the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

AMENDMENT NO. 665

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 665 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.

AMENDMENT NO. 669

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 669 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.

AMENDMENT NO. 737

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 737 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Mr. SANDERS, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 737 proposed to H.R. 1591, supra.

AMENDMENT NO. 739

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 739 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. 790

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 790 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.

AMENDMENT NO. 793

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 793 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. 799

At the request of Mr. LUGAR, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. ISAKSON), the Senator from Oregon (Mr. SMITH), the Senator from Michigan (Mr. LEVIN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 799 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. KOHL (for himself, Mr. SPECTER, Mr. LEAHY, Mr. KYL, and Mr. SCHUMER):

S. 1027. A bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Prevent All Cigarette Trafficking (PACT) Act with Senators SPECTER, LEAHY, KYL, and SCHUMER.

As the problem of cigarette trafficking continues to worsen, we must provide law enforcement officials with the tools they need to crack down on cigarette trafficking. The PACT Act closes loopholes in current tobacco trafficking laws, enhances penalties for violations, and provides law enforcement with new tools to combat the innovative new methods being used by cigarette traffickers to distribute their products. Each day we delay its passage, terrorists and criminals raise more money, States lose significant amounts of tax revenue, and kids have easy access to tobacco products sold over the internet.

The cost to Americans is not merely financial. Tobacco smuggling also poses a significant threat to innocent people around the world. It has developed into a popular, and highly profitable, means of generating revenue for criminal and terrorist organizations. Hezbollah, for example, earned $1.5 million between 1996 and 2000 by engaging in tobacco trafficking in the United States. Al Qaeda and Hamas have also generated significant revenue from the sale of counterfeit cigarettes. That money is often raised right here in the United States, and it is then funneled back to these international terrorist groups. Cutting off financial support to terrorist groups is an integral part of protecting this country against future attacks, and it was an important recommendation of the 9/11 Commission. We can no longer continue to let terrorist organizations exploit weaknesses in our tobacco laws to generate significant amounts of money. The cost of doing nothing is too great.

This is not a minor problem. Cigarette smuggling is a multibillion dollar a year phenomenon and is getting worse. In 1998, the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) had six active tobacco smuggling investigations. In 2005, that number swelled to 452.

The number of cases alone, however, does not sufficiently put this problem into perspective. The amount of money involved is truly astonishing. Cigarette trafficking, including the illegal sale of tobacco products over the internet, costs States billions of dollars in lost tax revenue each year. It is estimated that $3.8 billion of tax revenue were lost, at the Federal and State level, in 2004 to tobacco smuggling. As lost tobacco tax revenue lines the pockets of criminals and terrorist groups, States are being forced to increase college tuition and restrict access to other public programs because of lost revenues. Tobacco smuggling may provide some with cheap access to cigarettes, but those cheap cigarettes are coming at a significant cost to the rest of us.

According to the Government Accountability Office (GAO), cigarette trafficking investigations are growing more and more complex, and take longer to resolve. More people are selling cigarettes illegally, and they are getting better at it. As these cases become more difficult to crack, we owe it to law enforcement officials to do our part to lend a helping hand. The PACT Act does that by enhancing BATFE's authority to enter premises to investigate and enforce cigarette trafficking laws. It also increases penalties for cigarette trafficking. Unless these existing laws are strengthened, traffickers will continue to operate with near impunity.

Just as important, though, we must enable our country's law enforcement officials to combat the cigarette smugglers of the 21st century. The internet represents a new obstacle to enforcement. Illegal tobacco vendors around the world evade detection by conducting transactions over the internet, and then shipping their illegal products around the country to consumers. Just a few years ago, there were less than 100 vendors selling cigarettes online. Today, approximately 500 vendors sell illegal tobacco products over the internet.

Without new and innovative enforcement methods, law enforcement will not be able to effectively address the growing challenges facing them today. The PACT Act sets out to do just that by empowering States to go after out-of-State sellers who are violating their tax laws and by cutting off their method of delivery. A significant part of this problem involves the shipment of contraband cigarettes through the United States Postal Service (USPS). This bill would cut off online vendors' access to the USPS. We would treat cigarettes just like we treat alcohol, making it illegal to ship them through the U.S. mails and cutting off a large portion of the delivery system.

