

from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 963, a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust.

S. 966

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 966, a bill to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 987

At the request of Mr. BINGAMAN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Colorado (Mr. SALAZAR), the Senator from Idaho (Mr. CRAIG), the Senator from Florida (Mr. MARTINEZ) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 987, a bill to enhance the energy security of the United States by promoting biofuels and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. RES. 76

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. SNOWE), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Ohio (Mr. BROWN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 76, a resolution calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, and Central African Republic, and Darfur, Sudan.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 112

At the request of Mr. SCHUMER, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 112, a resolution designating April 6, 2007, as "National Missing Persons Day".

S. RES. 122

At the request of Mr. HAGEL, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Texas (Mrs. HUTCHISON) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. Res. 122, a resolution commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

AMENDMENT NO. 643

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 643 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 647

At the request of Mr. SESSIONS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 647 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. COLEMAN, Mr. DODD, Mr. HAGEL, Mr. OBAMA, Mr. KERRY, Mr. ROBERTS, Mr. MENENDEZ, Mr. COCHRAN, Mr. LIEBERMAN, Mr. LEVIN, Mr. SMITH, Mr. STEVENS, Mr. AKAKA, Mr. CHAMBLISS, Ms. STABENOW, Ms. SNOWE, Ms. CANTWELL, Mr. BAUCUS, Mr. WARNER, Mr. PRYOR, and Mr. KENNEDY):

S. 991. A bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I have spoken many times about one of our Nation's greatest public servants, the late Senator Paul Simon. He was an honorable man who devoted his life to working for the public good.

In the months before his untimely death, Senator Simon returned to Washington to talk to his former colleagues about the need to strengthen our Nation's international understanding and our ability to remain a world leader in the 21st century. His desire to promote peace and security through mutual understanding and sensitivity to the rest of the world was borne out of the tragic events of September 11, 2001.

Senator Simon struggled with the question of how America could lead when so few of our citizens have the proper knowledge and understanding of the world beyond our borders. He knew

that America's security, global competitiveness, and diplomatic efforts in working towards a peaceful society rest on our young people's global competence and ability to appreciate languages and cultural and social realities beyond what they may have experienced in the United States. He envisioned a United States populated by a generation of Americans with a greater knowledge and understanding of the world—a generation of our Nation's future leaders that have been abroad and have a personal connection to another part of the world.

Senator Simon's tireless efforts led to Congress's establishment of the Abraham Lincoln Study Abroad Commission. I was honored to serve on this bipartisan Commission, and it was a privilege for me to introduce legislation last year that brought Senator Simon's dream one step closer to reality. The bill, based on the Commission's recommendations, would have established a study abroad program for undergraduate students that would help build global awareness and international understanding.

I am once again proud to stand here today and introduce legislation that embodies Senator Simon's vision. The bill has been renamed the Senator Paul Simon Study Abroad Foundation Act so that all future generations will remember Senator Simon's commitment to international education.

The goal of this legislation remains the same: to encourage and support the experience of studying abroad in developing countries—in countries whose people, culture, language, government, and religion might be very different from ours. This bill aims to have at least 1 million undergraduate students study abroad annually within 10 years and to expand study abroad opportunities for students who are currently underrepresented.

The Senator Paul Simon Study Abroad Foundation Act would establish study abroad as a national priority and provide the catalyst for the education community to commit to making study abroad an institutional priority.

This legislation would create an independent public-private entity, the Senator Paul Simon Foundation, that would award grants to carry out the goal of making study abroad in high-quality programs in diverse locations around the world the routine, rather than the exception, for college students. Students who were previously unable to study abroad due to financial constraints would be eligible for grants. Grants also would provide colleges, universities and nongovernmental institutions with the financial incentive to develop programs that make it easier for college students to study abroad.

The future of our country depends on having globally literate citizens—those who are able to look at other points of view and incorporate those ideas into their thinking and manner of interacting with others. I have shared this

Paul Simon quote before, and I will do so again because it is the most poignant example of Paul's vision in his own words:

A nation cannot drift into greatness. We must dream, and we must be willing to make small sacrifices to achieve those dreams. This major national initiative can lift our vision and responsiveness to the rest of the world.

I ask my colleagues to join with me and with Senator COLEMAN in support of this legislation and to see to it that Senator Paul Simon's dream of building a stronger and more culturally aware nation is realized.

Mr. President, 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. 991

*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 "Senator Paul Simon Study Abroad Foundation Act of 2007".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to President George W. Bush, "America's leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community."

(2) According to former President William J. Clinton, "Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation's diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders."

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108-199). Pursuant to its mandate, the Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(5) By numbers ranging from 77 to more than 90 percent, Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age, according to a December 2005 national survey commissioned by NAFSA: Association of International Educators.

(6) In today's world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with much more knowledge and awareness of the world than most Americans currently possess.

(7) Study abroad has proven to be a very effective means of imparting international and foreign-language competency to students.

