S. 261

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 267

At the request of Mr. BINGAMAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 267, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 287

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 287, a bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

S. 311

At the request of Ms. LANDRIEU, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 315

At the request of Mr. WARNER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 315, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 357

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 357, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 358

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. CON. RES. 2

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. Con. Res. 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 2, supra.

AMENDMENT NO. 106

At the request of Mr. SESSIONS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 106 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.

AMENDMENT NO. 112

At the request of Mr. SUNUNU, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 112 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.

AMENDMENT NO. 119

At the request of Mr. BUNNING, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 119 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.

AMENDMENT NO. 121

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 121 intended to be 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. MARTINEZ (for himself and Mr. SESSIONS):

S. 371. A bill to amend the Fair Labor Standards Act of 1938 to clarify the house parent exemption to certain wage and hour requirements; to the Committee on Health, Education, Labor, and Pensions.

Mr. MARTINEZ. Mr. President, today I rise to discuss an issue that is near and dear to my heart, because it involves children and youth in our foster care system. Inconsistencies in our Federal wage laws, coupled with increases in the minimum wage, are financially crippling the private, nonprofit organizations and institutions that make up a necessary part of our communities' support systems for the most vulnerable in our society, the children.

More than 500,000 children are in America's foster care system at any given time, because their own families are in crisis or unable to provide for their essential well-being—most because they have been subject to abuse and neglect. Thankfully, most of these children are able to be placed with individual caring families. But for those children without a suitable or available foster family, they are placed in one of the many group homes associated with our foster care system.

Many of these group homes are specially tailored to the specific needs of foster care children by offering unique programs and on-site education to help heal the emotional scarring they have experienced.

These homes—often run by private, non-profit organizations—are dedicated to providing residential care and treatment for the ''orphans of the living,'' and they have long been a vital part of the social service networks in America's communities.

An essential component of the foster care network is the presence of caring parents in a family-like situation. And as in traditional parenting, the houseparents of group foster homes seek to provide the same love, care, and supervision of a traditional family for the five to eight children that reside with them.

Houseparents volunteer to permanently reside at the group home in order to create a family- like environment for those without a true sense of home—one that offers a structured atmosphere where these most vulnerable youth can heal, grow, and become productive members of society.

Foster care alumni studies show us that it is the consistent and life-long connection of caring foster parents that plays the biggest role in helping foster children transition into society.

However, our current laws are working against this cause, forcing group homes to move away from what they know is best for the children and preventing them from providing the most appropriate and consistent care. These youth so desperately need the stability that a family- like situation can provide. And this is what my amendment seeks to address.

Traditionally, in addition to a modest, fixed salary, houseparents have received food, lodging, insurance, and transportation free of charge.

In 1974, Congress recognized and confirmed the unique role houseparents serve when it passed the Hershey Exemption. This amended the Fair Labor Standards Act to preserve the appropriate method of compensation for houseparents—and allowed the lodging and food provided them to be considered when determining an appropriate salary for married houseparents serving with their spouse at nonprofit educational institutions.

Through this exemption, Congress supplied a way for these vital social services to continue to be provided by non-profit organizations in a way that is cost-effective, and at the same time appropriate and meaningful to both the children and the houseparents.

However, since the addition of this exemption, the demographics of America and of America's foster children have changed. Research now shows that due to the negative experiences some youth have faced, they may find a better environment for growth and healing in having a single houseparent of the same sex.

Our labor standards for these group homes have not kept pace with the ever-changing needs of these children.

Because the Hershey Exemption was only extended to married couples, group homes are now forced to choose between what is cheaper and what is best for the children. Unfortunately, the financial realities of the situation

place these facilities in a compromising situation.

You see, when a group home employs a single houseparent for a home, they are required to pay them as an hourly employee, whereas married houseparents serving together are allowed to be paid as salaried employees.

As a result, it costs a facility in Florida more than $74,000 annually at the current minimum wage rate to provide a full-time, single houseparent using the traditional live-in model.

In response, most facilities have resorted to teams of houseparents that work in 8 or 12 hour shifts—just to avoid the additional costs of overtime pay. Yet even this team model is pricey and means tough coordination and inconsistencies in care for these children. It also destroys the family-like arrangement of the home.

If the minimum wage bill—to which I am offering this bill as an amendment—passes, it will cost facilities across the U.S. in excess of $84,000 annually to house and employ a single, full-time houseparent in a foster care or educational group home. However, if it were a married couple serving in the same environment it would only require minimum wage guidelines being met.

Can you see how this inconsistency in our labor laws is, and will continue to be, crippling for the private, nonprofit facilities?

In order to enable group homes to provide the most appropriate and consistent care for foster and emotionally scarred youth, my amendment will extend the Hershey Exemption to single houseparents, allowing them to be treated as salaried employees when free lodging and board are provided.

Voting in favor of my amendment will enable private, non-profit group homes to continue providing these vital services for our communities, with a stronger atmosphere of love and growth for the children.

Voting against this amendment will—that is, allowing it not to pass—will mean that the already heavy financial burden for these facilities will continue to grow. Homes will be forced to close or have to scale back on the number of children they can help.

To vote against this amendment is to turn children out on the street at a time when they need us most.

As a loving parent and grandparent, I want what is best for my children and for my grandchildren—I want to make sure they have whatever they need to overcome the obstacles of life and succeed. This is also what we should seek for foster children and the hurting youth in our communities—to provide the loving homes and facilities for them that provide what they need most and in the most appropriate and consistent way possible.

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 reprinted in the RECORD, as follows:

S. 371

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 ''Appropriate and Consistent Care for Youth Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Private, nonprofit organizations dedicated to providing residential care and treatment for children have long been a vital part of the social service networks America's communities.

(2) No longer just serving orphans, these institutions tend to the needs of the ''orphans of the living'', children and youth who are unable to remain in their natural homes due to emotional conflicts, life adjustment problems, relationship disturbances, and spiritual and psychological scaring associated with sexual, physical, and emotional abuse.

(3) The effectiveness of these institutions in caring for these troubled and abused children has long been due to the love, care, and supervision provided by residential houseparents.

(4) These houseparents volunteer to permanently reside at the group home in which they work in order to create a family environment for those without a true sense of home, one that offers a structured atmosphere where these vulnerable youth can heal, grow, and become productive members of society.

(5) Traditionally, these houseparents have received food, lodging, insurance, and transportation free of charge, in addition to a fixed salary.

(6) Congress recognized the unique role houseparents serve, and passed the Hershey Exemption (section 13(b)(24) of the Fair Labor Standards Act of 1938 (29 U.S.C. 212(b)(24))) in 1974 to assist with the provision of houseparents for orphaned and disadvantaged youth by allowing for lodging and food provided free of cost to be considered when determining an appropriate salary for married houseparents serving with their spouse at nonprofit educational institutions.

(7) Since the addition of the Hershey Exemption, research shows that due to the negative experiences some troubled youth have faced, they find a better environment for growth in having a single houseparent of the same sex.

(8) Because the wage provision under the Hershey Exemption was extended only to married houseparents serving with their spouse, the Department of Labor has enforced a rule that single houseparents need to be reimbursed on a 24-hour-a-day basis, even for time they are sleeping or otherwise not directly caring for residents of the home, and regardless of the provision of free lodging, food, and other services.

(9) This has placed an undue financial burden on these nonprofit institutions who wish to provide the best possible care for their residents, forcing some homes to close and others to adopt an employment model where ''teams'' of houseparents work 8-hour sifts to care for residents. This ''team'' model drives up the cost and destroys the family-like arrangement of the home.

(10) In order to provide for a more appropriate and consistent care for these foster children and troubled youth, this Act seeks to extend the Hershey Exemption to single houseparents residing in educational institutions where they receive lodging and board free of charge.

SEC. 3. AMENDMENT TO THE FAIR LABOR STANDARDS ACT OF 1938.

Section 13(b)(24) of the Fair Labor Standards Act of 1938 (29 U.S.C. 212(b)(24)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''and his spouse''; and

(2) in the matter following subparagraph (B)—

(A) by striking ''and his spouse reside'' and inserting ''resides'';

(B) by striking ''receive'' and inserting ''receives''; and

(C) by striking ''are together'' and inserting ''is''.

By Mr. DOMENICI (for himself, Mr. SCHUMER, Mr. CRAIG, Mrs. CLINTON, Mr. CRAPO, and Mr. ALLARD):

S. 374. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today to introduce again legislation to eliminate one of the great inconsistencies in the Internal Revenue Code. I would like to thank my colleague, the senior Senator from New York, Senator SCHUMER, for again working with me on this important piece of legislation.

The bill we are introducing today is designed to restore some internal consistency to the tax code as it applies to art and artists. No one has ever said that the tax code is fair even though it has always been a theoretical objective of the code to treat similar taxpayers similarly.

Our bill would address two areas where similarly situated taxpayers are not treated the same. These two areas are internal inconsistencies contained within the tax code. Internal inconsistency number one deals with the long-term capital gains tax treatment of investments in art and collectibles. The second internal inconsistency involves how charitable contributions of art by the artist are treated under the law.

Long-term capital gains tax treatment of art is inherently unfair. If a person invests in stocks or bonds and sells at a gain, the tax treatment is long term capital gains. The top capital gains tax rate is 15 percent. However, if the same person invests in art or collectibles the top rate is hiked up to 28 percent. Art for art's sake should not incur a higher tax rate simply for revenue's sake. That is a big impact on the pocketbook of the investor.