In addition, it would facilitate cooperation between law enforcement and private carriers, who are sometimes the unwitting delivery arm of these tobacco traffickers. The bill authorizes the Attorney General to compile a list of sellers who are engaging in illegal cigarette sales, and that list would be distributed to private carriers, like UPS and FedEx. Providing this information to these companies, who have already begun to cooperate with law enforcement in this area, would then be empowered to cut off shipments for those of their customers

who are engaging in tobacco smuggling.

The PACT Act is a comprehensive bill to put these illegal smugglers out of business. It enjoys the strong support of tobacco companies, law enforcement officials, and the public health community. The bill contains important authorities that will enable our federal, state, and local law enforcement officials to crack down on cigarette trafficking, and thereby close off a very lucrative funding stream for international terrorist groups and other criminal enterprises. I urge my colleagues to support this important legislation.

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

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

S. 1027

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Prevent All Cigarette Trafficking Act of 2007'' or ''PACT Act''.

(b) FINDINGS.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, make it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from lawabiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States has increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) PURPOSES.—It is the purpose of this Act to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the ''Jenkins Act'') (referred to in this Act as the ''Jenkins Act''), is amended by striking the first section and inserting the following:

''SECTION 1. DEFINITIONS.

''As used in this Act, the following definitions apply:

''(1) ATTORNEY GENERAL.—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State, or the designee of that officer.

''(2) CIGARETTE.—

''(A) IN GENERAL.—For purposes of this Act, the term 'cigarette' shall—

''(i) have the same meaning given that term in section 2341 of title 18, United States Code; and

''(ii) include 'roll-your-own tobacco' (as that term is defined in section 5702 of the Internal Revenue Code of 1986).

''(B) EXCEPTION.—For purposes of this Act, the term 'cigarette' does not include a 'cigar,' as that term is defined in section 5702 of the Internal Revenue Code of 1986.

''(3) COMMON CARRIER.—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

''(4) CONSUMER.—The term 'consumer' means any person that purchases cigarettes or smokeless tobacco, but does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

''(5) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

''(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

''(B) the cigarettes or smokeless tobacco are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

''(6) DELIVERY SELLER.—The term 'delivery seller' means a person who makes a delivery sale.

''(7) INDIAN COUNTRY.—The term 'Indian country' has the meaning given that term in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve.

''(8) INDIAN TRIBE.—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

''(9) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

''(10) PERSON.—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such government, or joint stock company.

''(11) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(12) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

''(13) TOBACCO TAX ADMINISTRATOR.—The term 'tobacco tax administrator' means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

''(14) USE.—The term 'use', in addition to its ordinary meaning, means the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.''.

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking ''cigarettes'' each place it appears and inserting ''cigarettes or smokeless tobacco'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''CONTENTS.—''after ''(a)''

(ii) by striking ''or transfers'' and inserting '', transfers, or ships'';

(iii) by inserting '', locality, or Indian country of an Indian tribe'' after ''a State'';

(iv) by striking ''to other than a distributor licensed by or located in such State,''; and

(v) by striking ''or transfer and shipment'' and inserting '', transfer, or shipment'';

(B) in paragraph (1)—

(i) by striking ''with the tobacco tax administrator of the State'' and inserting ''with the Attorney General of the United States and with the tobacco tax administrators of the State and place''; and

(ii) by striking ''; and'' and inserting the following: '', as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of such person;'';

(C) in paragraph (2), by striking ''and the quantity thereof.'' and inserting ''the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and''; and

(D) by adding at the end the following:

''(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of such memorandum or invoice with the tobacco tax administrators

and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.'';

(3) in subsection (b)—

(A) by inserting ''PRESUMPTIVE EVIDENCE.—'' after ''(b)'';

(B) by striking ''(1) that'' and inserting ''that''; and

(C) by striking '', and (2)'' and all that follows and inserting a period; and

(4) by adding at the end the following:

''(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use such memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such memorandum or invoice not otherwise required for such purposes.''.

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

''SEC. 2A. DELIVERY SALES.

''(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

''(1) the shipping requirements set forth in subsection (b);

''(2) the recordkeeping requirements set forth in subsection (c);

''(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if such delivery sales occurred entirely within the specific State and place, including laws imposing—

''(A) excise taxes;

''(B) licensing and tax-stamping requirements;

''(C) restrictions on sales to minors; and

''(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

''(4) the tax collection requirements set forth in subsection (d).

''(b) SHIPPING AND PACKAGING.—

''(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: 'CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX-STAMPING OBLIGATIONS'.