(8) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(9) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(10) Far more study abroad must take place in the developing countries. Ninety-five percent of the world's population growth over the next 50 years will occur outside of Europe. Yet in the academic year 2004-2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France—according to the Institute of International Education.

(11) The Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9/11 Commission Report) recommended that the United States increase support for "scholarship, exchange, and library programs". The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was "unfulfilled," and stated that "The U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation." In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of "D" for its implementation of this recommendation.

(12) Investing in a national study abroad program would help turn a grade of "D" into an "A" by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

#### SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more students in United States institutions of higher education have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and non-governmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to American students in countries that have not traditionally hosted large numbers of American students.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term "Board" means the Board of Directors of the Foundation established pursuant to section 5(d).

(3) CHIEF EXECUTIVE OFFICER.—The term "Chief Executive Officer" means the chief executive officer of the Foundation appointed pursuant to section 5(c).

(4) FOUNDATION.—The term "Foundation" means the Senator Paul Simon Study Abroad Foundation established by section 5(a).

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) NONTRADITIONAL STUDY ABROAD DESTINATION.—The term "nontraditional study abroad destination" means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(7) STUDY ABROAD.—The term "study abroad" means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

#### SEC. 5. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a corporation to be known as the "Senator Paul Simon Study Abroad Foundation" that shall be responsible for carrying out this Act under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.). The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors chaired by the Secretary of State in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) MANDATE OF FOUNDATION.—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this Act;

(2) through responsive, flexible grant-making, promote access by students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve non-traditional students;

(3) through creative grant-making, promote access by diverse students, including minority students, students of limited financial means, and nontraditional students;

(4) raise funds from the private sector to supplement funds made available under this Act; and

(5) be committed to minimizing administrative costs and to maximizing the availability of funds for grants under this Act.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) **RELATIONSHIP TO BOARD.**—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) **COMPENSATION AND RANK.**—

(A) **IN GENERAL.**—The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(B) **AMENDMENT.**—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.”.

(5) **AUTHORITIES AND DUTIES.**—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) **AUTHORITY TO APPOINT OFFICERS.**—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) **BOARD OF DIRECTORS.**—

(1) **ESTABLISHMENT.**—There shall be in the Foundation a Board of Directors.

(2) **DUTIES.**—The Board shall perform the functions specified to be carried out by the Board in this Act and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) **MEMBERSHIP.**—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) **CHIEF EXECUTIVE OFFICER.**—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) **TERMS.**—

(A) **OFFICERS OF THE FEDERAL GOVERNMENT.**—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) **OTHER MEMBERS.**—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 3 years.

(C) **VACANCIES.**—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) **CHAIRPERSON.**—There shall be a Chairperson of the Board. The Secretary of State shall serve as the Chairperson.

(7) **QUORUM.**—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) **MEETINGS.**—The Board shall meet at the call of the Chairperson.

(9) **COMPENSATION.**—

(A) **OFFICERS OF THE FEDERAL GOVERNMENT.**—

(i) **IN GENERAL.**—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) **TRAVEL EXPENSES.**—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) **OTHER MEMBERS.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B)—

(I) shall be paid compensation out of funds made available for the purposes of this Act at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(II) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) **LIMITATION.**—A member of the Board may not be paid compensation under clause (i)(II) for more than 90 days in any calendar year.

#### **SEC. 6. ESTABLISHMENT AND OPERATION OF PROGRAM.**

(a) **ESTABLISHMENT OF THE PROGRAM.**—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) individuals for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium,

in order to accomplish the objectives set forth in subsection (b).

(b) **OBJECTIVES.**—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

(1) not less than one million undergraduate students in United States institutions of higher education will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) **MANDATE OF THE PROGRAM.**—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the rec-

ommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108-199)).

(d) **STRUCTURE OF GRANTS.**—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(e) **BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.**—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

#### **SEC. 7. ANNUAL REPORT.**

Not later than March 31, 2008, and each March 31 thereafter, the Foundation shall submit to Congress a report on the implementation of this Act during the prior fiscal year.

#### **SEC. 8. POWERS OF THE FOUNDATION; RELATED PROVISIONS.**

(a) **POWERS.**—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this Act;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this Act.

(b) **PRINCIPAL OFFICE.**—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) **APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.**—

(1) **IN GENERAL.**—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) **CONFORMING AMENDMENT.**—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

“(R) the Senator Paul Simon Study Abroad Foundation.”.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 10(a) for a fiscal year, up to \$2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

**SEC. 9. GENERAL PERSONNEL AUTHORITIES.**

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term “agency” means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term “detail” means the assignment or loan of an employee, without a change of position, from the agency by which

such employee is employed to the Foundation.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act \$80,000,000 for fiscal year 2008 and each subsequent fiscal year.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this Act. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this Act or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

By Mrs. BOXER (for herself, Mr. INHOFE, Mr. LAUTENBERG, Mr. ALEXANDER, Mr. CARDIN, Mr. LIEBERMAN, Mrs. CLINTON, Ms. KLOBUCHAR, and Mr. CRAIG):

S. 992. A bill to achieve emission reductions and cost savings through accelerated use of cost-effective lighting technologies in public buildings, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am pleased to introduce the “Public Buildings Cost Reduction Act of 2007.” I am joined by my Environment and Public Works Committee colleagues Senators INHOFE, LAUTENBERG, ALEXANDER, CARDIN, LIEBERMAN, CLINTON, and KLOBUCHAR. This bill will reduce air pollution and save taxpayer money by accelerating the use of cost-effective technologies that reduce energy use in public buildings.

