–12th graders. To achieve this mission, the Nature Park provides classroom presentations, field trips, schoolyard ecology projects and teacher workshops. The Nature Park serves more than 11,000 students and 600 teachers annually. This instruction will enable our future leaders to make informed decisions about how best to manage these valuable resources. I commend those at the Nature Park for taking the initiative to create and administer a wonderfully successful program that has been so beneficial to the surrounding community.

The Chihuahuan Desert Nature Park was granted a 1,000 acre easement in 1998 at the southern boundary of USDA—Agriculture Research Service (USDA–ARS) property just north of Las Cruces, NM. This easement will expire soon. It is important that we provide them a permanent location so that they are able to continue their valuable mission.

The bill I introduce today would transfer an insignificant amount of land: 1,000 of 193,000 USDA acres to the Desert Nature Park so that they may continue their important work. The USDA-ARS has approved the land transfer, noting the critically important mission of the Desert Park. In addition, this bill was passed by the Senate in the 109th Congress without amendments by unanimous consent. I have no doubt that Senators on both sides of the aisle will recognize the importance of this land transfer.

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. 366

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 ''Jornada Experimental Range Transfer Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the Chihuahuan Desert Nature Park Board.

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

SEC. 3. CONVEYANCE OF LAND TO CHIHUAHUAN DESERT NATURE PARK BOARD.

(a) CONVEYANCE.—The Secretary may convey to the Board, by quitclaim deed, for no consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) consists of not more than 1000 acres of land selected by the Secretary—

(1) that is located in the Jornada Experimental Range in the State of New Mexico; and

(2) that is subject to an easement granted by the Agricultural Research Service to the Board.

(c) CONDITIONS.—The conveyance of land under subsection (a) shall be subject to—

(1) the condition that the Board pay—

(A) the cost of any surveys of the land; and

(B) any other costs relating to the conveyance;

(2) any rights-of-way to the land reserved by the Secretary;

(3) a covenant or restriction in the deed to the land described in subsection (b) requiring that—

(A) the land may be used only for educational purposes;

(B) if the land is no longer used for the purposes described in subparagraph (A), the land shall, at the discretion of the Secretary, revert to the United States; and

(C) if the land is determined by the Secretary to be environmentally contaminated under subsection (d)(2)(A), the Board shall remediate the contamination; and

(4) any other terms and conditions that the Secretary determines to be appropriate.

(d) REVERSION.—If the land conveyed under subsection (a) is no longer used for the purposes described in subsection (c)(3)(A)—

(1) the land shall, at the discretion of the Secretary, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States, the Secretary shall—

(A) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(B) if the Secretary determines that the land is environmentally contaminated, the Board or any other person responsible for the contamination shall remediate the contamination.

By Mr. BIDEN (for himself, Mr. BAUCUS, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. DODD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, Ms.

MIKULSKI, Mr. OBAMA, Mr. REED, Mr. SALAZAR, Mr. SCHUMER, Mr. SMITH, Ms. STABENOW, and Mr. REID):

S. 368. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the cops on the beat grant program, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, today, I rise to introduce legislation, the COPS Improvement Act of 2007, to reauthorize the Department of Justice's Office of Community Oriented Policing Services (COPS). This program has achieved what my colleagues and I hoped for back when we were debating the 1994 Crime Bill. Prior to the final vote, in August of 1994, I stated that ''I will vote for this bill, because, as much as anything I have ever voted on in 22 years in the U.S. Senate, I truly believe that passage of this legislation will make a difference in the lives of the American people. I believe with every fiber in my being that if this bill passes, fewer people will be murdered, fewer people will be victims, fewer women will be senselessly beaten, fewer people will continue on the drug path, and fewer children will become criminals.''

Fortunately, with the creation of the COPS program, we were able to form a partnership amongst Federal, State, and local law enforcement and create programs that helped drive down crime rates for eight consecutive years. In 1994 we had historically high rates of violent crimes, such as murders, forcible rapes, and aggravated assaults. We were able to reduce these to the lowest levels in a generation. We reduced the murder rate by 37.8 percent; we reduced forcible rapes by 19.1 percent; and we reduced aggravated assaults by 25.5 percent. Property crimes, including auto thefts also were reduced from historical highs to the lowest levels in decades. The COPS program has been endorsed by every major law enforcement group in the Nation, including the International Association of Chiefs of Police (IACP), the National Association of Police Organizations (NAPO), the National Sheriffs Association (NSA), the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials (NOBLE), the International Union of Police Associations (IUPA), the Fraternal Order of Police, and others.

