AMENDMENT NO. 117

At the request of Mr. CHAMBLISS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 117 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.

AMENDMENT NO. 118

At the request of Mr. CHAMBLISS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 118 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. WYDEN:

S. 387. A bill to prohibit the sale by the Department of Defense of parts for F–14 fighter aircraft; to the Committee on Armed Services.

Mr. WYDEN. Mr. President, I rise today to bring to light an important issue which threatens our national security and begs the attention of Congress. The legislation I propose today seeks to end the Iranian government's acquisition of sensitive military equipment by blocking the Pentagon's sale of F–14 fighter jet parts.

It is the sensitive job of the Department of Defense to demilitarize and auction off surplus military equipment. However, recent investigations and reports have uncovered a frightening trend regarding the sale of F–14 ''Tomcat'' aircraft parts. U.S. customs agents have discovered F–14 parts being illegally shipped to Iran by brokers who bought F–14 surplus equipment from Department of Defense auctions.

Other than the United States, Iran is the only Nation to fly the F–14. The U.S. allowed Iran to buy 79 F–14s before its revolution in 1979. Fortunately, most of Iran's F–14s are currently grounded for lack of parts.

We know that Iran is pursuing a nuclear weapons capability. We know that the Department of State has identified Iran as the most active state sponsor of terrorism. We know that the sale of spare parts for F–14s could make it more difficult to confront the nuclear weapons capability of Iran. And yet F–14 parts are still being sold by the DoD.

Iran's F–14s, especially with the parts to get more of them airborne, greatly strengthen its ground war potential, harming our national and global security. Our country should be doing everything possible to deny the brutal regime in Tehran access to spare parts for their F–14 fleet.

The Department of Defense will tell you that it is already taking action to control the sale of F–14 parts. A few times a year they change the restriction on the sale of F–14 parts. But history has shown us that these rules are not enough. The Department has been caught still selling F–14 parts, even when its rules forbid it. It has sold F–14 parts to companies that have turned out to be fronts for the Iranians. More recently, the DoD sold sensitive technology, including classified F–14 parts to undercover GAO investigators.

My intention with this bill is to make it crystal clear to the Department of Defense that it may not sell any F–14 parts to anyone for any reason. There should be no chance for the parts to make their way to the Iranians.

Additionally, my bill would prohibit the export of any F–14 parts that have already been sold. This prevents the parts from ending up in Iran through even the most roundabout route.

I am not trying to reform the entire military surplus sales process. I am confident that the Armed Services Committee will continue its investigations and propose some much needed changes. My bill would simply fix a very specific, but very important, problem: the sale of F–14 components that end up in the hands of Iran.

I urge the members of the Senate to support this bill.

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

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

S. 387

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 ''Stop Arming Iran Act''.

SEC. 2. PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE OF PARTS FOR F–14 FIGHTER AIRCRAFT.

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

(1) The Department of Defense is responsible for demilitarizing and auctioning off sensitive surplus United States military equipment.

(2) F–14 ''Tomcat'' fighter aircraft have recently been retired, and their parts are being made available by auction in large quantities.

(3) Iran is the only country, besides the United States, flying F–14 fighter aircraft and is purchasing surplus parts for such aircraft from brokers.

(4) The Government Accountability Office has, as a result of undercover investigative work, declared the acquisition of the surplus United States military equipment, including parts for F–14 fighter aircraft, to be disturbingly effortless.

(5) Upon the seizure of such sensitive surplus military equipment being sold to Iran, United States customs agents have discovered these same items, having been resold by the Department of Defense, being brokered illegally to Iran again.

(6) Iran is pursuing a nuclear weapons capability, and the Department of State has identified Iran as the most active state sponsor of terrorism.

(7) Iran continues to provide funding, safe haven, training, and weapons to known terrorist groups, including Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(8) The sale of spare parts for F–14 fighter aircraft could make it more difficult to confront the nuclear weapons capability of Iran and would strengthen the ground war capability of Iran. To prevent these threats to regional and global security, the sale of spare parts for F–14 fighter aircraft should be prohibited.

(b) PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (2), the Department of Defense may not sell (whether directly or indirectly) any parts for F–14 fighter aircraft, whether through the Defense Reutilization and Marketing Service or through another agency or element of the Department.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to the sale of parts for F–14 fighter aircraft to a museum or similar organization located in the United States that is involved in the preservation of F–14 fighter aircraft for historical purposes.

(c) PROHIBITION ON EXPORT LICENSE.—No license for the export of parts for F–14 fighter aircraft to a non-United States person or entity may be issued by the United States Government.

By Mr. DOMENICI (for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. CORNYN):

S. 389. A bill to increase the number of Federal judgeships, in accordance with recommendations by the Judicial Conference, in districts that have an extraordinarily high immigration caseload; to the Committee on the Judiciary.

Mr. DOMENICIl. Mr. President, I rise today to introduce legislation that authorizes the Federal judgeships recommended by the 2005 Judicial Conference for our U.S. District Courts that are overloaded with immigration cases.

It is imperative to equip our Federal agencies with the assets they need to secure our borders and enforce our immigration laws, including courts which must adjudicate criminal immigration cases that appear on their dockets. This includes our U.S. District Courts, which must try repeat immigration law violators who are charged with a felony in U.S. District Court.

The legislation I am introducing today creates eleven new Federal judgeships recommended by the Judicial Conference for the four U.S. Districts in which more than 50 percent of their criminal cases are immigration cases. Each of these Districts shares a border Mexico.

In fiscal year 2004, the Western District of Texas had 5,599 criminal case filings, 3,688 of those cases, or 65 percent, dealt with immigration. The District Court of Arizona had 4,007 criminal filings, of which 2,404 cases, that's 59 percent, were immigration filings. The Southern District of California had 2,206 immigration filings, 64 percent of the 3,400 total criminal filings. Lastly, the District of New Mexico had 2,497 criminal filings, 60 percent, or 1,502 cases, were immigration cases.

Based on these caseloads, we should already be giving these Districts new judgeships. But to increase border security and immigration enforcement efforts, as we have over the past few years, without equipping these courts

to handle the even larger immigration caseloads that they are expected to face would amount to willful negligence.

The New Mexico District Chief Judge, Martha Vazquez, wrote me a letter in May of 2006 about the situation her District faces. Judge Vazquez wrote: ''As it is, the burden on Article III Judges in this District is considerable. This District ranks first among all districts in criminal filings per judgeship: 405 criminal filings compared to the national average of 87. As in all federal districts along the southwest border, the majority of cases filed in this District relate to immigration offenses under United States Code, Title 8 and drug offenses arising under Title 21. Immigration and drug cases account for eighty-five percent of the caseload in the District of New Mexico. . . . In fiscal year 1997, there were 240 immigration felony filings in the District of New Mexico. By fiscal year 2005, the number of immigration felony filings increased to 1,826, which is an increase of 661 percent.''

The Albuquerque Tribune has also documented the burden on our Southwest border District Courts. An April 17, 2006 article entitled ''Judges See Ripple Effect of Policy on Immigration,'' stated: ''U.S. District Chief Judge Martha Vazquez of Santa Fe oversees a court that faces a rising caseload from illegal border crossings and related crime. And help from Washington is by no means certain. . . . From Sept. 30, 1999 to Sept. 30, 2004 (the end of the fiscal year), the caseload in the New Mexico federal district court increased 57.5 percent, from 2,804 to 4,416. In the 2004 fiscal year alone, 2,126 felony cases were heard, almost half of all cases in the entire 10th Circuit, which includes Colorado, Kansas, Oklahoma, Utah and Wyoming. Most typical immigration cases go before an immigration judge, and the subjects are deported. But people deported once and caught crossing illegally again can be charged with a felony. And that brings the defendant into federal district court. Those are the cases driving up New Mexico's caseload . . . Some days as many as 90 defendants crowd the courtroom in Las Cruces. . . . The same problems are afflicting federal border courts in Arizona, California, and Texas.''