Art and collectibles are alternatives to financial instruments as an investment choice. To create a tax disadvantage with respect to one investment compared to another creates an artificial market and may lead to poor investment allocations. It also adversely impacts those who make their livelihood in the cultural sectors of the economy.

Santa Fe, NM, is the third largest art market in the country. We have a diverse colony of artists, collectors and

gallery owners. We have fabulous Native American rug weavers, potters and carvers. Creative giants like Georgia O'Keeffe, Maria Martinez, E. L. Blumenshein, Allan Houser, R.C. Gorman, and Glenna Goodacre have all chosen New Mexico as their home and as their artistic subject. John Nieto, Wilson Hurley, Clark Hulings, Veryl Goodnight, Bill Acheff, Susan Rothenberg, Bruce Nauman, Agnes Martin, Doug Hyde, Margaret Nez, and Dan Ostermiller are additional examples of living artists creating art in New Mexico.

Art, antiques, and collectibles are a $12 to $20 billion annual industry nationwide. In New Mexico, it has been estimated that art and collectible sales range between $500 million and one billion a year.

Economists have always been interested in the economics of the arts. Adam Smith is a well-known economist. He was also a serious, but little-known essayist on painting, dancing, and poetry. Similarly, Keynes was both a famous economist and a passionate devotee of painting. However, even artistically inclined economists have found it difficult to define art within the context of economic theory.

When asked to define jazz, Louis Armstrong replied: ''If you gotta ask, you ain't never going to know.'' A similar conundrum has challenged Galbraith and other economists who have grappled with the definitional issues associated with bringing art within the economic calculus. Original art objects are, as a commodity group, characterized by a set of attributes: every unit of output is differentiated from every other unit of output; art works can be copied but not reproduced; and the cultural capital of the nation has significant elements of public good.

Because art works can be resold, and their prices may rise over time, they have the characteristics of financial assets, and as such may be sought as a hedge against inflation, as a store of wealth, or as a source of speculative capital gain. A study by Keishiro Matsumoto, Samuel Andoh and James P. Hoban, Jr. assessed the risk-adjusted rates of return on art sold at Sotheby's during the 14-year period ending September 30, 1989. They concluded that art was a good investment in terms of average real rates of return. Several studies found that rates of return from the price appreciation on paintings, comic books, collectibles and modern prints usually made them very attractive long-term investments. Also, when William Goetzmann was at the Columbia Business School, he constructed an art index and concluded that painting price movements and stock market fluctuations are correlated.

I conclude that with art, as well as stocks, past performance is no guarantee of future returns, but the gains should be taxed the same.

In 1990, the editor of Art and Auction asked the question: ''Is there an 'efficient' art market?'' A well-known art dealer answered ''Definitely not. That's one of the things that makes the market so interesting.'' For everyone who has been watching world financial markets lately, the art market may be a welcome distraction.

Why do people invest in art and collectibles? Art and collectibles are something you can appreciate even if the investment doesn't appreciate. Art is less volatile. If buoyant and not so buoyant bond prices drive you berserk and spiraling stock prices scare you, art may be the appropriate investment for you. Because art and collectibles are investments, the long-term capital gains tax treatment should be the same as for stocks and bonds. This bill would accomplish that.

Artists will benefit. Gallery owners will benefit. Collectors will benefit. And museums benefit from collectors. About 90 percent of what winds up in museums like New York's Metropolitan Museum of Art comes from collectors.

Collecting isn't just for the hoyty toity. It seems that everyone collects something. Some collections are better investments than others. Some collections are just bizarre. The internet makes collecting big business, and flea market fanatics are avid collectors. In fact, people collect the darndest things. Books, duck decoys, chia pets, snowglobes, thimbles, handcuffs, spectacles, baseball cards, teddy bears, and guns are a few such ''collectibles''.

For most of these collections, capital gains isn't really an issue, but you never know. You may find that your collecting passion has created a tax predicament—to phrase it politely. Art and collectibles are tangible assets. When you sell them, capital gains tax is due on any appreciation over your purchase price.

The bill provides capital gains tax parity because it lowers the top capital gains rate from 28 percent to 15 percent.

As I stated earlier, the second internal inconsistency deals with the charitable deduction for artists donating their work to a museum or other charitable cause. When someone is asked to make a charitable contribution to a museum or to a fund raising auction, it shouldn't matter whether that person is an artist or not. Under current law, however, it makes a big difference. As the law stands now, an artist/creator can only take a deduction equal to the cost of the art supplies. Our bill will allow a fair market deduction for the artist.

It's important to note that our bill includes certain safeguards to keep the artist from ''painting himself a tax deduction.'' This bill applies to literary, musical, artistic, and scholarly compositions if the work was created at least 18 months before the donation was made, has been appraised, and is related to the purpose or function of the charitable organization receiving the donation. As with other charitable contributions, it is limited to 50 percent of adjusted gross income (AGI). If it is also a capital gain, there is a 30 percent of AGI limit. Mr. President, I believe these safeguards bring fairness back into the code and protect the Treasury against any potential abuse.

I hope my colleagues will help us put this internal consistency into the Internal Revenue Code.

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. 374

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 ''Art and Collectibles Capital Gains Tax Treatment Parity Act''.

SEC. 2. CAPITAL GAINS TREATMENT FOR ART AND COLLECTIBLES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by striking paragraphs (4) and (5) and inserting the following new paragraphs:

''(4) 28-PERCENT RATE GAIN.—For purposes of this subsection, the term '28-percent rate gain' means the excess (if any) of—

''(A) section 1202 gain, over

''(B) the sum of—

''(i) the net short-term capital loss, and

''(ii) the amount of long-term capital loss carried under section 1212(b)(1)(B) to the taxable year.

''(5) RESERVED.—.''.

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

SEC. 3. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, ARTISTIC, OR SCHOLARLY COMPOSITIONS.—

''(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

''(i) the amount of such contribution taken into account under this section shall be the fair market value of the property contributed (determined at the time of such contribution), and

''(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

''(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

''(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

''(ii) the taxpayer—

''(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

''(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

''(iii) the donee is an organization described in subsection (b)(1)(A),

''(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under section 501(c)),

''(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

''(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

''(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

''(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

''(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

''(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

''(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

''(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

''(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

''(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

''(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

''(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. KYL, and Mr. CORNYN):

S. 376. A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in 2003, Senator Campbell and I, joined by 68 other Senators, introduced a bill that allowed a qualified retired or current law enforcement officer to carry a concealed firearm across State lines. The Senate passed our bill by unanimous consent, which was signed into law in July 2004. Passage of the Law Enforcement Safety Officers Act was a resounding vote of confidence in the men and women who serve their communities as protectors of the peace, and their Nation as the first line of defense in any emergency.

But since enactment of the Law Enforcement Officers Safety Act, it has become clear that qualified retired officers have been subject to varying and complex certification procedures from State to State. In many cases, differing interpretations have complicated the implementation of the law, and retired officers have experienced significant frustration in getting certified to lawfully carry a firearm.

With the input of the law enforcement community, this bill proposes modest amendments to streamline the current law, which will give retired officers more flexibility in obtaining certification, and provides room for the variability in certification standards among the several States. For example, where a State has not set active duty standards, the retired officer can be certified pursuant to the standards set by any law enforcement agency in the State.

In addition to these adjustments, the bill also makes clear that Amtrak officers, along with officers of the Executive branch of the Federal Government, are covered by the law. The bill also reduces from 15 to 10 the years of service required for a retired officer to qualify under the law. Though these changes broaden the reach of the law, the requirements for eligibility still involve a significant term of service for a retired officer to qualify, and a demonstrated commitment to law enforcement.

This bill makes sensible improvements to existing law by providing the flexibility needed to permit qualified retired law enforcement officers to carry concealed firearms in a legal and responsible manner.

With the enactment of the Law Enforcement Officers Safety Act, Congress and the President also recognized that law enforcement officers are never ''off-duty.'' The dedicated public servants who are trained to uphold the law and keep the peace deserve our support not just in their professional lives, but also when they go off-duty or into retirement. Convicted criminals often have long and exacting memories, and to the extent we can, we must aid these public servants with the tools they need to keep themselves and their families safe. Because one thing we know for sure is that a law enforcement officer is a target, whether in uniform or out, and whether active or retired. We also act in our own interest when we help law enforcement officers with the ability to answer the call of duty wherever they may be. Society's trust in the men and women who serve should include the faith that the responsibilities we entrust to them do not disappear once State lines are crossed.

In 2004, Congress listened carefully to the concerns of the law enforcement community and responded appropriately. Let us do so again with these sensible improvements.

I ask for 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. 376

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 ''Law Enforcement Officers Safety Act of 2007''.

SEC. 2. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

(a) IN GENERAL.—Section 926B of title 18, United States Code, is amended by adding at the end the following:

''(f) For purposes of this section, a law enforcement officer of the Amtrak Police Department or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.''.

(b) RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3)(A), by striking ''was regularly employed as a law enforcement officer for an aggregate of 15 years or more'' and inserting ''served as a law enforcement officer for an aggregate of 10 years or more'';

(B) by striking paragraphs (4) and (5) and inserting the following:

''(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers as set by the officer's former agency, the State in which the officer resides or a law enforcement agency within the State in which the officer resides;''; and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(2) in subsection (d)—

(A) in paragraph (1), by striking ''to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or'' and inserting ''to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm or''; and

(B) in paragraph (2)(B), by striking ''otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.'' and inserting ''otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

''(i) the active duty standards for qualification in firearms training as established by the State to carry a firearm of the same type as the concealed firearm; or

''(ii) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.''; and

(3) by adding at the end the following:

''(f) In this section, the term 'service with a public agency as a law enforcement officer' includes service as a law enforcement officer of the Amtrak Police Department or as a law enforcement or police officer of the executive branch of the Federal Government.''.