Rather than support this important program, the Bush Administration and Republican leadership has been set on eliminating it. President Bush has proposed cuts each year he has been in office, and while we have fought to maintain funding for COPS, the hiring program was completely eliminated in 2005. Overall funding for State and local law enforcement programs has been slashed by billions and the COPS hiring program has been completely eliminated. Last year's budget request contained only $117 million for local law enforcement from COPS and the complete elimination of the Justice Assistance Grant.

These cuts are coming at the worst possible time. Local law enforcement is facing what I have called a perfect storm. The FBI is reprogramming its field agents from local crime to terrorism. Undoubtedly, this is necessary given the threats facing our Nation. But, this means that there will be less Federal assistance for drug cases, bank robberies, and violent crime. Local law enforcement will be required to fill the gap left by the FBI in addition to performing more and more homeland security duties.

Due to budget restraints at the local level and the unprecedented cuts in Federal assistance they will be less able to do either. Articles in the USA Today and the New York Times highlighted the fact that many cities are being forced to eliminate officers because of local budgets woes. In fact, New York City has lost over 3,000 officers in the last few years. Other cities, such as Cleveland, MN, and Houston, TX, are facing similar shortages. As a result, local police chiefs are reluctantly pulling officers from the proactive policing activities that were so successful in the nineties, and they are unable to provide sufficient numbers of officers for Federal task forces. These choices are not made lightly. Police chiefs understand the value of proactive policing and the need to be involved in homeland security task forces; however, they simply don't have the manpower to do it all. Responding to emergency calls must take precedence over proactive programs and task forces, and we are beginning to pay the price. The FBI is reporting rising violent crime in cities throughout the Nation, with murder rates rising 3.4 percent in 2005. Additionally, the preliminary numbers for 2006 show that violent crime is up 3.7 percent and murder rates up 1.4 percent when compared to last year's preliminary numbers.

Although the COPS program was reauthorized as part of Department of Justice Reauthorization, this bill is critical for several reasons. First, it reestablishes our commitment to the hiring program by including a separate authorization of $600 million to hire officers to engage in community policing, intelligence gathering, and as school resource officers. We need more cops on the beat and in our schools, and this will help get us there. It also authorizes $350 million per year for technology grants, and it includes $200 million per year to help local district attorneys hire community prosecutors. Finally, it congressionally establishes the COPS office as the entity within the Department of Justice to carry out these functions in order to eliminate duplication of efforts. The bottom line is that this bill keeps faith with our State and local law enforcement officers who put their lives on the line every day to keep our communities safe from crime and terrorism. I would ask all of my colleagues to go ask their local police chief or sheriff and ask them if they should support this legislation, and I hope that they will because if they did it would be passed 100–0.

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

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

S. 368

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 ''COPS Improvements Act of 2007''.

SEC. 2. COPS GRANT IMPROVEMENTS.

(a) IN GENERAL.—Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, multi-jurisdictional or regional consortia, and individuals for the purposes described in subsections (b), (c), (d), and (e).'';

(2) in subsection (b)—

(A) by striking the subsection heading text and inserting ''COMMUNITY POLICING AND CRIME PREVENTION GRANTS'';

(B) in paragraph (3), by striking '', to increase the number of officers deployed in community-oriented policing'';

(C) in paragraph (4), by inserting ''or train'' after ''pay for'';

(D) by inserting after paragraph (4) the following:

''(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools;'';

(E) by striking paragraph (9);

(F) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively;

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14) through (17) as paragraphs (12) through (15), respectively;

(I) in paragraph (14), as so redesignated, by striking ''and'' at the end;

(J) in paragraph (15), as so redesignated, by striking the period at the end and inserting a semicolon; and

(K) by adding at the end the following:

''(16) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine; and

''(17) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs, as warranted.'';

(3) by striking subsection (c);

(4) by striking subsections (h) and (i);

(5) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(6) by inserting after subsection (b) the following:

''(c) TROOPS-TO-COPS PROGRAMS.—

''(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career

law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

''(2) DEFINITION.—In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

''(d) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (a) to pay for additional community prosecuting programs, including programs that assign prosecutors to—

''(1) handle cases from specific geographic areas; and

''(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life initiatives), and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

''(e) TECHNOLOGY GRANTS.—The Attorney General may make grants under subsection (a) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.'';

(7) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking ''to States, units of local government, Indian tribal governments, and to other public and private entities,'';

(B) in paragraph (2), by striking ''define for State and local governments, and other public and private entities,'' and inserting ''establish'';

(C) in the first sentence of paragraph (3), by inserting ''(including regional community policing institutes)'' after ''training centers or facilities''; and

(D) by adding at the end the following:

''(4) EXCLUSIVITY.—The Office of Community Oriented Policing Services shall be the exclusive component of the Department of Justice to perform the functions and activities specified in this paragraph.'';

(8) in subsection (g), as so redesignated, by striking ''may utilize any component'', and all that follows and inserting ''shall use the Office of Community Oriented Policing Services of the Department of Justice in carrying out this part.'';

(9) in subsection (h), as so redesignated—

(A) by striking ''subsection (a)'' the first place that term appears and inserting ''paragraphs (1) and (2) of subsection (b)''; and

(B) by striking ''in each fiscal year pursuant to subsection (a)'' and inserting ''in each fiscal year for purposes described in paragraph (1) and (2) of subsection (b)'';

(10) in subsection (i), as so redesignated, by striking the second sentence; and

(11) by adding at the end the following:

''(j) RETENTION OF ADDITIONAL OFFICER POSITIONS.—For any grant under paragraph (1) or (2) of subsection (b) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.''.

(b) APPLICATIONS.—Section 1702 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-1) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting '', unless waived by the Attorney General'' after ''under this part shall'';

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) through (11) as paragraphs (8) through (10), respectively; and

(2) by striking subsection (d).

(c) RENEWAL OF GRANTS.—Section 1703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended to read as follows:

''SEC. 1703. RENEWAL OF GRANTS.

''(a) IN GENERAL.—A grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

''(b) NO COST EXTENSIONS.—Notwithstanding subsection (a), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.''.

(d) LIMITATION ON USE OF FUNDS.—Section 1704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-3) is amended—

(1) in subsection (a), by striking ''that would, in the absence of Federal funds received under this part, be made available from State or local sources'' and inserting ''that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources''; and

(2) by striking subsection (c).

(e) ENFORCEMENT ACTIONS.—

(1) IN GENERAL.—Section 1706 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-5) is amended—

(A) in the section heading, by striking ''**REVOCATION OR SUSPENSION OF FUNDING**'' and inserting ''**ENFORCEMENT ACTIONS**''; and

(B) by striking ''revoke or suspend'' and all that follows and inserting ''take any enforcement action available to the Department of Justice.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711) is amended by striking the item relating to section 1706 and inserting the following:

''Sec. 1706. Enforcement actions.''.

(f) DEFINITIONS.—Section 1709(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8(1)) is amended—

(1) by inserting ''who is a sworn law enforcement officer'' after ''permanent basis''; and

(2) by inserting '', including officers for the Amtrak Police Department'' before the period at the end.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(11)) is amended—

(1) in subparagraph (A), by striking ''1,047,119,000'' and inserting ''1,150,000,000''; and

(2) in subparagraph (B)—

(A) in the first sentence, by striking ''3 percent'' and inserting ''5 percent''; and

(B) by striking the second sentence and inserting the following: ''Of the funds available for grants under part Q, not less than $600,000,000 shall be used for grants for the purposes specified in section 1701(b), not more than $200,000,000 shall be used for grants under section 1701(d), and not more than $350,000,000 shall be used for grants under section 1701(e).''.

(h) PURPOSES.—Section 10002 of the Public Safety Partnership and Community Policing Act of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking ''development'' and inserting ''use''; and

(2) in the matter following paragraph (4), by striking ''for a period of 6 years''.

(i) COPS PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—Section 109(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (2), as so redesignated, by inserting '', except for the program under part Q of this title'' before the period.

(2) LAW ENFORCEMENT COMPUTER SYSTEMS.—Section 107 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712f) is amended by adding at the end the following:

''(c) EXCEPTION.—This section shall not apply to any grant made under part Q of this title.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 37—DESIGNATING MARCH 26, 2007 AS ''NATIONAL SUPPORT THE TROOPS DAY'' AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO PARTICIPATE IN A MOMENT OF SILENCE TO REFLECT UPON THE SERVICE AND SACRIFICE OF MEMBERS OF THE ARMED FORCES BOTH AT HOME AND ABROAD

Ms. STABENOW (for herself and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 37

Whereas it was through the brave and noble efforts of the forefathers of the United States that the United States first gained freedom and became a sovereign country;

Whereas there are more than 1,300,000 regular members of the Armed Forces and more than 1,100,000 members of the National Guard and Reserves serving the Nation in support and defense of the values and freedom that all people in the United States cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of the people of the United States for putting their lives in danger for the sake of the freedoms enjoyed by all people of the United States;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all the people of the United States; and

Whereas all people of the United States should participate in a moment of silence to support the troops: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 26, 2007 as ''National Support the Troops Day''; and

(2) encourages all people in the United States to participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad.