(Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 624, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

At the request of Mr. CORNYN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 625, supra.

S. 651

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 655

At the request of Mr. GRASSLEY, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 655, a bill to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American Red Cross in the 21st century, and for other purposes.

S. 658

At the request of Mr. THOMAS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 658, a bill to amend the Endangered Species Act of 1973 to improve the process for listing, recovery planning, and delisting, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 675

At the request of Mr. HARKIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 675, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 709

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 709, a bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 761

At the request of Mr. REID, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 764

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 764, a bill to amend title XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP).

S. 766

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 771

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 773

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 779

At the request of Mr. CRAIG, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 779, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000.

AMENDMENT NO. 286

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 286 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

At the request of Mr. SPECTER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 286 proposed to S. 4, supra.

AMENDMENT NO. 293

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 293 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 295

At the request of Ms. LANDRIEU, the names of the Senator from Florida (Mr. NELSON) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of amendment No. 295 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 345

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 345 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 359

At the request of Mr. LAUTENBERG, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 359 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 366

At the request of Mr. SCHUMER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 366 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. COLEMAN):

S. 789. A bill to prevent abuse of Government credit cards; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, it's time we put a stop to wasteful, abusive, and fraudulent use of government credit cards. In fact, it's overdue. For several years, I have been working with the Government Accountability Office (GAO) to investigate misuse of government credit cards and the lack of internal controls in agencies that breeds such activity. We have found shockingly flagrant abuses like $2,443 in taxpayers' money going to pay for a down payment on a sapphire ring at a place called E-Z Pawn and $1,935 in taxpayers' money used to purchase two LA-Z-Boy reclining rocking chairs with full lumbar support and vibrator-massage features, all using government purchase cards. Government travel cards, which are only to be used for legitimate travel-related expenditures, have been used to pay for everything from women's lingerie from Frederick's of Hollywood to tickets to the Phantom of the Opera to a seven night Alaskan cruise for two. In each report it has issued, the GAO has made recommendations about what kind of controls need to be implemented to prevent such abuses from occurring in the future. Our oversight work has helped shine a light on this problem and has led to some improvements. Some agencies have moved to fix the specific shortcomings highlighted by the GAO, and the Office of Management and Budget has issued a circular to agencies that seeks to bring about an improved control environment. However, I believe a more comprehensive approach is needed. There is considerable commonality between the control breakdowns the GAO found in the agencies it investigated. The same controls were often missing or inadequate, and therefore the same recommendations are repeated in report after report. The OMB circular does not address many of these recommendations and it makes no sense for the GAO to visit every agency and bureau in the Federal Government to point out where they fall short. We know what is needed to prevent waste, fraud, and abuse of government credit cards and we must ensure that these internal controls are implemented consistently across the federal bureaucracy. That is why I am reintroducing the Government Credit Card Abuse Prevention Act, along with Senators LIEBERMAN, COLLINS, and COLEMAN. I should also mention that Representative JOE WILSON will be reintroducing companion legislation in the House of Representatives and I appreciate his help and assistance as we've worked together on this legislation.

Based primarily on the recommendations of the GAO in numerous reports, as well the work of agency inspectors general and my own oversight work, my bill seeks to curtail waste, fraud, and abuse of government purchase cards, government travel cards, and centrally billed accounts. By way of background, government purchase cards are essentially credit cards held by an agency that authorized individuals use to purchase items necessary for the work of the agency. Since the agency pays the bills directly, the American taxpayer is on the hook when improper purchases slip through the cracks. That means hard working American citizens are paying for someone else's Christmas shopping, or at the very least items with little or no legitimate public interest. Just like the parents' credit card in the hands of an undisciplined teenager, government purchase cards in the hands of poorly trained bureaucrats with inadequate oversight can lead to rash and ill-considered impulse buys. Take for instance an incident uncovered by the GAO when an individual at the Air Force Academy found a dead deer alongside the road and decided to use a government purchase card to pay for mounting the mule deer head to hang on the wall at the office.

Centrally billed accounts are another credit product that federal agencies use, primarily for purchasing transportation services. Like purchase cards, the bill is sent to the government so it's the taxpayer who pays when the bureaucrats let things slip through the cracks. For instance, we've had repeated cases where government employees had airplane tickets purchased on their behalf directly from a centrally billed account, and then they sought and received reimbursement as though they had paid for the ticket. In other words, the ticket was paid for twice with the employee pocketing the cost the second time, and no one would be the wiser if it weren't for the GAO. The GAO has also found millions of dollars worth of fully refundable, unused airline tickets that no one bothered to cash in. I was pleased to work with Senator COLEMAN, then the Chairman of the Permanent Subcommittee on Investigations, to bring these issues with centrally billed accounts to light, as well as Senator COLLINS, who was at the time the Chairman of the Government Affairs Committee. In addition to being co-requesters of the GAO reports, they held hearings in their respective committees and were kind enough to invite me to testify about our work.

Government travel cards, on the other hand, are not paid directly with taxpayers' money like purchase cards and centrally billed accounts, but they are only supposed to be used to pay for legitimate expense while on official government travel. Failure by employees to repay these cards results in the loss of millions of dollars in rebates to the Federal Government. Also, when credit card companies are forced to charge off bad debt, they raise interest rates and fees on everyone else. Nevertheless, government travel cards with high credit limits have been handed out like candy at a parade to individuals with abysmal credit ratings who ordinarily would never be issued that kind of credit. It's no surprise then when we learn that certain government employees have abused their government travel cards to buy jewelry, take in a New York Yankees game, or to fuel an internet gambling habit. Such abusive charges often occur when the cardholder is not even on travel at all. In fact, government travel cards have been used to provide cash advances in employees' hometowns. There are even examples of charges at so called ''gentleman's clubs'' like Cheetah's Lounge and Déjà Vu Showgirls, and even at legalized brothels. Suffice it to say that the GAO was able to determine that these charges were not for food or other approved travel expenses. It also comes as no surprise when the GAO found that employees issued government travel cards despite bad credit often bounce checks when their bill comes due, sometimes repeatedly and fraudulently. Common sense then leads us to the same conclusion that the GAO came to through empirical analysis, namely that a significant relationship exists between potential travel card fraud, abuse, and delinquencies and individuals with substantial credit history problems. That is why my legislation requires agencies to perform credit checks for travel card holders and issue only restricted cards for those with poor or no credit to reduce the potential for misuse.

My bill would also require a series of common sense internal controls, which the GAO has found to be lacking in many cases, to be implemented in every federal agency. These include: maintaining a record of each cardholder, including single transaction limits and total credit limits so agencies can effectively manage their cardholders; implementing periodic reviews to determine if cardholders have a need for a card; properly recording rebates to the government based on prompt payment; providing training for cardholders and managers; utilizing available technologies to prevent or catch fraudulent purchases; establishing specific policies about the number of cards to be issued, the credit limits for certain categories of cardholders, and categories of employees eligible to be issued cards; invalidating cards when employees leave the agency or transfer; establishing an approving official other than the purchase card holder so employees cannot approve their own purchases; reconciling purchase card charges on the bill with receipts and supporting documentation; submitting disputed purchase card charges to the bank according to the proper procedure; making purchase card payments promptly to avoid interest penalties; retaining records of purchase card transactions in accordance with standard government record keeping polices; utilizing mandatory split disbursements when reimbursing employees for travel card purchases to ensure that travel card bills get paid; comparing items submitted on travel vouchers

with items already paid for with centrally billed accounts to avoid reimbursing employees for items already paid for by the agency; and submitting refund requests for unused airline tickets so the taxpayers don't pay for tickets that were not used.

My bill would also provide that each agency Inspector General periodically conduct risk assessments of agency purchase card and travel card programs and perform periodic audits to identify potentially fraudulent, improper, and abusive use of cards. We have had great success working with Inspectors General using techniques like data mining to reveal instances of improper use of government charge cards. Having this information on an ongoing basis will help maintain and strengthen a rigorous system of internal controls to prevent future instances of waste, fraud, and abuse with government charge cards.

In addition, my bill requires penalties so that employees who abuse government charge cards will not get away scot free. In fact, in cases of serious misuse or fraud, the bill provides that employees must be dismissed and suspected cases of fraud will also be referred to the appropriate U.S. Attorney for prosecution under federal anti-fraud laws. It is essential that we send a clear message that misuse and fraudulent use of government credit cards will not be tolerated. The lack of consistency in the past in applying punishments to those caught abusing government charge cards has sent the wrong message and led to an environment where misuse of government charge cards is more likely. My bill will change that.

The American people expect us to be good stewards of their money and their cynicism about government only builds when they read about bureaucrats saying, ''Just put it on plastic'' willy nilly with their hard earned dollars. Unfortunately, such incidents persist. In the wake of Hurricane Katrina, Congress hastily passed a supplemental spending bill containing an ill-advised provision to dramatically raise the micro-purchase threshold for purchase cards. I worked with Senators COLLINS and LIEBERMAN, the leaders of the Homeland Security and Governmental Affairs Committee, to reverse what amounted to an invitation to misuse government purchase cards. Then, because of our concerns and the concerns of other members of Congress about the potential for fraud and abuse of purchase cards in the response to the hurricanes in the Gulf Coast region, the GAO conducted an investigation of purchase cards at the Department of Homeland Security. Just last September, the GAO issued its report finding instances of abusive or questionable government charge card transactions, including the purchase of a beer brewing kit, a 63-inch plasma television with a price tag of $8,000 that was found unused in its original box 6 months later, and tens of thousands of dollars for training at golf and tennis resorts. Clearly the abuse of government credit cards remains a problem and Congress needs to act. My bill will establish the discipline needed in government agencies to keep those credit cards in the wallet unless needed. I am particularly glad to be joined in introducing this bill by Chairman LIEBERMAN and Ranking Member COLLINS as well as Senator COLEMAN. Their leadership on this issue will continue to be invaluable. I urge the rest of my colleagues to join us in this effort and put a stop to the bureaucratic shopping spree.

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. 789

*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 ''Government Credit Card Abuse Prevention Act of 2007''.

**SEC. 2. MANAGEMENT OF PURCHASE CARDS.**

(a) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that issues and uses purchase cards and convenience checks shall establish and maintain safeguards and internal controls to ensure the following:

(1) There is a record in each executive agency of each holder of a purchase card issued by the agency for official use, annotated with the limitations on single transaction and total credit amounts that are applicable to the use of each such card by that purchase cardholder.

(2) Each purchase card holder is assigned an approving official other than the card holder with the authority to approve or disapprove expenditures.

(3) The holder of a purchase card and each official with authority to authorize expenditures charged to the purchase card are responsible for—

(A) reconciling the charges appearing on each statement of account for that purchase card with receipts and other supporting documentation; and

(B) forwarding such reconciliation to the designated official who certifies the bill for payment in a timely manner.

(4) Any disputed purchase card charge, and any discrepancy between a receipt and other supporting documentation and the purchase card statement of account, is resolved in the manner prescribed in the applicable Governmentwide purchase card contract entered into by the Administrator of General Services.

(5) Payments on purchase card accounts are made promptly within prescribed deadlines to avoid interest penalties.

(6) Rebates and refunds based on prompt payment on purchase card accounts are monitored for accuracy and properly recorded as a receipt to the agency that pays the monthly bill.

(7) Records of each purchase card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

(8) Periodic reviews are performed to determine whether each purchase cardholder has a need for the purchase card.

(9) Appropriate training is provided to each purchase cardholder and each official with responsibility for overseeing the use of purchase cards issued by an executive agency.

(10) The executive agency has specific policies regarding the number of purchase cards issued by various organizations and categories of organizations, the credit limits authorized for various categories of cardholders, and categories of employees eligible to be issued purchase cards, and that those policies are designed to minimize the financial risk to the Federal Government of the issuance of the purchase cards and to ensure the integrity of purchase cardholders.

(11) The executive agency utilizes technologies to prevent or identify fraudulent purchases, including controlling merchant codes and utilizing statistical machine learning and pattern recognition technologies that review the risk of every transaction.

(12) The executive agency invalidates the purchase card of each employee who—

(A) ceases to be employed by the agency immediately upon termination of the employment of the employee; or

(B) transfers to another unit of the agency immediately upon the transfer of the employee.

(13) The executive agency takes steps to recover the cost of any improper or fraudulent purchase made by an employee, including, as necessary, through salary offsets.

(b) MANAGEMENT OF PURCHASE CARDS.—The head of each executive agency shall prescribe regulations implementing the safeguards and internal controls in subsection (a). The regulations shall be consistent with regulations that apply Governmentwide regarding the use of purchase cards by Government personnel for official purposes.

(c) PENALTIES FOR VIOLATIONS.—The regulations prescribed under subsection (b) shall provide for appropriate adverse personnel actions or other punishment to be imposed in cases in which employees of an executive agency violate such regulations or are negligent or engage in misuse, abuse, or fraud with respect to a purchase card, including imposition of the following penalties:

(1) In the case of an employee who is suspected by the executive agency to have engaged in fraud, referral of the case to the United States Attorney with jurisdiction over the matter.

(2) In the case of an employee who is found guilty of fraud or found by the executive agency to have egregiously abused a purchase card, dismissal of the employee.

(d) RISK ASSESSMENTS AND AUDITS.—The Inspector General of each executive agency shall—

(1) periodically conduct risk assessments of the agency purchase card program and associated internal controls and analyze identified weaknesses and the frequency of improper activity in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase cardholders;

(2) perform periodic audits of purchase cardholders designed to identify—

(A) potentially fraudulent, improper, and abusive uses of purchase cards;

(B) any patterns of improper cardholder transactions, such as purchases of prohibited items; and

(C) categories of purchases that should be made by means other than purchase cards in order to better aggregate purchases and obtain lower prices;

(3) report to the head of the executive agency concerned on the results of such audits; and

(4) report to the Director of the Office of Management and Budget and the Comptroller General on the implementation of recommendations made to the head of the

executive agency to address findings during audits of purchase cardholders.

(e) DEFINITION OF EXECUTIVE AGENCY.—In this section, the term ''executive agency'' has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(f) RELATIONSHIP TO DEPARTMENT OF DEFENSE PURCHASE CARD REGULATIONS.—

(1) IN GENERAL.—Except as provided by the amendments made by paragraph (2), the requirements under this section shall not apply to the Department of Defense.

(2) EXCEPTION.—Section 2784(b) of title 10, United States Code, is amended—

(A) in paragraph (8), by striking ''periodic audits'' and all that follows through the period at the end and inserting ''risk assessments of the agency purchase card program and associated internal controls and analyze identified weaknesses and the frequency of improper activity in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase cardholders.''; and

(B) by adding at the end the following new paragraphs:

''(11) That the Department of Defense utilizes technologies to prevent or identify fraudulent purchases, including controlling merchant codes and utilizing statistical machine learning and pattern recognition ognition technologies that review the risk of every transaction.

''(12) That the Secretary of Defense—

''(A) invalidates the purchase card of each employee who ceases to be employed by the Department of Defense immediately upon termination of the employment of the employee; and

''(B) invalidates the purchase card of each employee who transfers to another agency or subunit within the Department of Defense immediately upon such transfer.''.

**SEC. 3. MANAGEMENT OF TRAVEL CARDS.**

Section 2 of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 5 U.S.C. 5701 note) is amended by adding at the end the following new subsection:

''(h) MANAGEMENT OF TRAVEL CHARGE CARDS.—

''(1) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that has employees that use travel charge cards shall establish and maintain safeguards and internal controls over travel charge cards to ensure the following:

''(A) There is a record in each executive agency of each holder of a travel charge card issued by the agency for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that travel charge cardholder.

''(B) Rebates and refunds based on prompt payment on travel charge card accounts are properly recorded as a receipt of the agency that employs the cardholder.

''(C) Periodic reviews are performed to determine whether each travel charge cardholder has a need for the travel charge card.

''(D) Appropriate training is provided to each travel charge cardholder and each official with responsibility for overseeing the use of travel charge cards issued by an executive agency.

''(E) Each executive agency has specific policies regarding the number of travel charge cards issued by various organizations and categories of organizations, the credit limits authorized for various categories of cardholders, and categories of employees eligible to be issued travel charge cards, and that those policies are designed to minimize the financial risk to the Federal Government of the issuance of the travel charge cards and to ensure the integrity of travel charge cardholders.

''(F) The head of each executive agency negotiates with the holder of the applicable travel card contract, or a third party provider of credit evaluations if such provider offers more favorable terms, to evaluate the creditworthiness of an individual before issuing the individual a travel charge card, and that no individual be issued a travel charge card if the individual is found not creditworthy as a result of the evaluation (except that this paragraph shall not preclude issuance of a restricted use travel charge card when the individual lacks a credit history or the issuance of a pre-paid card when the individual has a credit score below the minimum credit score established by the agency). Each executive agency shall establish a minimum credit score for determining the creditworthiness of an individual based on rigorous statistical analysis of the population of cardholders and historical behaviors. Notwithstanding any other provision of law, such evaluation shall include an assessment of an individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act. The obtaining of a consumer report under this subsection is deemed to be a circumstance or purpose authorized or listed under section 604 of the Fair Credit Reporting Act.

''(G) Each executive agency utilizes technologies to prevent or identify fraudulent purchases, including controlling merchant codes and utilizing statistical machine learning and pattern recognition technologies that review the risk of every transaction.

''(H) Each executive agency ensures that the travel charge card of each employee who ceases to be employed by the agency is invalidated immediately upon termination of the employment of the employee.

''(I) Each executive agency utilizes mandatory split disbursements for travel card purchases.

''(2) REGULATIONS.—The Administrator of General Services shall prescribe regulations governing the implementation of the safeguards and internal controls in paragraph (1) by executive agencies.

''(3) PENALTIES FOR VIOLATIONS.—The regulations prescribed under paragraph (2) shall provide for appropriate adverse personnel actions or other punishment to be imposed in cases in which employees of an executive agency violate such regulations or are negligent or engage in misuse, abuse, or fraud with respect to a travel charge card, including removal in appropriate cases.

''(4) ASSESSMENTS.—The Inspector General of each executive agency shall—

''(A) periodically conduct risk assessments of the agency travel card program and associated internal controls and analyze identified weaknesses and the frequency of improper activity in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase cardholders;

''(B) perform periodic audits of travel cardholders designed to identify potentially fraudulent, improper, and abusive uses of travel cards;

''(C) report to the head of the executive agency concerned on the results of such audits; and

''(D) report to the Director of the Office of Management and Budget and the Comptroller General on the implementation of recommendations made to the head of the executive agency to address findings during audits of travel cardholders.

''(5) DEFINITIONS.—In this subsection:

''(A) The term 'executive agency' means an agency as that term is defined in section 5701 of title 5, United States Code, except that it is in the executive branch.

''(B) The term 'travel charge card' means the Federal contractor-issued travel charge card that is individually billed to each cardholder.''.

**SEC. 4. MANAGEMENT OF CENTRALLY BILLED ACCOUNTS.**

The head of an executive agency that has employees who use a centrally billed account shall establish and maintain safeguards and internal controls to ensure the following:

(1) Items submitted on an employee's travel voucher are compared with items paid for using a centrally billed account to ensure that an employee is not reimbursed for an item already paid for through a centrally billed account.

(2) The executive agency submits requests for refunds for unauthorized purchases to the holder of the applicable contract for a centrally billed account.

(3) The executive agency submits requests for refunds for fully or partially unused tickets to the holder of the applicable contract for a centrally billed account.

**SEC. 5. REGULATIONS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(1) the head of each executive agency shall promulgate regulations to implement the requirements of sections 2 and 4; and

(2) the Administrator of General Services shall promulgate regulations required pursuant to the amendments made by section 3.

(b) BEST PRACTICES.—Regulations promulgated under this section shall reflect best practices for conducting purchase card and travel card programs.

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By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. STABENOW, Mr. SCHUMER, Mr. COLEMAN, Mrs. CLINTON, and Mr. OBAMA):

S. 791. A bill to establish a collaborative program to protect the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I am pleased to introduce the ''Great Lakes Collaboration Implementation Act'' with Senator GEORGE VOINOVICH and our co-sponsors. I also want to thank Representatives VERN EHLERS and RAHM EMANUEL for introducing similar Great Lakes restoration legislation in the House today.

The Great Lakes are vital not only to Michigan, but to the Nation. Roughly one-tenth of the U.S. population lives in the Great Lakes basin and depends daily on the lakes. The Great Lakes provide drinking water to 40 million people. They provide the largest recreational resource for their 8 neighboring States. They form the largest body of freshwater in the world, containing roughly 18 percent of the world's total; only the polar ice caps contain more freshwater. They are critical for our economy by helping move natural resources to the factory and to move products to market.

While the environmental protections that were put in place in the early 1970s have helped the Great Lakes make strides toward recovery, a 2003 GAO report made clear that there is much work still to do. That report stated: ''Despite early success in improving conditions in the Great Lakes Basin, significant environmental challenges remain, including increased

threats from invasive species and cleanup of areas contaminated with toxic substances that pose human health threats.'' More recently, many scientists reported that the Great Lakes are exhibiting signs of stress due to a combination of sources, including toxic contaminants, invasive species, nutrient loading, shoreline and upland land use changes, and hydrologic modifications. A 2005 report from a group of Great Lakes scientific experts states that ''historical sources of stress have combined with new ones to reach a tipping point, the point at which ecosystem-level changes occur rapidly and unexpectedly, confounding the traditional relationships between sources of stress and the expected ecosystem response.''

The zebra mussel, an aquatic invasive species, caused $3 billion in economic damage to the Great Lakes from 1993 to 2003. In 2000, seven people died after pathogens entered the Walkerton, Ontario drinking water supply from the lakes. In May of 2004, more than ten billion gallons of raw sewage and storm water were dumped into the Great Lakes. In that same year, over 1,850 beaches in the Great Lakes were closed. Each summer, Lake Erie develops a 6,300 square mile dead zone. There is no appreciable natural reproduction of lake trout in the lower four lakes. More than half of the Great Lakes region's original wetlands have been lost, along with 60% of the forests. Wildlife habitat has been destroyed, thus diminishing opportunities necessary for fishing, hunting and other forms of outdoor recreation.

The Great Lakes problems have been well-known for several years, and, in 2005, 1,500 people through the Great Lakes region worked together to compile recommendations for restoring the lakes. These recommendations were released in December 2005, and, today, I am introducing this legislation to implement many of those recommendations.

This bill would reduce the threat of new invasive species by enacting comprehensive invasive species legislation and put ballast technology on board ships; it specifically targets Asian carp by authorizing the improvement, operation and maintenance of the dispersal barrier. The bill would improve fish and wildlife habitat by providing additional resources to States and cities for water infrastructure. It would provide additional funding for contaminated sediment cleanup and would give the EPA additional tools under the Great Lakes Legacy Act to move projects along faster. The bill would create a new grant program to phase out mercury in products and to identify emerging contaminants. The bill would authorize the restoration and remediation of our waterfronts. It would authorize additional research through existing Federal programs as well as our non-federal research institutions. And it would authorize coordination of Federal programs.

The Great Lakes are a unique American treasure. We must recognize that we are only their temporary stewards. If Congress does not act to keep pace with the needs of the lakes, and the tens of millions of Americans dependent upon them and affected by their condition, the current problems will continue to build, and we may start to undo some of the good work that has already been done. We must be good stewards by ensuring that the Federal government meets its ongoing obligation to protect and restore the Great Lakes. This legislation will help us meet that great responsibility to future generations.

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

S. 793. A bill to provide for the expansion and improvement of traumatic brain injury programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, I rise today to introduce legislation to reauthorize the Traumatic Brain Injury Act. It is my pleasure to be joined in this effort by the Chairman of the Senate Health, Education, Labor and Pension Committee, Senator TED KENNEDY, with whom I worked on the original legislation over 10 years ago.

Sustaining a traumatic brain injury—or TBI—can be both catastrophic and devastating. The financial and emotional costs to the individual, family, and community are enormous. Traumatic brain injuries contribute to a substantial number of deaths and cases of permanent disability annually.

Individuals with TBI and their families are often faced with challenges, such as improper diagnosis, inability to access support or rehabilitation services, institutional segregation, unemployment, and being forced to navigate complicated and cumbersome service and support systems.

Of the 1.4 million who sustain a TBI each year in the United States: 50,000 die; 235,000 are hospitalized; and 1.1 million are treated and released from an emergency department. Brain injuries are the most frequent reasons for visits to physicians and emergency rooms.

These statistics are more revealing when one considers that every 16 seconds someone in the U.S. sustains a head injury; and every 12 minutes, one of these people will die and another will become permanently disabled. Of those who survive, each year, an estimated 80,000 to 90,000 people experience the onset of long-term disability associated with a TBI. An additional 2,000 will exist in a persistent vegetative state.

Even more startling is the fact that brain injury kills more Americans under the age of 34 than all other causes combined and has claimed more lives since the turn of the century than all United States wars combined.

Recent publicity about brain injuries Americans have sustained in Iraq points out that TBI is an everyday threat to our servicemen and servicewomen—68 percent of war veterans are returning home with sustained brain injuries. According to the Defense and Veterans Brain Injury Center, which serves active duty military, their dependents and veterans with TBI, traumatic brain injury is one of the leading causes of death and disability on today's battlefield. While not specifically addressed by this bill, the Federal TBI program helps to provide resources that supplement the networks which serve our returning soldiers.

The distress of TBI is not limited to diagnosis. A survivor of a severe brain injury typically faces 5 to 10 years of intensive services and estimated lifetime costs can exceed $4 million. Direct medical costs and indirect costs such as lost productivity of TBI totaled an estimated $60 billion in the United States in 2000.

To recognize the large number of individuals and families struggling to access appropriate and community-based services, Senator KENNEDY and I wrote the TBI Act of 1996, PL 104–166.

The TBI Act of 1996 launched an effort to conduct expanded studies and to establish innovative programs for TBI. It gave the Health Resources and Services Administration (HRSA) authority to establish a grant program for States to assist it in addressing the needs of individuals with TBI and their families. It also delegated responsibilities in the areas of research, prevention, and surveillance to the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC), respectively.

Title XIII of the Children's Health Act of 2000, PL 106–310, reauthorized the programs of the TBI Act of 1996. This reauthorization also added a provision on protection and advocacy, P&A, services for individuals with TBI and their families by authorizing HRSA to make grants to State P&A Systems.

The Traumatic Brain Injury Act is the only Federal legislation that specifically addresses issues faced by 5.3 million American children and adults who live with a long-term disability as a result of traumatic brain injury. Reauthorization of the Traumatic Brain Injury Act will provide for the continuation of research, not only for the treatment of TBI, but also for prevention and awareness programs which will help decrease the occurrence of traumatic brain injury and improve the long-term outcome.

This legislation authorizes the Health Resources and Services Administration, HRSA, to make grants for projects of national significance that improve individual and family access to service systems; assist States in developing service capacity; improve monitoring and evaluation of rehabilitation services and supports; and address emerging needs of servicemen and women, veterans, and individuals and families who have experienced

brain injury through service delivery demonstration projects.

This bill also authorizes HRSA to include the American Indian Consortium as an eligible recipient of competitive grants awarded to States, Territories, and the District of Columbia to develop comprehensive system of services and supports nationwide.

Furthermore, this bill instructs HRSA and the Administration on Developmental Disabilities to coordinate data collection regarding protection and advocacy services.

Also funded by the TBI program, the CDC supports multiple projects and programs, including those that monitor TBI, link people with TBI to information about services, and prevent TBI-related disabilities. These projects comprise initiatives such as generating national estimates for TBI deaths, hospitalizations, and emergency department visits; planning the future of TBI registries and data systems; and educating health care professionals about TBI. In addition, the CDC funds TBI research in various academic institutions to investigate TBI in children and adolescents.

This year, Congress has an opportunity to strengthen the TBI Act by authorizing the Centers for Disease Control and Prevention, CDC, to determine the incidence and prevalence of traumatic brain injury in the general population of the United States, including all age groups and persons in institutional settings such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities.

Brain injury is a complex issue and there is still much unknown. With Federal funds provided within the TBI program, researchers at the NIH are studying many issues related to the special cognitive and communication problems experienced by individuals who have traumatic brain injuries. Scientists are designing new evaluation tools to assess the special problems that children who have suffered traumatic brain injuries encounter. Because the brain of a child is vastly different from the brain of an adult, scientists are also examining the effects of various treatment methods that have been developed specifically for children. In addition, research is examining the effects of some medications on the recovery of speech, language, and cognitive abilities following traumatic brain injury. Reauthorization of the TBI program will enable this important research to continue and expand.

As I have mentioned, there is still a lot of unknown surrounding the issue of TBI; however, one aspect is definite, and that is that people are never the same after TBI. Not only are their lives forever changed, but they must face these changes in a compromised state. The TBI program offers balanced and coordinated public policy in brain injury prevention, research, education, and community-based services and supports for individuals living with traumatic brain injury and their families.

Reauthorization of the Traumatic Brain Injury Act will further provide mechanisms for the research, prevention, and treatment of TBI and the improvement of the quality of life for those Americans and their families who may sustain such a devastating disability. I ask my colleagues' support in promptly reauthorizing the Traumatic Brain Injury Act.

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

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

S. 793

*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 ''Reauthorization of the Traumatic Brain Injury Act''.

**SEC. 2. CONFORMING AMENDMENTS RELATING TO RESTRUCTURING.**

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating the section 393B (42 U.S.C. 280b–1c) relating to the use of allotments for rape prevention education, as section 393A and moving such section so that it follows section 393;

(2) by redesignating existing section 393A (42 U.S.C. 280b–1b) relating to prevention of traumatic brain injury, as section 393B; and

(3) by redesignating the section 393B (42 U.S.C. 280b–1d) relating to traumatic brain injury registries, as section 393C.

**SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.**

(a) PREVENTION OF TRAUMATIC BRAIN INJURY.—Clause (ii) of section 393B(b)(3)(A) of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b–1b) is amended by striking ''from hospitals and trauma centers'' and inserting ''from hospitals and emergency departments''.

(b) NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY SURVEILLANCE AND REGISTRIES.—Section 393C of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b et seq.) is amended—

(1) in the section heading, by inserting ''**SURVEILLANCE AND**'' after ''**NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY**'';

(2) by striking ''(a) **IN GENERAL**.—''; and

(3) in the matter preceding paragraph (1), by striking ''may make grants'' and all that follows through ''to collect data concerning—'' and inserting ''may make grants to States or their designees to develop or operate the State's traumatic brain injury surveillance system or registry to determine the incidence and prevalence of traumatic brain injury and related disability, to ensure the uniformity of reporting under such system or registry, to link individuals with traumatic brain injury to services and supports, and to link such individuals with academic institutions to conduct applied research that will support the development of such surveillance systems and registries as may be necessary. A surveillance system or registry under this section shall provide for the collection of data concerning—''.

**SEC. 4. STUDY ON TRAUMATIC BRAIN INJURY.**

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393C the following:

**''SEC. 393C–1. STUDY ON TRAUMATIC BRAIN INJURY.**

''(a) STUDY.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention with respect to paragraph (1) and the Director of the National Institutes of Health with respect to paragraphs (2) and (3), shall conduct a study with respect to traumatic brain injury for the purpose of carrying out the following:

''(1) In collaboration with appropriate State and local health-related agencies—

''(A) determining the incidence of traumatic brain injury and prevalence of traumatic brain injury related disability and the clinical aspects of the disability in all age groups and racial and ethnic minority groups in the general population of the United States, including institutional settings, such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities; and

''(B) reporting national trends in traumatic brain injury.

''(2) Identifying common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and, subject to the availability of information, including an analysis of—

''(A) the effectiveness of each such intervention in improving the functioning, including return to work or school and community participation, of individuals with brain injuries;

''(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

''(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

''(3) Identifying interventions and therapies that can prevent or remediate the development of secondary neurologic conditions related to traumatic brain injury.

''(4) Developing practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

''(b) DATES CERTAIN FOR REPORTS.—Not later than 3 years after the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act, the Secretary shall submit to the Congress a report describing findings made as a result of carrying out subsection (a).

''(c) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary may revise the definition of such term as the Secretary determines necessary.''.

**SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NATIONAL INSTITUTES OF HEALTH.**

Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subparagraph (D) of subsection (d)(4), by striking ''head brain injury'' and inserting ''brain injury''; and

(2) in subsection (i), by inserting '', and such sums as may be necessary for each of fiscal years 2008 through 2011'' before the period at the end.

**SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.**

(a) STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—

(1) in subsection (a)—

(A) by striking ''may make grants to States'' and inserting ''may make grants to States and American Indian consortia''; and

(B) by striking ''health and other services'' and inserting ''rehabilitation and other services'';

(2) in subsection (b)—

(A) in paragraphs (1), (3)(A)(i), (3)(A)(iii), and (3)(A)(iv), by striking the term ''State'' each place such term appears and inserting the term ''State or American Indian consortium''; and

(B) in paragraph (2), by striking ''recommendations to the State'' and inserting ''recommendations to the State or American Indian consortium'';

(3) in subsection (c), by striking the term ''State'' each place such term appears and inserting ''State or American Indian consortium'';

(4) in subsection (e), by striking ''A State that received'' and all that follows through the period and inserting ''A State or American Indian consortium that received a grant under this section prior to the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act may complete the activities funded by the grant.'';

(5) in subsection (f)—

(A) in the subsection heading, by inserting ''AND AMERICAN INDIAN CONSORTIUM'' after ''STATE'';

(B) in paragraph (1) in the matter preceding subparagraph (A), paragraph (1)(E), paragraph (2)(A), paragraph (2)(B), paragraph (3) in the matter preceding subparagraph (A), paragraph (3)(E), and paragraph (3)(F), by striking the term ''State'' each place such term appears and inserting ''State or American Indian consortium'';

(C) in clause (ii) of paragraph (1)(A), by striking ''children and other individuals'' and inserting ''children, youth, and adults''; and

(D) in subsection (h)—

(i) by striking ''Not later than 2 years after the date of the enactment of this section, the Secretary'' and inserting ''Not less than biannually, the Secretary''; and

(ii) by inserting ''section 1253, and section 1254,'' after ''programs established under this section,'';

(6) by amending subsection (i) to read as follows:

''(i) DEFINITIONS.—For purposes of this section:

''(1) The terms 'American Indian consortium' and 'State' have the meanings given to those terms in section 1253.

''(2) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary, after consultation with States and other appropriate public or nonprofit private entities.''; and

(7) in subsection (j), by inserting '', and such sums as may be necessary for each of the fiscal years 2008 through 2011'' before the period.

(b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.—Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

(1) in subsections (d) and (e), by striking the term ''subsection (i)'' each place such term appears and inserting ''subsection (l)'';

(2) in subsection (g), by inserting ''each fiscal year not later than October 1,'' before ''the Administrator shall pay'';

(3) by redesignating subsections (i) and (j) as subsections (l) and (m), respectively;

(4) by inserting after subsection (h) the following:

''(i) DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Commissioner of the Administration on Developmental Disabilities shall enter into an agreement to coordinate the collection of data by the Administrator and the Commissioner regarding protection and advocacy services.

''(j) TRAINING AND TECHNICAL ASSISTANCE.—

''(1) GRANTS.—For any fiscal year for which the amount appropriated to carry out this section is $6,000,000 or greater, the Administrator shall use 2 percent of such amount to make a grant to an eligible national association for providing for training and technical assistance to protection and advocacy systems.

''(2) DEFINITION.—In this subsection, the term 'eligible national association' means a national association with demonstrated experience in providing training and technical assistance to protection and advocacy systems.

''(k) SYSTEM AUTHORITY.—In providing services under this section, a protection and advocacy system shall have the same authorities, including access to records, as such system would have for purposes of providing services under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.''; and

(5) in subsection (l) (as redesignated by this subsection) by striking ''2005'' and inserting ''2011''.

Mr. KENNEDY. Mr. President, it's a privilege to join with Senator HATCH in introducing legislation to reauthorize the Traumatic Brain Injury Act. The reauthorization will expand assistance to the millions of adults and children in the nation who are facing serious problems because of brain injuries. Its provisions also have a major role in meeting the critical needs facing many of our wounded soldiers returning home from the wars in Iraq and Afghanistan.

The numbers tell the story. As of this month, almost 25,000 service members have been wounded in Iraq, and approximately two-thirds of the injuries include brain injuries. Here at home, an extremely high number of children from birth to age 14 experience traumatic brain injuries—approximately 475,000 a year—and some of the most frequent injuries are among children under the age of five.

Soldiers and children—I cannot think of two more deserving groups of people in our nation.

Reauthorization of the Act is essential to continue the availability of federal funds for traumatic brain injury programs. The bill reauthorizes grants that assist States, Territories, and the District of Columbia in establishing and expanding coordinated systems of community-based services and supports for children and adults with such injuries. It also extends the ability to apply for these grants to American Indian Consortia.

When Congress approved the Traumatic Brain Injury Act as part of the Children's Health Act of 2000, we had the foresight to establish a specific provision called the Protection and Advocacy for Individuals with Traumatic Brain Injury Program. This program has proved to be essential because individuals with traumatic brain injuries have an array of needs, including assistance in returning to work, finding a place to live, obtaining supports and services such as attendant care and assistive technology, and obtaining appropriate mental health, substance abuse, and rehabilitation services.

Often these individuals—especially our returning veterans—must remain in extremely expensive institutions far longer than necessary, because the community-based supports and services they need are not available. Such services can lead both to reduced government expenditures and to increased productivity, independence and community integration, but the advocates must possess special skills, and their work is often time-intensive.

In addition, our legislation provides funds for CDC programs that provide extremely important data gathering and information on injury prevention. In a time when both the Administration and Congress are searching for programs that provide the right kind of ''bang for the federal buck,'' an Institute of Medicine report last March showed that the TBI programs work. The programs in the Act were funded for a total of only $12 million dollars last year, and yet their benefit is obvious. Clearly these programs should be reauthorized and the funding should be increased. Although the reauthorization is for ''such sums as may be necessary,'' we must do all we can to expand the appropriations in the years ahead in order to meet the urgent need for this assistance.

The IOM report called the current TBI programs an ''overall success,'' stating that ''there is considerable value in providing . . . funding,'' and ''it is worrisome that the modestly budgeted HRSA TBI Program continues to be vulnerable to budget cuts.'' As the study suggests, this program must be continued and allowed to grow, so that each state has the resources necessary to maintain vital services and advocacy for the estimated 5.3 million people currently living with disabilities resulting from brain injury. When our wounded soldiers return to their communities, the services and supports they need must be available.

The nation owes these deserving people—especially our service members and our children—the services and advocacy available under these critical programs. I urge my colleagues to act quickly on this important reauthorization and enact this bipartisan bill as soon as possible.

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By Mr. OBAMA (for himself, Mr. MENENDEZ, Mr. SALAZAR, and Mr. BINGAMAN):

S. 795. A bill to assist aliens who have been lawfully admitted in becoming citizens of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. OBAMA. Mr. President, I am proud to introduce the Citizenship Promotion Act (CPA) of 2007 with my good

friend Congressman LUIS GUTIERREZ. In the Senate, we are joined by Senator SALAZAR, Senator MENENDEZ, and Senator BINGAMAN. The CPA will encourage the U.S. Citizenship and Immigration Services (USCIS) to charge fees for services to legal immigrants that are fair and reasonable, and it would remove other potential bureaucratic barriers to the pursuit of citizenship.

Immigration policy remains one of the most contentious and divisive issues in our politics. And it is contentious and divisive because our policies are full of mixed messages. We must state clearly what our immigration policy should achieve—a legal, orderly, and secure immigration system that values immigrants, recognizes our right to control who enters our country, and promotes the legal pursuit of citizenship.

Most recently, the unanimous declarations of our support for legal immigrants has run head on into a USCIS proposal to dramatically increase immigration application fees beyond the reach of many working class legal immigrants. For a family of four that is working hard and legally pursuing the American dream, the new fees could put citizenship out of reach for many immigrants. For a family of four, the new fees would raise the cost of the application for citizenship by 80 percent to more than $2,400 dollars. And the fees for all other services will rise as well.

The Administration argues that people will pay any fee to become Americans. For many people, that is true. But for others, the new fee will send the message that they need only apply if they can afford it. It sends the message that we measure character based on income.

Our government has never provided services based on what people are willing to pay. That is why we are introducing the Citizenship Promotion Act to ensure that immigration application fees are both reasonable and fair and that the citizenship process itself respects the individuality of each applicant.

For immigrants who choose to come to America and pursue citizenship, there are numerous barriers. First, family, friends, and community are left behind. The new communities they enter come with the challenge of a new language, different social norms, and sometimes discrimination. And yet, every year, thousands of immigrants fully embrace the values and ideals that make us all Americans and unite us in our common pursuit of a better, more democratic society.

The dues we charge legal immigrants for joining the American family, from application fees to naturalization tests to background checks are all necessary, but should not eliminate people on the basis of income, age, or ethnicity. Excessive fees, testing that asks trivial questions or is administered without consideration for the applicant's circumstances, and background checks that take years to complete tell us more about ourselves than they do about those wishing to enter.

We believe that there are ways to help cushion the blow to immigrants from increased costs without hurting the agency. The CPA would make it clear to the USCIS that application fees do not need to fund all direct and indirect costs. We would maintain fees at their current levels and require that before raising fees any further, the agency report to Congress on its direct and indirect costs and how much in appropriations it would need to establish reasonable and fair fees.

In addition to ensuring that fees are fair, we want to make sure that other aspects of pursuing citizenship are fair as well. Our bill requires that citizenship tests be administered with consideration for the applicant, that the agency work with the FBI to move background checks through the process more quickly, and that any new application procedure make it possible for people without Internet access to continue submitting their applications on paper. The bill also creates a new grant program to give community based organizations the resources necessary to prepare and equip immigrants to become citizens.

Let's stop sending mixed messages. Let's work together and set immigration fees at a level that are fair and consistent with our commitment to being an open, democratic, and egalitarian society.

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By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB):

S. 797. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Energy and Natural Resources.

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By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. WEBB, Mr. LEVIN, and Mrs. CLINTON):

S. 798. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, in just five years, our Nation will observe the bicentennial of a defining moment in our Nation's history—the war of 1812. Sometimes referred to as America's ''Second War of Independence,'' the War of 1812 played a critical role in shaping our national heritage and identity. To ensure that this anniversary will be commemorated properly and in a timely manner, I am today re-introducing legislation to establish the Star Spangled Banner National Historic Trail and the Star-Spangled Banner and War of 1812 Bicentennial Commission. Joining me in co-sponsoring one or more of these measures are my colleagues Senators MIKULSKI, WARNER, WEBB, LEVIN, and CLINTON. I spoke during the 109th Congress about the significance of the War of 1812, its impact on our Nation's history and culture and the rationale for these two measures. I want to highlight some of those principal points today.

The United States declared war on Britain in June 1812, after enduring years of naval blockades, trade restrictions with the European continent, and seizure of American ships and sailors in the ongoing war between Britain and France. With only a small army and practically no navy, our young Nation was ill-prepared to face Britain—then the world's preeminent naval power. By the summer of 1814 defeat seemed certain, with the British combined land and sea invasion of the Chesapeake region and the burning of the Capitol, the White House and much of the federal city. But in their attack on Baltimore, the British met stiff resistance. American patriots successfully defended Fort McHenry and the British invasion was repelled. It was during this battle that Francis Scott Key witnessed our flag flying intact, despite the continuous bombardment, and wrote the words which were to become our National Anthem. Today, many historians see the War of 1812 as the definitive end of the American Revolution—a war which preserved and strengthened our democracy, brought America to the international stage, and helped forge our national identity through the symbols of the National Anthem and the Star Spangled Banner.

To commemorate the historic events associated with the War of 1812, eight years ago I joined with my predecessor, Senator Paul Sarbanes, in sponsoring legislation directing the National Park Service to conduct a study of the feasibility and desirability of designating the routes used by the British and Americans during the Chesapeake Campaign of the War of 1812 as a National Historic Trail. That study was completed in March 2004 and recommended that the proposed Star Spangled Banner National Historic Trail ''. . . be established by the Congress as a national historic trail with commemorative recreation and driving routes and water trails.'' The study found that the proposed series of land and water trails fully meet the eligibility criteria for designation as a National Historic Trail—they retain historic integrity, are nationally significant, and have significant potential for public recreational use and historic interpretation. The study recommended that the trail be managed through a partnership between the National Park Service, a trail organization and state and local authorities and concluded that the costs of implementing the proposed trail would be minimal. The study also recommended that the Congress''. . . establish a War of 1812 Bicentennial Commission to coordinate the 200th anniversary of the War of 1812.''

The two pieces of legislation I am reintroducing today would implement

these two recommendations of the National Park Service. The first measure would authorize the establishment of the Star Spangled Banner National Historic Trail, an approximately 290-mile series of land and water trails tracing the story of the only combined naval and land attack on the United States and the events leading up to the writing of the Star Spangled Banner. Sites along the National Historic Trail would mark some of the most important events of the War of 1812 including battles between the British Navy and the American Chesapeake Flotilla in St. Leonard's Creek in Calvert County; the British landing at Benedict; the Battle of Bladensburg; the burning of the Nation's Capitol, White House and Washington Navy Yard; the British naval feints up the Potomac River to Alexandria and on the upper Chesapeake Bay; the Battle of North Point; and the successful American defense of Fort McHenry on September 14, 1814, which inspired the poem that became our National Anthem. The second measure would authorize the establishment of a ''Star Spangled Banner and War of 1812 Bicentennial Commission'' to plan, coordinate and facilitate programs and other efforts to commemorate the historic events associated with the War of 1812. Made up, in part, by citizens from the thirty states involved in the War, the Commission is tasked with planning, encouraging, developing, executing and coordinating programs to ensure a suitable national observance of the War of 1812. Both these measures were approved by the full Senate during the 109th Congress, but unfortunately were not acted upon by the House Committees of jurisdiction.

With the bicentennial of the War of 1812 quickly approaching, it is vital that the Congress move swiftly to approve these measures and enable the proper commemoration of this important period in our nation's history. The legislation will help provide Americans and visitors alike with a better understanding and appreciation of our heritage.

I ask unanimous consent that the text of the two measures I am introducing be printed in the RECORD.

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

S. 797

*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 ''Star-Spangled Banner National Historic Trail Act''.

**SEC. 2. AUTHORIZATION AND ADMINISTRATION OF TRAIL.**

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(26) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles extending from southern Maryland through the District of Columbia and Virginia, and north to Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints and the Battle of Baltimore in summer 1814), as generally depicted on the maps contained in the report entitled 'Star-Spangled Banner National Historic Trail Feasibility Study and Environmental Impact Statement', and dated March 2004.

''(B) MAP.—A map generally depicting the trail shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

''(C) ADMINISTRATION.—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(E) PUBLIC PARTICIPATION.—The Secretary of the Interior shall—

''(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

''(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

''(F) INTERPRETATION AND ASSISTANCE.—Subject to the availability of appropriations, the Secretary of the Interior may provide to State and local governments and nonprofit organizations interpretive programs and services and, through Fort McHenry National Monument and Shrine, technical assistance, for use in carrying out preservation and development of, and education relating to the War of 1812 along, the trail.''.

S. 798

*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 ''Star-Spangled Banner and War of 1812 Bicentennial Commission Act''.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) the War of 1812 served as a crucial test for the United States Constitution and the newly established democratic Government;

(2) vast regions of the new multi-party democracy, including the Chesapeake Bay, the Gulf of Mexico and the Niagara Frontier, were affected by the War of 1812 including the States of Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Michigan, Missouri, Mississippi, New Jersey, North Carolina, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, Wisconsin, West Virginia, and the District of Columbia;

(3) the British occupation of American territory along the Great Lakes and in other regions, the burning of Washington, D.C., the American victories at Fort McHenry, New Orleans, and Plattsburgh, among other battles, had far reaching effects on American society;

(4) at the Battle of Baltimore, Francis Scott Key wrote the poem that celebrated the flag and later was titled ''the Star-Spangled Banner'';

(5) the poem led to the establishment of the flag as an American icon and became the words of the national anthem of the United States in 1932; and

(6) it is in the national interest to provide for appropriate commemorative activities to maximize public understanding of the meaning of the War of 1812 in the history of the United States.

(b) PURPOSES.—The purposes of this Act are to—

(1) establish the Star-Spangled Banner and War of 1812 Commemoration Commission;

(2) ensure a suitable national observance of the War of 1812 by complementing, cooperating with, and providing assistance to the programs and activities of the various States involved in the commemoration;

(3) encourage War of 1812 observances that provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the various War of 1812 sites;

(4) facilitate international involvement in the War of 1812 observances;

(5) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the War of 1812 observances; and

(6) promote the protection of War of 1812 resources and assist in the appropriate development of heritage tourism and economic benefits to the United States.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of the War of 1812.

(2) COMMISSION.—The term ''Commission'' means the Star-Spangled Banner and War of 1812 Bicentennial Commission established in section 4(a).

(3) QUALIFIED CITIZEN.—The term ''qualified citizen'' means a citizen of the United States with an interest in, support for, and expertise appropriate to the commemoration.

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

(5) STATES.—The term ''States''—

(A) means the States of Alabama, Kentucky, Indiana, Louisiana, Maryland, Virginia, New York, Maine, Michigan, and Ohio; and

(B) includes agencies and entities of each State.

**SEC. 4. STAR-SPANGLED BANNER AND WAR OF 1812 COMMEMORATION COMMISSION.**

(a) IN GENERAL.—There is established a commission to be known as the ''Star-Spangled Banner and War of 1812 Bicentennial Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 21 members, of whom—

(A) 3 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Governors of Maryland, Louisiana, and Virginia;

(B) 7 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Governors of Alabama, Kentucky, Indiana, New York, Maine, Michigan and Ohio;

(C) 3 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Mayors of the District of Columbia, the City of Baltimore, and the City of New Orleans;

(D) 2 members shall be employees of the National Park Service, of whom—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration;

(E) 4 members shall be qualified citizens appointed by the Secretary with consideration of recommendations—

(i) 1 of which are submitted by the majority leader of the Senate;

(ii) 1 of which are submitted by the minority leader of the Senate;

(iii) 1 of which are submitted by the majority leader of the House of Representatives;

(iv) 1 of which are submitted by the minority leader of the House of Representatives; and

(F) 2 members shall be appointed by the Secretary from among individuals with expertise in the history of the War of 1812.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 120 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) VOTING.—

(1) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a chairperson and a vice chairperson from among the members of the Commission.

(2) ABSENCE OF CHAIRPERSON.—The vice chairperson shall act as chairperson in the absence of the chairperson.

(f) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Commission have been appointed and funds have been provided, the Commission shall hold the initial meeting of the Commission.

(g) MEETINGS.—Not less than twice a year, the Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

(h) REMOVAL.—Any member who fails to attend 3 successive meetings of the Commission or who otherwise fails to participate substantively in the work of the Commission may be removed by the Secretary and the vacancy shall be filled in the same manner as the original appointment was made. Members serve at the discretion of the Secretary.

**SEC. 5. DUTIES.**

(a) IN GENERAL.—The Commission shall—

(1) plan, encourage, develop, execute, and coordinate programs, observances, and activities commemorating the historic events that preceded and are associated with the War of 1812;

(2) facilitate the commemoration throughout the United States and internationally;

(3) coordinate the activities of the Commission with State commemoration commissions, the National Park Service, the Department of Defense, and other appropriate Federal agencies;

(4) encourage civic, patriotic, historical, educational, religious, economic, tourism, and other organizations throughout the United States to organize and participate in the commemoration to expand the understanding and appreciation of the significance of the War of 1812;

(5) provide technical assistance to States, localities, units of the National Park System, and nonprofit organizations to further the commemoration and commemorative events;

(6) coordinate and facilitate scholarly research on, publication about, and interpretation of the people and events associated with the War of 1812;

(7) design, develop, and provide for the maintenance of an exhibit that will travel throughout the United States during the commemoration period to interpret events of the War of 1812 for the educational benefit of the citizens of the United States;

(8) ensure that War of 1812 commemorations provide a lasting legacy and long-term public benefit leading to protection of the natural and cultural resources associated with the War of 1812; and

(9) examine and review essential facilities and infrastructure at War of 1812 sites and identify possible improvements that could be made to enhance and maximize visitor experience at the sites.

(b) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan and annual performance plans for any activity carried out by the Commission under this Act.

(c) REPORTS.—

(1) ANNUAL REPORT.—The Commission shall submit to Congress an annual report that contains a list of each gift, bequest, or devise to the Commission with a value of more than $250, together with the identity of the donor of each gift, bequest, or devise.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall submit to the Secretary and Congress a final report that includes—

(A) a summary of the activities of the Commission;

(B) a final accounting of any funds received or expended by the Commission; and

(C) the final disposition of any historically significant items acquired by the Commission and other properties not previously reported.

**SEC. 6. POWERS.**

(a) IN GENERAL.—The Commission may—

(1) solicit, accept, use, and dispose of gifts or donations of money, services, and real and personal property related to the commemoration in accordance with Department of the Interior and National Park Service written standards for accepting gifts from outside sources;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action the Commission is authorized to take under this Act;

(4) use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government; and

(5) make grants to communities, nonprofit, commemorative commissions or organizations, and research and scholarly organizations to develop programs and products to assist in researching, publishing, marketing, and distributing information relating to the commemoration.

(b) LEGAL AGREEMENTS.—

(1) IN GENERAL.—In carrying out this Act, the Commission may—

(A) procure supplies, services, and property; and

(B) make or enter into contracts, leases, or other legal agreements.

(2) LENGTH.—Any contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission in accordance with applicable laws.

(d) FACA APPLICATION.—The Federal Advisory Committee Act (5 U.S.C. App.)—

(1) shall not apply to the Commission; and

(2) shall apply to advisory committees established under subsection (a)(2).

(e) NO EFFECT ON AUTHORITY.—Nothing in this Act supersedes the authority of the States or the National Park Service concerning the commemoration.

**SEC. 7. PERSONNEL MATTERS.**

(a) MEMBERS OF THE COMMISSION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(A), a member of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STATUS.—A member of the Commission, who is not otherwise a Federal employee, shall be considered a Federal employee only for purposes of the provisions of law related to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) EXECUTIVE DIRECTOR AND OTHER STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and termination of employees (including regulations), appoint and terminate an executive director, subject to confirmation by the Commission, and appoint and terminate such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) STATUS.—The Executive Director and other staff appointed under this subsection shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

(3) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of basic pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) GOVERNMENT EMPLOYEES.—

(1) FEDERAL EMPLOYEES.—

(A) SERVICE ON COMMISSION.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(B) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(C) CIVIL SERVICE STATUS.—Notwithstanding any other provisions in this section, Federal employees who serve on the Commission, are detailed to the Commission, or otherwise provide services under the Act,

shall continue to be Federal employees for the purpose of any law specific to Federal employees, without interruption or loss of civil service status or privilege.

(2) STATE EMPLOYEES.—The Commission may—

(A) accept the services of personnel detailed from States (including subdivisions of States) under subchapter VI of chapter 33 of title 5, United States Code; and

(B) reimburse States for services of detailed personnel.

(d) MEMBERS OF ADVISORY COMMITTEES.—Members of advisory committees appointed under section 6(a)(2)—

(1) shall not be considered employees of the Federal Government by reason of service on the committees for the purpose of any law specific to Federal employees, except for the purposes of chapter 11 of title 18, United States Code, relating to conflicts of interest; and

(2) may be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

(e) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines necessary.

(f) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may employ experts and consultants on a temporary or intermittent basis in accordance with 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 that title. Such personnel shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act such sums as are necessary for each of fiscal years 2008 through 2015.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under this section for any fiscal year shall remain available until December 31, 2015.

**SEC. 9. TERMINATION OF COMMISSION.**

(a) IN GENERAL.—The Commission shall terminate on December 31, 2015.

(b) TRANSFER OF MATERIALS.—Not later than the date of termination, the Commission shall transfer any documents, materials, books, manuscripts, miscellaneous printed matter, memorabilia, relics, exhibits, and any materials donated to the Commission that relate to the War of 1812, to Fort McHenry National Monument and Historic Shrine.

(c) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date of termination shall be deposited in the general fund of the Treasury.

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By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. INOUYE, Mr. SALAZAR, Mr. BIDEN, Mr. LIEBERMAN, Mrs. CLINTON, Mr. SCHUMER, and Mr. DODD):

S. 799. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes, to the Committee on Finance.

Mr. HARKIN. Mr. President, today, Senator SPECTER and I, and others introduce the Community Choice Act. This legislation is needed to truly bring people with disabilities into the mainstream of society and provide equal opportunity for employment and community activities.

In order to work or live in their own homes, Americans with disabilities and older Americans need access to community-based services and supports. Unfortunately, under current Medicaid policy, the deck is stacked in favor of living in an institutional setting. Federal law requires that States cover nursing home care in their Medicaid programs, but there is no similar requirement for attendant services. The purpose of our bill is to level the playing field, and to give eligible individuals equal access to the community-based services and supports that they need.

Although some States have already recognized the benefits of home and community-based services, they are unevenly distributed and only reach a small percentage of eligible individuals. Some States are now providing the personal care optional benefit through their Medicaid program, but others do not.

Those left behind are often needlessly institutionalized because they cannot access community alternatives. The civil right of a person with a disability to be integrated into their own community should not depend on their address. In Olmstead v. L.C., the Supreme Court recognized that needless institutionalization is a form of discrimination under the Americans with Disabilities Act. We in Congress have a responsibility to help States meet their obligations under Olmstead.

The Community Choice Act is designed to do just that, and to make the promise of the ADA a reality. It will help rebalance the current Medicaid long term care system, which spends a disproportionate amount on institutional services. Today, almost two-thirds of Medicaid long term care dollars are spent on institutional services, with only one-third going to community-based care.

This current imbalance means that individuals do not have equal access to community-based care throughout this country. An individual should not have to move to another State in order to avoid needless segregation. Nor should they have to move away from family and friends because their own choice is an institution.

Federal Medicaid policy should reflect the goals of the ADA that Americans with disabilities should have equal opportunity, and the right to fully participate in their communities. No one should have to sacrifice their ability to participate because they need help getting out of the house in the morning or assistance with personal care or some other basic service.

We have made some progress to date, as CMS has started to award Money Follows the Person demonstration grants. But that is only a start. Together, that initiative and the Community Choice Act could substantially reform long term services in this country. With appropriate community-based services and supports, we can transform the lives of people with disabilities. They can live with family and friends, not strangers. They can be the neighbor down the street, not the person warehoused down the hall. This is not asking too much. This is the bare minimum that we should demand for every human being.

Community based services and supports allow people with disabilities to lead independent lives, have jobs, and participate in the community. Some will become taxpayers, some will get an education, and some will participate in recreational and civic activities. But all will experience a chance to make their own choices and to govern their own lives.

The Community Choice Act will open the door to full participation by people with disabilities in our workplaces, our economy, and our American Dream and I urge all my colleagues to support us on this issue. I want to thank Senator SPECTER for his leadership on this issue and his commitment to improving access to home and community-based services for people with disabilities. I would also like to thank Senators KENNEDY, INOUYE, SALAZAR, BIDEN, LIEBERMAN, CLINTON, SCHUMER, and DODD for joining me in this important initiative.

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. 799

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Community Choice Act of 2007''.

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

**SEC. 2. FINDINGS AND PURPOSES.**

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

(1) Long-term services and supports provided under the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) must meet the ability and life choices of individuals with disabilities and older Americans, including the choice to live in one's own home or with one's own family and to become a productive member of the community.

(2) Research on the provision of long-term services and supports under the Medicaid program (conducted by and on behalf of the Department of Health and Human Services) has revealed a significant funding and programmatic bias toward institutional care. Only about 37 percent of long-term care funds expended under the Medicaid program, and only about 12.5 percent of all funds expended under that program, pay for services and supports in home and community-based settings.

(3) In the case of Medicaid beneficiaries who need long-term care, the only long-term care service currently guaranteed by Federal law in every State are services related to nursing home care. Only 30 States have adopted the benefit option of providing personal care services under the Medicaid program. Although every State has chosen to provide certain services under home and community-based waivers, these services are unevenly available within and across States, and reach a small percentage of eligible individuals. In fiscal year 2003, only 7 States spent 50 percent or more of their Medicaid long-term care funds under the Medicaid program on home and community-based care. Individuals with the most significant disabilities are usually afforded the least amount of choice, despite advances in medical and assistive technologies and related areas.

(4) Despite the more limited funding for community services, the majority of individuals who use Medicaid long-term services and supports are in the community, indicating that community services is a more cost effective alternative to institutional care.

(5) The goals of the Nation properly include providing families of children with disabilities, working-age adults with disabilities, and older Americans with—

(A) a meaningful choice of receiving long-term services and supports in the most integrated setting appropriate to the individual's needs;

(B) the greatest possible control over the services received and, therefore, their own lives and futures; and

(C) quality services that maximize independence in the home and community, including in the workplace.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To reform the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to provide services in the most integrated setting appropriate to the individual's needs, and to provide equal access to community-based attendant services and supports in order to assist individuals in achieving equal opportunity, full participation, independent living, and economic self-sufficiency.

(2) To provide financial assistance to States as they reform their long-term care systems to provide comprehensive statewide long-term services and supports, including community-based attendant services and supports that provide consumer choice and direction, in the most integrated setting appropriate.

(3) To assist States in meeting the growing demand for community-based attendant services and supports, as the Nation's population ages and individuals with disabilities live longer.

(4) To assist States in addressing the decision of the Supreme Court in *Olmstead v. L.C.*, (527 U.S. 581 (1999)) and implementing the integration mandate of the Americans with Disabilities Act.

## TITLE I—ESTABLISHMENT OF MEDICAID PLAN BENEFIT

**SEC. 101. COVERAGE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS UNDER THE MEDICAID PROGRAM.**

(a) MANDATORY COVERAGE.—Section 1902(a)(10)(D) of the Social Security Act (42 U.S.C. 1396a(a)(10)(D)) is amended—

(1) by inserting ''(i)'' after ''(D)'';

(2) by adding ''and'' after the semicolon; and

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

''(ii) subject to section 1939, for the inclusion of community-based attendant services and supports for any individual who—

''(I) is eligible for medical assistance under the State plan;

''(II) with respect to whom there has been a determination that the individual requires the level of care provided in a nursing facility, institution for mental diseases, or an intermediate care facility for the mentally retarded (whether or not coverage of such institution or intermediate care facility is provided under the State plan); and

''(III) chooses to receive such services and supports;''.

(b) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1939 as section 1940; and

(B) by inserting after section 1938 the following:

''COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS

''SEC. 1939. (a) REQUIRED COVERAGE.—

''(1) IN GENERAL.—Not later than October 1, 2012, a State shall provide through a plan amendment for the inclusion of community-based attendant services and supports (as defined in subsection (g)(1)) for individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

''(2) ENHANCED FMAP AND ADDITIONAL FEDERAL FINANCIAL SUPPORT FOR EARLIER COVERAGE.—Notwithstanding section 1905(b), during the period that begins on October 1, 2007, and ends on September 30, 2012, in the case of a State with an approved plan amendment under this section during that period that also satisfies the requirements of subsection (c) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance in the form of community-based attendant services and supports provided to individuals described in section 1902(a)(10)(D)(ii) in accordance with this section on or after the date of the approval of such plan amendment.

''(b) DEVELOPMENT AND IMPLEMENTATION OF BENEFIT.—In order for a State plan amendment to be approved under this section, a State shall provide the Secretary with the following assurances:

''(1) ASSURANCE OF DEVELOPMENT AND IMPLEMENTATION COLLABORATION.—

''(A) IN GENERAL.—That State plan amendment—

''(i) has been developed in collaboration with, and with the approval of, a Development and Implementation Council established by the State that satisfies the requirements of subparagraph (B); and

''(ii) will be implemented in collaboration with such Council and on the basis of public input solicited by the State and the Council.

''(B) DEVELOPMENT AND IMPLEMENTATION COUNCIL REQUIREMENTS.—For purposes of subparagraph (A), the requirements of this subparagraph are that—

''(i) the majority of the members of the Development and Implementation Council are individuals with disabilities, elderly individuals, and their representatives; and

''(ii) in carrying out its responsibilities, the Council actively collaborates with—

''(I) individuals with disabilities;

''(II) elderly individuals;

''(III) representatives of such individuals; and

''(IV) providers of, and advocates for, services and supports for such individuals.

''(2) ASSURANCE OF PROVISION ON A STATEWIDE BASIS AND IN MOST INTEGRATED SETTING.—That consumer controlled community-based attendant services and supports will be provided under the State plan to individuals described in section 1902(a)(10)(D)(ii) on a statewide basis and in a manner that provides such services and supports in the most integrated setting appropriate to the individual's needs.

''(3) ASSURANCE OF NONDISCRIMINATION.—That the State will provide community-based attendant services and supports to an individual described in section 1902(a)(10)(D)(ii) without regard to the individual's age, type or nature of disability, severity of disability, or the form of community-based attendant services and supports that the individual requires in order to lead an independent life.

''(4) ASSURANCE OF MAINTENANCE OF EFFORT.—That the level of State expenditures for medical assistance that is provided under section 1905(a), section 1915, section 1115, or otherwise to individuals with disabilities or elderly individuals for a fiscal year shall not be less than the level of such expenditures for the fiscal year preceding the first full fiscal year in which the State plan amendment to provide community-based attendant services and supports in accordance with this section is implemented.

''(c) REQUIREMENTS FOR ENHANCED FMAP FOR EARLY COVERAGE.—In addition to satisfying the other requirements for an approved plan amendment under this section, in order for a State to be eligible under subsection (a)(2) during the period described in that subsection for the enhanced FMAP for early coverage under subsection (a)(2), the State shall satisfy the following requirements:

''(1) SPECIFICATIONS.—With respect to a fiscal year, the State shall provide the Secretary with the following specifications regarding the provision of community-based attendant services and supports under the plan for that fiscal year:

''(A)(i) The number of individuals who are estimated to receive community-based attendant services and supports under the plan during the fiscal year.

''(ii) The number of individuals that received such services and supports during the preceding fiscal year.

''(B) The maximum number of individuals who will receive such services and supports under the plan during that fiscal year.

''(C) The procedures the State will implement to ensure that the models for delivery of such services and supports are consumer controlled (as defined in subsection (g)(2)(B)).

''(D) The procedures the State will implement to inform all potentially eligible individuals and relevant other individuals of the availability of such services and supports

under this title, and of other items and services that may be provided to the individual under this title or title XVIII and other Federal or State long-term service and support programs.

''(E) The procedures the State will implement to ensure that such services and supports are provided in accordance with the requirements of subsection (b)(1).

''(F) The procedures the State will implement to actively involve in a systematic, comprehensive, and ongoing basis, the Development and Implementation Council established in accordance with subsection (b)(1)(A)(ii), individuals with disabilities, elderly individuals, and representatives of such individuals in the design, delivery, administration, implementation, and evaluation of the provision of such services and supports under this title.

''(2) PARTICIPATION IN EVALUATIONS.—The State shall provide the Secretary with such substantive input into, and participation in, the design and conduct of data collection, analyses, and other qualitative or quantitative evaluations of the provision of community-based attendant services and supports under this section as the Secretary deems necessary in order to determine the effectiveness of the provision of such services and supports in allowing the individuals receiving such services and supports to lead an independent life to the maximum extent possible.

''(d) QUALITY ASSURANCE.—

''(1) STATE RESPONSIBILITIES.—In order for a State plan amendment to be approved under this section, a State shall establish and maintain a comprehensive, continuous quality assurance system with respect to community-based attendant services and supports that provides for the following:

''(A) The State shall establish requirements, as appropriate, for agency-based and other delivery models that include—

''(i) minimum qualifications and training requirements for agency-based and other models;

''(ii) financial operating standards; and

''(iii) an appeals procedure for eligibility denials and a procedure for resolving disagreements over the terms of an individualized plan.

''(B) The State shall modify the quality assurance system, as appropriate, to maximize consumer independence and consumer control in both agency-provided and other delivery models.

''(C) The State shall provide a system that allows for the external monitoring of the quality of services and supports by entities consisting of consumers and their representatives, disability organizations, providers, families of disabled or elderly individuals, members of the community, and others.

''(D) The State shall provide for ongoing monitoring of the health and well-being of each individual who receives community-based attendant services and supports.

''(E) The State shall require that quality assurance mechanisms pertaining to the individual be included in the individual's written plan.

''(F) The State shall establish a process for the mandatory reporting, investigation, and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of such services and supports.

''(G) The State shall obtain meaningful consumer input, including consumer surveys, that measure the extent to which an individual receives the services and supports described in the individual's plan and the individual's satisfaction with such services and supports.

''(H) The State shall make available to the public the findings of the quality assurance system.

''(I) The State shall establish an ongoing public process for the development, implementation, and review of the State's quality assurance system.

''(J) The State shall develop and implement a program of sanctions for providers of community-based services and supports that violate the terms or conditions for the provision of such services and supports.

''(2) FEDERAL RESPONSIBILITIES.—

''(A) PERIODIC EVALUATIONS.—The Secretary shall conduct a periodic sample review of outcomes for individuals who receive community-based attendant services and supports under this title.

''(B) INVESTIGATIONS.—The Secretary may conduct targeted reviews and investigations upon receipt of an allegation of neglect, abuse, or exploitation of an individual receiving community-based attendant services and supports under this section.

''(C) DEVELOPMENT OF PROVIDER SANCTION GUIDELINES.—The Secretary shall develop guidelines for States to use in developing the sanctions required under paragraph (1)(J).

''(e) REPORTS.—The Secretary shall submit to Congress periodic reports on the provision of community-based attendant services and supports under this section, particularly with respect to the impact of the provision of such services and supports on—

''(1) individuals eligible for medical assistance under this title;

''(2) States; and

''(3) the Federal Government.

''(f) NO EFFECT ON ABILITY TO PROVIDE COVERAGE.—

''(1) IN GENERAL.—Nothing in this section shall be construed as affecting the ability of a State to provide coverage under the State plan for community-based attendant services and supports (or similar coverage) under section 1905(a), section 1915, section 1115, or otherwise.

''(2) ELIGIBILITY FOR ENHANCED MATCH.—In the case of a State that provides coverage for such services and supports under a waiver, the State shall not be eligible under subsection (a)(2) for the enhanced FMAP for the early provision of such coverage unless the State submits a plan amendment to the Secretary that meets the requirements of this section and demonstrates that the State is able to fully comply with and implement the requirements of this section.

''(g) DEFINITIONS.—In this title:

''(1) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

''(A) IN GENERAL.—The term 'community-based attendant services and supports' means attendant services and supports furnished to an individual, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health-related tasks through hands-on assistance, supervision, or cueing—

''(i) under a plan of services and supports that is based on an assessment of functional need and that is agreed to in writing by the individual or, as appropriate, the individual's representative;

''(ii) in a home or community setting, which shall include but not be limited to a school, workplace, or recreation or religious facility, but does not include a nursing facility, institution for mental diseases, or an intermediate care facility for the mentally retarded;

''(iii) under an agency-provider model or other model (as defined in paragraph (2)(C));

''(iv) the furnishing of which—

''(I) is selected, managed, and dismissed by the individual, or, as appropriate, with assistance from the individual's representative; and

''(II) provided by an individual who is qualified to provide such services, including family members (as defined by the Secretary).

''(B) INCLUDED SERVICES AND SUPPORTS.—Such term includes—

''(i) tasks necessary to assist an individual in accomplishing activities of daily living, instrumental activities of daily living, and health-related tasks;

''(ii) the acquisition, maintenance, and enhancement of skills necessary for the individual to accomplish activities of daily living, instrumental activities of daily living, and health-related tasks;

''(iii) backup systems or mechanisms (such as the use of beepers) to ensure continuity of services and supports; and

''(iv) voluntary training on how to select, manage, and dismiss attendants.

''(C) EXCLUDED SERVICES AND SUPPORTS.—Subject to subparagraph (D), such term does not include—

''(i) the provision of room and board for the individual;

''(ii) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

''(iii) assistive technology devices and assistive technology services;

''(iv) durable medical equipment; or

''(v) home modifications.

''(D) FLEXIBILITY IN TRANSITION TO COMMUNITY-BASED HOME SETTING.—Such term may include expenditures for transitional costs, such as rent and utility deposits, first month's rent and utilities, bedding, basic kitchen supplies, and other necessities required for an individual to make the transition from a nursing facility, institution for mental diseases, or intermediate care facility for the mentally retarded to a community-based home setting where the individual resides.

''(2) ADDITIONAL DEFINITIONS.—

''(A) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' includes eating, toileting, grooming, dressing, bathing, and transferring.

''(B) CONSUMER CONTROLLED.—The term 'consumer controlled' means a method of selecting and providing services and supports that allow the individual, or where appropriate, the individual's representative, maximum control of the community-based attendant services and supports, regardless of who acts as the employer of record.

''(C) DELIVERY MODELS.—

''(i) AGENCY-PROVIDER MODEL.—The term 'agency-provider model' means, with respect to the provision of community-based attendant services and supports for an individual, subject to clause (iii), a method of providing consumer controlled services and supports under which entities contract for the provision of such services and supports.

''(ii) OTHER MODELS.—The term 'other models' means, subject to clause (iii), methods, other than an agency-provider model, for the provision of consumer controlled services and supports. Such models may include the provision of vouchers, direct cash payments, or use of a fiscal agent to assist in obtaining services.

''(iii) COMPLIANCE WITH CERTAIN LAWS.—A State shall ensure that, regardless of whether the State uses an agency-provider model or other models to provide services and supports under a State plan amendment under this section, such services and supports are provided in accordance with the requirements of the Fair Labor Standards Act of 1938 and applicable Federal and State laws regarding—

''(I) withholding and payment of Federal and State income and payroll taxes;

''(II) the provision of unemployment and workers compensation insurance;

''(III) maintenance of general liability insurance; and

''(IV) occupational health and safety.

''(D) HEALTH-RELATED TASKS.—The term 'health-related tasks' means specific tasks that can be delegated or assigned by licensed health-care professionals under State law to be performed by an attendant.

''(E) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term 'instrumental activities of daily living' includes, but is not limited to, meal planning and preparation, managing finances, shopping for food, clothing, and other essential items, performing essential household chores, communicating by phone and other media, and traveling around and participating in the community.

''(F) INDIVIDUALS REPRESENTATIVE.—The term 'individual's representative' means a parent, a family member, a guardian, an advocate, or other authorized representative of an individual.''.

(c) CONFORMING AMENDMENTS.—

(1) MANDATORY BENEFIT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended, in the matter preceding clause (i), by striking ''(17) and (21)'' and inserting ''(17), (21), and (28)''.

(2) DEFINITION OF MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) by striking ''and'' at the end of paragraph (27);

(B) by redesignating paragraph (28) as paragraph (29); and

(C) by inserting after paragraph (27) the following:

''(28) community-based attendant services and supports (to the extent allowed and as defined in section 1939); and''.

(3) IMD/ICFMR REQUIREMENTS.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting ''and (28)'' after ''(24)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section (other than the amendment made by subsection (c)(1)) take effect on October 1, 2007, and apply to medical assistance provided for community-based attendant services and supports described in section 1939 of the Social Security Act furnished on or after that date.

(2) MANDATORY BENEFIT.—The amendment made by subsection (c)(1) takes effect on October 1, 2012.

**SEC. 102. ENHANCED FMAP FOR ONGOING ACTIVITIES OF EARLY COVERAGE STATES THAT ENHANCE AND PROMOTE THE USE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.**

(a) IN GENERAL.—Section 1939 of the Social Security Act, as added by section 101(b), is amended—

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

(2) in subsection (a)(1), by striking ''subsection (g)(1)'' and inserting ''subsection (i)(1)'';

(3) in subsection (a)(2), by inserting '', and with respect to expenditures described in subsection (d), the Secretary shall pay the State the amount described in subsection (d)(1)'' before the period;

(4) in subsection (c)(1)(C), by striking ''subsection (g)(2)(B)'' and inserting ''subsection (i)(2)(B)''; and

(5) by inserting after subsection (c), the following:

''(d) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR EARLY COVERAGE STATES THAT MEET CERTAIN BENCHMARKS.—

''(1) IN GENERAL.—Subject to paragraph (2), for purposes of subsection (a)(2), the amount and expenditures described in this subsection are an amount equal to the Federal medical assistance percentage, increased by 10 percentage points, of the expenditures incurred by the State for the provision or conduct of the services or activities described in paragraph (3).

''(2) EXPENDITURE CRITERIA.—A State shall—

''(A) develop criteria for determining the expenditures described in paragraph (1) in collaboration with the individuals and representatives described in subsection (b)(1); and

''(B) submit such criteria for approval by the Secretary.

''(3) SERVICES, SUPPORTS AND ACTIVITIES DESCRIBED.—For purposes of paragraph (1), the services, supports and activities described in this subparagraph are the following:

''(A) 1-stop intake, referral, and institutional diversion services.

''(B) Identifying and remedying gaps and inequities in the State's current provision of long-term services and supports, particularly those services and supports that are provided based on such factors as age, severity of disability, type of disability, ethnicity, income, institutional bias, or other similar factors.

''(C) Establishment of consumer participation and consumer governance mechanisms, such as cooperatives and regional service authorities, that are managed and controlled by individuals with significant disabilities who use community-based services and supports or their representatives.

''(D) Activities designed to enhance the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports.

''(E) Continuous, comprehensive quality improvement activities that are designed to ensure and enhance the health and well-being of individuals who rely on community-based attendant services and supports, particularly activities involving or initiated by consumers of such services and supports or their representatives.

''(F) Family support services to augment the efforts of families and friends to enable individuals with disabilities of all ages to live in their own homes and communities.

''(G) Health promotion and wellness services and activities.

''(H) Provider recruitment and enhancement activities, particularly such activities that encourage the development and maintenance of consumer controlled cooperatives or other small businesses or micro-enterprises that provide community-based attendant services and supports or related services.

''(I) Activities designed to ensure service and systems coordination.

''(J) Any other services or activities that the Secretary deems appropriate.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2007.

**SEC. 103. INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.**

(a) IN GENERAL.—Section 1939 of the Social Security Act, as added by section 101(b) and amended by section 102, is amended by inserting after subsection (d) the following:

''(e) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.—

''(1) ELIGIBILITY FOR PAYMENT.—

''(A) IN GENERAL.—In the case of a State that the Secretary determines satisfies the requirements of subparagraph (B), the Secretary shall pay the State the amounts described in paragraph (2) in addition to any other payments provided for under section 1903 or this section for the provision of community-based attendant services and supports.

''(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

''(i) The State has an approved plan amendment under this section.

''(ii) The State has incurred expenditures described in paragraph (2).

''(iii) The State develops and submits to the Secretary criteria to identify and select such expenditures in accordance with the requirements of paragraph (3).

''(iv) The Secretary determines that payment of the applicable percentage of such expenditures (as determined under paragraph (2)(B)) would enable the State to provide a meaningful choice of receiving community-based services and supports to individuals with disabilities and elderly individuals who would otherwise only have the option of receiving institutional care.

''(2) AMOUNTS AND EXPENDITURES DESCRIBED.—

''(A) EXPENDITURES IN EXCESS OF 150 PERCENT OF BASELINE AMOUNT.—The amounts and expenditures described in this paragraph are an amount equal to the applicable percentage, as determined by the Secretary in accordance with subparagraph (B), of the expenditures incurred by the State for the provision of community-based attendant services and supports to an individual that exceed 150 percent of the average cost of providing nursing facility services to an individual who resides in the State and is eligible for such services under this title, as determined in accordance with criteria established by the Secretary.

''(B) APPLICABLE PERCENTAGE.—The Secretary shall establish a payment scale for the expenditures described in subparagraph (A) so that the Federal financial participation for such expenditures gradually increases from 70 percent to 90 percent as such expenditures increase.

''(3) SPECIFICATION OF ORDER OF SELECTION FOR EXPENDITURES.—In order to receive the amounts described in paragraph (2), a State shall—

''(A) develop, in collaboration with the individuals and representatives described in subsection (b)(1) and pursuant to guidelines established by the Secretary, criteria to identify and select the expenditures submitted under that paragraph; and

''(B) submit such criteria to the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2007.

## TITLE II—PROMOTION OF SYSTEMS CHANGE AND CAPACITY BUILDING

**SEC. 201. GRANTS TO PROMOTE SYSTEMS CHANGE AND CAPACITY BUILDING.**

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall award grants to eligible States to carry out the activities described in subsection (b).

(2) APPLICATION.—In order to be eligible for a grant under this section, a State shall submit to the Secretary an application in such form and manner, and that contains such information, as the Secretary may require.

(b) PERMISSIBLE ACTIVITIES.—A State that receives a grant under this section may use funds provided under the grant for any of the following activities, focusing on areas of need identified by the State and the Consumer Task Force established under subsection (c):

(1) The development and implementation of the provision of community-based attendant services and supports under section 1939 of the Social Security Act (as added by section 101(b) and amended by sections 102 and 103) through active collaboration with—

(A) individuals with disabilities;

(B) elderly individuals;
(C) representatives of such individuals; and
(D) providers of, and advocates for, services and supports for such individuals.
(2) Substantially involving individuals with significant disabilities and representatives of such individuals in jointly developing, implementing, and continually improving a mutually acceptable comprehensive, effectively working statewide plan for preventing and alleviating unnecessary institutionalization of such individuals.
(3) Engaging in system change and other activities deemed necessary to achieve any or all of the goals of such statewide plan.
(4) Identifying and remedying disparities and gaps in services to classes of individuals with disabilities and elderly individuals who are currently experiencing or who face substantial risk of unnecessary institutionalization.
(5) Building and expanding system capacity to offer quality consumer controlled community-based services and supports to individuals with disabilities and elderly individuals, including by—
(A) seeding the development and effective use of community-based attendant services and supports cooperatives, Independent Living Centers, small businesses, micro-enterprises, micro-boards, and similar joint ventures owned and controlled by individuals with disabilities or representatives of such individuals and community-based attendant services and supports workers;
(B) enhancing the choice and control individuals with disabilities and elderly individuals exercise, including through their representatives, with respect to the personal assistance and supports they rely upon to lead independent, self-directed lives;
(C) enhancing the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports;
(D) engaging in a variety of needs assessment and data gathering;
(E) developing strategies for modifying policies, practices, and procedures that result in unnecessary institutional bias or the over-medicalization of long-term services and supports;
(F) engaging in interagency coordination and single point of entry activities;
(G) providing training and technical assistance with respect to the provision of community-based attendant services and supports;
(H) engaging in—
(i) public awareness campaigns;
(ii) facility-to-community transitional activities; and
(iii) demonstrations of new approaches; and
(I) engaging in other systems change activities necessary for developing, implementing, or evaluating a comprehensive statewide system of community-based attendant services and supports.
(6) Ensuring that the activities funded by the grant are coordinated with other efforts to increase personal attendant services and supports, including—
(A) programs funded under or amended by the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1860);
(B) grants funded under the Families of Children With Disabilities Support Act of 2000 (42 U.S.C. 15091 et seq.); and
(C) other initiatives designed to enhance the delivery of community-based services and supports to individuals with disabilities and elderly individuals.
(7) Engaging in transition partnership activities with nursing facilities and intermediate care facilities for the mentally retarded that utilize and build upon items and services provided to individuals with disabilities or elderly individuals under the Medicaid program under title XIX of the Social Security Act, or by Federal, State, or local housing agencies, Independent Living Centers, and other organizations controlled by consumers or their representatives.
(c) CONSUMER TASK FORCE.—
(1) ESTABLISHMENT AND DUTIES.—To be eligible to receive a grant under this section, each State shall establish a Consumer Task Force (referred to in this subsection as the ''Task Force'') to assist the State in the development, implementation, and evaluation of real choice systems change initiatives.
(2) APPOINTMENT.—Members of the Task Force shall be appointed by the Chief Executive Officer of the State in accordance with the requirements of paragraph (3), after the solicitation of recommendations from representatives of organizations representing a broad range of individuals with disabilities, elderly individuals, representatives of such individuals, and organizations interested in individuals with disabilities and elderly individuals.
(3) COMPOSITION.—
(A) IN GENERAL.—The Task Force shall represent a broad range of individuals with disabilities from diverse backgrounds and shall include representatives from Developmental Disabilities Councils, Mental Health Councils, State Independent Living Centers and Councils, Commissions on Aging, organizations that provide services to individuals with disabilities and consumers of long-term services and supports.
(B) INDIVIDUALS WITH DISABILITIES.—A majority of the members of the Task Force shall be individuals with disabilities or representatives of such individuals.
(C) LIMITATION.—The Task Force shall not include employees of any State agency providing services to individuals with disabilities other than employees of entities described in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.).
(d) ANNUAL REPORT.—
(1) STATES.—A State that receives a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant in such form and manner as the Secretary may require.
(2) SECRETARY.—The Secretary shall submit to Congress an annual report on the grants made under this section.
(e) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for each of fiscal years 2008 through 2010.
(2) AVAILABILITY.—Amounts appropriated to carry out this section shall remain available without fiscal year limitation.

**SEC. 202. DEMONSTRATION PROJECT TO ENHANCE COORDINATION OF CARE UNDER THE MEDICARE AND MEDICAID PROGRAMS FOR DUAL ELIGIBLE INDIVIDUALS.**

(a) DEFINITIONS.—In this section:
(1) DUALLY ELIGIBLE INDIVIDUAL.—The term ''dually eligible individual'' means an individual who is enrolled in the Medicare and Medicaid programs established under Titles XVIII and XIX, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).
(2) PROJECT.—The term ''project'' means the demonstration project authorized to be conducted under this section.
(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.
(b) AUTHORITY TO CONDUCT PROJECT.—The Secretary shall conduct a project under this section for the purpose of evaluating service coordination and cost-sharing approaches with respect to the provision of community-based services and supports to dually eligible individuals.
(c) REQUIREMENTS.—
(1) NUMBER OF PARTICIPANTS.—Not more than 5 States may participate in the project.
(2) APPLICATION.—A State that desires to participate in the project shall submit an application to the Secretary, at such time and in such form and manner as the Secretary shall specify.
(3) DURATION.—The project shall be conducted for at least 5, but not more than 10 years.
(d) EVALUATION AND REPORT.—
(1) EVALUATION.—Not later than 1 year prior to the termination date of the project, the Secretary, in consultation with States participating in the project, representatives of dually eligible individuals, and others, shall evaluate the impact and effectiveness of the project.
(2) REPORT.—The Secretary shall submit a report to Congress that contains the findings of the evaluation conducted under paragraph (1) along with recommendations regarding whether the project should be extended or expanded, and any other legislative or administrative actions that the Secretary considers appropriate as a result of the project.
(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

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By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 801. A bill to designate a United States courthouse located in Fresno, California, as the ''Robert E. Coyle United States Courthouse''; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I am pleased to re-introduce legislation to name the Federal courthouse building at Tulare and ''O'' Streets in downtown Fresno, CA the ''Robert E. Coyle United States Courthouse.''

It is fitting that the Federal courthouse in Fresno be named for retired U.S. District Judge Robert E. Coyle, who is greatly respected and admired for his work as a judge and for his foresight and persistence that contributed so much to the Fresno Courthouse project. Judge Coyle has been a leader in the effort to build the courthouse in Fresno for more than a decade. Indeed, he personally supervised this project. He was often seen with his hard hat in hand, walking from his chambers to the new building to meet project staff.

Judge Coyle, working with the Clerk of the United States District Court for the Eastern District, conceived and founded a program called ''Managing a Capitol Construction Program'' to help others understand the process of having a courthouse built. This Eastern District program was so well received by national court administrators that it is now a nationwide program run by Judge Coyle.

In addition to meeting the needs of the court for additional space, the courthouse project has become a key element in the downtown revitalization of Fresno. Judge Coyle's efforts, and those in the community with whom he has worked, produced a major milestone when the building was occupied in January of 2006.

Judge Coyle has had a distinguished career as an attorney and on the bench. Appointed to California's Eastern District bench by President Ronald Reagan in 1982, Judge Coyle has served as a judge for the Eastern District for 20 years, including 6 years as senior judge. Judge Coyle earned his law degree from the University of California, Hastings College of the Law in 1956. He then worked for Fresno County as a Deputy District Attorney before going into private practice in 1958 with McCormick, Barstow, Sheppard, Coyle & Wayte, where he remained until his appointment by President Reagan.

Judge Coyle is very active in the community and has served in many judicial leadership positions, including: chair of the Space and Security Committee; chair of the Conference of the Chief District Judges of the Ninth Circuit; president of the Ninth Circuit District Judges Association; Member of the Board of Governors of the State Bar of California; and president of the Fresno County Bar.

My hope is that, in addition to serving the people of the Eastern District as a courthouse, this building will stand as a reminder to the community and people of California of the dedicated work of Judge Robert E. Coyle.

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By Mr. CRAPO:

S. 802. A bill to provide for the implementation of the Owyhee Initiative Agreement, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I am pleased to introduce the Owyhee Initiative Implementation Act of 2007, a bill which is the result of a five-year collaborative effort between all levels of government, multiple users of public lands, and conservationists to resolve decades of heated land-use conflict in the Owyhee Canyonlands in the southwestern part of my home State of Idaho.

This is comprehensive land management legislation that enjoys far-reaching support among a remarkably diverse group of interests that live work and play in this special country.

Owyhee County contains some of the most unique and beautiful canyonlands in the world and offers large areas in which all of us can enjoy the grandeur and experience of untouched western trails, rivers, and open sky. It is truly magical country, and its natural beauty and traditional uses should be preserved for future generations. Owyhee County is traditional ranching country. Seventy-three percent of its land base is owned by the United States, and it is located within an hour's drive of one of the fastest growing areas in the nation, Boise, ID.

This combination of attributes, including location, is having an explosive effect on property values, community expansion and development and ever-increasing demands on public land. Given this confluence of circumstances and events, Owyhee County has been at the core of decades of conflict with heated political and regulatory battles. The diverse land uses co-exist in an area of intense beauty and unique character. The conflict over land management is both inevitable and understandable—how do we manage for this diversity and do so in a way that protects and restores the quality of that fragile environment?

In this context, the Owyhee County Commissioners and several others said ''enough is enough'' and decided to focus efforts on solving these problems rather than wasting resources on an endless fight. In 2001, The Owyhee County Commissioners, Hal Tolmie, Dick Reynolds, and Chris Salove, met with me and asked for my help. They asked whether I would support them if they could put together, at one table, the interested parties involved in the future of the County to try and reach some solutions. I told them that if they could get together a broad base of interests who would agree to collaborate in a process committed to problem-solving, I would dedicate myself to working with them and if they were successful, I would introduce resulting legislation. They agreed. Together, we set out on a six-year journey on a road that is as challenging as any in the Owyhee Canyonlands. Sharp turns, steep inclines and declines, big sharp rocks, deep ruts, sand burrs, dust and a constant headwind is exactly what those of us who have worked so hard on this have faced every day.

This is very difficult work and in speaking of difficult work, I want to acknowledge the effort of my friend and colleague from Idaho, Representative MIKE SIMPSON, and the challenge he has taken on as he advocates his Central Idaho Economic Development Act. I support his work and his legislation.

The Commissioners appointed a Chairman, an extraordinary gentleman, Fred Grant. They formed the Work Group which included The Wilderness Society, Idaho Conservation League, The Nature Conservancy, Idaho Outfitters and Guides, the United States Air Force, the Sierra Club, the county Soil Conservation Districts, Owyhee Cattleman's Association, the Owyhee Borderlands Trust, People for the Owyhees, and the Shoshone Paiute Tribes to join in their efforts. All accepted, and work on this bill began. As this collaborative process gained momentum, the County Commissioners expanded the Work Group to include the South Idaho Desert Racing Association, Idaho Rivers United and the Owyhee County Farm Bureau. Very recently, the Commissioners have further expanded the effort to include the Foundation for North American Wild Sheep and the Idaho Backcountry Horsemen.

The Commissioners also requested that the Idaho State Department of Lands and the Bureau of Land Management to serve and those agencies have provided important support.

This unique group of people chose to work without a professional facilitator, preferring instead to deal with differences face-to-face and together create new ideas. For me, one of the most gratifying and emotional outcomes has been to see this group transform itself from polarized camps into an extraordinary force that has become known for its intense effort, comity, trust and willingness to work toward a solution.

They operated on a true consensus basis, only making decisions when there was no voiced objection to a proposal. They involved everyone who wanted to participate in the process and spent hundreds of hours discussing their findings, modifying preliminary proposals and ultimately reaching consensus solutions. They have driven thousands of miles inspecting roads and trails, listening to and soliciting ideas from people from all walks of life who have in common deep roots and deep interest in the Owyhee Canyonlands. They sought to ensure that they had a thorough understanding of the issues and could take proper advantage of the insights and experience of all these people.

While this whole process and its outcomes are indeed remarkable, one of the more notable developments is the Memorandum of Agreement between the Shoshone Paiute Tribes and the County that establishes government-to-government cooperation in several areas of mutual interest. I want to particularly note the efforts and support of Mr. Terry Gibson, Chairman of the Shoshone Paiute Tribes, a great leader and a personal friend.

All of these individuals and organizations have asked that I seek Senate approval of their collaborative effort, built from the ground up to chart their path forward.

The Owyhee Initiative transforms conflict and uncertainty into conflict resolution and assurance of future activity. Ranchers can plan for subsequent generations. Off-road vehicle users have access assured. Wilderness is established. The Shoshone-Paiute Tribe knows its cultural resources will be protected. The Air Force will continue to train its pilots. Local, State and Federal government agencies will have structure to assist their joint management of the region. And this will all happen within the context of the preservation of environmental and ecological health. This is indeed a revolutionary land management structure—and one that looks ahead to the future.

Principle features of the legislation include: development, funding and implementation of a landscape-scale program to review, recommend and coordinate landscape conservation and research projects; scientific review process to assist the Bureau of Land Management; designation of Wilderness and Wild and Scenic Rivers; release of Wilderness Study Areas; protections of tribal cultural and historical resources against intentional and

unintentional abuse and desecration; development and implementation by the BLM of travel plans for public lands; and a board of directors with oversight over the administration and implementation of the Owyhee Initiative.

This can't be called ranching bill, or a wilderness bill, or an Air Force bill, or a Tribal bill. It is a comprehensive land management bill. Each interest got enough to enthusiastically support the final product, advocate for its enactment, and, most importantly, support the objectives of those with whom they had previous conflict.

Opposition will come from a few principal sources: those who simply don't want to have wilderness designated; those who don't want livestock anywhere on public land; and, those who do not want to see collaboration succeed. While I respect that opposition, I prefer to move forward in an effort that manages conflict and land, rather than exploit disagreements.

The status quo is unacceptable. The Owyhee Canyonlands and its inhabitants, including its people, deserve to have a process of conflict management and a path to sustainability. The need for this path forward is particularly acute given that this area is an hour's drive from one of the Nation's most rapidly-growing communities. The Owyhee Initiative protects water rights, releases wilderness study areas and protects traditional uses.

I commend the commitment and leadership of all involved. We have established a longterm, comprehensive management approach. It's been an honor for me to work with so many fine people and I will do everything in my power to turn this into law.

The Owyhee Initiative sets a standard for managing and resolving difficult land management issues in our country. After all, what better place to forge an historical change in our approach to public land management, than in this magnificent land that symbolizes livelihood, heritage, diversity, opportunity and renewal?

And with that, I would like to recognize and thank the people who have been the real driving force behind this process: Fred Grant, Chairman of the Owyhee Initiative Work Group, his assistant Staci Grant, and Dr. Ted Hoffman, Sheriff Gary Aman, the Owyhee County Commissioners: Hal Tolmie, Chris Salova, & Dick Reynolds and Chairman Terry Gibson of the Shoshone Paiute Tribes. I am grateful to Governor Jim Risch of the Great State of Idaho for all of his support. Thanks to: Colonel Rock of the United States Air Force at Mountain Home Air Force Base, Craig Gherke and John McCarthy of The Wilderness Society, Rick Johnson & John Robison of the Idaho Conservation League, Inez Jaca representing Owyhee County, Dr. Chad Gibson representing the Owyhee Cattleman's Association, Brenda Richards representing private property owners in Owyhee County, Cindy & Frank Bachman representing the Soil Conservation Districts in Owyhee County, Marcia Argust with the Campaign for America's Wilderness, Grant Simmons of the Idaho Outfitters and Guides Association, Bill Sedivy with Idaho Rivers United, Tim Lowry of the Owyhee County Farm Bureau, Bill Walsh representing Southern Idaho Desert Racing Association, Lou Lunte and Will Whelan of the Nature Conservancy for all of their hard work and dedication. I'd also like to thank the Idaho Back Country Horseman, the Foundation for North American Wild Sheep, Roger Singer of the Sierra Club, the South Board of Control and the Owyhee Project managers, and all the other water rights holders who support me today. This process truly benefited from the diversity of these groups and their willingness to cooperate to reach a common goal of protecting the land on which they live, work, and play.

The Owyhee Canyonlands and its inhabitants are truly a treasure of Idaho and the United States; I hope you will join me in ensuring their future.

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

S. 802

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Owyhee Initiative Implementation Act of 2007''.

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



**SEC. 2. FINDINGS; PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) the Owyhee-Bruneau Canyonlands Region is one of the most spectacular high deserts in the United States, unique in geology and rich in history;

(2) the Shoshone Paiute Indian tribes have put forth claims to aboriginal rights in the Region;

(3) since the 1860s, ranching has been an important part of the heritage, culture, and economy of the Region;

(4) the Region has tremendous opportunities for outdoor recreation;

(5) there has been longstanding conflict over management of the public land in the Region;

(6) in 2001, the Owyhee County Board of Commissioners and the Tribes brought together a diverse group of interests, with the intent that the Tribes and the County, through government-to-government coordination, could mutually launch a process for achieving resolution of land use conflicts, protection of the landscape resource, protection of cultural resources, and economic stability; and

(7) as a result of the process described in paragraph (6), the Owyhee Initiative Agreement, an agreement between a coalition of representatives of landowners, ranchers, environmental organizations, County government, and recreation groups appointed in the County by the Board of County Commissioners, was formed to develop a natural resources project that promotes ecological and economic health within the County.

(b) PURPOSE.—The purpose of this Act is to provide for the implementation of the Owyhee Initiative Agreement to—

(1) preserve the natural processes that create and maintain a functioning, unfragmented landscape that supports and sustains a flourishing community of human, plant, and animal life;

(2) provide for economic stability by preserving livestock grazing as an economically viable use; and

(3) provide for the protection of cultural resources.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Owyhee Initiative Project.

(2) BUREAU.—The term ''Bureau'' means the Bureau of Land Management.

(3) COUNTY.—The term ''County'' means Owyhee County, Idaho.

(4) ORDINARY HIGH WATER MARK.—The term ''ordinary high water mark'' shall have such meaning as is given the term by the legislature of the State.

(5) OWYHEE FRONT.—The term ''Owyhee Front'' means that area of the County from Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River.

(6) OWYHEE INITIATIVE AGREEMENT.—The term ''Owyhee Initiative Agreement'' means the agreement that provides for the implementation of a project for the promotion of ecological and economic health within the County entered into by a coalition of representatives of landowners, ranchers, environmental organizations, County government, and recreation groups appointed in the County by the Board of County Commissioners, entitled ''Owyhee Initiative Agreement'', as amended on May 10, 2006.

(7) PLAN.—The term ''Plan'' means the Shoshone Paiute Tribal Cultural Resource Protection Plan approved by the Tribes.

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

(9) STATE.—The term ''State'' means the State of Idaho.

(10) TRIBES.—The term ''Tribes'' means the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation.

**SEC. 4. GENERAL PROVISIONS.**

(a) NO PRECEDENCE.—Nothing in this Act establishes a precedent with regard to any future legislation.

(b) NATIVE AMERICAN RECOGNITION AND USES.—Nothing in this Act diminishes or otherwise affects—

(1) the trust responsibility of the United States to Indian tribes and Indian individuals;

(2) the government-to-government relationship between the United States and federally recognized Indian tribes;

(3) the rights of any Indian tribe, including rights of access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities; or

(4) the sovereignty of any Indian tribe.

## TITLE I—OWYHEE INITIATIVE AGREEMENT

### SEC. 101. IMPLEMENTATION.

(a) IN GENERAL.—The Secretary shall coordinate with the Board and the County in implementing this Act in accordance with applicable laws and regulations.

(b) EFFECT ON PUBLIC PARTICIPATION.—Nothing in this Act diminishes or otherwise affects any applicable law or regulation relating to public participation.

### SEC. 102. SCIENCE REVIEW PROGRAM.

(a) IN GENERAL.—The Secretary shall coordinate with the Board in the conduct of the science review process as described in the Owyhee Initiative Agreement.

(b) MANAGEMENT ACTIONS.—Notwithstanding the review process under this section, the Secretary shall proceed with management actions in a timely manner in accordance with applicable laws (including regulations).

### SEC. 103. CONSERVATION AND RESEARCH CENTER PROGRAM.

The Secretary shall coordinate with the Board with respect to the conservation and research center program, as described in the Owyhee Initiative Agreement.

### SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title $20,000,000.

## TITLE II—WILDERNESS AND WILD AND SCENIC RIVERS

### SEC. 201. WILDERNESS DESIGNATION.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) BIG JACKS CREEK WILDERNESS.—Certain land comprising approximately 51,624 acres, as generally depicted on the map entitled ''Big Jacks Creek Wilderness'' and dated September 1, 2006, which shall be known as the ''Big Jacks Creek Wilderness''.

(2) BRUNEAU-JARBIDGE RIVERS WILDERNESS.—Certain land comprising approximately 91,328 acres, as generally depicted on the map entitled ''Bruneau-Jarbidge Rivers Wilderness'' and dated September 1, 2006, which shall be known as the ''Bruneau-Jarbidge Rivers Wilderness''.

(3) LITTLE JACKS CREEK WILDERNESS.—Certain land comprising approximately 49,647 acres, as generally depicted on the map entitled ''Little Jacks Creek Wilderness'' and dated September 1, 2006, which shall be known as the ''Little Jacks Creek Wilderness''.

(4) NORTH FORK OWYHEE WILDERNESS.—Certain land comprising approximately 43,113 acres, as generally depicted on the map entitled ''North Fork Owyhee Wilderness'' and dated September 1, 2006, which shall be known as the ''North Fork Owyhee Wilderness''.

(5) OWYHEE RIVER WILDERNESS.—Certain land comprising approximately 269,016 acres, as generally depicted on the map entitled ''Owyhee River Wilderness'' and dated September 1, 2006, which shall be known as the ''Owyhee River Wilderness''.

(6) POLE CREEK WILDERNESS.—Certain land comprising approximately 12,468 acres, as generally depicted on the map entitled ''Pole Creek Wilderness'' and dated September 1, 2006, which shall be known as the ''Pole Creek Wilderness''.

(b) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau in the following areas has been adequately studied for wilderness designation:

(A) The Sheep Creek East Wilderness Study Area.

(B) The Sheep Creek West Wilderness Study Area.

(C) The Squaw Creek Canyon Wilderness Study Area.

(D) The West Fork Red Canyon Wilderness Study Area.

(E) The Upper Deep Creek Wilderness Study Area.

(F) The Big Willow Springs Wilderness Study Area.

(G) The Middle Fork Owyhee River Wilderness Study Area.

(H) Any portion of the wilderness study areas—

(i) not designated as wilderness by subsection (a); and

(ii) designated for release on the map dated September 1, 2006.

(2) RELEASE.—Any public land described in paragraph (1) that is not designated as wilderness by this subsection—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(c) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a map and legal description for each area designated as wilderness by this Act.

(2) EFFECT.—Each map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in such a map or legal description.

(3) AVAILABILITY OF MAPS.—The maps submitted under paragraph (1) shall be available for public inspection in—

(A) the offices of the Idaho State Director of the Bureau; and

(B) the offices of the Boise and Twin Falls Districts of the Bureau.

### SEC. 202. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) STATEMENT OF INTENT.—The intent of wild, scenic, and recreational river designations under this subsection is to resolve the wild, scenic, and recreational river status of the segments within the County, as depicted on the maps submitted under section 201(c).

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);

(2) by designating the undesignated paragraph relating to the White Salmon River, Washington, as paragraph (167);

(3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and

(4) by adding at the end the following:

''(170) BATTLE CREEK, IDAHO.—The 23.4 miles of Battle Creek in the State of Idaho from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(171) BIG JACKS CREEK, IDAHO.—The 35.0 miles of Big Jacks Creek in the State of Idaho from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW¼ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, Idaho, to be administered by the Secretary of the Interior as a wild river.

''(172) BRUNEAU RIVER, IDAHO.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbidge Wilderness to the upstream confluence with the west fork of the Bruneau River and the Jarbidge River, to be administered by the Secretary of the Interior as a wild river.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the .6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

''(173) WEST FORK OF THE BRUNEAU RIVER, IDAHO.—The 6.2 miles of the West Fork of the Bruneau River in the State of Idaho from the confluence with the Jarbidge River to the upstream Bruneau-Jarbidge Rivers Wilderness border, to be administered by the Secretary of the Interior as a wild river.

''(174) CAMAS CREEK, IDAHO.—The 3.0 miles of Camas Creek in the State of Idaho from the confluence with Pole Creek to the east boundary of sec. 26, T. 10 S., R. 2 W., Boise Meridian, Idaho, to be administered by the Secretary of the Interior as a scenic river.

''(175) COTTONWOOD CREEK, IDAHO.—The 2.6 miles of Cottonwood Creek in the State of Idaho from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(176) DEEP CREEK, IDAHO.—The following segments of Deep Creek in the State of Idaho, to be administered by the Secretary of the Interior:

''(A) The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, Idaho, as a wild river.

''(B) The 26.4-mile segment of Deep Creek from the boundary of Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, Idaho, to the upstream crossing of Mud Flat Road, as a scenic river.

''(177) DICKSHOOTER CREEK, IDAHO.—The 11.0 miles of Dickshooter Creek in the State of Idaho from the confluence with Deep Creek to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(178) DUNCAN CREEK, IDAHO.—The following segments of Duncan Creek in the State of Idaho, to be administered by the Secretary of the Interior:

''(A) The 5.2-mile segment of Duncan Creek from the eastern boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, Idaho, upstream to the NW¼ of sec. 1, T. 11 S., R. 3 E., Boise Meridian, Idaho, as a scenic river.

''(B) The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the beginning of the Duncan Creek Scenic River segment, as a wild river.

''(179) JARBIDGE RIVER, IDAHO.—The 28.8 miles of the Jarbidge River in the State of Idaho from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(180) LITTLE JACKS CREEK, IDAHO.—The 13.2 miles of Little Jacks Creek in the State of

Idaho from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the NW¼ of sec. 27, T. 9 S., R. 2 E., Boise Meridian, Idaho, to be administered by the Secretary of the Interior as a wild river.

''(181) LITTLE OWYHEE, IDAHO.—The 11.0 miles of the Little Owyhee in the State of Idaho from the confluence with the South Fork of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(182) NORTH FORK OF THE OWYHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River in the State of Idaho, to be administered by the Secretary of the Interior:

''(A) The 5.7-mile segment of the North Fork of the Owyhee River from the Idaho-Oregon State border to the Wild River segment of the North Fork of the Owyhee River, as a recreational river.

''(B) The 15.1-mile segment of the North Fork of the Owyhee River from the western/downstream boundary of the North Fork Owyhee River Wilderness to the northern/upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

''(183) OX PRONG, IDAHO.—The 1.3 miles of the Ox Prong in the State of Idaho from the confluence with Little Jacks Creek to the upstream boundary of the Little Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(184) OWYHEE RIVER, IDAHO.—The 67.3 miles of the Owyhee River in the State of Idaho from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river, subject to the conditions that—

''(A) motorized access shall be permitted at Crutchers Crossing; and

''(B) any crossing shall remain unconstructed.

''(185) POLE CREEK, IDAHO.—The 14.3 miles of Pole Creek in the State of Idaho from the confluence with Deep Creek upstream to the south boundary of sec. 16, T. 10 S., R. 2 W., Boise Meridian, Idaho, to be administered by the Secretary of the Interior as a scenic river.

''(186) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon in the State of Idaho from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(187) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek in the State of Idaho from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

''(188) SOUTH FORK OF THE OWYHEE RIVER, IDAHO.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho-Nevada State border shall be administered by the Secretary of the Interior as a wild river.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River across the private lands in secs. 25 and 36, T. 14 S., R. 5 W., Boise Meridian, Idaho, shall be administered by the Secretary of the Interior as a recreational river.

''(189) WICKAHONEY, IDAHO.—The 1.5 miles of Wickahoney Creek in the State of Idaho from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.''.

(c) EXTENT OF BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundaries of the wild and scenic river corridor for a river designated as a wild and scenic river by any of paragraphs (170) through (189) of section 3(a) of that Act (16 U.S.C. 1274(a)) (as added by subsection (b)) shall be the ordinary high water mark.

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives the map and legal description of each segment of a river designated as a wild and scenic river under this section or an amendment made by this section.

(2) EFFECT.—Each map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in the maps and legal descriptions.

(3) AVAILABILITY OF MAPS.—The maps submitted under paragraph (1) shall be available for public inspection in—

(A) the offices of the Idaho State Director of the Bureau; and

(B) the offices of the Boise and Twin Falls districts of the Bureau.

(e) WATER RIGHTS.—Water Rights relating to a segment of a river designated as a wild and scenic river under any of paragraphs (170) through (189) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (b)) shall be reserved in accordance with—

(1) the provisions of that Act (16 U.S.C. 1271 et seq.);

(2) the laws and regulations of the State; and

(3) the Owyhee Initiative Agreement.

**SEC. 203. ADMINISTRATION OF WILDERNESS AND WILD AND SCENIC RIVERS.**

(a) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by section 201 shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior with respect to land administered by the Secretary of the Interior.

(b) INVENTORY.—In accordance with the Owyhee Initiative Agreement, not later than 1 year after the date on which a wilderness is designated under section 201, the Bureau shall conduct an inventory of wilderness grazing management facilities and activities in the wilderness.

(c) LIVESTOCK.—In the wilderness areas designated by section 201 that are administered by the Bureau, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101–405.

(d) RECREATIONAL SADDLE AND PACK STOCK.—Nothing in this Act precludes horseback riding or the use of recreational saddle or pack stock in any wilderness designated by section 201.

(e) OUTFITTING AND GUIDING ACTIVITIES.—

(1) In general.—Consistent with section 4(d)(6) of the Wilderness Act (16 U.S.C. 1133(d)(6)) and subject to any regulations that the Secretary determines to be necessary, the Secretary shall permit the continuation of outfitting and guiding activities in any wilderness designated by section 201.

(2) Effect of designation.—Designation of an area as wilderness areas under section 201 shall not require the Secretary to limit the conduct of outfitting activities or the use of the system of reserved camps and allocated river launches designated for use by members of the public that use outfitter services that are in existence before the date of enactment of this Act.

(f) ACCESS TO NON-FEDERAL LAND.—Nothing in this Act denies an owner of non-Federal land the right to access the land.

(g) ROADS ADJACENT TO WILDERNESS.—With respect to any road adjacent to a wilderness designated by section 201 (as depicted on the applicable map), the boundary of the wilderness shall be—

(1) 100 feet from the center line for a primary road;

(2) 50 feet from the center line for a primitive wilderness boundary road; and

(3) 30 feet on either side of the center line for an interior wilderness division or cherrystem road.

(h) WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping in any wilderness designated by section 201.

(2) MANAGEMENT ACTIVITIES.—

(A) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), management activities to maintain or restore fish and wildlife populations and the habitats necessary to support such populations may be carried out in any wilderness designated by section 201, if the management activities are—

(i) consistent with relevant wilderness management plans; and

(ii) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101–405.

(B) INCLUSIONS.—Management activities under subparagraph (A) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish the promotion of such outcomes.

(3) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established in Appendix B of House Report 101–405, the State may continue to use aircraft (including helicopters) in the wilderness areas designated by section 201 to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep and feral stock, horses, and burros.

(i) WILDFIRE MANAGEMENT.—Consistent with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) to manage wildfires in any wilderness designated by section 201.

(j) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest within the perimeter of, or adjacent to, an area designated as a wilderness by section 201 or any land or interest described in section 204 that is acquired by the United States after the date of enactment of this Act shall be added

to and administered as part of the wilderness within which the acquired land or interest is located.

(k) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—The designation of a wilderness by section 201 shall not create any protective perimeters or buffer zones around the wilderness.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness or wild and scenic river designated under this section shall not preclude the conduct of those activities or uses outside the boundary of the wilderness or wild and scenic river.

(l) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(1) low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned aerial vehicles over the areas designated as a wilderness by section 201, including military overflights that can be seen or heard within the wilderness or wild and scenic river areas;

(2) flight testing and evaluation;

(3) the designation or creation of new units of special use airspace, the expansion of units of special use airspace in existence on the date of enactment of this Act, or the use or establishment of military flight training routes over the wilderness or wild and scenic river areas; or

(4) emergency access and response.

(m) WATER RIGHTS.—In accordance with section 4(d)(6) of the Wilderness Act (16 U.S.C. 1133(d)(6)), nothing in this Act provides an express or implied claim or denial of the Federal Government with respect to any exemption from water laws of the State.

**SEC. 204. LAND EXCHANGES AND ACQUISITIONS AND GRAZING PREFERENCES.**

(a) EXCHANGES AND ACQUISITIONS.—

(1) FINDINGS.—Congress finds that—

(A) the consolidation of land ownership would facilitate sound and efficient management for public and private land and serve important public objectives, including—

(i) the enhancement of public access, aesthetics, and recreational opportunities within and adjacent to designated wilderness and wild and scenic river areas; and

(ii) the protection and enhancement of wildlife habitat, including sensitive species;

(B) time is of the essence in completing appropriate land exchanges because further delays may force landowners to construct roads in, develop, or sell private land inholdings, and diminish the public values for which the private land is to be acquired; and

(C) it is in the public interest to complete the land exchanges at the earliest practicable date so that the land acquired by the United States can be preserved for protection of wilderness character, wildlife habitat, and permanent public use and enjoyment.

(2) AUTHORIZATION.—The Secretary may acquire, by purchase or other exchange, any land or interest offered by an owner under paragraph (3), subject to the conditions described in paragraph (4).

(3) OFFERS TO CONVEY.—

(A) IN GENERAL.—An owner of land or an interest identified under the document entitled ''Land Exchanges and Acquisitions'' and dated September 1, 2006, may offer to convey the land or interest to the Secretary by purchase or exchange if the owner has submitted to the Secretary, on or before the date of enactment of this Act—

(i) a written notice of the intent to exchange or sell the land or interest;

(ii) an identification of each parcel of land and each interest to be exchanged or sold;

(iii) a description of the value of each parcel of land and each interest as described in that document; and

(iv) in the case of an exchange, a description of the Federal land sought for the exchange.

(B) CONVEYANCE BY SALE.—

(i) IN GENERAL.—Subject to the availability of funds, the Secretary shall acquire any land or interests offered for purchase under subparagraph (A) as soon as practicable after the date of enactment of this Act.

(ii) ELECTION TO RECEIVE CASH.—If an owner makes an election under subparagraph (C)(iii)(II), the Secretary shall acquire by sale the land or interest of the owner as soon as practicable after the date on which the Secretary receives a notice of the election of the owner.

(C) CONVEYANCE BY DIRECT EXCHANGE.—

(i) IN GENERAL.—On the election of an owner that has submitted an appropriate notice under subparagraph (A)(i), the Secretary may acquire land or property interests identified as eligible for exchange in the document entitled ''Land Exchanges and Acquisitions'' and dated September 1, 2006, in exchange for Federal land that is—

(I) of equal value to the land or property interests, as determined by appraisals of the applicable Federal land, with or without development rights;

(II) located in the County; and

(III) described in the document referred to in subparagraph (A).

(ii) ACTION BY SECRETARY.—Not later than 60 days after the date on which the appraisals of applicable land are completed, the Secretary shall offer to enter into an exchange under this subparagraph with each appropriate owner of land or a property interest offered for exchange under subparagraph (A).

(iii) DECISIONS BY OWNERS.—Not later than 60 days after the date on which the appraisals of applicable land are completed, an owner of land or a property interest subject to an exchange under this subparagraph may elect—

(I) to waive any applicable development right relating to the Federal land to be exchanged, subject to the adjustment of the exchange to achieve like values;

(II) to receive cash in lieu of Federal land for all or any portion of the land or property interest to be exchanged; or

(III) to withdraw from participation in any exchange program.

(iv) APPLICABILITY OF OTHER LAW.—Except as otherwise provided in this section, each exchange of Federal land under this section shall be subject to laws (including regulations) applicable to the conveyance and acquisition of land under the jurisdiction of the Bureau of Land Management.

(D) FACILITATED LAND EXCHANGES.—

(i) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall offer to enter into a facilitated land exchange in accordance with subparagraph (A) and conducted through a land exchange facilitator to be designated by the Board.

(ii) EXCHANGE OFFER.—

(I) IN GENERAL.—Not later than 60 days after the date on which the appraisals of applicable land are completed, the land exchange facilitator shall submit to the Secretary an offer to exchange private land for Federal land in the County.

(II) REQUIREMENT.—An offer to exchange under subclause (I) shall demonstrate that the appraised value of the private land is equal or approximately equal to the appraised value, with or without development rights, of the Federal land offered for exchange.

(4) CONDITIONS.—

(A) TITLE.—Title to any private land conveyed under this subsection shall—

(i) be acceptable to the Secretary; and

(ii) conform with title approval standards applicable to Federal land acquisitions.

(B) VALID EXISTING RIGHTS.—Conveyances under this subsection shall be subject to valid existing rights of record.

(5) EFFECT OF SUBSECTION.—Nothing in this subsection—

(A) creates any compensable property right or title with respect to grazing preferences; or

(B) affects any public access route on Federal land exchanged under this subsection.

(b) GRAZING PREFERENCES.—

(1) IN GENERAL.—A holder of a valid grazing preference with respect to all or a portion of any Federal land designated by this Act as a wilderness may voluntarily offer to the Secretary for sale or donation all or any portion of the grazing preference.

(2) NOTICE.—To offer a grazing preference for sale or donation under paragraph (1), the holder of the grazing preference shall submit to the Secretary a written notice of the intent of the holder, including—

(A) a description of the Federal land to which the grazing preference applies; and

(B) the date on which the holder will relinquish use of the grazing preference, which shall be not later than 1 year after the date on which the notice is submitted.

(3) CONSIDERATION.—The Secretary shall provide to a holder that offers a grazing preference for sale under paragraph (1) consideration in accordance with the schedule of payments described in the document described in subsection (a)(3)(A).

(4) CANCELLATION AND RETIREMENT OF LIVESTOCK GRAZING.—Beginning on the date identified under paragraph (2)(B)—

(A) the applicable grazing preference shall be canceled; and

(B) the associated livestock grazing shall be permanently retired.

(5) FENCING.—The Secretary shall install and maintain any fencing and other structures required to prevent grazing use of any Federal land on which a grazing preference has been voluntarily sold or donated under this subsection.

**SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Bureau such sums as are necessary to carry out this title.

## TITLE III—TRANSPORTATION AND RECREATION MANAGEMENT

**SEC. 301. TRANSPORTATION PLANS.**

(a) IN GENERAL.—The Bureau shall develop and implement transportation plans for land managed by the Bureau outside of wilderness areas in the County.

(b) CONSULTATION AND COORDINATION.—The transportation plans and cooperative agreements shall be developed in consultation and coordination with appropriate Federal Government entities, tribal government entities, and State and local government entities consistent with—

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

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

(3) any other applicable laws.

(c) INCLUSIONS.—The Bureau shall ensure that all areas of the County managed by the Bureau, including areas that are remote and rarely used for motorized recreation, are included and in transportation plans developed under subsection (a) to—

(1) provide for management of anticipated growth in recreational use of the land; and

(2) develop a system to provide a wide range of recreational opportunities and experiences for all users.

(d) LIMITATION.—Transportation plans under subsection (a) shall not affect the status of any road adjacent to any wilderness (as depicted on the applicable map).

(e) SYSTEM OF ROUTES.—

(1) IN GENERAL.—Each transportation plan under subsection (a) shall—

(A) establish a system of designated roads and trails;

(B) include a multiple use recreational trail system, that provides a wide range of recreational opportunities and experiences for all users while protecting natural and cultural resources;

(C) limit the use of motorized and mechanized vehicles to designated roads and trails;

(D) address use of snow vehicles on roads, trails, and areas designated for such use;

(E) be based on resource and route inventories;

(F) include designation of routes and route systems that are open or closed; and

(G) include provisions relating to, with respect to the applicable land—

(i) trail construction and reconstruction;

(ii) road and trail closure;

(iii) seasonal closures or restrictions;

(iv) restoration of disturbed areas;

(v) monitoring;

(vi) maintenance;

(vii) maps;

(viii) signs;

(ix) education; and

(x) enforcement.

(2) TEMPORARY LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), until the date on which the Bureau completes transportation planning, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails in existence on the day before the date of enactment of this Act.

(B) EXCEPTIONS.—

(i) IN GENERAL.—Subparagraph (A) shall not apply to areas specifically identified as open, closed, or limited under the Owyhee resource management plan.

(ii) HEMMINGWAY BUTTE AREA.—Notwithstanding subparagraph (A), the Bureau may take into consideration maintaining the Hemmingway Butte area as open to cross-country travel.

(f) SCHEDULE.—

(1) OWYHEE FRONT.—Not later than 1 year after the date of enactment of this Act, the Bureau shall complete a transportation plan for the Owyhee Front.

(2) OTHER FEDERAL LANDS IN THE COUNTY.—Not later than 3 years after the date of enactment of this Act, the Bureau shall complete a transportation plan for Federal land in the County outside the Owyhee Front.

**SEC. 302. AUTHORITY.**

Transportation and travel management under this title shall not affect the authority of the Bureau to manage or regulate off-highway vehicle use under title 43, Code of Federal Regulations (as in effect on September 25, 2005).

**SEC. 303. COOPERATIVE AGREEMENTS.**

(a) IN GENERAL.—As soon as practicable, after the date of enactment of this Act, the Bureau shall offer to enter into cooperative agreements with the County—

(1) to establish a cooperative search and rescue program; and

(2) to implement and enforce the transportation plans described in this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau such sums as are necessary—

(1) to carry out search and rescue operations in the County; and

(2) to develop, implement, and enforce off-highway motor vehicle transportation plans under this section.

**SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Bureau such sums as are necessary to accelerate completion and implementation by the Bureau of the transportation plan for the Owyhee Front and subsequent transportation plans for the remainder of the County.

**TITLE IV—CULTURAL RESOURCES**

**SEC. 401. FINDINGS.**

Congress finds that—

(1) the County is rich in history and culture going back thousands of years;

(2) the cultural and historical resources important to the people and ancestors of the Tribes must be protected against abuse and desecration, whether intentional or unintentional;

(3) there are opportunities—

(A) to increase knowledge of cultural resources;

(B) to monitor influences from outside forces; and

(C) to improve the inspection and supervision of major cultural sites;

(4) inventory and monitoring programs that identify and document cultural sites and the condition of those sites over time would—

(A) assist in ensuring the preservation of the sites; and

(B) help to focus resources—

(i) to ensure compliance with prohibitions against destruction and or removal of cultural items; and

(ii) to prevent inadvertent negative impacts;

(5) the Owyhee Initiative Agreement will—

(A) support a broad range of measures to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes; and

(B) provide for the implementation of the Plan; and

(6) the implementation of the Plan should—

(A) be consistent with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

(B) recognize that—

(i) the right of Indians to self-government results from the inherent sovereignty of Indian tribes; and

(ii) the United States—

(I) has a special and unique legal and political relationship with federally recognized Indian tribes; and

(II) is obligated to develop a government-to-government relationship with Indian tribes under the Constitution, treaties, Federal law, and the course of dealings with Indian tribes.

**SEC. 402. IMPLEMENTATION.**

The Tribes shall implement the Plan.

**SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Tribes to carry out this title—

(1) $900,000 for fiscal year 2008; and

(2) $900,000 for each of fiscal years 2009 through 2012.

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By Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, Ms. SNOWE, and Mr. COLEMAN):

S. 803. A bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments; to the Committee on Finance.

Mr. ROCKFELLER. Mr. President, today I am proud to join with bipartisan colleagues, Senators CORNYN, KOHL, SNOWE, and COLEMAN, to try to increase investments in the successful Child Support Enforcement program.

Our Federal child support enforcement is an extraordirary program. In 2005, the program collected $23 billion to serve 16 million children and families, with a Federal investment of only approximately $4 billion. For every dollar invested in this Program, there is a return of $4.58. This program is a real bargain.

Child support enforcement is a program that deserves more investment because it works, and because it provides long term support for children. The historic welfare reform of 1996 changed Federal assistance to families with children to a temporary program that only provides 60 months of support. Currently 3.4 million children are cotered by welfare reform. Child support serves more children, and helps to ensure that their parents provide support until the age of 18. This program is essential for families, and it promotes our fundamental value of parental responsibility.

As part of the Deficit Reduction Act of 2006, new limits were imposed on Federal incentive funds to prohibit the match. While this provision saved almost $3 billion, the Congressional Budget Office (CBO) estimated that children and families would loose $8.3 billion. That is a bad deal.

Our bill is designed to fix this problem and continue to invest in a program that has been proven to work so well for our children and families. In my personal view, it is better to encourage families to rely on child support from their parents first.

In the past, my State of West Virginia has used its incentive payments and matching funding to support computers and staff investments. According to our West Virginia Bureau, prior to incentive funding, the agency had 18 percent to 20 percent staff turnover. But with incentive funding, staff turnover has been reduced to 10 percent and West Virginia collections are up to $180 million. This is very good for my State.

I believe this bipartisan bill will be a good deal for child support enforcement, our children and families, and our States.

I ask unanimous consent that, three letters of support and the text of the bill be printed in the RECORD. I truly appreciate the support of National Conference of State Legislatures, The National Child Support Enforcement Association, and the joint support of advocacy groups of Center for Law and Social Policy, the National Women's Law Center and the Coalition on Human Needs.

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

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
*Washington, DC, March 6, 2007.*

U.S. SENATE,
*Washington, DC.*

DEAR SENATORS ROCKEFELLER, CORNYN, KOHL, SNOWE, AND COLEMAN: NCSL strongly supports your legislation repealing the provision in the Deficit Reduction Act of 2005 that prohibits states from using child support incentive funds to match federal funds for the program. When this action was taken, the Congressional Budget Office identified the cut as an intergovernmental mandate that exceeds the threshold of the Unfunded Mandate Reform Act.

States have used incentive funds to draw down federal funds used for integral parts of the child support enforcement program. The funds have allowed states to establish and enforce child support obligations, obtain health care coverage for children, and link low-income fathers to job programs. The cut ignored the fact that funds for child support enforcement are used effectively and responsibly. In fact, the child support enforcement program received a Program Assessment Rating Tool (PART) rating of ''effective,'' and continues to be one of the highest rated block or formula grants of all federal programs.

Consistent child support helps save children from being raised in poverty. Reductions in child support administrative funds inevitably lead to lower child support collections, leaving families less able to achieve self-sufficiency.

State legislators applaud your efforts to undo this ill-considered action of the previous Congress. We urge the 110th Congress to adopt your bill. Please have your staff contact Sheri Steisel or Lee Posey for further information or assistance.

Sincerely,

SANDY ROSENBERG,
*Delegate, Maryland, Chairman, NCSL Human Services and Welfare Committee.*
LETICIA VAN DE PUTTE,
*Senator, Texas, President, NCSL.*
DONNA STONE,
*Representative, Delaware, President Elect, NCSL.*

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NATIONAL CHILD SUPPORT ENFORCEMENT ASSOCIATION,
*March 6, 2007.*

Hon. JAY ROCKEFELLER,
Hon. JOHN CORNYN,
Hon. HERB KOHL,
Hon. OLYMPIA SNOWE,
Hon. NORM COLEMAN.

DEAR SENATORS: I am sending this letter on behalf of the National Child Support Enforcement Association (NCSEA) in strong support of your bill to restore the authority for states to use performance incentives as match for federal funds for the child support enforcement program.

NCSEA is a nonprofit, membership organization representing the child support community—a workforce of over 60,000. NCSEA's mission is to promote the well-being of children through professional development of its membership, advocacy and public awareness. NCSEA's membership includes line/managerial/executive child support staff; state and local agencies; judges; court masters; hearing officers; government and private attorneys; social workers; advocates; corporations that partner with government to provide child support services and private collection firms.

The child support enforcement program operates in all states as provided by Title IV–D of the federal Social Security Act. The program enjoys healthy partnerships with the federal Office of Child Support Enforcement, and a large and varied group of stakeholders. Courts and law enforcement officials carry out many of the day to day functions; employers collect almost 80% of child support through income withholding, hospitals assist with paternity acknowledgment, and other state and local agencies provide enforcement services and related services to assist obligors in finding and maintaining employment. We share a common mission that is reflected in the program's National Strategic Plan:

To enhance the well-being of children by assuring that assistance in obtaining support, including financial and medical, is available to children through locating parents, establishing paternity, establishing support obligations, and monitoring and enforcing those obligations.

One of the unique features of the child support enforcement program is that unlike government public assistance programs, it has a major interstate component, and requires close collaboration among the states to provide services on behalf of children whose parents live in different states. In today's mobile society, strong interstate collaboration and comparable levels of service across state lines are essential. Collectively, the program provides services on behalf of over 17 million children—representing nearly one quarter of the nation's children. If one or more states do not have the resources to operate effective programs, there are repercussions across the entire network of states in the child support system. The bottom line is that some of the children who depend upon the program will fall through the cracks.

We are proud of the accomplishments of the program, but are continually striving to do more. The program is cost effective, goal oriented, and accountable for results. It has received recognition from the highest levels of government at the federal, state, and local levels. One of these was an OMS Program Assessment Rating Tool (PART) score of 90 percent, representing the highest rating among all social services and block grant/formula programs.

The Deficit Reduction Act of 2005 (P.L. 109–171), passed by a closely divided Congressional vote, made major cuts to child support funding, including eliminating the purposeful federal match on incentive payments, reducing the match rate for paternity testing, and imposing a collection fee on parents. States were required to implement the collection of the fee in October 2007 unless legislation was required. The first two provisions are effective on October 1, 2008, unless reversed by Congress.

States and child support organizations have been working hard to address these drastic funding reductions, and with all honesty, the plans that are being made are not good for the families served by this nationally recognized program. Our members report that vital services may be eliminated or substantially reduced as budgets and staffing are cut. Important to the effectiveness of the program is the ability to take action quickly to establish paternity and an obligation to support. States report that early intervention results in more regular support payments and more involvement of the father in the life of the child. Just as importantly, close monitoring and on-ongoing enforcement are vital to the regular receipt of child support payments. This close monitoring and interaction with the obligor ensures that those parents who need assistance in finding and maintaining employment are helped.

As states lose resources, they will be less able to timely perform ''core'' functions such as paternity establishment, order establishment, enforcement and distribution of payments. The progress the program has made toward improved performance will be jeopardized. In addition, states will have to make tough choices, perhaps sacrificing customer service, outreach to incarcerated parents, and fatherhood programs in favor of funding only the ''essential'' service areas.

The Congressional Budget Office (CBO) estimated that child support collections would be reduced by $8.4 billion as a result of the federal cuts contained in the Deficit Reduction Act. (The actual number may be higher based on new scoring from the CBO.) CBO assumed that states would make up half of the funding gap resulting from federal cuts to the program. While states are working to secure adequate funding for the program, as of today no state has had a budget increase approved by its state legislature. Twenty-three (23) states have not yet made a request for additional funding. Many state budgets are so tight that a request for additional funding is not feasible. It is also important to keep in mind that even if additional state funding is approved during the current budget cycle, it does not guarantee adequate funding in the future.

As the Congress works to address needs of America's families both in the federal budget and in other funding authorization bills, we urge you to consider the needs for strong and fair child support enforcement. Children who don't receive regular financial support from both parents are disadvantaged in a number of ways. Children need the resources provided by child support payments from parents to compete in our complex society. Parents need access to a child support system that determines equitable child support awards, monitors and enforces obligations, and transfers payments from the obligor to custodial parent quickly. State and local child support agencies have a successful history of performing these important tasks, doubling their child support collection rates since Congress enacted the 1996 welfare reform legislation. Taxpayers are well served by a strong child support program that increases family self-sufficiency and decreases dependence on public assistance.

Your interest in the child support program and commitment to the families served by the state and local programs is once again evidenced with your sponsorship of this critical funding bill. The child support program has long enjoyed strong bi-partisan support and we are most pleased to see that support clearly shown in your sponsorship.

Please consider NCSEA as a resource to you and to your colleagues and staff as you proceed with this legislation. We stand ready to provide you details on what we do, how our members use federal funds, the impact of funding reductions, our efforts to improve the quality of our services to families, and any other information you need to make an informed decision.

Thank you for your advocacy on behalf of children and families served by this important program.

Sincerely yours,

MARY ANN WELLBANK,
*President.*

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NATIONAL WOMEN'S LAW CENTER,
CENTER FOR LAW AND SOCIAL POLICY,
COALITION ON HUMAN NEEDS,
*March 7, 2007.*

Hon. JAY ROCKEFELLER,
Hon. JOHN CORNYN,
Hon. HERB KOHL,
Hon. OLYMPIA SNOWE,
Hon. NORM COLEMAN.

DEAR SENATORS: The National Women's Law Center, Center for Law and Social Policy, and Coalition on Human Needs, organizations that have worked for years to strengthen child support enforcement, strongly support your bill to restore funding for child support enforcement to ensure that children continue to receive the support they deserve from both their parents.

The federal-state child support enforcement program provides services to over 17 million children. In FY 2005, it collected $23 billion in child support from noncustodial parents at a total cost of $5 billion to the federal and state governments: $4.58 in collections for every $1 invested, making it highly cost-effective. All families in need of child support enforcement services are eligible, but most of the families that rely on the

program are low- and moderate-income families. Families that formerly received public assistance make up nearly half (46 percent) of the caseload; current recipients represent 16 percent of the caseload.

Child support helps families escape poverty, provide for their children's needs, and avoid a return to welfare. But the cuts to child support enforcement funding included in last year's Deficit Reduction Act will significantly reduce child support collections for families and impede paternity establishment, as states and counties reduce staff, forgo computer upgrades, and abandon promising initiatives. Last year, the Congressional Budget Office estimated that $8.4 billion in child support will go uncollected over the next 10 years.

Your bill would protect child support enforcement services by restoring the federal match for incentive funds that states reinvest in the child support program. This match is a key part of the results-based incentive payment system, overhauled by the Child Support Performance Incentive Act (CSPIA) of 1998, that has given states the incentives—and the resources—to dramatically improve their child support programs. Over the past 10 years, child support collection rates have doubled, and the program has been strengthened on a nationwide basis, thanks to the implementation of child support reforms enacted by Congress as part of the 1996 welfare reform law.

On a bipartisan basis, Congress has enacted significant reforms to child support enforcement that are making a real difference in children's lives. Your bill would prevent this progress from unraveling.

We thank you for your leadership on behalf of children and families.

Sincerely,

JOAN ENTMACHER,
*Vice President, Family Economic Security, National Women's Law Center.*
VICKI TURETSKY,
*Senior Staff Attorney, Center for Law and Social Policy.*
DEBBIE WEINSTEIN,
*Executive Director, Coalition on Human Needs.*

S. 803

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Child Support Protection Act of 2007''.

**SEC. 2. REPEAL OF PROVISION ENACTED TO END FEDERAL MATCHING OF STATE SPENDING OF CHILD SUPPORT INCENTIVE PAYMENTS.**

Section 7309 of the Deficit Reduction Act of 2005 (Public Law 109–171, 120 Stat. 147) is repealed.

Mr. CORNYN. Mr. President, I am proud to cosponsor the Child Support Protection Act of 2007 so State child support enforcement agencies may continue the extraordinary progress and cost-effectiveness they have developed in child support collections in recent years.

This legislation is necessary to avoid a reversal in the dramatic improvements in the child support program's performance over the past decade. Without it, many families may be forced back into the welfare caseload.

Child support enforcement reduces reliance on Medicaid, Temporary Assistance for Needy Families (TANF), and other social service programs. Effective enforcement enables former welfare families, and working families with modest incomes, to receive this important source of supplemental income and gain the self-sufficiency to avoid having to draw on government resources through public assistance programs. In fact, over 1 million Americans were lifted out of poverty through the child support program in 2002.

In 2004, collections nationwide totaled $21.9 billion, while total program costs were $5.3 billion. For every $1 spent in child support enforcement, $4.38 is collected for children who need it. Because of this rate of return, the President's budget continually rates the program as ''one of the highest rated block/formula grants of all reviewed programs government-wide. This high rating is due to its strong mission, effective management, and demonstration of measurable progress toward meeting annual and long term performance measures.''

In particular, the Texas child support program has made significant strides over the past seven years in collections, performance, and efficiency, all of which will be seriously undermined without this vital legislation.

I speak with authority on this matter. During my tenure as Attorney General of Texas, the Child Support Division made dramatic increases in collections from deadbeat parents, and the office continues to bring in record collections each year. Texas now ranks second in the Nation in total collections—with collections in Fiscal Year 2006 surpassing $2 billion—a figure that has doubled since Fiscal Year 2000.

This outstanding performance has earned the program the second highest Federal performance incentive award for the past 3 years. Because the Texas program has achieved that level of performance, the prohibition on using incentive payments to draw down matching Federal funds for program expenditures will have a much greater impact on Texas than on the 48 other States ranked below it. The loss of the match on incentive payments effectively punishes Texas's success. Unless we pass this legislation, the Child Support Division in the Office of the Texas Attorney General will face a dramatic reduction in federal financial participation and may be forced to close many offices throughout the State.

I ask unanimous consent to print in the RECORD the following letter from the National Child Support Enforcement Association supporting this legislation.

I look forward to this bill's consideration in the future.

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

NATIONAL CHILD SUPPORT ENFORCEMENT ASSOCIATION,
*Washington, DC, March 6, 2007.*

Hon. JAY ROCKEFELLER,
Hon. JOHN CORNYN,
Hon. HERB KOHL,
Hon. OLYMPIA SNOWE,
Hon. NORM COLEMAN.

DEAR SENATORS: I am sending this letter on behalf of the National Child Support Enforcement Association (NCSEA) in strong support of your bill to restore the authority for states to use performance incentives as match for federal funds for the child support enforcement program.

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We are proud of the accomplishments of the program, but are continually striving to do more. The program is cost effective, goal oriented, and accountable for results. It has received recognition from the highest levels of government at the federal, state, and local levels. One of these was an OMS Program Assessment Rating Tool (PART) score of 90 percent, representing the highest rating among all social services and block grant/formula programs.

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As states lose resources, they will be less able to timely perform ''core'' functions such as paternity establishment, order establishment, enforcement and distribution of payments. The progress the program has made toward improved performance will be jeopardized. In addition, states will have to make tough choices, perhaps sacrificing customer service, outreach to incarcerated parents, and fatherhood programs in favor of funding only the ''essential'' service areas.

The Congressional Budget Office (CBO) estimated that child support collections would be reduced by $8.4 billion as a result of the federal cuts contained in the Deficit Reduction Act. (The actual number may be higher based on new scoring from the CBO.) CBO assumed that states would make up half of the funding gap resulting from federal cuts to the program. While states are working to secure adequate funding for the program, as of today no state has had a budget increase approved by its state legislature. Twenty-three (23) states have not yet made a request for additional funding. Many state budgets are so tight that a request for additional funding is not feasible. It is also important to keep in mind that even if additional state funding is approved during the current budget cycle, it does not guarantee adequate funding in the future.

As the Congress works to address needs of America's families both in the federal budget and in other funding authorization bills, we urge you to consider the needs for strong and fair child support enforcement. Children who don't receive regular financial support from both parents are disadvantaged in a number of ways. Children need the resources provided by child support payments from parents to compete in our complex society. Parents need access to a child support system that determines equitable child support awards, monitors and enforces obligations, and transfers payments from the obligor to custodial parent quickly. State and local child support agencies have a successful history of performing these important tasks, doubling their child support collection rates since Congress enacted the 1996 welfare reform legislation. Taxpayers are well served by a strong child support program that increases family self-sufficiency and decreases dependence on public assistance.

Your interest in the child support program and commitment to the families served by the state and local programs is once again evidenced with your sponsorship of this critical funding bill. The child support program has long enjoyed strong bi-partisan support and we are most pleased to see that support clearly shown in your sponsorship.

Please consider NCSEA as a resource to you and to your colleagues and staff as you proceed with this legislation. We stand ready to provide you details on what we do, how our members use federal funds, the impact of funding reductions, our efforts to improve the quality of our services to families, and any other information you need to make an informed decision.

Thank you for your advocacy on behalf of children and families served by this important program.

Sincerely yours,

MARY ANN WELLBANK,
*President.*

Mr. KOHL. In Congress, we rarely have the opportunity to consider a simple, straightforward issue. It is uncommon when we can debate an issue with significant bipartisan support; one that the Senate has a strong record on. And it seems exceptional when we are able to show our support for a Federal program that really works.

But the legislation my colleagues and I are introducing today gives us that rare opportunity. Our legislation restores cuts to the child support enforcement program. The program helps States collect support that is owed to hardworking, single parent families. It is one of the most effective Federal programs, collecting more than $4 in child support for every dollar spent. And the Senate already has a strong record in support of the child support enforcement program, with 76 Senators voting for a resolution that rejected cuts to the program.

Which is why I was so disappointed when conferees included in the Deficit Reduction Act a provision to prevent, States from receiving Federal matching funds on incentive payments. While the scope of this provision may have seemed narrow to the conferees, the impact has been felt throughout the country. And my State of Wisconsin has felt it more than most—as a high-performing State, Wisconsin stands to lose more Federal funding than a State with a poorer enforcement record. Congress should not send the message to States that they will be penalized for success—but that's exactly what the child support funding cuts did.

I fought against the Deficit Reduction Act, because I knew these cuts would hurt Wisconsin families. The impact has been clear. The cuts are so damaging—and the program so important—that one Wisconsin community has decided to hold a raffle, to raise funds for their child support enforcement program. I have heard from child support directors who will be forced by budget cuts to fire staff. And I have heard from scared constituents who are owed child support that they worry they will never see.

That is why I am proud to join Senators ROCKEFELLER, CORNYN, SNOWE and COLEMAN in introducing this legislation. By repealing the DRA cuts, we help our States, our counties—and most importantly—we help those constituents relying on child support payments.

I urge my colleagues to take this rare opportunity—to do what's simple, to support the Senate's record, and to vote in favor of a program with proven success at helping our nation's children.

I thank my colleagues.

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By Mr. DURBIN (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. DODD, Mr. KERRY, and Mr. BINGAMAN):

S. 805. A bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 805

*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 ''African Health Capacity Investment Act of 2007''.

**SEC. 2. DEFINITIONS.**

In this Act, the term ''HIV/AIDS'' has the meaning given such term in section 104A(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(g)).

**SEC. 3. FINDINGS.**

Congress makes the following findings:

(1) The World Health Report, 2003, Shaping the Future, states, ''The most critical issue facing health care systems is the shortage of people who make them work.''.

(2) The World Health Report, 2006, Working Together for Health, states, ''The unmistakable imperative is to strengthen the workforce so that health systems can tackle crippling diseases and achieve national and global health goals. A strong human infrastructure is fundamental to closing today's gap between health promise and health reality and anticipating the health challenges of the 21st century.''.

(3) The shortage of health personnel, including doctors, nurses, pharmacists, counselors, laboratory staff, paraprofessionals, and trained lay workers is one of the leading obstacles to fighting HIV/AIDS in sub-Saharan Africa.

(4) The HIV/AIDS pandemic aggravates the shortage of health workers through loss of life and illness among medical staff, unsafe working conditions for medical personnel, and increased workloads for diminished staff, while the shortage of health personnel undermines efforts to prevent and provide care and treatment for those with HIV/AIDS.

(5) Workforce constraints and inefficient management are limiting factors in the treatment of tuberculosis, which infects over ⅓ of the global population.

(6) Over 1,200,000 people die of malaria each year. More than 75 percent of these deaths

occur among African children under the age of 5 years old and the vast majority of these deaths are preventable. The Malaria Initiative of President George W. Bush seeks to reduce dramatically the disease burden of malaria through both prevention and treatment. Paraprofessionals and community healthworkers can be instrumental in reducing mortality and economic losses associated with malaria and other health problems.

(7) For a woman in sub-Saharan Africa, the lifetime risk of maternal death is 1 out of 16. In highly developed countries, that risk is 1 out of 2,800. Increasing access to skilled birth attendants and access to emergency obstetrical care is essential to reducing maternal and newborn mortality in sub-Saharan Africa.

(8) The Second Annual Report to Congress on the progress of the President's Emergency Plan for AIDS Relief identifies the strengthening of essential health care systems through health care networks and infrastructure development as critical to the sustainability of funded assistance by the United States Government and states that ''outside resources for HIV/AIDS and other development efforts must be focused on transformational initiatives that are owned by host nations''. This report further states, ''Alongside efforts to support community capacity-building, enhancing the capacity of health care and other systems is also crucial for sustainability. Among the obstacles to these efforts in many nations are inadequate human resources and capacity, limited institutional capacity, and systemic weaknesses in areas such as: quality assurance; financial management and accounting; health networks and infrastructure; and commodity distribution and control.''.

(9) Vertical disease control programs represent vital components of United States foreign assistance policy, but human resources for health planning and management often demands a more systematic approach.

(10) Implementation of capacity-building initiatives to promote more effective human resources management and development may require an extended horizon to produce measurable results, but such efforts are critical to fulfillment of many internationally recognized objectives in global health.

(11) The November 2005 report of the Working Group on Global Health Partnerships for the High Level Forum on the Health Millennium Development Goals entitled ''Best Practice Principles for Global Health Partnership Activities at Country Level'', raises the concern that the collective impact of various global health programs now risks ''undermining the sustainability of national development plans, distorting national priorities, diverting scarce human resources and/or establishing uncoordinated service delivery structures'' in developing countries. This risk underscores the need to coordinate international donor efforts for these vital programs with one another and with recipient countries.

(12) The emigration of significant numbers of trained health care professionals from sub-Saharan African countries to the United States and other wealthier countries exacerbates often severe shortages of health care workers, undermines economic development efforts, and undercuts national and international efforts to improve access to essential health services in the region.

(13) Addressing this problem, commonly referred to as ''brain drain'', will require increased investments in the health sector by sub-Saharan African governments and by international partners seeking to promote economic development and improve health care and mortality outcomes in the region.

(14) Virtually every country in the world, including the United States, is experiencing a shortage of health workers. The Joint Learning Initiative on Human Resources for Health and Development estimates that the global shortage exceeds 4,000,000 workers. Shortages in sub-Saharan Africa, however, are far more acute than in any other region of the world. The World Health Report, 2006, states that ''[t]he exodus of skilled professionals in the midst of so much unmet health need places Africa at the epicentre of the global health workforce crisis.''.

(15) Ambassador Randall Tobias, now the Director of United States Foreign Assistance and Administrator of the United States Agency for International Development, has stated that there are more Ethiopian trained doctors practicing in Chicago than in Ethiopia.

(16) According to the United Nations Development Programme, Human Development Report 2003, approximately 3 out of 4 countries in sub-Saharan Africa have fewer than 20 physicians per 100,000 people, the minimum ratio recommended by the World Health Organization, and 13 countries have 5 or fewer physicians per 100,000 people.

(17) Nurses play particularly important roles in sub-Saharan African health care systems, but approximately ¼ of sub-Saharan African countries have fewer than 50 nurses per 100,000 people or less than ½ the staffing levels recommended by the World Health Organization.

(18) Paraprofessionals and community health workers can be trained more quickly than nurses or doctors and are critically needed in sub-Saharan Africa to meet immediate health care needs.

(19) Imbalances in the distribution of countries' health workforces represents a global problem, but the impact is particularly acute in sub-Saharan Africa.

(20) In Malawi, for example, more than 95 percent of clinical officers are in urban health facilities, and about 25 percent of nurses and 50 percent of physicians are in the 4 central hospitals of Malawi. Yet the population of Malawi is estimated to be 87 percent rural.

(21) In parts of sub-Saharan Africa, such as Kenya, thousands of qualified health professionals are employed outside the health care field or are unemployed despite job openings in the health sector in rural areas because poor working and living conditions, including poor educational opportunities for children, transportation, and salaries, make such openings unattractive to candidates.

(22) The 2002 National Security Strategy of the United States stated, ''The scale of the public health crisis in poor countries is enormous. In countries afflicted by epidemics and pandemics like HIV/AIDS, malaria, and tuberculosis, growth and development will be threatened until these scourges can be contained. Resources from the developed world are necessary but will be effective only with honest governance, which supports prevention programs and provides effective local infrastructure.''.

(23) Public health deficiencies in sub-Saharan Africa and other parts of the developing world reduce global capacities to detect and respond to potential crises, such as an avian flu pandemic.

(24) On September 28, 2005, Secretary of State Condoleezza Rice declared that ''HIV/AIDS is not only a human tragedy of enormous magnitude; it is also a threat to the stability of entire countries and to the entire regions of the world.''.

(25) Foreign assistance by the United States that expands local capacities, provides commodities or training, or builds on and enhances community-based and national programs and leadership can increase the impact, efficiency, and sustainability of funded efforts by the United States.

(26) African health care professionals immigrate to the United States for the same set of reasons that have led millions of people to come to this country, including the desire for freedom, for economic opportunity, and for a better life for themselves and their children, and the rights and motivations of these individuals must be respected.

(27) Helping countries in sub-Saharan Africa increase salaries and benefits of health care professionals, improve working conditions, including the adoption of universal precautions against workplace infection, improve management of health care systems and institutions, increase the capacity of health training institutions, and expand education opportunities will alleviate some of the pressures driving the migration of health care personnel from sub-Saharan Africa.

(28) While the scope of the problem of dire shortfalls of personnel and inadequacies of infrastructure in the sub-Saharan African health systems is immense, effective and targeted interventions to improve working conditions, management, and productivity would yield significant dividends in improved health care.

(29) Failure to address the shortage of health care professionals and paraprofessionals, and the factors pushing individuals to leave sub-Saharan Africa will undermine the objectives of United States development policy and will subvert opportunities to achieve internationally recognized goals for the treatment and prevention of HIV/AIDS and other diseases, in the reduction of child and maternal mortality, and for economic growth and development in sub-Saharan Africa.

**SEC. 4. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the United States should help sub-Saharan African countries that have not already done so to develop national human resource plans within the context of comprehensive country health plans involving a wide range of stakeholders;

(2) comprehensive, rather than piecemeal approaches to advance multiple sustainable interventions will better enable countries to plan for the number of health care workers they need, determine whether they need to reorganize their health workforce, integrate workforce planning into an overall strategy to improve health system performance and impact, better budget for health care spending, and improve the delivery of health services in rural and other underserved areas;

(3) in order to promote systemic, sustainable change, the United States should seek, where possible, to strengthen existing national systems in sub-Saharan African countries to improve national capacities in areas including fiscal management, training, recruiting and retention of health workers, distribution of resources, attention to rural areas, and education;

(4) because foreign-funded efforts to fight HIV/AIDS and other diseases may also draw health personnel away from the public sector in sub-Saharan African countries, the policies and programs of the United States should, where practicable, seek to work with national and community-based health structures and seek to promote the general welfare and enhance infrastructures beyond the scope of a single disease or condition;

(5) paraprofessionals and community-level health workers can play a key role in prevention, care, and treatment services, and in the more equitable and effective distribution of health resources, and should be integrated into national health systems;

(6) given the current personnel shortages in sub-Saharan Africa, paraprofessionals and community health workers represent a critical potential workforce in efforts to reduce

the burdens of malaria, tuberculosis, HIV/AIDS, and other deadly and debilitating diseases;

(7) it is critically important that the governments of sub-Saharan African countries increase their own investments in education and health care;

(8) international financial institutions have an important role to play in the achievement of internationally agreed upon health goals, and in helping countries strike the appropriate balance in encouraging effective public investments in the health and education sectors, particularly as foreign assistance in these areas scales up, and promoting macroeconomic stability;

(9) public-private partnerships are needed to promote creative contracts, investments in sub-Saharan African educational systems, codes of conduct related to recruiting, and other mechanisms to alleviate the adverse impacts on sub-Saharan African countries caused by the migration of health professionals;

(10) colleges and universities of the United States, as well as other members of the private sector, can play a significant role in promoting training in medicine and public health in sub-Saharan Africa by establishing or supporting in-country programs in sub-Saharan Africa through twinning programs with educational institutions in sub-Saharan Africa or through other in-country mechanisms;

(11) given the substantial numbers of African immigrants to the United States working in the health sector, the United States should enact and implement measures to permit qualified aliens and their family members that are legally present in the United States to work temporarily as health care professionals in developing countries or in other emergency situations, as in S. 2611, of the 109th Congress, as passed by the Senate on May 25, 2006;

(12) the President, acting through the United States Permanent Representative to the United Nations, should exercise the voice and vote of the United States—

(A) to ameliorate the adverse impact on less developed countries of the migration of health personnel;

(B) to promote voluntary codes of conduct for recruiters of health personnel; and

(C) to promote respect for voluntary agreements in which individuals, in exchange for individual educational assistance, have agreed either to work in the health field in their home countries for a given period of time or to repay such assistance;

(13) the United States, like countries in other parts of the world, is experiencing a shortage of medical personnel in many occupational specialties, and the shortage is particularly acute in rural and other underserved areas of the country; and

(14) the United States should expand training opportunities for health personnel, expand incentive programs such as student loan forgiveness for people of the United States willing to work in underserved areas, and take other steps to increase the number of health personnel in the United States.

**SEC. 5. ASSISTANCE TO INCREASE HUMAN CAPACITY IN THE HEALTH SECTOR IN SUB-SAHARAN AFRICA.**

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) by redesignating the section 135 that was added by section 5 of the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121; 22 U.S.C. 2152h note) as section 136; and

(2) by adding at the end the following new section:

**''SEC. 137. ASSISTANCE TO INCREASE HUMAN CAPACITY IN THE HEALTH SECTOR IN SUB-SAHARAN AFRICA.**

''(a) ASSISTANCE.—

''(1) AUTHORITY.—The President is authorized to provide assistance, including providing assistance through international or nongovernmental organizations, for programs in sub-Saharan Africa to improve human health care capacity.

''(2) TYPES OF ASSISTANCE.—Such programs should include assistance—

''(A) to provide financial and technical assistance to sub-Saharan African countries in developing and implementing new or strengthened comprehensive national health workforce plans;

''(B) to build and improve national and local capacities and sustainable health systems management in sub-Saharan African countries, including financial, strategic, and technical assistance for—

''(i) fiscal and health personnel management;

''(ii) health worker recruitment systems;

''(iii) the creation or improvement of computerized health workforce databases and other human resource information systems;

''(iv) implementation of measures to reduce corruption in the health sector; and

''(v) monitoring, evaluation, and quality assurance in the health field, including the utilization of national and district-level mapping of health care systems to determine capacity to deliver health services;

''(C) to train and retain sufficient numbers of health workers, including paraprofessionals and community health workers, to provide essential health services in sub-Saharan African countries, including financing, strategic technical assistance for—

''(i) health worker safety and health care, including HIV/AIDS prevention and off-site testing and treatment programs for health workers;

''(ii) increased capacity for training health professionals and paraprofessionals in such subjects as human resources planning and management, health program management, and quality improvement;

''(iii) expanded access to secondary level math and science education;

''(iv) expanded capacity for nursing and medical schools in sub-Saharan Africa, with particular attention to incentives or mechanisms to encourage graduates to work in the health sector in their country of residence;

''(v) incentives and policies to increase retention, including salary incentives;

''(vi) modern quality improvement processes and practices;

''(vii) continuing education, distance education, and career development opportunities for health workers;

''(viii) mechanisms to promote productivity within existing and expanding health workforces; and

''(ix) achievement of minimum infrastructure requirements for health facilities, such as access to clean water;

''(D) to support sub-Saharan African countries with financing, technical support, and personnel, including paraprofessionals and community-based caregivers, to better meet the health needs of rural and other underserved populations by providing incentives to serve in these areas, and to more equitably distribute health professionals and paraprofessionals;

''(E) to support efforts to improve public health capacities in sub-Saharan Africa through education, leadership development, and other mechanisms;

''(F) to provide technical assistance, equipment, training, and supplies to assist in the improvement of health infrastructure in sub-Saharan Africa;

''(G) to promote efforts to improve systematically human resource management and development as a critical health and development issue in coordination with specific disease control programs for sub-Saharan Africa; and

''(H) to establish a global clearinghouse or similar mechanism for knowledge sharing regarding human resources for health, in consultation, if helpful, with the Global Health Workforce Alliance.

''(3) MONITORING AND EVALUATION.—

''(A) IN GENERAL.—The President shall establish a monitoring and evaluation system to measure the effectiveness of assistance by the United States to improve human health care capacity in sub-Saharan Africa in order to maximize the sustainable development impact of assistance authorized under this section and pursuant to the strategy required under subsection (b).

''(B) REQUIREMENTS.—The monitoring and evaluation system shall—

''(i) establish performance goals for assistance provided under this section;

''(ii) establish performance indicators to be used in measuring or assessing the achievement of performance goals;

''(iii) provide a basis for recommendations for adjustments to the assistance to enhance the impact of the assistance; and

''(iv) to the extent feasible, utilize and support national monitoring and evaluation systems, with the objective of improved data collection without the imposition of unnecessary new burdens.

''(b) STRATEGY OF THE UNITED STATES.—

''(1) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall develop and transmit to the appropriate congressional committees a strategy for coordinating, implementing, and monitoring assistance programs for human health care capacity in sub-Saharan Africa.

''(2) CONTENT.—The strategy required by paragraph (1) shall include—

''(A) a description of a coordinated strategy, including coordination among agencies and departments of the Federal Government with other bilateral and multilateral donors, to provide the assistance authorized in subsection (a);

''(B) a description of a coordinated strategy to consult with sub-Saharan African countries and the African Union on how best to advance the goals of this Act; and

''(C) an analysis of how international financial institutions can most effectively assist countries in their efforts to expand and better direct public spending in the health and education sectors in tandem with the anticipated scale up of international assistance to combat HIV/AIDS and other health challenges, while simultaneously helping these countries maintain prudent fiscal balance.

''(3) FOCUS OF ANALYSIS.—The analysis described in paragraph (2)(C) should focus on 2 or 3 selected countries in sub-Saharan Africa, including, if practical, 1 focus country as designated under the President's Emergency Plan for AIDS Relief (authorized by the United States Leadership Against Global HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25)) and 1 country without such a designation.

''(4) CONSULTATION.—The President is encouraged to develop the strategy required under paragraph (1) in consultation with the Secretary of State, the Administrator for the United States Agency for International Development, including employees of its field missions, the Global HIV/AIDS Coordinator, the Chief Executive Officer of the Millennium Challenge Corporation, the Secretary of the Treasury, the Director of the Bureau of Citizenship and Immigration Services, the Director of the Centers for Disease

Control and Prevention, and other relevant agencies to ensure coordination within the Federal Government.

''(5) COORDINATION.—

''(A) DEVELOPMENT OF STRATEGY.—To ensure coordination with national strategies and objectives and other international efforts, the President should develop the strategy described in paragraph (1) by consulting appropriate officials of the United States Government and by coordinating with the following:

''(i) Other donors.

''(ii) Implementers.

''(iii) International agencies.

''(iv) Nongovernmental organizations working to increase human health capacity in sub-Saharan Africa.

''(v) The World Bank.

''(vi) The International Monetary Fund.

''(vii) The Global Fund to Fight AIDS, Tuberculosis, and Malaria.

''(viii) The World Health Organization.

''(ix) The International Labour Organization.

''(x) The United Nations Development Programme.

''(xi) The United Nations Programme on HIV/AIDS.

''(xii) The European Union.

''(xiii) The African Union.

''(B) ASSESSMENT AND COMPILATION.—The President should make the assessments and compilations required by subsection (a)(3)(B)(v), in coordination with the entities listed in subparagraph (A).

''(c) REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date on which the President submits the strategy required in subsection (b), the President shall submit to the appropriate congressional committees a report on the implementation of this section.

''(2) ASSESSMENT OF MECHANISMS FOR KNOWLEDGE SHARING.—The report described in paragraph (1) shall be accompanied by a document assessing best practices and other mechanisms for knowledge sharing about human resources for health and capacity building efforts to be shared with governments of developing countries and others seeking to promote improvements in human resources for health and capacity building.

''(3) FOLLOW-UP REPORT.—Not later than 3 years after the date on which the President submits the strategy required in subsection (b), the president shall submit to the appropriate congressional committees a further report on the implementation of this section.

''(d) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

''(2) BRAIN DRAIN.—The term 'brain drain' means the emigration of a significant proportion of a country's professionals working in the health field to wealthier countries, with a resulting loss of personnel and often a loss in investment in education and training for the countries experiencing the emigration.

''(3) HEALTH PROFESSIONAL.—The term 'health professional' means a person whose occupation or training helps to identify, prevent, or treat illness or disability.

''(4) HIV/AIDS.—The term 'HIV/AIDS' has the meaning given such term in section 104A(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(g)).

''(5) PARAPROFESSIONAL.—The term 'paraprofessional' means an individual who is trained and employed as a health agent for the provision of basic assistance in the identification, prevention, or treatment of illness or disability.

''(6) COMMUNITY HEALTH WORKERS.—The term 'community health worker' means a community based caregiver who has received instruction and is employed to provide basic health services in specific catchment areas, most often the areas where they themselves live.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out the provisions of this section—

''(A) $150,000,000 for fiscal year 2008;

''(B) $200,000,000 for fiscal year 2009; and

''(C) $250,000,000 for fiscal year 2010.

''(2) AVAILABILITY OF FUNDS.—Amounts made available under paragraph (1) are authorized to remain available until expended and are in addition to amounts otherwise made available for the purpose of carrying out this section.''.

## SUBMITTED RESOLUTIONS—TUESDAY, MARCH 6, 2007

### SENATE RESOLUTION 95—DESIGNATING MARCH 25, 2007, AS ''GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY''

Mr. SPECTER (for himself, Mr. ALLARD, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. OBAMA, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 95

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming a representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas, during World War II, Greece played a major role in the struggle to protect freedom and democracy by bravely fighting the historic Battle of Crete, giving the Axis powers their first major setback in the land war and setting off a chain of events that significantly affected the outcome of World War II;

Whereas Greece paid a high price for defending the common values of Greece and the United States in the deaths of hundreds of thousands of Greek civilians during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, outside the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day in 2002, said, ''Greece and America have been firm allies in the great struggles for liberty. . . . Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom. . . . [and a]s the 21st century dawns, Greece and America once again stand united; this time in the fight against terrorism. . . . The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.'';

Whereas President Bush stated that Greece's successful ''law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism'';

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region and has invested over $15,000,000,000 in the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, immediately granting the United States unlimited access to Greece's airspace and the base in Souda Bay, and many United States ships that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land in which the games began 2,500 years ago and the city in which the games were revived in 1896;

Whereas Greece received world-wide praise for its extraordinary handling during the 2004 Olympics of more than 14,000 athletes from 202 countries and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001 included a record-setting expenditure of more than $1,390,000,000 and the assignment of more than 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region in which Christianity mixes with Islam and Judaism, maintains excellent relations with Muslim countries and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort to advance freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between the governments and the peoples of Greece and the United States;

Whereas March 25, 2007 marks the 186th anniversary of the beginning of the revolution that freed the people of Greece from the Ottoman Empire; and

Whereas it is proper and desirable for the people of the United States to celebrate this anniversary with the people of Greece and to reaffirm the democratic principles from which both Greece and the United States were born: Now, therefore, be it

*Resolved*, That the Senate—