By Mr. LUGAR:

S. 377. A bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to offer legislation urging the Administration to develop a United States-Poland Parliamentary Youth Exchange Program. I am pleased that my colleague from Indiana, Congressman PETE VISCLOSKY, has agreed to again introduce this important legislation in the House of Representatives. I appreciate his strong leadership in our continued joint efforts in this and many other areas.

The purpose of this exchange program is to demonstrate to the youth of the United States and Poland the benefits of friendly cooperation between the U.S. and Poland based on common political and cultural values. I have long been an active supporter of the Congress-Bundestag Exchange program and am hopeful that this new endeavor will make similarly important lasting contributions to the U.S.-Polish relationship.

As a Rhodes Scholar, I had the opportunity to discover international education at Pembroke College—my first trip outside of the United States. The parameters of my imagination expanded enormously during this time, as I gained a sense of how large the world was, how many talented people there were, and how many opportunities one could embrace. Student exchange programs do more than benefit individual scholars and advance human knowledge. Such programs expand ties between nations, improve international commerce, encourage cooperative solutions to global problems, prevent war, and give participants a chance to develop a sense of global service and responsibility.

Funding a great foreign exchange program is a sign of both national pride and national humility. Implicit in such a program is the view that people from other nations view one's country and educational system as a beacon of knowledge—as a place where international scholars would want to study and live. But it is also an admission that a nation does not have all the answers—that our national understanding of the world is incomplete. It is an admission that we are just a part of a much larger world that has intellectual, scientific, and moral wisdom that we need to learn.

The United States and Poland have enjoyed close bilateral relations since the end of the Cold War. Most recently, Poland has been a strong supporter of efforts led by the United States to combat global terrorism, and has contributed troops to and led coalitions in both Afghanistan and Iraq. Poland also cooperates closely with the United States on such issues as democratization, human rights, regional cooperation in Eastern Europe, and reform of the United Nations. As a member of the North Atlantic Treaty Organization (NATO) and the European Union (EU), Poland has demonstrated its commitment to democratic values and is a role model in its region.

I believe that it is important to invest in the youth of the United States and Poland in order to strengthen long-lasting ties between both societies. After receiving for many years international and U.S. financial assistance, Poland is now determined to invest its own resources toward funding a U.S.-Poland exchange program. To this end the Polish Foreign Minister unambiguously stated that Poland welcomed the opportunity to be an equal partner in funding important efforts.

Last year the Senate approved a similar version of this legislation by unanimous consent. I ask my colleagues to again support this resolution.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. REID, Mr. DURBIN, Mr. CORNYN, Mr. KENNEDY, Ms. COLLINS, Mr. HATCH, and Mr. SCHUMER):

S. 378. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I was disappointed at the end of last Congress that, like so much other urgent business of the American people left unattended, we did not pass a measure to improve court security. We made some progress on this important issue when the Senate passed a consensus bipartisan court security bill. Unfortunately we were unable to cross the finish line because the House Republican leadership did not take up this bill. And so that still eaves our Nation's judges and their families without the vital protections that bill would have provided.

Today, I join with other Senators on both sides of the aisle to try again. Along with the Majority Leader Senator REID; the Judiciary Committee's Ranking Member, Senator SPECTER; the Majority Whip, Senator DURBIN; and Senators KENNEDY, SCHUMER, CORNYN, HATCH and COLLINS, I introduce the Court Security Improvement Act of 2007, a consensus measure with bipartisan support nearly identical to the bill we passed in the Senate last December. House Judiciary Chairman CONYERS is introducing an identical measure in the House with bipartisan support. This bi-cameral, bi-partisan introduction sends a strong message that we intend finally to finish this difficult struggle and enact this bill that should have been enacted months ago to increase protections for the dedicated women and men throughout the Judiciary in this country.

This is an important issue, and one I plan to make a priority this Congress. I hope that we can have quick action on this bill to bring to fruition our efforts to provide increased security, an effort that gained new urgency after the tragedy that befell Judge Joan Lefkow of Chicago. She is the Federal judge whose mother and husband were murdered in their home. As we heard in her courageous testimony in May 2005 before the Judiciary Committee, this tragedy provided a terrible reminder not only of the vulnerable position of our judges and their families, but of the critical importance of protecting judges both where they work and where they and their families live. The shooting last summer of a State judge in Nevada provided another terrible reminder of the vulnerable position of our Nation's State and Federal judges. We cannot tolerate or excuse or justify violence or the threat of violence against judges.

In a speech last year, Justice Sandra Day O'Connor criticized the uncivil tone of attacks on the courts, noting that they pose a danger to the very independence of the Federal judiciary. It is most unfortunate that some in this country have chosen to use dangerous and irresponsible rhetoric when talking about judges, comparing judges to terrorists and threatening judges with punishment for decisions they do not like. This rhetoric can only foster unacceptable violence against judges and it must stop, for the sake of our judges and the independence of the judiciary. Judicial fairness and independence are essential if we are to maintain our freedoms. Our independent judiciary is the envy of the rest of the world and a great source of our national strength and resilience. Let no one say things that might bring about further threats against our judges. We ought to be protecting them physically and institutionally.

When I last chaired the Judiciary Committee, one of my first efforts was pushing for passage of the Judicial Protection Act, which toughened criminal penalties for assaults against judges and their families. In order to meet the continuing challenges of keeping the Federal judiciary safe, in the last Congress Chairman SPECTER and I introduced S. 1968, the Court Security Improvement Act of 2005.

The bill we are introducing today in the Senate and House is a consensus bipartisan bill. I hope that quick action and passage of this bill can serve as a model for what we can achieve with bipartisan cooperation in the 110th Congress. Its core provisions, which previously passed the Senate not only last December, but also in June as part of the managers' package of the ''John Warner National Defense Authorization Act for Fiscal Year 2007,'' S. 2766, come the Court Security Improvement Act of 2005.

The bill responds to the needs expressed by the Federal judiciary for a

greater voice in working with the United States Marshals Service to determine their security needs. It enacts new criminal penalties for the misuse of restricted personal information to harm or threaten to harm Federal judges, their families or other individuals performing official duties. It enacts criminal penalties for threatening Federal judges and Federal law enforcement officials by the malicious filing of false liens, and provides increased protections for witnesses. The bill also contains provisions making available to States new resources to improve security for State and local court systems as well as providing additional protections for law enforcement officers. I am pleased that the bill includes an extension of life insurance benefits to bankruptcy, magistrate and territorial judges.

Finally, the bill contains provisions that have passed the Senate several times extending and expanding to family members the authority of the Judicial Conference to redact certain information from a Federal judge's mandatory financial disclosure. This expired redaction authority was used in circumstances in which the release of the information could endanger the filer or the filer's family. I hope that we can reinstate and expand this much needed redaction authority.

These protections are crucial to the preservation of the independence of our Federal judiciary so that it can continue to serve as a bulwark protecting individual rights and liberty. Our Nation's Founders knew that without an independent judiciary to protect individual rights from the political branches of government, those rights and privileges would amount to nothing. It is the ultimate check and balance in our system of government in times of heated political rhetoric.

We owe it to our judges to better protect them and their families from violence and to ensure that they have the peace of mind necessary to do their vital and difficult jobs.

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. 378

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 ''Court Security Improvement Act of 2007''.

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

''The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

SEC. 102. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

SEC. 103. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking ''2005'' each place that term appears and inserting ''2009''.

(b) REPORT CONTENTS.—Section 105(b)(3)(C) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(iv) the nature or type of information redacted;

''(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

''(vi) principles used to guide implementation of redaction authority; and

''(vii) any public complaints received in regards to redaction.''.

SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking ''and the Court of International Trade'' and inserting '', the Court of International Trade, and any other court, as provided by law''.

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting ''and may otherwise provide for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened person in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.''.

SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and assistant United States attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

''Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 118. Protection of individuals performing certain official duties

''(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

''(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

''(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of

the immediate family of that covered official,

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered official' means—

''(A) an individual designated in section 1114; or

''(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

''(3) the term 'crime of violence' has the meaning given the term in section 16; and

''(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''118. Protection of individuals performing certain official duties.''.

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.''.

SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years''; and

(B) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(3) in subsection (b), by striking ''ten years'' and inserting ''20 years''; and

(4) in subsection (d), by striking ''one year'' and inserting ''3 years''.

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after ''probation''; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''ten years'' and inserting ''20 years''; and

(2) by striking ''six years'' and inserting ''10 years''.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2007 through 2011 to carry out this subtitle.''.

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) grants to State courts to improve security for State and local court systems.''; and

(2) in subsection (b), by inserting after the period the following:

''Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.''.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(1) striking ''80'' and inserting ''70'';

(2) striking ''and 10'' and inserting ''10''; and

(3) inserting before the period the following: '', and 10 percent for section 515(a)(4)''.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379611) is amended—

(1) in subsection (a), by inserting ''and State and local court officers'' after ''tribal law enforcement officers''; and

(2) in subsection (b), by inserting ''State or local court,'' after ''government,''.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy .

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

''(f) The Commission may—

''(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

''(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

''(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).''.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after ''hold office during good behavior,'' the following: ''bankruptcy judges appointed under section 152 of this title, magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: ''However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrates, rulemaking, governance, and administrative matters.''.

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SEC. 505. REAUTHORIZATION OF THE ETHICS IN GOVERNMENT ACT.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''2006'' and inserting ''2011''.

Mr. KENNEDY. An independent judiciary is essential to the proper administration of justice. In order to maintain an independent judiciary, it is imperative that judges be protected from the threat of reprisal, so that fear does not influence their decisionmaking. This bill, which I am proud to cosponsor, is an opportunity to protect our judges and help guarantee their independence, and also protect the many other dedicated men and women who serve our judiciary and their families.

In recent years, the need for increased judicial security has been highlighted by a number of attacks. After an unfavorable trademark ruling in Chicago, a disgruntled litigant murdered a Federal judge's husband and mother in the judge's home. Two weeks later a State judge, a court reporter, and a sheriff's deputy were killed in an Atlanta courthouse. A year after that, death threats were made against U.S. Supreme Court Justices.

These attacks are not isolated incidents. On average, Federal judges receive 700 threats a year; threats that are becoming increasingly serious. As these threats and attacks indicate, judges are not currently safe within the walls of our courts, nor are they safe in their homes. We cannot tolerate violence or the threat of violence against judges, court personnel, or their families. Violence against our judiciary represents an assault on our system of government.

By statute, the U.S. Marshals Service in the Department of Justice has the primary responsibility for the security of the Federal judiciary. Currently, the Marshals Service is underfunded and understaffed. There is a lack of coordination and communication between the Service and the Judicial Conference of the United States, the Administrative Office of the United States Courts, and the Federal Protective Service in the Department of Homeland Security. As a result, the Marshals Service struggles to keep up with the security needs of the judiciary in this new high-risk age. There is no reason the system should continue to be so vulnerable.

The legislation we are introducing will enhance judicial security in several respects. First, it would require the Marshals Service to cooperate and coordinate with the Judicial Conference on judicial security on a continuing basis. This provision will give the judiciary a needed voice in assessing their security needs. The Marshals Service will receive additional funds to meet its responsibilities. It will have the ability to accurately assess threats in a timely manner, collect and share intelligence on threats among districts and representatives of the FBI, and achieve appropriate staffing levels.

In addition, the legislation punishes those who intrude into the personal lives of the judiciary and their families. It punishes those attempting to humiliate the judiciary or their families by recording a false lien or encumbrance against real or personal property and those who post personal information about public officials or their families with the intent to harm.

Equally important, the bill authorizes Federal grants to improve security for State and local court systems. The problem of judicial security is shared by all courts, State and Federal alike, and all courts deserve the best possible security protections.

To maintain our freedoms as a democratic society, judicial fairness and independence are essential. Threats and acts of violence against the judiciary are unacceptable. Its members must be fully protected. This bipartisan and bicameral bill aids in that protection, and I am honored to join my colleagues in urging that it be passed quickly by Congress and signed by the President.

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

S. 381. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INOUYE. Mr. President, I rise to speak in support of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

The story of U.S. citizens taken from their homes on the west coast and confined in camps is a story that was made known after a fact-finding study by a Commission that Congress authorized in 1980. That study was followed by a formal apology by President Reagan and a bill for reparations. Far less known, and indeed, I myself did not initially know, is the story of Latin Americans of Japanese descent taken from their homes in Latin America, stripped of their passports, brought to the U.S., and interned in American camps.

This is a story about the U.S. government's act of reaching its arm across international borders, into a community that did not pose an immediate threat to our Nation, in order to use them, devoid of passports or any other proof of citizenship, for hostage exchange with Japan. Between the years 1941 and 1945, our government, with the

help of Latin American officials, arbitrarily arrested persons of Japanese descent from streets, homes, and workplaces. Approximately 2,300 undocumented persons were brought to camp sites in the U.S., where they were held under armed watch, and then held in reserve for prisoner exchange. Those used in an exchange were sent to Japan, a foreign country that many had never set foot on since their ancestors' immigration to Latin America.

Despite their involuntary arrival, Latin American internees of Japanese descent were considered by the Immigration and Naturalization Service as illegal entrants. By the end of the war, some Japanese Latin Americans had been sent to Japan. Those who were not used in a prisoner exchange were cast out into a new and English-speaking country, and subject to deportation proceedings. Some returned to Latin America. Others remained in the U.S., where their Latin American country of origin refused their re-entry because they were unable to present a passport.

When I first learned of the wartime experiences of Japanese Latin Americans, it seemed unbelievable, but indeed, it happened. It is a part of our national history, and it is a part of the living histories of the many families whose lives are forever tied to internment camps in our country.

The outline of this story was sketched out in a book published by the Commission on Wartime Relocation and Internment of Civilians formed in 1980. This Commission had set out to learn about Japanese Americans. Towards the close of their investigations, the Commissioners stumbled upon this extraordinary effort by the U.S. government to relocate, intern, and deport Japanese persons formerly living in Latin America. Because this finding surfaced late in its study, the Commission was unable to fully uncover the facts, but found them significant enough to include in its published study, urging a deeper investigation.

I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, which would establish a fact-finding Commission to extend the study of the 1980 Commission. This Commission's task would be to determine facts surrounding the U.S. government's actions in regards to Japanese Latin Americans subject to a program of relocation, interment, and deportation. I believe that examining this extraordinary program would give finality to, and complete the account of Federal actions to detain and intern civilians of Japanese ancestry.

Mr. President, I ask unanimous consent that the text of my 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. 381

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 ''Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on a preliminary study published in December 1982 by the Commission on Wartime Relocation and Internment of Civilians, Congress finds the following:

(1) During World War II, the United States—

(A) expanded its internment program and national security investigations to conduct the program and investigations in Latin America; and

(B) financed relocation to the United States, and internment, of approximately 2,300 Latin Americans of Japanese descent, for the purpose of exchanging the Latin Americans of Japanese descent for United States citizens held by Axis countries.

(2) Approximately 2,300 men, women, and children of Japanese descent from 13 Latin American countries were held in the custody of the Department of State in internment camps operated by the Immigration and Naturalization Service from 1941 through 1948.

(3) Those men, women, and children either—

(A) were arrested without a warrant, hearing, or indictment by local police, and sent to the United States for internment; or

(B) in some cases involving women and children, voluntarily entered internment camps to remain with their arrested husbands, fathers, and other male relatives.

(4) Passports held by individuals who were Latin Americans of Japanese descent were routinely confiscated before the individuals arrived in the United States, and the Department of State ordered United States consuls in Latin American countries to refuse to issue visas to the individuals prior to departure.

(5) Despite their involuntary arrival, Latin American internees of Japanese descent were considered to be and treated as illegal entrants by the Immigration and Naturalization Service. Thus, the internees became illegal aliens in United States custody who were subject to deportation proceedings for immediate removal from the United States. In some cases, Latin American internees of Japanese descent were deported to Axis countries to enable the United States to conduct prisoner exchanges.

(6) Approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.

(7) The Commission on Wartime Relocation and Internment of Civilians studied Federal actions conducted pursuant to Executive Order 9066 (relating to authorizing the Secretary of War to prescribe military areas). Although the United States program of interning Latin Americans of Japanese descent was not conducted pursuant to Executive Order 9066, an examination of that extraordinary program is necessary to establish a complete account of Federal actions to detain and intern civilians of enemy or foreign nationality, particularly of Japanese descent. Although historical documents relating to the program exist in distant archives, the Commission on Wartime Relocation and Internment of Civilians did not research those documents.

(8) Latin American internees of Japanese descent were a group not covered by the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.), which formally apologized and provided compensation payments to former Japanese Americans interned pursuant to Executive Order 9066.

(b) PURPOSE.—The purpose of this Act is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

SEC. 3. ESTABLISHMENT OF THE COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this Act as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the later of—

(A) 60 days after the date of enactment of this Act; or

(B) 30 days after the date of enactment of legislation making appropriations to carry out this Act.

(2) SUBSEQUENT MEETINGS.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson.

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

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(A) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(B) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(2) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(b) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to section 3(d)(1), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under subsection (a)(1) and recommendations described in subsection (a)(2).

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The 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.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

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

(f) OTHER ADMINISTRATIVE MATTERS.—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. 7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under section 4(b).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

By Ms. COLLINS (for herself, Mr. HARKIN, Mr. KENNEDY, Mr. PRYOR, Mr. COLEMAN, Ms. CANTWELL, Mr. DURBIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. KERRY):

S. 382. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my colleagues, Senators HARKIN, KENNEDY, COLEMAN, PRYOR, CANTWELL, DURBIN, MIKULSKI, BINGAMAN, LAUTENBERG and KERRY, in introducing the ''Keeping Families Together Act.'' This legislation is intended to reduce the barriers to care for children with serious mental illness so that their parents are no longer forced to give up custody solely for the purpose of securing mental health treatment.

Serious mental illness afflicts millions of our Nation's children and adolescents. It is estimated that as many as 20 percent of American children under the age of 17 suffer from a mental, emotional or behavioral illness. What I find most disturbing, however, is the fact that two-thirds of all young people who need mental health treatment are not getting it.

Behind each of these statistics is a family that is struggling to do the best it can to help a son or daughter with serious mental health needs to be just like every other kid—to develop friendships, to do well in school, and to get along with their siblings and other family members. These children are almost always involved with more than one social service agency, including the mental health, special education, child welfare, and juvenile justice systems. Yet no one agency, at either the State or the Federal level, is clearly responsible or accountable for helping these children and their families.

My interest in this issue was triggered by a compelling series of stories by Barbara Walsh in the Portland Press Herald which detailed the obstacles that many Maine families have faced in getting desperately needed mental health services for their children. Too many families in Maine and elsewhere have been forced to make wrenching decisions when they have been advised that the only way to get the care that their children so desperately need is to relinquish custody and place them in either the child welfare or juvenile justice system.

When a child has a serious physical health problem like diabetes or a heart condition, the family turns to their doctor. When the family includes a child with a serious mental illness, it is often forced to go to the child welfare or juvenile justice system to secure treatment.

Yet neither system is intended to serve children with serious mental illness. Child welfare systems are designed to protect children who have been abused or neglected. Juvenile justice systems are designed to rehabilitate children who have committed criminal or delinquent acts. While neither of these systems is equipped to care for a child with a serious mental illness, in far too many cases, there is nowhere else for the family to turn.

In some extreme cases, families feel forced to file charges against their child or to declare that they have abused or neglected them in order to get the care that they need. As one family advocate observed, ''Beat 'em up, lock 'em up, or give 'em up,'' characterizes the choices that some families face in their efforts to get help for their children's mental illness.

In 2003, the Government Accountability Office (GAO) issued a report that I requested with Representatives Pete Stark and Patrick Kennedy that found that, in 2001, parents placed more than 12,700 children into the child welfare or juvenile justice systems so that these children could receive mental health services. This likely is just the tip of the iceberg, since 32 States—including five States with the largest populations of children—did not provide the GAO with any data.

Other studies indicate that the problem is even more pervasive. A 1999 survey by the National Alliance on Mental Illness found that 23 percent—or one in four of the parents surveyed—had been told by public officials that they needed to relinquish custody of their children to get care, and that one in five of these families had done so.

Some States have passed laws to limit custody or prohibit custody relinquishment. Simply banning the practice is not a solution, however, since it can leave children with mental illness and their families without services and care. Custody relinquishment is merely a symptom of the much larger problem, which is the lack of available, affordable and appropriate mental health services and support systems for these children and their families.

In 2003 and 2004, I chaired a series of hearings in the Homeland Security and Governmental Affairs Committee to examine this issue further. We heard compelling testimony from mothers who told us that they were advised that the only way to get the intensive care and services that their children needed was to relinquish custody and place them in the child welfare or juvenile justice system. This is a wrenching decision that no family should be forced to make. No parent should have to give up custody of his or her child just to get the services that the child needs.

The mothers also described the barriers they faced in getting care for their children. They told us about the limitations in both public and private insurance coverage. They also talked about the lack of coordination and communication among the various agencies and programs that service children with mental health needs. One parent, desperate for help for her twin boys, searched for two years until she finally located a program—which she characterized as ''the best kept secret in Illinois''—that was able to help.

Parents should not be bounced from agency to agency, knocking on every door they come to, in the hope that they will happen upon someone who has an answer. It simply should not be such a struggle for parents to get services and treatment for their children.

We also need to question what happens to these children when they are turned over to the child welfare or juvenile justice authorities. I released a report in 2004 with Congressman Henry Waxman that found that all too often they are simply left to languish in juvenile detention centers, which are ill-equipped to meet their needs, while they wait for scarce mental health services.

Our report, which was based on a national survey of juvenile detention centers, found that the use of juvenile detention facilities to ''warehouse'' children with mental disorders is a serious national problem. It found that, over a six month period, nearly 15,000 young people—roughly seven percent of all of the children in the centers surveyed—were detained solely because they were waiting for mental health services outside the juvenile justice system. Many were held without any charges pending against them, and the young people incarcerated unnecessarily while waiting for treatment were as young as seven years old. Finally, the report estimated that juvenile detention facilities are spending an estimated $100 million of the taxpayers' money each year simply to warehouse children and teenagers while they are waiting for mental health services.

The Keeping Families Together Act, which we are introducing today, will help to improve access to mental health services and assist states in eliminating the practice of parents relinquishing custody of their children solely for the purpose of securing treatment.

The legislation authorizes $100 million over six years for competitive grants to states to create an infrastructure to support and sustain statewide systems of care to serve children who are in custody or at risk of entering custody of the State for the purpose of receiving mental health services. States already dedicate significant dollars to serve children in state custody. These Family Support Grants would help states to serve children more effectively and efficiently, while keeping them at home with their families.

In addition, the legislation calls for the creation of a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems and the role of those agencies in promoting access by children and youth to needed mental health services. The task force would also be charged with monitoring the Family Support grants, making recommendations to Congress on how to improve mental health services, and fostering interagency cooperation and removing interagency barriers that contribute to the problem of custody relinquishment.

The Keeping Families Together Act takes a critical step forward to meeting the needs of children with serious mental or emotional disorders. Our legislation has been endorsed by a broad coalition of mental health and children's groups, including the National Alliance on Mental Illness, the Bazelon Center for Mental Health Law, Mental Health America, the American Psychological Association, and the American Psychiatric Association. I ask unanimous consent that letters from these organizations endorsing the bill be printed in the RECORD.

The Keeping Families Together Act will help to reduce the barriers to care for children with serious mental illness, and I urge our colleagues to join us as cosponsors.

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

BAZELON CENTER,
Washington, DC, January 17, 2007.

Hon. SUSAN COLLINS
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: The Judge David L. Bazelon Center for Mental Health Law—the leading national legal-advocacy organization representing children and adults with mental disabilities who primarily rely on the public mental health system for treatment—is pleased to support the Keeping Families Together Act and commends your leadership on this important legislation.

A lack of access to appropriate mental health services and supports for children in both the private and public sectors is a significant barrier families across the country face when they are confronted with the horrific problem of custody relinquishment of a child solely to access necessary mental health treatment. Custody relinquishment for these purposes should not and does not need to happen. It is a symptom of a flawed children's mental health system that is in crisis.

The Keeping Families Together Act serves to address this fragmented system by assisting states in developing and expanding capacity to serve children with severe mental and emotional disorders so families have options when their child is in need of mental health care. With studies showing approximately two-thirds of children and adolescents are not receiving the mental health services they need, we welcome this vital legislation. Promoting early intervention, ensuring access to wide range of services and supports and helping to maintain family integrity are achievable goals supported by your legislation—goals we are confident will help reduce these appalling statistics.

The Bazelon Center looks forward to working closely with you and your staff throughout the legislative process to enact the Keeping Families Together Act. Thank you for your commitment to the health and mental health needs of our most vulnerable children.

Sincerely,

ROBERT BERNSTEIN, PH.D.,
Executive Director.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, DC, January 19, 2007.

Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the 145,000 members and affiliates of the American Psychological Association (APA), I am writing in support of the Keeping Families Together Act. This vital legislation would establish a state family support grant program to end the practice of parents needing to relinquish legal custody of their children to state agencies for the sole purpose of obtaining mental health services for their children.

As you know, the custody relinquishment problem stems from a paradox that exists in many states. Private healthcare plans frequently do not cover many services needed by children with physical, mental, or developmental disabilities. As a result, many parents turn to the child welfare or juvenile justice system for assistance. Neither of these

systems is intended nor equipped to care for a child with a serious mental health problem. Yet, as the law currently exists in many states, parents must relinquish custody to receive otherwise unaffordable specialized care for their children. Ironically, these children are frequently placed with foster families that receive full funding for the children's care, while competent parents lose contact with, influence over and decision making authority for their children. Custody relinquishment of a child solely so he or she may access necessary mental health services is a national tragedy.

The Keeping Families Together Act lays a strong foundation for needed reforms by promoting access to needed services and reducing fragmentation in service delivery. Some of the legislation's main provisions include providing grants to states to establish interagency systems of care for children and adolescents with serious mental health and emotional problems. Additionally, this legislation will establish a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems.

APA members are actively engaged in research and practice initiatives related to helping children and their families receive the mental health services they need. Please view APA as a resource to you for empirically-based research on child mental health matters when considering the enactment of the Keeping Families Together Act.

In closing, we would like to thank you once again for your efforts in developing the Keeping Families Together Act and to offer our association's assistance in furthering passage of this vital legislation. Please contact Annie Toro of our Public Policy Office if you would like any additional information.

Sincerely,

GWENDOLYN PURYEAR KEITA,
Executive Director,
Public Interest Directorate.

MENTAL HEALTH AMERICA,
Alexandria, VA., January 22, 2007.

Hon. SUSAN COLLINS,
U.S. Senate, Washington, DC.
Hon. PETE STARK,
House of Representatives, Washington, DC.
Hon. TOM HARKIN,
U.S. Senate, Washington, DC.
Hon. JIM RAMSTAD,
House of Representatives, Washington, DC.

DEAR SENATORS COLLINS AND HARKIN AND REPRESENTATIVES RAMSTAD AND STARK: On behalf of Mental Health America (formerly the National Mental Health Association), I am writing to commend you for reintroducing the Keeping Families Together Act in the 110th Congress.

As you know, thousands of families every year are forced to give up custody of their children to the state in order to secure vitally necessary mental health services. This custody relinquishment tears families apart, is devastating for parents and caregivers, and leaves children feeling abandoned in their hour of greatest need. Parents are often forced to take this tragic step because their private health care coverage imposes discriminatory and restrictive caps on mental health care or their insurers simply refuse to cover the required treatment. The majority of these families are not eligible for Medicaid coverage because of their income. Furthermore, there is a widespread lack of appropriate mental health services for children and adolescents in most states and communities which forces families to make desperate choices.

Your legislation promises to improve access to the services these families need to stay together by providing grants to states to establish interagency systems of care for children and adolescents with serious mental disorders. These grants will allow states to build more efficient and effective mental health systems for children and families. Your bill also calls for the creation of a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems. This analysis is greatly needed because, as you know, children who become wards of the state in order to receive mental health services are generally placed in the child welfare or juvenile justice systems even though neither system is designed or intended to serve as a mental health provider.

No family in our nation should ever be asked to make the heart-wrenching decision to give up parental rights of their seriously ill child in exchange for mental health treatment. We welcome this legislation as a critical step toward ending custody relinquishment and toward delivering more cost effective and appropriate services for children and families.

Once again, we thank you for your leadership and commitment to ending this practice and for continuing to stand up for children and families.

Sincerely,

DAVID L. SHERN, PH.D.,
President and CEO, Mental Health America.

NATIONAL ALLIANCE ON MENTAL ILLNESS,
Arlington, VA, January 18, 2007.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.
Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND HARKIN: On behalf of the 210,000 members and 1,200 affiliates of the National Alliance on Mental Illness, NAMI, I am writing to offer our strong support for the Keeping Families Together Act, KFTA. As the nation's largest organization representing families of children and adolescents living with mental illness, NAMI is proud to offer our support for this important legislation.

The KFTA represents a major step forward in helping to end a national scandal that has lingered too long in states throughout our nation. As you know, thousands of families every year are forced to give up custody of a child to the state in order to secure vitally necessary mental illness treatment and support services. This unthinkable practice tears families apart, devastates parents and caregivers and leaves children feeling abandoned in their hour of greatest need.

This practice occurs because most families have discriminatory and restrictive caps on their private mental health coverage or insurers fail to cover the required treatment. The majority of these families are not eligible for Medicaid coverage because of their income and assets. This truly unfortunate practice also exists because of the lack of appropriate mental health services in many states and communities for children and adolescents with mental disorders. This was well documented in President Bush's 2003 New Freedom Initiative Mental Health Commission report.

Your legislation would help end this growing crisis by providing grants to states to establish interagency systems of care for children and adolescents with serious mental disorders. These grants would allow states to build more efficient and effective mental health systems for children and families. It would also. eliminate barriers to home and community-based care for children by enabling a greater number of children to receive mental health services under the Section 1915(c) Medicaid home- and community-based waiver. The waiver promises to make appropriate services available to children in their homes and communities and close to their loved ones at a considerable cost savings over providing those services in an institutional setting.

The KFTA also creates a federal interagency task force to examine how the child welfare and juvenile justice systems serve children and adolescents with mental illness. A GAO report released in April 2003 showed that when parents give up custody of their child to secure mental health services, those children are placed in one of these two systems—neither of which is designed to be a mental health service agency.

NAMI feels strongly that no family should ever be asked to make the heart-wrenching decision to give up parental rights of their seriously ill child in exchange for mental health treatment and services. Thank you for your leadership and commitment to ending this practice and for continuing to stand up for children, families and common sense.

Sincerely,

MICHAEL J. FITZPATRICK, M.S.W.,
Executive Director.

Mr. HARKIN. Mr. President, I am honored to join with the distinguished junior Senator from Maine, Ms. COLLINS, in introducing the Keeping Families Together Act. As a long-time advocate for people with disabilities, I believe that this legislation represents an important step forward in ensuring the health and wellbeing of our children, in particular those with mental illness.

One in five children has a diagnosable mental disorder, and one in ten children has a mental disorder serious enough to hinder their functioning at school, at the home, and in their communities. Regrettably, two-thirds of children in this latter group do not receive the treatment they need. Without treatment, mental illness negatively affects all areas of children's lives, and it can have dire consequences for their future, including their ability to become productive members of society. Children with mental health problems are at higher risk of chronic illness, academic difficulties and school discipline problems, delinquency, incarceration, and suicide.

The good news is that 90 percent of all mental health disorders are treatable by therapy and medication. Yet parents face a multitude of obstacles and challenges in finding appropriate services for a child with serious mental illness. Often, they find that their private insurance will not pay for necessary mental health services, or that they do not qualify for Medicaid. In their efforts to secure effective treatment, many parents exhaust their own financial resources and find that they have nowhere else to turn. Tragically, many dedicated, loving parents reach the point where they believe that they have no other option but to relinquish custody of their child to the State in order to access appropriate services. These out-of-home placements can be traumatic for children, and profoundly disruptive and heart-breaking for families that are already in crisis.

Making matters worse, state systems are often poorly equipped to serve the needs of these children. Many children end up being placed in expensive residential institutions, rather than less

costly home- and community-based services. Our juvenile justice system is overwhelmed by young people in need of mental health services. A congressional report authored by Senator COLLINS and Representative HENRY WAXMAN of California suggests that, every night, nearly 2,000 youths are placed in juvenile detention facilities not because they are criminals but because they do not have access to necessary mental health services. This results in a $100 million bill to the taxpayers. Not only is this a serious misuse of public funds, it is a tragic injustice to the children and families involved. We simply cannot allow children to languish in detention facilities when they are really in need of mental health treatment.

The Keeping Families Together Act lays a foundation for securing better access to mental health services for children. Consistent with recommendations by the President's New Freedom Commission on Mental Health, this legislation encourages interagency coordination in the provision of mental health services for children. The bill gives States incentives to remedy the fragmentation that now exists among child welfare, education, juvenile justice, and mental health agencies responsible for helping children. It ensures that States will improve access to mental health services and eliminate the practice of parents' relinquishing custody of their children solely for the purpose of securing mental health treatment. Our bill also promotes sustainable financing by requiring States to provide graduated matching funds.

In sum, by providing a sustainable, coordinated system of mental health care, children will be able to receive needed services within a stable, loving home environment. Families will be able to stay together.

In a decent, humane society, every family should have access to appropriate mental health services for their children. Parents should not have to surrender a child to the State as the price for obtaining access to mental health treatment. The Keeping Families Together Act offers a better way. It allows children with mental disorders to stay where they belong—in the custody and care of their loving family. I join with Senator COLLINS in urging our colleagues to support this urgent and important legislation.

By Mr. AKAKA (for himself and Mr. ROCKEFELLER):

S. 383. A bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from 2 years to 5 years after discharge or release; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I today introduce legislation that, if enacted, will help ensure that returning servicemembers receive the care they need from VA in the 5 years immediately following detachment or deactivation, without having to meet strict eligibility rules. The changes this legislation would make will contribute to the ''seamless'' transition of military personnel from active duty to veteran status. This legislation is identical to the bill I introduced last Congress.

Today, any active duty servicemember who is discharged or separated from active duty following deployment to a theater of combat—including Reservists or Guard who stand down but remain on reserve duty—is eligible for VA health care for a 2-year period. In my view, it is vital that this period be extended to 5 years to provide a more appropriate window of time for servicemembers to access VA care. Since the start of OEF and OIF, an average of 157,800 servicemembers have been discharged or deactivated per year. This legislation will help the existing 315,600 veterans who have been inactive for more than 2 years but fewer than 5, and thousands more in the future.

Following the first Persian Gulf War, and partially in response to the unexplained illnesses among those who served, Congress enacted the Veterans Programs Enhancement Act of 1998. This law gave 2 years of priority eligibility for health care to any veteran who served in a theater of combat following discharge or deactivation from active duty. The original intent was to ensure health care for servicemembers after their active duty health care benefits ended. It is now clear this the 2 year window of eligibility is insufficient.

There are two primary reasons to amend the law to allow a greater period of eligibility: protection from budget cuts and access to care for conditions, including mental health conditions, that may not be readily apparent when a servicemember first leaves active duty. In recent years, funding for VA health care has been delayed or cut by the legislative and appropriations processes, leading to delayed or denied care to those veterans with lower priority for VA care. Those veterans who have served in a theater of combat operations deserve to have their health care guaranteed for at least the first 5 years immediately following their discharge or detachment.

With regard to mental health, 2 years is often insufficient time for symptoms related to PTSD and other mental illnesses to manifest. In many cases, it takes years for such symptoms to present themselves, and many servicemembers do not immediately seek care. Experts predict that up to 30 percent of OEF/OIF servicemembers will need some type of readjustment services. Five years would provide a bigger window to address these risks. We face a growing group of recently discharged veterans, and this legislation will help smooth their transition to civilian life.

One final reason, that I believe this legislation is necessary, is that extending the window of eligibility for VA health care services may also serve to prevent homelessness among veterans. We all know that veterans represent a disproportionate segment of the homeless population, and that is a national tragedy. While we continue to battle homelessness among older veterans from Vietnam and other conflicts, we must do all we can to ensure that none of the new veterans returning from Iraq and Afghanistan fall through the cracks. Providing more time for them to access VA's services is a key part of that effort.

I urge my colleagues to support this legislation, as I believe it is truly a way to honor the service of our men and women in uniform.

By Ms. LANDRIEU (for herself, Mr. DURBIN, Mr. GRAHAM, and Mr. KERRY):

S. 384. A bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, today there are 91,555 members of the National Guard and our Reserve armed forces serving bravely in Iraq, Afghanistan, and any other part of the world our country calls them to serve. The President is sending an additional 21,500 troops to Iraq in one final push to bring stability to that country. Regardless of what we think about this plan, Americans stand by our troops. They have the best equipment and training for their mission and we would never deny them the support they need. But back at home, there is still a great deal that we can do to support our guard and reserves families.

When guardsmen and reservists are deployed they leave their families, their jobs, and their communities behind, causing tremendous stress on the home front and in the workplace. Families often lose the main bread winner when a citizen soldier gets deployed. They may have trouble paying bills, the rent, the mortgage, or buying medicine for their children.

The reason these families cannot make ends meet is because for Guardsmen and Reservists military pay is often less than civilian pay. We call that the ''pay gap.'' According to the most recent Status Forces Survey of Reserve Components, 51 percent of our citizen soldiers take a pay cut when they get deployed and 11 percent of them lose more than $2,500 per month.

To help provide relief from the pay gap for our Guard and Reserve, I am pleased to introduce, along with Senators DURBIN, GRAHAM and KERRY, the Helping Our Patriotic Employers at Helping our Military Employees Act of 2007. I call the bill by its nickname: HOPE at HOME. Our guard and reserve families have enough to worry about when a loved one gets called away, the least we can do is relieve some of their financial worry by encouraging employers to make up the pay gap. Let me describe for my colleagues how this legislation works.

HOPE at HOME will give a 50 percent tax credit to the thousands of employers around the country who have taken the patriotic step of continuing to pay the salary of their guard and reservists employees who have been called to active duty. There are literally thousands of employers out there who already take this noble step—they do it voluntarily, selflessly and at great sacrifice. The HOPE at HOME Act honors that sacrifice.

HOPE at HOME will also give companies that cannot afford to make up the pay-gap an incentive to do so. One survey found that only 173 of the Fortune 500 companies make up the pay gap. If the wealthiest companies cannot afford to help their active duty employees, imagine how difficult this is for smaller companies. HOPE at HOME will allow companies large and small to do the patriotic thing and reward those employees who are serving to keep us all free.

HOPE at HOME will also give small patriotic employers additional tax relief if they need to hire a worker to temporarily replace the active duty Guardsmen or Reservist. In addition, the bill clarifies the tax treatment of any pay-gap payments to make income tax filing easier for our Guard and Reservists.

I mentioned that thousands of employers make up the pay-gap for their employees. There is one employer, however, and it happens to be the Nation's largest, that does not make up the pay gap: Uncle Sam. The Federal Government, which should set the bar for patriotism in our country, does not do its part to help our citizen soldiers. We cannot ask the private sector to do more than they are doing if the Federal government is not willing to step up and do its part for our military men and women.

Today our Nation relies on the Guard and Reserve to meet our armed forces needs more than at any other time in our history. At times in the war on terror, 40 percent of our troops in Iraq and Afghanistan were citizen soldiers, if not more. Many of them performed multiple tours of duty or found their duties extended.

All of the experts tell us that our need for our Guard and Reserve troops will only get greater. During the Cold War, end strength of the U.S. military force never dropped below 2.0 million personnel and peaked at over 3.5 million during the Korean and Vietnam Wars. From 1989 to 1999, end strength dropped steadily from 2.1 million to 1.4 million, where it has remained. Our ground forces are stretched thin and the number of deployments has increased by over 300 percent. The Guard and Reserve have made it possible to meet these challenges. We still find ourselves stretched thin, but without the Guard and Reserve we would never be able to meet our obligation as guardians of freedom in the World.

But this over-reliance on the Guard and Reserve is starting to have a toll on our ability to recruit and retain these men and women. The top reasons for leaving the Guard and Reserve, according to the Status of Forces Survey of Reserve Components, are family stress, the number and lengths of deployments, income loss, and conflict with civilian employment.

HOPE at HOME recognizes that a soldier who is worrying about how his or her family is paying the bills is not focusing on the mission at hand. A soldier who is worrying about whether the family is paying the rent, is not going to reenlist. And every time one of our soldiers leaves, our nation loses the experience and service of a highly trained, capable professional. We need to make every effort to keep our citizen soldiers in service to their country. HOPE at HOME is a first step to addressing our military's larger recruitment and retention issues.

During the Cold War we built our strength on having the biggest, best equipped standing army in the World. Now our military gathers its strength from a large reserve of qualified men and women in the Guard and Reserve who are ready to fight at a moment's call. We will lose that strength if we do not give our guardsmen and Reservists and their families HOPE at HOME.

I hope my colleagues will join me in giving our Guard and Reserve HOPE at HOME Act.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. KERRY, Mr. SMITH, and Ms. SNOWE):

S. 385. A bill to improve the interoperability of emergency communications equipment; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to call attention to an important issue that the Congress has not adequately addressed since the painful events of September 11, 2001.

That issue is the inability of our first responders to speak to each other, a problem especially troubling during an emergency, when the ability to quickly and effectively communicate saves lives.

This is why I, with the cosponsorship of my colleagues, Senators STEVENS, KERRY, SMITH AND SNOWE, are introducing the Interoperable Emergency Communications Act.

After September 11, 2001, we heard heartbreaking stories of firefighters and police officers who went into harm's way because they lacked adequate information. These brave men and women were unable to reach victims because their systems could not communicate with one another.

At that time, the Congress began devoting greater attention to why many of our first responders lacked this ability to communicate with each other in the field. We asked what it would take to ensure communications equipment and facilities could withstand a natural disaster. We asked which equipment would be worthy of our investment.

Then Hurricane Katrina struck in August, 2006, and we found that our first responders faced the same communications failures. This is an unnecessary frustration that prevents our first responders from effectively doing their jobs.

Our bill provides needed direction to the National Telecommunications and Information Administration (NTIA) regarding its administration of the $1 billion grant program for interoperable communications systems for first responders, which was created by the Senate Commerce Committee early last year. It will be funded by money from the Digital Transition and Public Safety Fund and administered by the NTIA.

The bill designates grants for regional or statewide communications systems that will allow first responders to talk to one another during an emergency. It also sets aside funding for a technology reserve for immediate deployment of communications equipment in the event of an emergency or disaster.

To ensure a fair distribution of funds, the money will be distributed in accordance with guidelines outlined in the Patriot Act to ensure a fair distribution of funds, and grant allocations will be prioritized based on an ''all hazards'' approach that will take into account threat and risk factors associated with natural disasters—such as hurricanes, tsunamis, earthquakes, and tornadoes—as well as risks associated with terrorist attacks.

Every day we hear about potential threats against our Nation and it will not be long until we are again in the midst of hurricane season. I hope that history will not repeat itself and that the Congress can act quickly in directing the NTIA to give our first responders the tools they need to effectively do their jobs. 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. 385

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 ''Interoperable Emergency Communications Act''.

SEC. 2. INTEROPERABLE EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—Section 3006 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

''(1) may take such administrative action as is necessary to establish and implement a grant program to assist public safety agencies—

''(A) in conducting statewide or regional planning and coordination to improve the interoperability of emergency communications;

''(B) in supporting the design and engineering of interoperable emergency communications systems;

''(C) in supporting the acquisition or deployment of interoperable communications

equipment or systems that improve or advance the interoperability with public safety communications systems;

''(D) in obtaining technical assistance and conducting training exercises related to the use of interoperable emergency communications equipment and systems; and

''(E) in establishing and implementing a strategic technology reserve to pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster (as defined in section 102(2) of Public Law 93–288 (42 U.S.C. 5122); and

''(2) shall make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2010 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the grant program established under paragraph (1), of which not more than $100,000,000, in the aggregate, may be allocated for grants under paragraph (1)(E).'';

(2) by redesignating subsections (b) and (c) as subsections (k) and (l), respectively, and inserting after subsection (a) the following:

''(b) EXPEDITED IMPLEMENTATION.—Pursuant to section 4 of the Call Home Act of 2006, no less than $1,000,000,000 shall be awarded for grants under subsection (a) no later than September 30, 2007, subject to the receipt of qualified applications as determined by the Assistant Secretary.

''(c) ALLOCATION OF FUNDS.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that grant awards—

''(1) result in distributions to public safety entities among the several States that are consistent with section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)); and

''(2) are prioritized based upon threat and risk factors that reflect an all-hazards approach to communications preparedness.

''(d) ELIGIBILITY.—To be eligible for assistance under the grant program established under subsection (a), an applicant shall submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require, including—

''(1) a detailed explanation of how assistance received under the program would be used to improve regional, State, or local communications interoperability and ensure interoperability with other appropriate public safety agencies in an emergency or a major disaster; and

''(2) assurance that the equipment and system would—

''(A) be compatible with the communications architecture developed under section 7303(a)(1)(E) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(E));

''(B) meet any voluntary consensus standards developed under section 7303(a)(1)(D) of that Act (6 U.S.C. 194(a)(1)(D); and

''(C) be consistent with the common grant guidance established under section 7303(a)(1)(H) of that Act (6 U.S.C. 194(a)(1)(H)).

''(e) CRITERIA FOR CERTAIN GRANTS.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that all grants funded are consistent with Federal grant guidance established by the SAFECOM Program within the Department of Homeland Security.

''(f) CRITERIA FOR STRATEGIC TECHNOLOGY RESERVE GRANTS.—

''(1) IN GENERAL.—In awarding grants under subsection (a)(1)(E), the Assistant Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

''(2) REQUIREMENTS AND CHARACTERISTICS.—A reserve established under paragraph (1) shall—

''(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

''(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite equipment, Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

''(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

''(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

''(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

''(3) ADDITIONAL CHARACTERISTICS.—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

''(4) CONSULTATION.—In developing the reserve, the Assistant Secretary shall seek advice from the Secretary of Defense and the Secretary of Homeland Security, as well as national public safety organizations, emergency managers, State, local, and tribal governments, and commercial providers of such systems and equipment.

''(5) ALLOCATION AND USE OF FUNDS.—The Assistant Secretary shall allocate—

''(A) a portion of the reserve's funds for block grants to States to enable each State to establish a strategic technology reserve within its borders in a secure location to allow immediate deployment; and

''(B) a portion of the reserve's funds for regional Federal strategic technology reserves to facilitate any Federal response when necessary, to be held in each of the Federal Emergency Management Agency's regional offices, including Boston, Massachusetts (Region 1), New York, New York (Region 2), Philadelphia, Pennsylvania (Region 3), Atlanta, Georgia (Region 4), Chicago, Illinois (Region 5), Denton, Texas (Region 6), Kansas City, Missouri (Region 7), Denver, Colorado (Region 8), Oakland, California (Region 9), Bothell, Washington (Region 10), and each of the noncontiguous States for immediate deployment.

''(g) CONSENSUS STANDARDS.—In carrying out this section, the Assistant Secretary, in cooperation with the Secretary of Homeland Security shall identify and, if necessary, encourage the development and implementation of, consensus standards for interoperable communications systems to the greatest extent practicable.

''(h) USE OF ECONOMY ACT.—In implementing the grant program established under subsection (a)(1), the Assistant Secretary may seek assistance from other Federal agencies in accordance with section 1535 of title 31, United States Code.

''(i) INSPECTOR GENERAL REPORT.—Beginning with the first fiscal year beginning after the date of enactment of the Interoperable Emergency Communications Act, the Inspector General of the Department of Commerce shall conduct an annual assessment of the management of the grant program implemented under subsection (a)(1) and transmit a report containing the findings of that assessment and any recommendations related thereto to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(j) DEADLINE FOR IMPLEMENTATION PROGRAM RULES.—Within 90 days after the date of enactment of the Interoperable Emergency Communications Act, the Assistant Secretary, in consultation with the Secretary of Homeland Security and the Federal Communications Commission, shall promulgate program rules for the implementation of this section.''; and

(3) by striking paragraph (3) of subsection (l), as redesignated.

(b) FCC REPORT ON EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission, in coordination with the Secretary of Homeland Security, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. The Commission shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

(2) FACTORS TO BE EVALUATED.—The evaluation under paragraph (1) shall include—

(A) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for the purpose of creating such an emergency back-up public safety communications system;

(B) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

(C) the technical options, cost, and deployment methods of software, equipment, handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

(D) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as emergency back-up communications systems.

(3) REPORT.—Upon the completion of the evaluation under subsection (a), the Commission shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

SEC. 3. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Title VI of the Post-Katrina emergency Management Reform Act of 2006 (Public Law 109–295) is amended by adding at the end thereof the following:

''SEC. 699A. RULE OF CONSTRUCTION.

''Nothing in this title, including the amendments made by this title, may be construed to reduce or otherwise limit the authority of the Department of Commerce or the Federal Communications Commission.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as though enacted as part of the Department of Homeland Security Appropriations Act, 2007.

Mr. CHAMBLISS:

S. 386. A bill to amend the Clean Air Act to require a higher volume of renewable fuel derived from cellulosic biomass, and for other purposes; to the Committee on Environment and Public Works.

Mr. CHAMBLISS. Mr. President, I rise today to discuss the connection between energy production and agriculture. Agriculture and energy policy are converging and unlike anytime in the past, farmers and ranchers are producing food, fiber, and fuel. As the country recognizes the danger of relying on imported oil, we need to develop an energy policy that is aggressive while at the same time thoughtful. Renewable fuels like ethanol and biodiesel are not the total solution to our problems, but they can help reduce our dependence on imported oil from unstable regions of the world.

In 2005, the Congress passed, and President Bush signed, the Energy Policy Act that established the Renewable Fuel Standard, RFS. The RFS requires minimum volumes of renewable fuels be used in America's motor fuels market annually, from 4 billion gallons in 2006 to 7.5 billion in 2012. On January 1, 2006, the Renewable Fuel Standard went into effect and since then, the United States has used more than 5 billion gallons of ethanol, outpacing RFS requirements by more than 25 percent. According to the Renewable Fuels Association, in the next 18 months the industry will add nearly 6 billion gallons of new production capacity. In short, in 2008, new capacity will exceed the minimum level as called for in the RFS.

This progress is astounding. However, the expansion has not come without some cost to the rest of the agriculture sector. For the first time in memory corn prices increased during the 2006 harvest season and exceeded a critical threshold of $4 per bushel on the Chicago Board of Trade and continue to do so.

If corn prices continue to set new highs over the next year, the broiler industry in my home State of Georgia and across the Southeast will come under increasing pressure. I fear continued price spikes will force some producers out of business. This is not unique to the poultry industry, but will also impact swine and cattle operations across the country as ethanol outbids livestock for corn.

We find ourselves in the position of encouraging an industry that directly competes with another that is important in all our States, and I hope the end result is not policy that encourages livestock operators to further integrate and consolidate. We need to continue to support the biofuels sector, but also do it in a way that has the least disruption on existing markets as possible.

For this reason, I am introducing the Cellulosic Ethanol Incentive Act of 2007. This act builds upon the success of the RFS and increases the target from 7.5 billion gallons in 2012 to 30 billion gallons in 2030. Central to the bill is a set-aside that will help commercialize cellulosic ethanol much faster than under current law. This is important in order to ensure Federal policy does not erode the profitability of the U.S. livestock sector by encouraging additional competition for available corn. The bill meets the challenge set forth by President Bush last night and mirrors the renewable fuel targets in his proposal.

Furthermore, the legislation promotes regional diversity in the production of biofuels. This is important in order to spread the benefits of renewable energy policy more evenly across all regions of the country. By recommending a minimum level of consumption within a particular region, we will provide a needed economic boost to rural areas, a new income stream for farmers and ranchers and a further acceleration in the production of cellulosic ethanol from a diverse resource base ranging from wood chips in the Southeast to wheat straw on the Great Plains.

Ever since the founding of our great country, farmers and ranchers have been an integral part in growing the safest, most affordable food supply in the world. Now we can build upon their success and we ask them to help grow an abundant source of energy. I am confident they are up to the task and the Cellulosic Ethanol Incentive Act is an important step to help promote this goal.

I urge my colleagues to join me in supporting the bill and 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. 386

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 ''Cellulosic Ethanol Incentive Act of 2007''.

SEC. 2. RENEWABLE FUEL PROGRAM.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended—

(1) in paragraph (2)(B)—

(A) in clause (i)—

(i) in the clause heading, by striking ''2012'' and inserting ''2030''; and

(ii) in the table, by striking the item relating to 2012 and inserting the following:

''2012	10
2013	11
2014	12.10
2015	13.31
2016	14.64
2017	16.11
2018	17.72
2019	19.49
2020	20.46
2021	21.48
2022	22.56
2023	23.69
2024	24.87
2025	26.11
2026	27.42
2027	28.79
2028	30.23
2029	31.74
2030	33.33.'';

(B) in clause (ii)—

(i) in the clause heading, by striking ''2013'' and inserting ''2031'';

(ii) by striking ''2013'' and inserting ''2031''; and

(iii) by striking ''2012'' and inserting ''2030'';

(C) by striking clause (iii) and inserting the following:

''(iii) MINIMUM QUANTITY DERIVED FROM CELLULOSIC BIOMASS.—

''(I) RATIO.—For calendar year 2010 and each calendar year thereafter, the 2.5-to-1 ratio referred to in paragraph (4) shall apply only to the quantity of cellulosic biomass ethanol sold or introduced into commerce during a calendar year that is in excess of the minimum quantity of renewable fuel derived from cellulosic biomass required for that calendar year.

''(II) MINIMUM QUANTITY.—For calendar year 2010 and each calendar year thereafter, the applicable volume referred to in clause (i) shall contain a minimum volume of renewable fuel derived from cellulosic biomass, as determined in accordance with the following table:

''Calendar year:	Minimum volume derived from cellulosic biomass (in billions of gallons):
2010	0.25
2011	0.25
2012	0.5
2013	0.65
2014	0.85
2015	1.10
2016	1.64
2017	3.11
2018	4.72
2019	6.49
2020	7.46
2021	8.48
2022	9.56
2023	10.69
2024	11.87
2025	13.11
2026	14.42
2027	15.79
2028	17.23
2029	18.74
2030	20.33.'';

(D) in clause (iv)—

(i) by striking ''2013'' and inserting ''2031''; and

(ii) in subclause (II)—

(I) in item (aa), by striking ''7,500,000,000'' and inserting ''33,330,000,000''; and

(II) in item (bb), by striking ''2012'' and inserting ''2030''; and

(E) by adding at the end the following:

''(v) REGIONAL REQUIREMENT.—

''(I) IN GENERAL.—Except as provided in subclause (II), not less than 30 percent of the total volume of renewable fuel required in a State under this subsection shall be derived from the region of the Environmental Protection Agency in which the State is located.

''(II) EXCEPTION.—The Administrator may reduce or waive the requirement in subclause (I) for a region if the Administrator determines that it would be impracticable for the region to produce the required volume of renewable fuel.''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''2011'' and inserting ''2029''; and

(B) in subparagraph (B), by striking ''2012'' and inserting ''2029''.