''(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

''(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

''(4) AGE VERIFICATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a delivery seller who mails or ships tobacco products—

''(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

''(ii) shall use a method of mailing or shipping that requires—

''(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

''(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

''(iii) shall not accept a delivery sale order from a person without—

''(I) obtaining the full name, birth date, and residential address of that person; and

''(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

''(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

''(c) RECORDS.—

''(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within such State, by the city or town and by zip code, into which such delivery sale is so made.

''(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) in the year in which the delivery sale is made and for the next 4 years.

''(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply their own local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of such local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

''(d) DELIVERY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

''(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

''(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

''(C) any required stamps or other indicia that such excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

''(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

''(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

''(1) IN GENERAL.—

''(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2007, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General, pursuant to section 2(a) or that are otherwise not in compliance with this Act, and—

''(i) distribute the list to—

''(I) the attorney general and tax administrator of every State;

''(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

''(III) at the discretion of the Attorney General of the United States, to any other persons; and

''(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

''(B) LIST CONTENTS.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

''(i) all names the delivery seller uses in the transaction of its business or on packages delivered to customers;

''(ii) all addresses from which the delivery seller does business or ships cigarettes or smokeless tobacco;

''(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

''(iv) any other information that the Attorney General determines would facilitate compliance with this subsection by recipients of the list.

''(C) UPDATING.—The Attorney General of the United States shall update and distribute the list at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

''(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General of the United States shall include in the list under subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (5), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (5).

''(E) CONFIDENTIALITY.—The list distributed pursuant to subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the

list but may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with the listed delivery sellers the delivery sellers' inclusion on the list and the resulting effects on any services requested by such listed delivery seller.

''(2) PROHIBITION ON DELIVERY.—

''(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list under paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

''(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

''(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

''(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list under paragraph (1), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to such corrections or updates.

''(3) SHIPMENTS FROM PERSONS ON LIST.—

''(A) IN GENERAL.—In the event that a common carrier or other delivery service delays or interrupts the delivery of a package it has in its possession because it determines or has reason to believe that the person ordering the delivery is on a list distributed under paragraph (1)—

''(i) the person ordering the delivery shall be obligated to pay—

''(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

''(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover its extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

''(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall, in its discretion, either provide the package and its contents to a Federal, State, or local law enforcement agency or destroy the package and its contents.

''(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any deliveries interrupted pursuant to this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

''(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall use such records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and the person receiving records under subparagraph (B) shall keep confidential any personal information in such records not otherwise required for such purposes.

''(4) PREEMPTION.—

''(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

''(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that such person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

''(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

''(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

''(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

''(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

''(B) RELATIONSHIP TO OTHER LAWS.—Nothing in this paragraph shall be construed to prohibit, expand, restrict, or otherwise amend or modify—

''(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

''(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

''(iii) any provision of State, local, or tribal law regulating common carriers that falls within the provisions of chapter 49 of the United States Code, sections 14501(c)(2) or 41713(b)(4)(B).

''(C) STATE LAWS PROHIBITING DELIVERY SALES.—Nothing in the Prevent All Cigarette Trafficking Act of 2007, or the amendments made by that Act, may be construed to preempt or supersede State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or smokeless tobacco to individual consumers.

''(5) STATE, LOCAL, AND TRIBAL ADDITIONS.—

''(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

''(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land but has failed to register with or make reports to the respective tax administrator, as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

''(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal lands.

''(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as such government notifies the Attorney General of the United States in writing that such government no longer desires to submit such information to supplement the list maintained and distributed by the Attorney General of the United States under paragraph (1).

''(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list under paragraph (1) any persons that are on the list solely because of such government's prior submissions of its list of noncomplying delivery sellers of cigarettes or smokeless tobacco or its subsequent updates and corrections.

''(6) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

''(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (5) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

''(B) distribute any such list or update to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by another government, pursuant to paragraph (5).

''(7) NOTICE TO DELIVERY SELLERS.—Not later than 14 days prior to including any delivery seller on the initial list distributed or made available under paragraph (1), or on any subsequent list or update for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act.

''(8) LIMITATIONS.—

''(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

''(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

''(ii) determine whether a person ordering a delivery is in compliance with this Act; or

''(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

''(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list under paragraph (1) who is using a different name or address in order to evade the related delivery restrictions, but shall not knowingly deliver any packages to consumers for any such delivery seller who the common carrier or other delivery service knows is a delivery seller who is on the list under paragraph (1) but is using a different name or address to evade the delivery restrictions of paragraph (2).

''(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

''(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list under paragraph (1);

''(ii) not, as a matter of regular practice and procedure, making any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

''(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

''(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.''.

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

''SEC. 3. PENALTIES.

''(a) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), whoever violates any provision of this Act shall be guilty of a felony and shall be imprisoned not more than 3 years, fined under title 18, United States Code, or both.

''(2) EXCEPTIONS.—

''(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

''(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates any provision of this Act shall be subject to a civil penalty in an amount not to exceed—

''(A) in the case of a delivery seller, the greater of—

''(i) $5,000 in the case of the first violation, or $10,000 for any other violation; or

''(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of such person during the 1-year period ending on the date of the violation.

''(B) in the case of a common carrier or other delivery service, $2,500 in the case of a first violation, or $5,000 for any violation within 1 year of a prior violation.

''(2) RELATION TO OTHER PENALTIES.—A civil penalty under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

''(3) EXCEPTIONS.—

''(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

''(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

''(ii) an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, takes actions that are outside the scope of employment of the employee in the course of the violation, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).''.

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

''SEC. 4. ENFORCEMENT.

''(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for such violations.

''(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce the provisions of this Act.

''(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) STANDING.—A State, through its attorney general (or a designee thereof), or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) or to obtain any other appropriate relief from any person (or from any person controlling such person) for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

''(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

''(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce the provisions of this Act.

''(3) USE OF PENALTIES COLLECTED.—

''(A) IN GENERAL.—There is established a separate account in the Treasury known as the 'PACT Anti-Trafficking Fund'. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the United States Government in enforcing the provisions of this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing the provisions of this Act and other laws relating to contraband tobacco products.

''(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

''(4) NONEXCLUSIVITY OF REMEDY.—

''(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

''(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

''(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

''(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

''(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) other than a State, local, or tribal government.

''(e) NOTICE.—

''(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

''(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

''(f) PUBLIC NOTICE.—

''(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting such information on the Internet and by other appropriate means, information regarding all enforcement actions undertaken by the Attorney General or United States attorneys, or reported to the Attorney General, under this section, including information regarding the resolution of such actions and how the Attorney General and the United States attorney have responded to referrals of evidence of violations pursuant to subsection (c)(2).

''(2) REPORTS TO CONGRESS.—The Attorney General shall submit to Congress each year a report containing the information described in paragraph (1).''.

SEC. 3. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.

Section 1716 of title 18, United States Code, is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following:

''(j) TOBACCO PRODUCTS.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—Except as provided in subparagraphs (C) and (D), all cigarettes (as that term is defined in section 1(2) of the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the 'Jenkins Act')) and smokeless tobacco (as that term is defined in section 1(12) of that Act), are nonmailable and

shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this subsection.

''(B) REASONABLE CAUSE TO BELIEVE.—For purposes of this section, notification to the United States Postal Service by the Attorney General, a United States attorney, or a State Attorney General that an individual or entity is primarily engaged in the business of transmitting cigarettes or smokeless tobacco made nonmailable by this section shall constitute reasonable cause to believe that any packages presented to the United States Postal Service by such individual or entity contain nonmailable cigarettes or smokeless tobacco.

''(C) CIGARS.—Subparagraph (A) shall not apply to cigars (as that term is defined in section 5702(a) of the Internal Revenue Code of 1986).

''(D) GEOGRAPHIC EXCEPTION.—Subparagraph (A) shall not apply to mailings within or into any State that is not contiguous with at least 1 other State of the United States. For purposes of this paragraph, 'State' means any of the 50 States or the District of Columbia.

''(2) PACKAGING EXCEPTIONS INAPPLICABLE.—Subsection (b) shall not apply to any tobacco product made nonmailable by this subsection.

''(3) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, and any tobacco products so seized and forfeited shall either be destroyed or retained by Government officials for the detection or prosecution of crimes or related investigations and then destroyed.

''(4) ADDITIONAL PENALTIES.—In addition to any other fines and penalties imposed by this chapter for violations of this section, any person violating this subsection shall be subject to an additional penalty in the amount of 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

''(5) USE OF PENALTIES.—There is established a separate account in the Treasury known as the 'PACT Postal Service Fund'. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal and civil fines or monetary penalties collected by the United States Government in enforcing the provisions of this subsection shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing the provisions of this subsection.''.

SEC. 4. COMPLIANCE WITH MODEL STATUTE OR QUALIFYING STATUTE.