Similar problems were documented in the May 23, 2006 Reuters article ''Bush Border Patrol Plan to Pressure Courts'' which said: ''President George W. Bush's plan to send thousands of National Guard troops to the U.S.-Mexico border could spark a surge in immigration cases and U.S. courts are ill prepared to handle them. . . . Even without the stepped-up security at the border, federal courts in southern California, Arizona, New Mexico and Texas have been overburdened. Carelli [a spokesman for U.S. federal courts] said those five judicial districts, out of 94 nationwide, account for 34 percent of all criminal cases moving through U.S. courts. . . . Most immigrants caught crossing illegally are ordered out of the country without prosecution. But that still leaves a growing pile of cases involving illegals who are being prosecuted after being caught multiple times or those accused of other crimes. Nationwide, each U.S. judge handles an average of 87 cases a year. But along the southern border, even before Bush's plan moves forward, the average is around 300 per judge, Carelli said.''

Lastly, I recently heard first-hand about this problem from a Federal judge in New Mexico. He told me that he travels almost 200 miles to hear cases in Southern New Mexico. Many of the situations he sees involve mass arraignments because there are so many defendants in the system. He is not alone in this arrangement; other Federal judges drive almost 300 miles to hear cases in the Southern part of my home State. This is a dire situation that must be addressed.

The United States Congress must address the overwhelming immigration caseload our southwestern border U.S. District Courts face. The bill I am introducing today does that by authorizing the nine permanent and two temporary judgeships recommended by the 2005 Judicial Conference for the four U.S. Districts in which the immigration caseloads total more than 50 percent of those Districts' total criminal caseload.

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. 389

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

SECTION 1. ADDITIONAL DISTRICT COURT JUDGESHIPS.

The President shall appoint, by and with the advice and consent of the Senate, such additional district court judges as are necessary to carry out the 2005 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 50 percent of all criminal filings for the 12-month period ending September 30, 2004.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 390. A bill to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I am pleased to be able to reintroduce the Utah Recreational Land Exchange Act of 2007, together with my colleague Senator HATCH. This legislation will ensure the protection of critical lands along the Colorado River corridor in southeastern Utah and will help provide important funding for Utah's school children.

In Utah, we treasure our children's education. A key component of our education system is the 3.5 million acres of school trust lands scattered throughout the State. Upon Utah's admission to the Union in 1896, these lands were dedicated to support public education. Revenue from the trust lands, whether from grazing, forestry, surface leasing, or mineral development, is placed in the State School Fund. This fund is a permanent, income-producing endowment created by Congress to fund Utah's public education. Unfortunately, the majority of these lands are surrounded by public lands, making responsible management very difficult. It is critical to both the State of Utah and the Bureau of Land Management that we consolidate their respective lands to ensure that both public agencies are permitted to fulfill their mandates.

The legislation we are introducing today is yet another chapter in our State's long history of consolidating these State lands for the financial well-being of our education system. These efforts allow the Federal land management agencies to consolidate public lands in environmentally-sensitive areas that can then be reasonably managed. We see this exchange as a win-win solution for the State of Utah and its school children, as well as the Department of the Interior, the caretaker of our public lands.

In 1998, Congress passed the first major Utah school trust land exchange which consolidated hundreds of thousands of acres. Again in 2000, Congress enacted an exchange consolidating another 100,000 acres. I was proud to play a role in those efforts, and the bill we are introducing today is yet another step in the long journey toward fulfilling the promise Congress made to Utah's school children in 1896.

Utah's School and Institutional Trust Lands Administration manages some of the most spectacular lands in America, located along the Colorado River in southeastern Utah. This legislation will ensure that places like Westwater Canyon of the Colorado River, the world famous Kokopelli and Slickrock biking trails, some of the largest natural rock arches in the United States, wilderness study areas, and viewsheds for Arches National Park will be traded into Federal ownership and for the benefit of future generations. At the same time, the school children of Utah will receive mineral and development lands that are not environmentally-sensitive, and where responsible development makes sense. This will be an equal value exchange, with approximately 40,000 acres exchanged on both sides, giving taxpayers and the school children of Utah a fair deal. Moreover, the legislation establishes a common-sense valuation process for resources that are often either overlooked or overvalued because of their highly-speculative nature.

This legislation represents a truly collaborative process that has included local governments, the State, the recreation and environmental communities, and other interested parties. We

also worked closely with the Department of the Interior on proper valuation in the appraisal of the lands. In a hearing held before the Senate Energy and Natural Resources Committee on May 24, 2006, the Department of the Interior expressed their support for the bill and said that this land exchange will resolve management issues, improve public access, and facilitate greater resource protection. We look forward to working with the appropriate committees toward a successful resolution of this proposed exchange during this Congress.

I ask my colleagues to support our effort to fund the education of our children in Utah and to protect some of this nation's truly great land. I urge support of the Utah Recreational Land Exchange Act of 2007.

By Mr. BIDEN:

S. 392. A bill to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I introduce legislation to ensure that the United States does not fall further into debt at the United Nations, and to pay the debt that we have accrued since January 1, 2006.

For over a year, we have not been paying our full contribution to the U.N. for its peacekeeping operations—for missions in places like Lebanon, Haiti, the Democratic Republic of Congo, and Kosovo—that advance our national interests and spread the burden of keeping the peace among other nations. We are approximately $80 million in debt, and the number grows every month as new bills come in for peacekeeping operations.

Here is why.

In 1994, Congress passed a law limiting U.S. payments for U.N. peacekeeping at 25 percent after fiscal year 1995. The United Nations continued to bill the United States at 31 percent. As a result, a debt accrued—that is, the gap between the 25 percent allowed under U.S. law, and the 31 percent we were charged by the U.N.

In 1999, when Congress approved the ''Helms-Biden'' law, it authorized the repayment of U.S. arrears to the U.N. conditioned on certain reforms in the U.N. system. One of those reforms was a negotiated reduction of the U.S. peacekeeping rate down to 25 percent. Through negotiations in 2000, U.S. Ambassador Holbrooke succeeded in reducing the U.S. assessments for peacekeeping to just over 27 percent.

In 2001, Congress amended the Helms-Biden law to allow the arrears payments to be provided to the U.N., even though Ambassador Holbrooke had not reached the target of 25 percent. But the original 1994 law limiting our payments to 25 percent was never repealed.

In the past few years, Congress has amended the 1994 law on a temporary basis by raising the 25 percent limitation to conform it to the rate negotiated by Ambassador Holbrooke, but the most recent temporary change in law expired on December 31, 2005.

Therefore, the law today is this: the United States may not pay more than 25 percent for peacekeeping, even though the United Nations assesses the United States at a higher rate.

Mr. President this is a problem. At a time when our government continues to seek important reforms at the United Nations, it is a mistake for us to continue to fall short on our dues. Rather than encourage reform, it may give other countries an excuse to avoid it. How can we, in good faith, fail to pay our bills while at the same time push the U.N. to get its financial house in order?

More important, U.N. peacekeeping operations advance America's national security. If the U.N. didn't do them, we might have to do so. The U.N. 'blue helmets' are literally on the front lines in conflicts that are the worst of the worst: protecting civilians, monitoring cease-fires, clearing mine fields, and disarming combatants. Right now, the United States continues to seek support at the U.N. for a robust mission in Darfur. We have voted time and again in the Security Council, and rightfully so, to support these critical missions.

Through U.N. peacekeeping, the U.S. contributes to international peace and stability where we have critical foreign policy interests, while sharing the human, political and financial costs with other nations. We should not shortchange these operations.

By Mr. HARKIN:

S. 393. A bill to transfer unspent funds for grants by the Office of Community Oriented Policing Services, the Office of Justice Programs, and the Office on Violence Against Women to the Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

Mr. HARKIN. Mr. President, I rise today to introduce legislation to restore critical funding to one of our Nation's most effective drug enforcement tools, the Edward Byrne Memorial Justice Assistance Grant Program. My bill, the Emergency Local Law Enforcement Byrne Assistance Act of 2007, will bring a desperately needed infusion of cash into this critical local law enforcement assistance program.

The Byrne grant program provides funding for local drug task forces all over the country. These local drug task forces are critical to creating regional cooperation and to fighting the manufacture, distribution, and use of methamphetamine.

A survey by the Iowa Office of Drug Control Policy found that in fiscal year 2004 Byrne JAG dollars funded 4,316 police officers and prosecutors working on 764 drug enforcement task forces. The study also found that Byrne JAG funding led to 221,000 arrests in 45 states, the seizure of 5.5 million grams of methamphetamine, and the breakup of almost 9,000 methamphetamine labs.

Yet the program has suffered draconian cuts over the past 4 years. Between 2003 and 2006 the President and the Attorney General have refused to provide a single dollar for Byrne local law enforcement funding. As a result, funding for the Byrne program has been slashed by almost 60 percent from $1 billion dollars in 2003 to just $416 million in 2006.

I hear on a weekly basis from Sheriffs and other law enforcement officials in Iowa how hard these cuts are hitting them. Over the past year, Iowa has had to absorb a 42 percent cut in Byrne funding. That translates to less law enforcement officers and less regional cooperation in finding and stopping that meth that continues to flood the State of Iowa. I recently heard from Story County Sheriff Paul Fitzgerald that his agency alone will lose two drug task force agents this year, a statistic that is being repeated in almost every county across my State.

The anecdotal evidence from Iowa law enforcement is clearly reflected at the national level. The Federal Bureau of Investigation Uniform Crime Reports recently found that violent crime in the United States increased 2.5 percent in 2005, and an additional 3.7 percent in the first half of 2006, the largest increase in 15 years! The increase was much more severe in the meth plagued Midwest with violent crime up 5.7 percent in 2005.

You don't need a side by side chart to understand the connection between drastic reductions in federal funding for local law enforcement and rising crime rates!

At the same time, a recent report by the Department of Justice Inspector General found that the Department of Justice has not been doing a particularly effective job of administering the grants within its jurisdiction. The Inspector General found that just over $170 million expired grant funding is sitting at DOJ. Some of this funding is for grants that expired as long as five years ago!

My bill simply takes this unused money and puts it into the Byrne grant program. Specifically, the legislation transfers all balances on COPS and Office of Justice Program grants that have been expired for more than 90 days and all Office of Violence Against Women grants that have been expired for more than 2 years, to the Byrne JAG program for fiscal year 2007. These expired grant funds are currently sitting in DOJ coffers and cannot legally be used by the grantee, and the funds would ultimately revert to the treasury. My bill instead puts the money to good use in offsetting some of the most drastic consequences of cuts to the Byrne program.

While reallocating these amounts to Byrne JAG will make only a dent in the massive budget cuts of recent years, the Emergency Local Law Enforcement Byrne Assistance Act of 2007 is an important first step and sends an immediate message to line officers

overwhelmed by the unstoppable flow of meth into our States that we are going to help.

I am hopeful that in this new Congress the President and the Congress will more adequately fund crucial law enforcement programs like Byrne JAG. In the meantime, I urge my colleagues to join me in demonstrating a commitment to local law enforcement and to our continuing fight against methamphetamine by coming together to quickly pass the Emergency Local Law Enforcement Byrne Assistance Act of 2007.

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. 393

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 ''Emergency Local Law Enforcement Byrne Assistance Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A report by the Inspector General of the Department of Justice documents that the Office of Justice Programs, the Office of Community Oriented Policing Services, and the Office on Violence Against Women of the Department of Justice have failed to close out and deobligate over $160,000,000 in expired grant funds and that these funds have not been redirected to other programs or returned to the Treasury.

(2) Between fiscal year 2003 and fiscal year 2006, funding for the formula grant program of the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) has been reduced by over 50 percent, from $900,000,000 to $416,000,000.

(3) According to the Federal Bureau of Investigation Uniform Crime Reports, violent crime in the United States increased 2.5 percent in 2005, and an additional 3.7 percent in the first half of 2006. In the Midwest, which continues to struggle with a methamphetamine epidemic, violent crime increased 5.7 percent between 2004 and 2005.

SEC. 3. UNSPENT GRANTS.

(a) IN GENERAL.—All amounts described in subsection (b) shall be transferred for use for grants under the formula grant program of the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), to remain available until expended.

(b) AMOUNTS COVERED.—The amounts described in this subsection are any unexpended amounts for—

(1) any covered grant administered by the Office of Community Oriented Policing Services;

(2) any covered grant administered by the Office of Justice Programs; and

(3) any covered grant administered by the Office on Violence Against Women for which the grant expired not less than 2 years before the date of enactment of this Act.

(c) DEFINITION.—In this section, the term ''covered grant'' means a grant—

(1) that has expired but has not been closed out; or

(2)(A) that has expired and been closed out; and

(B) the remaining funds of which have not been deobligated.

By Mr. AKAKA (for himself, Mr. STEVENS, Mr. LEVIN, Ms. COLLINS, Mr. LAUTENBERG, Mr. KERRY, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. MENENDEZ):

S. 394. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today, along with my colleagues, Senators TED STEVENS, R–AK, CARL LEVIN, D–MI, SUSAN COLLINS, R–ME, FRANK LAUTENBERG, D–NJ, JOHN KERRY, D–MA, BARBARA BOXER, D–CA, DIANNE FEINSTEIN, D–CA, and ROBERT MENENDEZ, D–NJ to introduce the Downed Animal and Food Safety Protection Act of 2007, legislation intended to protect people from the unnecessary spread of disease. This bill, which has bipartisan support, would prohibit the use of nonambulatory animals for human consumption.

Nonambulatory animals, also known as downed animals, are livestock such as cattle, sheep, swine, goats, horses, mules, or other equines that are too sick to stand or walk unassisted. Many of these animals are dying from infectious diseases and present a significant pathway for the spread of disease.

The safety of our Nation's food supply is of the utmost importance. With the presence of bovine spongiform encephalopathy, BSE, also known as mad-cow disease, and other strains of transmissible spongiform encephalopathies, TSE, which are related animal diseases found not only in nearby countries but also in the United States, it is important that we take all measures necessary to ensure that our food is safe.

Currently, before slaughter, the United States Department of Agriculture's, USDA, Food Safety Inspection Service, FSIS, diverts downer livestock only if they exhibit clinical signs associated with BSE. Routinely, BSE is not correctly distinguished from many other diseases and conditions that show similar symptoms. The antemortem inspection that is currently used in the United States is very similar to the inspection process in Europe, which has proved to be inadequate for detecting BSE. Consequently, if BSE were present in a U.S. downed animal, it could currently be offered for slaughter. If the animal showed no clinical signs of the disease, the animal would then pass an ante-mortem inspection, making the diseased animal available for human consumption. The BSE agent could then cross-contaminate the normally safe muscle tissue during slaughter and processing. The disposal of downer livestock would ensure that the BSE agent would not be recycled to contaminate otherwise safe meat.

There are other TSE diseases already known to us such as scrapie that affects sheep and goats, chronic wasting disease in deer and elk, and classic Creutzfeldt-Jakob Disease in humans, all of which are present in the United States. Because our knowledge of such diseases is limited, the inclusion of horses, mules, swine, and other equine in this act are a necessary precaution. This precautionary measure is needed in order to ensure that the human population is not affected by diseased livestock. The Food and Drug Administration, FDA, has already created regulations that prevent imports of all live cattle and other ruminants and certain ruminant products from countries where BSE is known to exist. In 1997, the FDA placed a prohibition on the use of all mammalian protein, with a few exceptions, in animal feed given to cattle and other ruminants. These regulations are a good start in protecting us from the possible spread of BSE, however, they do not go far enough, because they still allow the processing of downer cattle.

According to a study performed by the Harvard School of the Public Health in conjunction with the USDA and surveillance data from European countries, downer cattle are at high risk for BSE. According to the Harvard Study, the removal of nonambulatory cattle from the population intended for slaughter would reduce the probability of spreading BSE by 82 percent. The USDA and the FDA have acknowledged that downed animals serve as a potential pathway for the spread of BSE. While both have entertained the idea of prohibiting the rendering of downed cattle, they have taken no formal action. It is imperative that we, Congress, ensure that downer livestock does not enter our food chain, and the best way to accomplish this task is to codify the prohibition of downer livestock from entering our food supply.

The Downed Animal Protection Act fills a gap in the current USDA and FDA regulations. The bill calls for the humane euthanization of nonambulatory livestock, both for interstate and foreign commerce. The euthanization of nonambulatory livestock would remove this high risk population from the portion of livestock reserved for our consumption. Due to the presence of other TSE diseases found throughout other species of livestock, all animals that fit under the definition of livestock will be included in this bill.

The benefits of my bill are numerous, for both the public and the industry. On the face of it, the bill will prevent needless suffering by humanely euthanizing nonambulatory animals. The removal of downed animals from our products will insure that they are safer and of better quality. The reduction in the likelihood of disease would result in safer working conditions for persons handling livestock. This added protection against disease would help the flow of livestock and livestock products in interstate and foreign commerce, making commerce in livestock more easily attainable.

Some individuals fear that this bill would place an excessive financial burden on the livestock industry. I want to remind my colleagues that one single downed cow in Canada diagnosed with BSE in 2003 shut down the world's third largest beef exporter. It is estimated that the Canadian beef industry lost more than $1 billion when more than 30 countries banned Canadian cattle and beef upon the discovery of BSE. As the Canadian cattle industry continues to recover from its economic loss, it is prudent for the United States to be proactive in preventing BSE and other animal diseases from entering our food chain.

Today, the USDA has increased its efforts to test approximately ten percent of downed cattle per year for BSE. However, it is my understanding that the USDA is looking to revisit this issue. I do not believe that now is the time to lower our defenses. We must protect our livestock industry and human health from diseases such as BSE. This bill reduces the threat of passing diseases from downed livestock to our food supply. It ensures downed animals will not be used for human consumption. It also requires higher standards for food safety and protects the human population from diseases and the livestock industry from economic distress.

American consumers should be able to rely on the Federal Government to ensure that meat and meat by-products are safe for human consumption. I urge my colleagues to support this important bill. I ask unanimous consent that the text of the measure 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. 394

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 ''Downed Animal and Food Safety Protection Act of 2007''.

SEC. 2. FINDING AND DECLARATION OF POLICY.

(a) FINDING.—Congress finds that the humane euthanization of nonambulatory livestock in interstate and foreign commerce—

(1) prevents needless suffering;

(2) results in safer and better working conditions for persons handling livestock;

(3) brings about improvement of products and reduces the likelihood of the spread of diseases that have a great and deleterious impact on interstate and foreign commerce in livestock; and

(4) produces other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate foreign commerce.

(b) DECLARATION OF POLICY.—It is the policy of the United States that all nonambulatory livestock in interstate and foreign commerce shall be immediately and humanely euthanized when such livestock become nonambulatory.

SEC. 3. UNLAWFUL SLAUGHTER PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

(a) IN GENERAL.—Public Law 85–765 (commonly known as the ''Humane Methods of Slaughter Act of 1958'') (7 U.S.C. 1901 et seq.) is amended by inserting after section 2 (7 U.S.C. 1902) the following:

''SEC. 3. NONAMBULATORY LIVESTOCK.

''(a) DEFINITIONS.—In this section:

''(1) COVERED ENTITY.—The term 'covered entity' means—

''(A) a stockyard;

''(B) a market agency;

''(C) a dealer;

''(D) a packer;

''(E) a slaughter facility; or

''(F) an establishment.

''(2) ESTABLISHMENT.—The term 'establishment' means an establishment that is covered by the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

''(3) HUMANELY EUTHANIZE.—The term 'humanely euthanize' means to immediately render an animal unconscious by mechanical, chemical, or other means, with this state remaining until the death of the animal.

''(4) NONAMBULATORY LIVESTOCK.—The term 'nonambulatory livestock' means any cattle, sheep, swine, goats, or horses, mules, or other equines, that will not stand and walk unassisted.

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

''(b) HUMANE TREATMENT, HANDLING, AND DISPOSITION.—The Secretary shall promulgate regulations to provide for the humane treatment, handling, and disposition of all nonambulatory livestock by covered entities, including a requirement that nonambulatory livestock be humanely euthanized.

''(c) HUMANE EUTHANASIA.—

''(1) IN GENERAL.—Subject to paragraph (2), when an animal becomes nonambulatory, a covered entity shall immediately humanely euthanize the nonambulatory livestock.

''(2) DISEASE TESTING.—Paragraph (1) shall not limit the ability of the Secretary to test nonambulatory livestock for a disease, such as Bovine Spongiform Encephalopathy.

''(d) MOVEMENT.—

''(1) IN GENERAL.—A covered entity shall not move nonambulatory livestock while the nonambulatory livestock are conscious.

''(2) UNCONSCIOUSNESS.—In the case of any nonambulatory livestock that are moved, the covered entity shall ensure that the nonambulatory livestock remain unconscious until death.

''(e) INSPECTIONS.—

''(1) IN GENERAL.—It shall be unlawful for an inspector at an establishment to pass through inspection any nonambulatory livestock or carcass (including parts of a carcass) of nonambulatory livestock.

''(2) LABELING.—An inspector or other employee of an establishment shall label, mark, stamp, or tag as 'inspected and condemned' any material described in paragraph (1).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) takes effect on the date that is 1 year after the date of enactment of this Act.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to implement the amendment made by subsection (a).

By Mr. DORGAN (for himself, Mr. LEVIN, and Mr. FEINGOLD):

S. 396. A bill to amend the Internal Revenue Code of 1986 to treat controlled foreign corporations in tax havens as domestic corporations; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I'm joined by Senators CARL LEVIN of Michigan and RUSSELL FEINGOLD of Wisconsin in re-introducing legislation that we believe will help the Internal Revenue Service (IRS) combat offshore tax haven abuses and ensure that U.S. multinational companies pay the U.S. taxes that they rightfully owe.

Every year, tens of millions of taxpayers work through piles of complicated IRS instructions and complex forms to prepare and file their tax returns to fulfill their taxpaying responsibility. Some tax experts have estimated that taxpayers spend over $100 billion and more than 6 billion hours trying to comply with their Federal tax obligation.

That's why every American has a right to be angry when they hear repeated press accounts of corporate taxpayers that are shirking their tax obligations by actively shifting their profits to foreign tax havens or using other inappropriate tax avoidance techniques. The bill that we are re-introducing today is a simple and straightforward way to try to tackle the offshore tax haven problem. It is virtually identical to our bill in the 109th Congress, S. 779, but we have granted potentially impacted companies an extra year to comply with its provisions.

We have known for many years that some very profitable U.S. multinational businesses are using offshore tax havens to avoid paying their fair share of U.S. taxes. But in the face of these reports, the Congress and the administration have shown little interest in stopping this hemorrhaging of tax revenues. In fact, a growing body of evidence suggests that the tax haven problem is getting much worse and may be costing the U.S. Treasury tens of billions of dollars every year.

Although the Congress did pass legislation a few years ago, which I supported, that addresses a narrow problem of a couple dozen corporate expatriates that reincorporated overseas, that legislation did nothing to deal with the problem of U.S. companies that are setting up tax haven subsidiaries offshore to avoid their taxpaying responsibilities in this country.

Around the time of the debate on corporate inversions, a New York Times article got it right when it suggested that ''instead of moving headquarters offshore, many companies are simply placing patents on drugs, ownership of corporate logos, techniques for manufacturing processes and other intangible assets in tax havens . . . The companies then charge their subsidiaries in higher-tax locales, including the U.S., for the use of these intellectual properties. This allows the companies to take profits in these havens and pay far less in taxes.''

How pervasive is the tax haven subsidiary problem? A couple of years ago, the Government Accountability Office (GAO), the investigative arm of Congress, issued a report that Senator LEVIN and I requested that gives some insight to the potential magnitude of this tax avoidance activity.

The GAO found that 59 out of the 100 largest publicly-traded Federal contractors in 2001—with tens of billions of dollars of Federal contracts in 2001—had established hundreds of subsidiaries located in offshore tax havens. According to the GAO, Exxon-Mobil Corporation, the 21st largest publicly traded Federal contractor in 2001, has some 11 tax-haven subsidiaries in the Bahamas. The same report revealed that the Halliburton Company has 17 tax-haven subsidiaries, including 13 in the Cayman Islands, a country that has never imposed a corporate income tax, as well as 2 in Liechtenstein and 2 in Panama. And the now infamous Enron Corporation had 1,300 different foreign entities, including some 441 located in the Cayman Islands.

But the poster child for offshore tax haven abuses, in my opinion, is a five-story building located in the Cayman Islands that thousands of companies call home. According to a very good investigative report published by David Evans with Bloomberg News in the summer of 2004, there is a building named the Ugland House in Grand Cayman that is used as the address of 12,748 companies.

In fact, nearly half of the money U.S. companies earned overseas is accounted for in tax havens like the Cayman Islands. A former Joint Committee on Taxation economist released a study that looked at the amount of profits that U.S. companies are shifting to offshore tax havens. He found that U.S. multinational companies had moved hundreds of billions of dollars in profits to tax havens for years 1999–2002, the latest years for which IRS data was available.

The legislation we are re-introducing today would help put a stop to these tax avoidance schemes. Specifically, our legislation denies tax benefits, namely tax deferral, to U.S. multinational companies that set up controlled foreign corporations in tax haven countries. This tracks the same general approach in legislation passed by the Congress and enacted into law that was designed to curb the problem of corporate inversions. Our bill builds upon the good work of Senators BAUCUS and GRASSLEY and other members of the Senate Finance Committee by extending similar tax policy changes to cover the case of U.S. companies and their tax haven subsidiaries.

Specifically, our legislation would treat U.S. controlled foreign subsidiaries that are set up in tax haven countries—but are not engaged in a real and active business—as domestic companies for U.S. tax purposes. In other words, we would simply treat these companies as if they never left the United States, which is essentially the case in these tax avoidance motivated transactions. The bill's list of specific tax haven countries subjected to the new rule is based upon the previous work by the Organization for Economic Cooperation and Development. However, our legislation does give the Secretary of the Treasury the ability to add or remove a foreign country from this list in appropriate cases. We also give businesses plenty of time, two additional years through December 31, 2008, to restructure their tax haven operations if they so choose.

As mentioned, our legislation effectively ends the deferral tax benefit for U.S. companies that shift income to offshore inactive tax haven subsidiaries. This means, for example, that any efforts by a U.S. company to move profits to the subsidiary through transfer pricing schemes will not work because the income earned by the subsidiary would still be immediately taxable by the United States. Likewise, any efforts to move otherwise active income earned by a U.S. company in a high-tax foreign country to a tax haven would cause the income to be immediately taxable by the United States. Under this bill, companies that try to move intangible assets—and the income they produce—to tax havens would be unsuccessful because that income would still be immediately taxable by the United States. The Joint Tax Committee says our legislation that will help close this tax shelter game will prevent these companies from draining some $15 billion in revenues from the U.S. Treasury over the next decade.

Let me be very clear about one thing. This legislation will not adversely impact U.S. companies with controlled foreign subsidiaries that are located in tax havens and doing legitimate and substantial business. The legislation expressly exempts a U.S.-controlled foreign subsidiary from its tax rule changes when all of its income is derived from the active conduct of a trade or business within a listed tax haven country.

In 2002, then-IRS Commissioner Charles Rossotti told Congress that ''nothing undermines confidence in the tax system more than the impression that the average honest taxpayer has to pay his or her taxes while more wealthy or unscrupulous taxpayers are allowed to get away with not paying.'' He is absolutely right. It's grossly unfair to ask our Main Street businesses to operate at a competitive disadvantage to large multinational businesses simply because our tax authorities are unable to grapple with the growing offshore tax avoidance problem. It is also outrageous that tens of millions of working families who pay their taxes on time every year are shouldering the tax burden of large profitable U.S. multinational companies that use tax haven subsidiaries.

In conclusion, it is my hope that the White House and Congress in a new spirit of bipartisanship will help in our effort to get this needed tax law change enacted into law. I urge my colleagues to support this effort by cosponsoring this legislation.

By Mr. DORGAN (for himself, Mr. MCCAIN, Mr. INOUYE, Mr. THOMAS, and Mr. DOMENICI):

S. 398. A bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, today I am pleased to introduce with Senator MCCAIN and other senators the Indian Child Protection and Family, Violence Prevention Act Amendments of 2007. The bill we introduce today is virtually identical to legislation which the Senate adopted last year to amend and reauthorize the Indian Child Protection and Family Violence Prevention Act of 1990. The primary goals of that Act were to reduce the incidence of child abuse, and mandate the reporting and tracking of child abuse in Indian Country.

The Indian Child Protection and Family Violence Prevention Act Amendments would authorize a study to identify impediments to the reduction of child abuse in Indian Country, as well as require data collection and annual reporting to Congress concerning child abuse in Indian Country; provide additional safeguards for the privacy of information about a child by local law enforcement and child protective services; provide for more involvement by the FBI and the Attorney General in documenting incidents of child abuse on Indian reservations; and authorize the Indian Health Service to use telemedicine in connection with examinations of abused Indian children. The bill would also authorize background investigations for employees and volunteers who work with Indian children, amend the Major Crimes Act to criminalize acts of child abuse and neglect in Indian Country, and authorize several treatment programs for Indian children who have been victimized.

I particularly appreciate that this reauthorization legislation addresses a related issue about which I have deep concern—the epidemic of youth suicide in many reservation communities. Indian Country has higher rates of youth suicide, as well as of child abuse, than other American population groups. Often, children who attempt suicide have been abused by a family or community member. This bill would authorize professionals trained in behavioral health, including suicide prevention and treatment, to be included on the staff of regional Indian Child Resource and Family Services Centers authorized under the Act.

I am hopeful that the Senate will act quickly this session to authorize the additional protections for Native American children that would be provided by the Indian Child Protection and Family Violence Prevention Act Amendments of 2007. 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. 398

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 ''Indian Child Protection and Family Violence Prevention Act Amendments of 2007''.

SEC. 2. FINDINGS AND PURPOSE.

Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(ii) by inserting after subparagraph (D) the following:

''(E) the Federal Government and certain State governments are responsible for investigating and prosecuting certain felony crimes, including child abuse, in Indian country, pursuant to chapter 53 of title 18, United States Code;''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''two'' and inserting ''the'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) identify and remove any impediment to the immediate investigation of incidents of child abuse in Indian country.''; and

(2) in subsection (b)—

(A) by striking paragraph (3) and inserting the following:

''(3) provide for a background investigation for any employee or volunteer who has access to children;''; and

(B) in paragraph (6), by striking ''Area Office'' and inserting ''Regional Office''.

SEC. 3. DEFINITIONS.

Section 403 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202) is amended—

(1) by redesignating paragraphs (6) through (18) as paragraphs (7) through (19), respectively;

(2) by inserting after paragraph (5) the following:

''(6) 'final conviction' means the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere, but does not include a final judgment that has been expunged by pardon, reversed, set aside, or otherwise rendered void;'';

(3) in paragraph (13) (as redesignated by paragraph (1)), by striking ''that agency'' and all that follows through ''Indian tribe'' and inserting ''the Federal, State, or tribal agency'';

(4) in paragraph (14) (as redesignated by paragraph (1)), by inserting ''(including a tribal law enforcement agency operating pursuant to a grant, contract, or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.))'' after ''State law enforcement agency'';

(5) in paragraph (18) (as redesignated by paragraph (1)), by striking ''and'' at the end;

(6) in paragraph (19) (as redesignated by paragraph (1)), by striking the period at the end and inserting ''; and''; and

(7) by adding at the end the following:

''(20) 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care diagnosis and treatment.''.

SEC. 4. REPORTING PROCEDURES.

Section 404 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3203) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''(1) Within'' and inserting the following:

''(1) IN GENERAL.—Not later than''; and

(B) in paragraph (2)—

(i) by striking ''(2)(A) Any'' and inserting the following:

''(2) INVESTIGATION OF REPORTS.—

''(A) IN GENERAL.—Any'';

(ii) in subparagraph (B)—

(I) by striking ''(B) Upon'' and inserting the following:

''(B) FINAL WRITTEN REPORT.—On''; and

(II) by inserting ''including any Federal, State, or tribal final conviction, and provide to the Federal Bureau of Investigation a copy of the report'' before the period at the end; and

(iii) by adding at the end the following:

''(C) MAINTENANCE OF FINAL REPORTS.—The Federal Bureau of Investigation shall maintain a record of each written report submitted under this subsection or subsection (b) in a manner in which the report is accessible to—

''(i) a local law enforcement agency that requires the information to carry out an official duty; and

''(ii) any agency requesting the information under section 408.

''(D) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director of the Federal Bureau of Investigation, in coordination with the Secretary and the Attorney General, shall submit to the Committees on Indian Affairs and the Judiciary of the Senate and the Committees on Natural Resources and the Judiciary of the House of Representatives a report on child abuse in Indian country during the preceding year.

''(E) COLLECTION OF DATA.—Not less frequently than once each year, the Secretary, in consultation with the Secretary of Health and Human Services, the Attorney General, the Director of the Federal Bureau of Investigation, and any Indian tribe, shall—

''(i) collect any information concerning child abuse in Indian country (including reports under subsection (b)), including information relating to, during the preceding calendar year—

''(I) the number of criminal and civil child abuse allegations and investigations in Indian country;

''(II) the number of child abuse prosecutions referred, declined, or deferred in Indian country;

''(III) the number of child victims who are the subject of reports of child abuse in Indian country;

''(IV) sentencing patterns of individuals convicted of child abuse in Indian country; and

''(V) rates of recidivism with respect to child abuse in Indian country; and

''(ii) to the maximum extent practicable, reduce the duplication of information collection under clause (i).''; and

(2) by adding at the end the following:

''(e) CONFIDENTIALITY OF CHILDREN.—No local law enforcement agency or local child protective services agency shall disclose the name of, or information concerning, the child to anyone other than—

''(1) a person who, by reason of the participation of the person in the treatment of the child or the investigation or adjudication of the allegation, needs to know the information in the performance of the duties of the individual; or

''(2) an officer of any other Federal, State, or tribal agency that requires the information to carry out the duties of the officer under section 406.

''(f) REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committees on Indian Affairs and the Judiciary of the Senate and the Committees on Natural Resources and the Judiciary of the House of Representatives a report on child abuse in Indian country during the preceding year.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.''.

SEC. 5. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD ABUSE.

Section 405 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3204) is amended to read as follows:

''SEC. 405. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD ABUSE.

''(a) STUDY.—The Secretary, in consultation with the Attorney General and the Service, shall conduct a study under which the Secretary shall identify any impediment to the reduction of child abuse in Indian country and on Indian reservations.

''(b) INCLUSIONS.—The study under subsection (a) shall include a description of—

''(1) any impediment, or recent progress made with respect to removing impediments, to reporting child abuse in Indian country;

''(2) any impediment, or recent progress made with respect to removing impediments, to Federal, State, and tribal investigations and prosecutions of allegations of child abuse in Indian country; and

''(3) any impediment, or recent progress made with respect to removing impediments, to the treatment of child abuse in Indian country.

''(c) REPORT.—Not later than 18 months after the date of enactment of the Indian Child Protection and Family Violence Prevention Act Amendments of 2007, the Secretary shall submit to the Committees on Indian Affairs and the Judiciary of the Senate, and the Committees on Natural Resources and the Judiciary of the House of Representatives, a report describing—

''(1) the findings of the study under this section; and

''(2) recommendations for legislative actions, if any, to reduce instances of child abuse in Indian country.''.

SEC. 6. CONFIDENTIALITY.

Section 406 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3205) is amended to read as follows:

''SEC. 406. CONFIDENTIALITY.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any Federal, State, or tribal government agency that treats or investigates incidents of child abuse may provide information and records to an officer of any other Federal, State, or tribal government agency that requires the information to carry out the duties of the officer, in accordance with section 552a of title 5, United States Code, section 361 of the Public Health Service Act (42 U.S.C. 264), the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.), and other applicable Federal law.

''(b) TREATMENT OF INDIAN TRIBES.—For purposes of this section, an Indian tribal government shall be considered to be an entity of the Federal Government.''.

SEC. 7. WAIVER OF PARENTAL CONSENT.

Section 407 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3206) is amended—

(1) in subsection (a), by inserting ''and forensic'' after ''psychological''; and

(2) by striking subsection (c) and inserting the following:

''(c) PROTECTION OF CHILD.—Any examination or interview of a child who may have been the subject of child abuse shall—

''(1) be conducted under such circumstances and using such safeguards as are necessary to minimize additional trauma to the child;

''(2) avoid, to the maximum extent practicable, subjecting the child to multiple interviewers during the examination and interview processes; and

''(3) as time permits, be conducted using advice from, or under the guidance of—

''(A) a local multidisciplinary team established under section 411; or

''(B) if a local multidisciplinary team is not established under section 411, a multidisciplinary team established under section 410.''.

SEC. 8. CHARACTER INVESTIGATIONS.

Section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting '', including any voluntary positions,'' after ''authorized positions''; and

(ii) by striking the comma at the end and inserting a semicolon; and

(B) in paragraph (2)—

(i) by inserting ''(including in a volunteer capacity)'' after ''considered for employment''; and

(ii) by striking '', and'' and inserting ''; and'';

(2) in subsection (b), by striking ''guilty to'' and all that follows and inserting the following: ''guilty to, any felony offense under Federal, State, or tribal law, or 2 or more misdemeanor offenses under Federal, State, or tribal law, involving—

''(1) a crime of violence;

''(2) sexual assault;

''(3) child abuse;

''(4) molestation;

''(5) child sexual exploitation;

''(6) sexual contact;

''(7) child neglect;

''(8) prostitution; or

''(9) another offense against a child.''; and

(3) by adding at the end the following:

''(d) EFFECT ON CHILD PLACEMENT.—An Indian tribe that submits a written statement to the applicable State official documenting that the Indian tribe has conducted a background investigation under this section for the placement of an Indian child in a tribally-licensed or tribally-approved foster care or adoptive home, or for another out-of-home placement, shall be considered to have satisfied the background investigation requirements of any Federal or State law requiring such an investigation.''.

SEC. 9. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.

Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.''.

SEC. 10. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended—

(1) in subsection (a), by striking ''area office'' and inserting ''Regional Office'';

(2) in subsection (b), by striking ''The Secretary'' and all that follows through ''Human Services'' and inserting ''The Secretary, the Secretary of Health and Human Services, and the Attorney General'';

(3) in subsection (d)—

(A) in paragraph (4), by inserting '', State,'' after ''Federal''; and

(B) in paragraph (5), by striking ''agency office'' and inserting ''Regional Office'';

(4) in subsection (e)—

(A) in paragraph (2), by striking the comma at the end and inserting a semicolon;

(B) by striking paragraph (3) and inserting the following:

''(3) adolescent mental and behavioral health (including suicide prevention and treatment);'';

(C) in paragraph (4), by striking the period at the end and inserting ''and sexual assault;''; and

(D) by adding at the end the following:

''(5) criminal prosecution; and

''(6) medicine.'';

(5) in subsection (f)—

(A) in the first sentence, by striking ''The Secretary'' and all that follows through ''Human Services'' and inserting the following:

''(1) ESTABLISHMENT.—The Secretary, in consultation with the Service and the Attorney General'';

(B) in the second sentence—

(i) by striking ''Each'' and inserting the following

''(2) MEMBERSHIP.—Each''; and

(ii) by striking ''shall consist of 7 members'' and inserting ''shall be'';

(C) in the third sentence, by striking ''Members'' and inserting the following:

''(3) COMPENSATION.—Members''; and

(D) in the fourth sentence, by striking ''The advisory'' and inserting the following:

''(4) DUTIES.—Each advisory'';

(6) in subsection (g)—

(A) by striking ''(g)'' and all that follows through ''Indian Child Resource'' and inserting the following:

''(g) APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT TO CENTERS.—

''(1) IN GENERAL.—Indian Child Resource'';

(B) in the first sentence, by striking ''Act'' and inserting ''and Education Assistance Act (25 U.S.C. 450 et seq.)'';

(C) by striking the second sentence and inserting the following:

''(2) CERTAIN REGIONAL OFFICES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if a Center is located in a Regional Office of the Bureau that serves more than 1 Indian tribe, an application to enter into a grant, contract, or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to operate the Center shall contain a consent form signed by an official of each Indian tribe to be served under the grant, contract, or compact.

''(B) ALASKA REGION.—Notwithstanding subparagraph (A), for Centers located in the Alaska Region, an application to enter into a grant, contract, or compact described in that subparagraph shall contain a consent form signed by an official of each Indian tribe or tribal consortium that is a member of a grant, contract, or compact relating to an Indian child protection and family violence prevention program under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).''; and

(D) in the third sentence, by striking ''This section'' and inserting the following:

''(3) EFFECT OF SECTION.—This section''; and

(7) by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.''.

SEC. 11. USE OF TELEMEDICINE.

The Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.) is amended by adding at the end the following:

''SEC. 412. USE OF TELEMEDICINE.

''(a) DEFINITION OF MEDICAL OR BEHAVIORAL HEALTH PROFESSIONAL.—In this section, the term 'medical or behavioral health professional' means an employee or volunteer of an organization that provides a service as part of a comprehensive service program that combines—

''(1) substance abuse (including abuse of alcohol, drugs, inhalants, and tobacco) prevention and treatment; and

''(2) mental health treatment.

''(b) CONTRACTS AND AGREEMENTS.—The Service is authorized to enter into any contract or agreement for the use of telemedicine with a public or private university or facility, including a medical university or facility, or any private medical or behavioral health professional, with experience relating to pediatrics, including the diagnosis and treatment of child abuse, to assist the Service with respect to—

''(1) the diagnosis and treatment of child abuse; or

''(2) methods of training Service personnel in diagnosing and treating child abuse.

''(c) ADMINISTRATION.—In carrying out subsection (b), the Service shall, to the maximum extent practicable—

''(1) use existing telemedicine infrastructure; and

''(2) give priority to Service units and medical facilities operated pursuant to grants, contracts, or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are located in, or providing service to, remote areas of Indian country.

''(d) INFORMATION AND CONSULTATION.—On receipt of a request, for purposes of this section, the Service may provide to public and private universities and facilities, including medical universities and facilities, and medical or behavioral health professionals described in subsection (b) any information or consultation on the treatment of Indian children who have, or may have, been subject to abuse or neglect.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.''.

SEC. 12. CONFORMING AMENDMENTS.

(a) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by inserting ''felony child abuse, felony child neglect,'' after ''robbery,''.

(b) REPORTING OF CHILD ABUSE.—Section 1169 of title 18, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting ''or volunteering for'' after ''employed by'';

(B) in subparagraph (D)—

(i) by inserting ''or volunteer'' after ''child day care worker''; and

(ii) by striking ''worker in a group home'' and inserting ''worker or volunteer in a group home'';

(C) in subparagraph (E), by striking ''or psychological assistant,'' and inserting ''psychological or psychiatric assistant, or person employed in the mental or behavioral health profession;'';

(D) in subparagraph (F), by striking ''child'' and inserting ''individual'';

(E) by striking subparagraph (G), and inserting the following:

''(G) foster parent; or''; and

(F) in subparagraph (H), by striking ''law enforcement officer, probation officer'' and

inserting ''law enforcement personnel, probation officer, criminal prosecutor''; and

(2) in subsection (c), by striking paragraphs (3) and (4) and inserting the following:

''(3) 'local child protective services agency' has the meaning given the term in section 403 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202); and

''(4) 'local law enforcement agency' has the meaning given the term in section 403 of that Act.''.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 399. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to reintroduce an important bill that will ensure that Medicaid beneficiaries in all states have access to the services of top-quality podiatric physicians. Senator MIKULSKI from Maryland is joining me in the effort again this year, and I appreciate her dedication to this issue.

Having healthy feet and ankles are critical to keeping individuals mobile, productive and in good long-term health. This is particularly true for individuals with diabetes.

According to the Centers for Disease Control and Prevention, CDC, almost 21 million Americans have diabetes, which amounts to about 7 percent of the total population. Diabetes is the sixth leading cause of death in this country. In 2005, 1.5 million Americans were diagnosed with diabetes.

If not managed properly, diabetes can cause several severe health problems, including eye disease or blindness, kidney disease and heart disease. Too often, diabetes can lead to foot complications, including foot ulcers and even amputations. In fact, the CDC estimates that 82,000 people undergo an amputation of a leg, foot or toe each year because of complications with diabetes.

Proper care of the feet could prevent many of these amputations.

The bill we are introducing today recognizes the important role podiatrists can play identifying and correcting foot problems among diabetics. The bill amends Medicaid's definition of ''physicians'' to include podiatric physicians. This will ensure that Medicaid beneficiaries have access to foot care from those most qualified to provide it.

Under Medicaid, podiatry is considered an optional benefit. However, just because it is optional, doesn't mean that podiatric services are not needed, or that beneficiaries will not seek out other providers to perform these services. Instead, Medicaid beneficiaries will have to receive foot care from other providers who may not be as well trained as a podiatrist in treating lower extremities.

Also, it is important to note that podiatrists are considered physicians under the Medicare program, which allows seniors and disabled individuals to receive appropriate care.

I urge my colleagues to give careful consideration to this important bill. It will help many Medicaid beneficiaries across the country have access to podiatrists that they need.

Finally, I thank the Senator from Maryland for helping me reintroduce this legislation today. I hope that by working together we can see this important change made.

Ms. MIKULSKI. Mr. President, I rise to join Senator BUNNING to introduce this important bill to make sure that Medicaid patients have access to care provided by podiatrists.

This bill ensures that Medicaid patients across the country can get services provided by podiatrists. This is a simple, common sense bill. This legislation includes podiatric physicians in Medicaid's definition of physician. This means that the services of podiatrists will be covered by Medicaid, just like they are in Medicare. Podiatrists are considered physicians under Medicare. They should be under Medicaid. Medicaid covers necessary foot and ankle care services. Medicaid should allow podiatrists who are trained specifically in foot and ankle care to provide these services and be reimbursed for them.

The services of podiatrists are considered optional under Medicaid. Currently, most State Medicaid programs, including Maryland, recognize and reimburse podiatrists for providing foot and ankle care to their beneficiaries. However, during times of tight budget States may choose to cut back on these optional services. There are now 7 States where access to a podiatrist is limited or nearly impossible for someone who receives Medicaid. Even though podiatrist services are considered optional, Medicaid patients need foot and ankle care. If podiatrists do not provide the care, patients will see providers who may not be as well trained in the care of the lower extremities as podiatrists. I want to make sure the over 750,000 Medicaid patients in Maryland continue to have access to the services provided by over 400 podiatrists in Maryland.

Podiatrists receive special training on the foot, ankle, and lower leg. They play an important role in the recognition of systemic diseases like diabetes, and in the recognition and treatment of peripheral neuropathy, a frequent cause of diabetic foot wounds that can often lead to preventable lower extremity amputations. Nearly 21 million Americans are now living with diabetes, a 14 percent increase from the 18 million in 2003. Another 41 million have pre-diabetes, the condition that indicates an increased risk for developing both type 2 diabetes and cardiovascular disease. Both the CDC and the American Diabetes Association recommend that podiatric physicians be part of the care term for people with diabetes.

Ensuring Medicaid patient access to podiatrists will save Medicaid funds in the long term. According to the American Podiatric Medical Association, 75 percent of Americans will experience some type of foot health problem during their lives. Foot disease is the most common complication of diabetes leading to hospitalization. About 82,000 people have diabetes-related leg, foot, or toe amputations each year. Foot care programs with regular examinations and patient education could prevent up to 85 percent of these amputations. This alone could have saved $1.3 billion in savings for Medicare and $386 million in savings for Medicaid. Podiatrists are important providers of this care.

This bill will make sure that Medicaid patients across the country have access to care provided by podiatrists. It has the support of the American Podiatric Medical Association and gained broad bi-partisan support in both the House and Senate last Congress. 29 Senators co-sponsored S. 440, including nearly half the members of the Finance Committee. The House companion bill, HR 699 had 210 co-cosponsors, including 68 percent of the committee with primary jurisdiction, Energy and Commerce. I urge my colleagues to cosponsor this important legislation.

By Mr. SUNUNU (for himself, Mr. GREGG, and Mrs. CLINTON):

S. 400. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SUNUNU. Mr. President, I rise today on behalf of Senator GREGG and Senator CLINTON to introduce Michelle's Law. This bill mirrors the law the State of New Hampshire passed in June 2006. Michelle Morse was a 20-year-old resident of Manchester, NH, and a full-time student at Plymouth State University when diagnosed with colon cancer in December 2003. Michelle's doctors wanted her to take a medical leave of absence to undergo surgery and chemotherapy, but if she dropped out of school she would no longer be covered as a dependent under her mother's plan because she would no longer be enrolled as a full-time student. The family had the option to obtain COBRA coverage but the Morses estimated the increase in monthly premiums would have been too costly. Michelle's family decided she would remain in school full time, maintain coverage, and maintain her lifestyle as much as she could. So along with her homework and books, Michelle would attend class carrying a portable chemotherapy pump attached to her hip. She refused to let cancer and the aggressive chemotherapy treatment slow her down during the next 2 years, even while student teaching at Bakersville Elementary School in Manchester, and graduated from Plymouth State in

May 2005. However, Michelle bravely lost her battle with cancer in November 2005.

Michelle's predicament prompted her mother AnnMarie to take this woeful Catch-22 they experienced to the New Hampshire State Legislature. New Hampshire responded by passing Michelle's Law in June 2006, allowing full-time students covered under State-regulated health plans a 1-year medical leave of absence while maintaining their dependency status. The bill we introduce today affords the same medical leave of absence to full-time students covered under health plans governed by the Employee Retirement Income Security Act of 1974—ERISA. Michelle's Law would allow full-time students and their families to focus solely on treating an illness as opposed to concurrently being a full-time patient and full-time student. While this bill creates an additional mandate for ERISA plans, this provision would apply to less than 1 percent of all college-aged students. Yet without this modest change, the costs and hardships may be enormous. Also, this bill does not trespass on any state's right to govern and regulate its own health insurance business.

I thank AnnMarie Morse for her tireless efforts in making sure another student does not get caught between a medical leave of absence rock and a hard place of insurance regulations. I also thank Senators GREGG and CLINTON for joining me today and I hope my colleagues in the Senate join us with their support and pass Michelle's Law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 40—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 40

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $ 1,183,262.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $ 2,071,712.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $879,131.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 41—HONORING AND THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF TOM MOONEY, PRESIDENT OF THE OHIO FEDERATION OF TEACHERS

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 41

Whereas Tom Mooney graduated from Antioch College in Yellow Springs, Ohio, before becoming a high school government teacher in Cincinnati in 1974;

Whereas Mr. Mooney became a passionate advocate for teachers and public education;

Whereas Mr. Mooney served as the president of the Cincinnati Federation of Teachers, as the vice president of the American Federation of Teachers, and on the American Federation of Teachers's executive council;

Whereas during his 21 years as president of the Cincinnati Federation of Teachers, Mr. Mooney worked to establish a teacher evaluation system;

Whereas, in 2000, Mr. Mooney was elected to lead the Ohio Federation of Teachers;

Whereas Mr. Mooney led the Ohio Federation of Teachers, which represents more than 20,000 members, including public education employees, higher education faculty and support staff, and other public employees, for 6 years;

Whereas during his tenure as president of the Ohio Federation of Teachers, Mr. Mooney endeavored to strengthen the teaching profession and to improve the working environment for all school employees, while also encouraging parental involvement to ensure a high-quality public education for all children;

Whereas Mr. Mooney was a tireless advocate for Ohio's public education system and opposed efforts to privatize educational services for limited numbers of children because these attempts at privatization came at the expense of the vast majority of students who attend public schools in the State;

Whereas, on December 3, 2006, Ohio and the Nation felt a great loss with the sudden death of Mr. Mooney; and

Whereas Mr. Mooney will be remembered as a fearless union leader and for his true dedication to improving the quality of public education: Now, therefore, be it

Resolved, That the Senate honors the life and recognizes the achievements of Tom Mooney, who exemplified dedication to, and true advocacy for, children and public education, while also gaining a deserved reputation as an articulate and forceful labor union activist.

Mr. BROWN. Mr. President, I am honored to recognize the life and accomplishments of Tom Mooney, the former president of the Ohio Federation of Teachers. Tom graduated from Antioch College in Yellow Springs, OH, then devoted himself to ensuring a quality education for the children of Ohio.

In his distinguished tenure as an educator and administrator, Tom served in a number of capacities. He started in 1974 as a high school government teacher. Later Tom would serve as president of the Cincinnati Federation of Teachers, as vice president of the American Federation of Teachers and finally as the president of the Ohio Federation of Teachers, a post he held for six years until his passing.

Tom Mooney was a passionate advocate for teachers and public education. He worked tirelessly. He encouraged parental involvement in the education of their children and vehemently opposed efforts to privatize educational services, as he believed it would be detrimental to the vast majority of Ohio's public school students.

Tom exemplified dedication to—and true advocacy for—children and public education. I am honored to offer this resolution and pay tribute to a great Ohioan and a great American.