The goal of this legislation is to have the government lead by example. This bill will help to ensure less polluting and more cost-effective General Services Administration, or GSA, buildings. Under this legislation, the GSA, which is the Nation's largest public real estate organization, must establish a program to speed the use of cost-effective and energy-efficient technology and other actions, called “cost-effective technologies and practices”, in its buildings. GSA also must assure that a manager is named who is responsible for accelerating the use of cost-effective technologies and practices for each GSA building.

In addition, the GSA must review current and available highly-efficient lighting within 90 days, and complete a plan within 6 months for installing highly-efficient lighting in GSA buildings. Within 1 year after enactment, GSA must issue a detailed timetable to replace all existing inefficient lighting in GSA buildings as quickly as feasible, within 5 years, using available funds.

A second provision in the bill requires GSA to complete a broader plan that will: (1) achieve a 20-percent reduction in operating costs at GSA facilities to the maximum extent feasible within 5 years after enactment through

the application of cost-effective, highly efficient technologies and practices, using available funds; (2) describe the current and needed funding for these programs and any issues that may inhibit their implementation; (3) recommend uniform standards for federal agencies for highly efficient technologies; and (4) recommend ways to allow federal agencies to keep their savings from using efficient technologies and practices, to use them for additional investments and other purposes.

The bill also creates an EPA grant program to help local governments make their buildings more efficient. This \$20 million per year matching grant program at EPA will help local governments renovate their buildings to make them more cost-effective and energy efficient. The grant program will require a 40 percent match from the local government, and will require grantees to show they will cut utility bills by 40 percent through renovations of a building or buildings that use highly efficient technologies and practices. Further, EPA will have to verify the efficiency and savings and issue guidelines for the program. Grants of up to \$1 million will be allowed. In addition, the bill requires reports to Congress on progress under the program, savings achieved, and recommendations.

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

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

S. 992

*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 “Public Buildings Cost Reduction Act of 2007”.

**SEC. 2. COST-EFFECTIVE TECHNOLOGY ACCELERATION PROGRAM.**

(a) ESTABLISHMENT.—The Administrator of General Services (referred to in this section as the “Administrator”) shall establish a program to accelerate the use of more cost-effective technologies and practices at GSA facilities.

(b) ACCELERATED USE OF COST-EFFECTIVE LIGHTING TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this subsection, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) identify, in consultation with the Environmental Protection Agency, cost-effective lighting technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this subsection, not later than 180 days

after the date of enactment of this Act, the Administrator shall establish a cost-effective lighting technology acceleration program to achieve maximum feasible replacement of existing lighting technologies with more cost-effective lighting technologies in each GSA facility using available appropriations.

**(B) ACCELERATION PLAN TIMETABLE.—**

(i) **IN GENERAL.**—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable including milestones for specific activities needed to replace existing lighting technologies with more cost-effective lighting technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) **GOAL.**—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing lighting technologies with more cost-effective lighting technologies by not later than the date that is 5 years after the date of enactment of this Act.

(c) **GSA FACILITY COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.**—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of cost-effective technologies and practices is designated for each GSA facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) identifies the specific activities needed to achieve a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(B) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in subparagraph (A);

(C) describes the status of the implementation of cost-effective technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this Act; and

(ii) the status of funding requests and appropriations for those programs;

(D) identifies within the planning, budgeting, and construction process all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies and practices;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices;

(F) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of cost-effective technologies and practices; and

(ii) identifying short- and long-term cost savings that accrue from cost-effective technologies and practices;

(G) achieves cost savings through the application of cost-effective technologies and practices sufficient to pay the incremental additional costs of installing the cost-effective technologies and practices by not later

than the date that is 5 years after the date of installation; and

(H) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

**SEC. 3. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.**

**(a) GRANT PROGRAM.—**

(1) **IN GENERAL.**—The Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

(A) to deploy cost-effective technologies and practices; and

(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

(2) **COST SHARING.**—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

(3) **MAXIMUM AMOUNT.**—The amount of a grant provided under this subsection shall not exceed \$1,000,000.

**(b) GUIDELINES.—**

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

(2) **REQUIREMENTS.**—The guidelines under paragraph (1) shall establish—

(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

(c) **COMPLIANCE WITH STATE AND LOCAL LAW.**—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2007 through 2012.

**(e) REPORTS.—**

(1) **IN GENERAL.**—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

(2) **FINAL REPORT.**—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

(f) **TERMINATION.**—The program under this section shall terminate on September 30, 2012.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) **COST-EFFECTIVE LIGHTING TECHNOLOGY.**—

(A) **IN GENERAL.**—The term “cost-effective lighting technology” means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95-619 (42 U.S.C. 8259b); and

(II) Federal acquisition regulation 23-203.

(B) **INCLUSIONS.**—The term “cost-effective lighting technology” includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(2) **COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.**—The term “cost-effective technologies and practices” means a technology or practice that—

(A) will result in substantial operational cost savings by reducing utility costs; and

(B) complies with the provisions of section 553 of Public Law 95-619 (42 U.S.C. 8259b) and Federal acquisition regulation 23-203.

**(3) OPERATIONAL COST SAVINGS.—**

(A) **IN GENERAL.**—The term “operational cost savings” means a reduction in end-use operational costs through the application of cost-effective technologies and practices, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 3(b), that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices by not later than the date that is 5 years after the date of installation.

(B) **INCLUSIONS.**—The term “operational cost savings” includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) **EXCLUSION.**—The term “operational cost savings” does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

**(4) GSA FACILITY.—**

(A) **IN GENERAL.**—The term “GSA facility” means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) **INCLUSION.**—The term “GSA facility” includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) **EXEMPTION.**—The Administrator may exempt from the definition of “GSA facility”

under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95-619 (42 U.S.C. 8253(c)).

By Mrs. CLINTON (for herself and Mr. DODD):

S. 993. A bill to improve pediatric research; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today I am introducing the Pediatric Research Improvement Act, legislation to reauthorize the Pediatric Rule and extend it permanently. I believe that doing so is critically important to ensure that the drugs designed for children are safe and effective for children. This legislation will result in better health outcomes for our children, grandchildren, and many generations of children to come.

In 1998, the FDA issued a regulation called the pediatric rule, which allowed the agency to require companies to perform pediatric clinical trials on medications used by children. It is important to note that this requirement does not slow the drug approval process. If a drug is not likely to be used in the pediatric population, it is not subject to this testing. Companies can also apply for a deferral, so that they can perform necessary tests after a drug has been approved and is being used in the adult population.

In October 2002, a U.S. District Court found that the FDA had exceeded its statutory authority when it promulgated the Pediatric Rule, and that Congress needed to explicitly award the FDA the power to require these clinical trials.

In response, I worked with my colleagues in Congress to pass the Pediatric Research Equity Act, legislation that codified the Pediatric Rule, and which was signed into law on December 3, 2003.

Since 2003, over 100 drugs have been evaluated under PREA—and since 1998, more than 1,000 drugs have fallen under the authority of the pediatric rule. The legislation has successfully resulted in increased pediatric evaluations. We've been able to collect data on drugs commonly used in children—like azithromycin, an antibiotic used to treat bronchitis, pneumonia, and other respiratory infections—as well as drugs that may not be so commonly used, but that help keep children alive, like emtriva, one of the newer drugs we have to treat AIDS.

But unless we act to reauthorize this legislation now, the pediatric rule is set to sunset on September 30 of this year, placing in jeopardy the ability of the agency to require these safeguards for our children.

In order to address this, I am introducing the Pediatric Research Improvement Act to remove the sunset for the pediatric rule, so that we will never again be in danger of losing the authority to make sure that the drugs designed for children are safe for children.

In addition to making the rule permanent, this reauthorization would do the following:

Improves Coordination between Pediatric Specialists and Others at the FDA. In order to improve coordination with the pediatric exclusivity provisions of the Best Pharmaceuticals for Children Act (BPCA), PRIA would expand an internal FDA committee to review all issues of pediatric-related labeling and assessments. Doing so ensures that a drug that falls under PRIA or BPCA is reviewed not only by experts for that particular drug, but those with pediatric expertise.

Streamlines the process for obtaining pediatric data on already-marketed drugs. If a company chooses not to pursue pediatric exclusivity for an already marketed drug under the Best Pharmaceuticals for Children Act, the Secretary has the authority to require the submission of pediatric data for the drug. This authority has never been utilized, in part due to the lengthy administrative process required. PRIA would streamline this administrative process and help get essential data on drugs for which it is vitally needed, while preserving the ability of companies to have a fair review of the agency's decisions.

Increases Data about the Use and Applicability of PRIA. PRIA would require two reports—one from the Institute of Medicine and one from the GAO—that would allow us to have better data on the number and ways in which the pediatric rule is used, and evaluate its contributions to ensuring overall pediatric drug safety.

This legislation is supported by the American Academy of Pediatrics, Elizabeth Glaser Pediatric AIDS Foundation, Ambulatory Pediatric Association, American Pediatric Society, Association of Medical School Pediatric Department Chairs, and the Society for Pediatric Research.

I look forward to working with my colleagues in Congress to pass this vital piece of legislation as quickly as possible, and help to ensure that our pediatricians and other health professionals have the tools they need to provide safe and effective treatment to our Nation's children.

By Mr. TESTER (for himself and Mr. SALAZAR):

S. 994. A bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. TESTER. Mr. President, today I am proud to introduce legislation that will go a long ways toward meeting our Nation's obligations to our rural veterans. The Disabled Fairness Act will make a real improvement in the lives of America's rural veterans—more than 17,000 of whom live in my State.

For many veterans who live far from a VA hospital or community health center, transportation remains the single biggest obstacle to care. Today, disabled veterans are eligible to have only a small fraction of their transportation costs reimbursed. They must pay the first \$18 per month out of their own pocket. And after that, they receive reimbursement at the rate of just 11 cents per mile—less than one-quarter of the current rate of 48.5 cents per mile for Government employees. The reimbursement rate has not been changed since 1977. That is unacceptable.

In Montana, we have several very good VA health clinics, as well as one of the best hospitals in the VA system, the Ft. Harrison Hospital in Helena. But the smaller clinics simply cannot provide all the services that Ft. Harrison offers. That is no complaint against these clinics, it is just a fact.

So when a disabled veteran in my State gets in his car and drives 200 miles from Havre to the Ft. Harrison VA hospital in Helena to receive treatment for an injury he suffered while defending our country, he will be reimbursed \$4. On the way back, he will be eligible to be reimbursed \$22. That is \$26 total for a trip that the Federal Government estimates will actually cost \$194. That is a slap in the face to someone whose life has been fundamentally altered by the wounds they suffered on the field of battle.

In the last month, AAA reports that the price of gas in Montana has increased 36 cents over the last month. That means disabled veterans are spending much more of their own money to get to a VA hospital, especially in places like Montana, where a trip to the hospital can mean a journey of hundreds of miles.

The Disabled Veterans Fairness Act ends this practice. My bill repeals the \$18 per month deductible that disabled veterans must satisfy before they can be eligible for reimbursement for mileage traveled to and from a VA hospital for treatment. The bill also raises the reimbursement rate from the current level of 11 cents per mile to the prevailing rate for Federal employees, as determined by the General Services Administration.

I also want to thank Senator SALAZAR for his advice on this legislation. I am proud to have him as a cosponsor. He has worked so hard to improve the lives of rural veterans, and I look forward to supporting his efforts in the coming months as well.

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

S. 996. A bill to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to allow the Los Angeles World Airports



to provide the Lennox and Inglewood School Districts, which lie directly in the Los Angeles International Airport's flight path, with noise reduction funds.

This bill would authorize the Los Angeles World Airports to allow the use of passenger facility fees for noise reduction projects at these schools.

In 1980, the Lennox School District and the City of Los Angeles settled a lawsuit, allowing aircraft carrying up to 40 million people per year to fly overhead the schools. The City also agreed to provide approximately \$2.5 million to the Lennox School District.

Currently, an airplane flies a few hundred feet above the Lennox and Inglewood schools about every three minutes. The noise is deafening. It rattles windows, disrupts lessons, and makes it very difficult for these students to learn.

In February 2005, the Lennox and Inglewood School Districts settled a lawsuit with the Los Angeles World Airports under which the Los Angeles International Airport agreed to provide the School Districts with more than \$110 million in noise mitigation funds over 10 years. These funds are essential for the improvement of conditions at these schools.

Unfortunately, the Federal Aviation Administration interpreted the 1980 agreement and Federal law in a way that prevents the payment of the funds under the 2005 agreement.

Thus, Federal legislation is necessary to allow the use of passenger facility fees for noise reduction projects at the Lennox and Inglewood schools. I am introducing legislation to do just this.

This bill was drafted with the assistance of the Federal Aviation Administration, and it has the support of the Lennox and Inglewood School Districts, the Los Angeles World Airports, and the Los Angeles Mayor, Antonio Villaraigosa. My colleague in the House of Representatives, Congresswoman JANE HARMAN, will introduce this same bill today.

I urge my colleagues to join me in supporting this non-controversial legislation that will allow for the use of passenger facility fees for noise reduction projects in the Lennox and Inglewood School Districts. I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 996

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

**SECTION 1. EXPANDED PASSENGER FACILITY FEE ELIGIBILITY FOR NOISE COMPATIBILITY PROJECTS.**

Section 40117(b) of title 49, United States Code, is amended by adding at the end the following:

“(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

“(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility

fee imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

“(i) the Secretary determines that the building is adversely affected by airport noise;

“(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

“(iii) the project is for a school identified in 1 of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

“(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

“(v) the project otherwise meets the requirements of this section for authorization of a passenger facility fee.

“(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term ‘eligible project costs’ means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.”.

By Mr. STEVENS (for himself and Ms. LANDRIEU):

S. 1000. A bill to enhance the Federal Telework Program; to the Committee on Homeland Security and Governmental Affairs.

Mr. STEVENS. Mr. President, today I am joined by Senator LANDRIEU in introducing the Telework Enhancement Act of 2007. This legislation will build on the existing Federal telework program to ensure maximum participation in the program among those in the Federal workforce. This measure will improve the cost-efficiency of the Federal Government and will also serve to reduce traffic congestion and thereby save fuel and greenhouse gas emissions. It will also enhance efforts by the Federal Government with respect to continuity of operations, COOP, provide employee incentives to attract and retain highly skilled Federal personnel, and provide a model for the private sector.

In 2000, the key legislation affecting telework in the Federal Government was signed into law as part of that year's highway bill. The enacted provision provided that “each executive agency . . . establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance.” The measure was intended to apply to 25 percent of the Federal workforce, and to an additional 25 percent of the workforce each year thereafter.

The objective of that measure, as outlined in the bill's conference report, was to “reduce traffic congestion” and to allow Federal employees to telework to the maximum extent possible. The Report also made clear that each Federal agency was to establish telework criteria, and remove any “managerial, logistical, organizational, or other barriers to full implementation and successful functioning of the policy. . . and provide for adequate administrative, human resources, technical, and logistical support for carrying out the policy.”

The lead agencies that have carried out this telework mandate are Office of Personnel Management, OPM, and the General Services Administration, GSA. Together these agencies formed a common Web site [www.telework.gov](http://www.telework.gov) to facilitate the advancement of the program, which has had a degree of success. As of 2004, of the 1.7 million Federal employees in the 82 agencies, 752,337 had been deemed eligible for telework, which was an increase from 521,542 in 2001. But despite a very loose definition of “telework,” which only requires that an employee work from home 1 day per week to be considered a “teleworker,” 140,694, or 19 percent of those eligible, were deemed as having teleworked in 2004. Critics argue that this low percentage of teleworkers comparable to the much larger pool of telework-eligible employees can be attributed to insufficient employee education, program coordination, and workforce culture issues.

While OPM and GSA should be commended for the strides they have made in implementing the Federal telework program, there are several enhancements to the program that can be made legislatively to facilitate the original goal of maximizing telework among eligible Federal employees.

The bill we introduce today would, among other things: invert the telework eligibility presumption to make all Federal employees eligible unless expressly determined otherwise; revise the definition of “telework” to be an arrangement where the employee regularly works at an alternate site at least 2 business days per week in order to reduce his/her commute, the current definition only requires 1 day; require that each agency designate a full-time Telework Managing Officer, TMO, within the agency's chief administrative office, or comparable agency office, to oversee the respective agency's telework program; require that the TMO coordinate the telework policy for the agency or office, serve as the liaison between employees and managers, and keep employees informed of their telework eligibility; require the TMO to work to expand the agency's telework program, oversee the COOP program, and develop a telework performance and accountability system; require the TMO to submit a report to the head of the agency annually with an analysis of measures in place to carry out the telework policy; and require the Government Accountability

Office, GAO, to evaluate each agency's telework policy, and publish a report that rates each policy and the level of employee participation.

The events of September 11, 2001, the anthrax attacks that occurred shortly thereafter, and the recent severe weather experienced across the country have focused our attention on the importance of energy independence, as well as our need to be prepared in the event of a disaster. This legislation would be a step toward achieving these broader national strategic objectives, and I urge my colleagues to support it.

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. 1000

*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 "Telework Enhancement Act of 2007".

#### SEC. 2. FEDERAL GOVERNMENT TELEWORK REQUIREMENT.

(a) IN GENERAL.—

(1) ELIGIBILITY.—Within 1 year after the date of enactment of this Act, the head of each Executive agency shall establish a policy under which each employee of the agency, except as provided in subsection (d), shall be eligible to participate in telework.

(2) PARTICIPATION POLICY.—The policy shall ensure that eligible employees participate in telework to the maximum extent possible without diminishing employee performance or agency operations.

(b) APPLICATION TO JUDICIAL BRANCH EMPLOYEES.—Within 1 year after the date of enactment of this Act, the Chief Justice of the United States shall establish a policy for employees of the judicial branch under which such employees, except employees designated by the Chief Justice as employees to whom the policy does not apply, shall participate in telework to the maximum extent possible without diminishing employee performance or judicial operations.

(c) APPLICATION TO LEGISLATIVE BRANCH EMPLOYEES.—

(1) HOUSE OF REPRESENTATIVES.—Within 1 year after the date of enactment of this Act, the Speaker of the House of Representatives, in consultation with the Minority Leader of the House, shall establish a policy for employees of the House of Representatives under which such employees, except employees designated by the Speaker as employees to whom the policy does not apply, shall participate in telework to the maximum extent possible without diminishing employee performance or House operations.

(2) SENATE.—Within 1 year after the date of enactment of this Act, the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, shall establish a policy for employees of the Senate under which such employees, except employees designated by the Majority Leader as employees to whom the policy does not apply, shall participate in telework to the maximum extent possible without diminishing employee performance or Senate operations.

(3) OTHER LEGISLATIVE BRANCH EMPLOYEES.—Within 1 year after the date of enactment of this Act, the Speaker of the House of Representatives and the Majority Leader of the Senate jointly shall establish a policy for employees of the legislative branch who are

not employees of either House under which such employees, except employees designated by the Speaker and the Majority Leader as employees to whom the policy does not apply, shall participate in telework to the maximum extent possible without diminishing employee performance or legislative branch operations.

(d) INELIGIBLE EMPLOYEES.—

(1) EXECUTIVE AGENCIES.—Subsection (a)(1) does not apply to executive agency employees—

(A) whose duties involve the daily handling of secure materials, necessary contact with special equipment, or daily physical presence;

(B) who are assigned to national security or intelligence functions; or

(C) whose functions are otherwise inappropriate for teleworking and which are designated by the head of the agency as functions to which the policy does not apply.

(2) JUDICIAL AND LEGISLATIVE BRANCH EMPLOYEES.—The Chief Justice and the officers of the Senate and House of Representatives described in subsection (c) may designate as ineligible to participate in telework employees whose duties are the same as, or similar to, the duties described in paragraph (1).

#### SEC. 3. TRAINING AND MONITORING.

The head of each executive agency shall ensure that—

(1) telework training is incorporated in the agency's new employee orientation procedures;

(2) periodic employee reviews are conducted for all employees, including those described in section 1(a)(3), to ascertain whether telework is appropriate for the employee's job description and the extent to which it is being utilized by the employee.

#### SEC. 4. TELEWORK MANAGING EMPLOYEE.

(a) IN GENERAL.—The head of each executive agency, the Chief Justice, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall appoint a full time senior level employee of the agency, the judicial branch, the House of Representatives, and the Senate, respectively as the Telework Managing Officer. The Telework Managing Office shall be established within the office of the chief administrative officer or a comparable office with similar functions.

(b) DUTIES.—The Telework Managing Officer shall—

(1) serve as liaison between employees engaged in teleworking and their employing entity;

(2) ensure that the organization's telework policy is communicated effectively to employees;

(3) encourage all eligible employees to engage in telework to the maximum practicable extent consistent with meeting performance requirements and maintaining operations;

(4) assist the head of the agency in the development and maintenance of agencywide telework policies;

(5) educate administrative units on telework policies, programs, and training courses;

(6) provide written notification to all employees of specific telework programs and employee eligibility;

(7) focus on expanding and monitoring agency telework programs;

(8) recommend and oversee telework-specific pilot programs for employees and managers, including tracking performance and monitoring activities;

(9) promote teleconferencing devices;

(10) develop monthly productivity awards for teleworkers;

(11) develop and administer a telework performance reporting system; and

(12) assist the head of the agency in designating employees to telework to continue agency operations in the event of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(c) REPORT.—The Telework Managing Officer shall submit a report to the head of the employing agency, the Chief Justice, the Speaker of the House of Representatives, or the Majority Leader of the Senate, as the case may be, and the Comptroller General at least once every 12 months that includes a statement of the applicable telework policy, a description of measures in place to carry out the policy, and an analysis of the participation by employees of the entity in teleworking during the preceding 12-month period.

#### SEC. 5. ANNUAL TELEWORK AGENCY RATING.

(a) IN GENERAL.—The Comptroller General shall establish a system for evaluating—

(1) the telework policy of each executive agency, the judicial branch, and the legislative branch; and

(2) on an annual basis the participation in teleworking by their employees.

(b) REPORT.—The Comptroller General shall publish a report each year rating—

(1) the telework policy of each entity to which this Act applies;

(2) the degree of participation by employees of each such entity in teleworking during the 12-month period covered by the report; and

(3) for each executive agency—

(A) the number of employees in the agency;

(B) the number of those employees who are eligible to telework;

(C) the number of employees who engage on a regular basis in teleworking; and

(D) the number of employees who engage on an occasional or sporadic basis in teleworking.

#### SEC. 7 DEFINITIONS.

In this Act:

(1) EMPLOYEE.—The term "employee" has the meaning given that term by section 8101(1) of title 5, United States Code, but does not include—

(A) justices of the Supreme Court, judges of Courts of Appeals, or judges of the District Courts;

(B) a Member of the United States House of Representatives; or

(C) a United States Senator.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term by section 105 of title 5, United States Code.

(3) TELEWORK.—The term "telework" means a work arrangement in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee that—

(A) reduces or eliminates the employee's commute between his or her residence and his or her place of employment; and

(B) occurs at least 2 business days per week on a recurring basis.

Mr. KENNEDY. Mr. President, stroke is a devastating disease that affects young and old, women and men, regardless of their race or ethnic background. The physical, emotional, and financial toll of stroke on individuals and their families is enormous.

Fortunately, we have achieved major advances in the prevention and treatment of stroke in recent years that have reduced the high toll of death and disability. The Nation's investment in research through the National Institutes of Health has led to many of



these advances, and it's tragic that so many stroke patients do not yet have access to these advances.

That's why Senator COCHRAN and I have introduced the bipartisan Stroke Treatment and Ongoing Prevention Act in Congress, to help bring what we've learned in the laboratory to the bedside of the patient more quickly. Both Houses of Congress know the importance of this issue, and identical legislation has been introduced in the House of Representatives. This bill is intended to become a national commitment to end the suffering from stroke. It will also be a promise that every American can lead a better and healthier life.

By Mr. KENNEDY (for himself, Mr. KERRY, Mrs. BOXER, Mr. HARKIN, Mr. LAUTENBERG, Mr. DODD, Mr. LIEBERMAN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. BROWN, Mr. DURBIN, Mr. SCHUMER, Ms. CANTWELL, Mr. BIDEN, Mr. LEVIN, Mr. MENENDEZ, Mrs. MURRAY, Mrs. CLINTON, Mr. FEINGOLD, Ms. STABENOW, and Mr. WHITEHOUSE):

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleagues in reintroducing the Equal Rights Amendment to the Constitution. Our strong commitment to equal rights for men and women should be clearly reflected in the Nation's founding document.

The ERA is essential to guarantee that the freedoms protected by our Constitution apply equally to men and women. From the beginning of our history as a Nation, women have had to wage a constant, long and difficult battle to win the same basic rights granted to men. That battle goes on today, since discrimination still continues in many ways.

Despite passage of the Equal Pay Act and the Civil Rights Act in the 1960s, discrimination against women continues to permeate the workforce and many areas of the economy. Today, women earn about 77 cents for each dollar earned by men, and the gap is even greater for women of color. In 2004, African American women earned only 67 percent of the earnings of white men, and Hispanic women earned only 56 percent.

Women with college and professional degrees have achieved advances in a number of professional and managerial occupations in recent years. Yet more than 60 percent of working women are still clustered in a narrow range of traditionally female, traditionally low-paying occupations, and female-headed households continue to dominate the bottom rungs of the economic ladder.

A stronger effort is clearly needed to finally live up to our commitment of full equality. The Equal Rights Amendment alone cannot remedy all discrimi-

nation, but it will clearly strengthen the ongoing efforts of women across the country to obtain equal treatment.

We know from the failed ratification experiences of the past that amending the Constitution to include the ERA will not be easy to achieve. But its extraordinary significance requires us to continue the battle to finally see it approved by Congress and ratified by the States. The women of America deserve no less.

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

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

#### S.J. RES. 10

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:*

#### "ARTICLE—

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SECTION 3. This article shall take effect 2 years after the date of ratification."

### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 125—DESIGNATING MAY 18, 2007, AS "ENDANGERED SPECIES DAY", AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO BECOME EDUCATED ABOUT, AND AWARE OF, THREATS TO SPECIES, SUCCESS STORIES IN SPECIES RECOVERY, AND THE OPPORTUNITY TO PROMOTE SPECIES CONSERVATION WORLDWIDE

Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. FEINGOLD, Mr. LEVIN, Ms. SNOWE, Mr. KERRY, Mr. BIDEN, Ms. CANTWELL, Mr. LIEBERMAN, Mr. WYDEN, Mrs. CLINTON, Mr. CRAPO, and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on the Judiciary:

#### S. RES. 125

Whereas in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conserva-

tion efforts, along with increased public awareness and education;

Whereas two-thirds of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical for habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

*Resolved, That the Senate—*

(1) designates May 18, 2007, as "Endangered Species Day"; and

(2) encourages—

(A) educational entities to spend at least 30 minutes on Endangered Species Day teaching and informing students about threats to, and the restoration of, endangered species around the world, including the essential role of private landowners and private stewardship to the protection and recovery of species;

(B) organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate on educational information for use in schools; and

(C) the people of the United States to observe the day with appropriate ceremonies and activities.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution to establish the second annual "Endangered Species Day" on May 18, 2007. I am submitting this resolution with Senators COLLINS, FEINGOLD, LEVIN, SNOWE, KERRY, BIDEN, CANTWELL, LIEBERMAN, WYDEN, CLINTON, CRAPO, and SANDERS whose co-sponsorship I appreciate.

I want to commend my constituent Mr. David Robinson, who first suggested the establishment of an "Endangered Species Day." Individuals like Mr. Robinson do make a difference.

The designation of an "Endangered Species Day" provides a multitude of opportunities for young people, students, and the general public to learn more about endangered species both in our country and abroad.

Last year, thirty-six events were held across the country to highlight endangered species success stories. The Governor of Maine, the Rhode Island State legislature, and the cities and counties of Santa Barbara, San Diego, and San Francisco also declared State and local Endangered Species Days. Zoos and aquariums across the country, such as the Roger Williams Zoo and the San Diego Zoo, also held educational events.

Endangered Species Day 2006 provided an opportunity for schools, libraries, museums, zoos, aquariums, botanical gardens, agencies, businesses, community groups, and conservation organizations to educate the public about the importance of protecting endangered species and to highlight everyday actions that individuals and groups can take to help protect our nation's wildlife, fish, and plants.

Based on the success of last year, I believe that "Endangered Species Day" fosters increased communication and awareness about many of the most endangered species by encouraging such activities as school field trips to the