(a) IN GENERAL.—A Tobacco Product Manufacturer or importer may not sell in, deliver to, or place for delivery sale, or cause to be sold in, delivered to, or placed for delivery sale in a State that is a party to the Master Settlement Agreement, any cigarette manufactured by a Tobacco Product Manufacturer that is not in full compliance with the terms of the Model Statute or Qualifying Statute enacted by such State requiring funds to be placed into a qualified escrow account under specified conditions, or any regulations promulgated pursuant to such statute.

(b) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

(1) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of subsection (a) in accordance with this subsection.

(2) INITIATION OF ACTION.—A State, through its attorney general, may bring an action in the United States district courts to prevent and restrain violations of subsection (a) by any person (or by any person controlling such person).

(3) ATTORNEY FEES.—In any action under paragraph (2), a State, through its attorney general, shall be entitled to reasonable attorney fees from a person found to have willfully and knowingly violated subsection (a).

(4) NONEXCLUSIVITY OF REMEDIES.—The remedy available under paragraph (2) is in addition to any other remedies available under Federal, State, or other law. No provision of this Act or any other Federal law shall be held or construed to prohibit or preempt the Master Settlement Agreement, the Model Statute (as defined in the Master Settlement Agreement), any legislation amending or complementary to the Model Statute in effect as of June 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation hereinafter enacted.

(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court or taking other enforcement actions on the basis of an alleged violation of State or other law.

(6) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States may administer and enforce subsection (a).

(c) DEFINITIONS.—In this section the following definitions apply:

(1) DELIVERY SALE.—The term ''delivery sale'' means any sale of cigarettes or smokeless tobacco to a consumer if—

(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(B) the cigarettes or smokeless tobacco are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

(2) IMPORTER.—The term ''importer'' means each of the following:

(A) SHIPPING OR CONSIGNING.—Any person in the United States to whom nontaxpaid tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(B) MANUFACTURING WAREHOUSES.—Any person who removes cigars or cigarettes for sale or consumption in the United States from a customs-bonded manufacturing warehouse.

(C) UNLAWFUL IMPORTING.—Any person who smuggles or otherwise unlawfully brings tobacco products into the United States.

(3) MASTER SETTLEMENT AGREEMENT.—The term ''Master Settlement Agreement'' means the agreement executed November 23, 1998, between the attorneys general of 46 States, the District of Columbia, the Commonwealth of Puerto Rico, and 4 territories of the United States and certain tobacco manufacturers.

(4) MODEL STATUTE; QUALIFYING STATUTE.—The terms ''Model Statute'' and ''Qualifying Statute'' means a statute as defined in section IX(d)(2)(e) of the Master Settlement Agreement.

(5) TOBACCO PRODUCT MANUFACTURER.—The term ''Tobacco Product Manufacturer'' has the meaning given that term in section II(uu) of the Master Settlement Agreement.

SEC. 5. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS.

(a) IN GENERAL.—Any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, during normal business hours, enter the premises of any person described in subsection (b) for the purposes of inspecting—

(1) any records or information required to be maintained by such person under the provisions of law referred to in subsection (d); or

(2) any cigarettes or smokeless tobacco kept or stored by such person at such premises.

(b) COVERED PERSONS.—Subsection (a) applies to any person who engages in a delivery sale, and who ships, sells, distributes, or receives any quantity in excess of 10,000 cigarettes, or any quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, within a single month.

(c) RELIEF.—

(1) IN GENERAL.—The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by subsection (a).

(2) VIOLATIONS.—Whoever violates subsection (a) or an order issued pursuant to paragraph (1) shall be subject to a civil penalty in an amount not to exceed $10,000 for each violation.

(d) COVERED PROVISIONS OF LAW.—The provisions of law referred to in this subsection are—

(1) the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the ''Jenkins Act'');

(2) chapter 114 of title 18, United States Code; and

(3) this Act.

(e) DELIVERY SALE DEFINED.—In this section, the term ''delivery sale'' has the meaning given that term in 2343(e) of title 18, United States Code, as amended by this Act.

SEC. 6. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) IN GENERAL.—Nothing in this Act or the amendments made by this Act is intended nor shall be construed to affect, amend, or modify—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country (as that term is defined in section 1151 of title 18, United States Code);

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under existing Federal law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes or tribal members or in Indian country;

(4) any existing Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, or tribal reservations; and

(5) any existing State or local government authority to bring enforcement actions against persons located in Indian country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other

jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Nothing in this Act or the amendments made by this Act is intended, and shall not be construed to, authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this Act or the amendments made by this Act is intended to prohibit, limit, or restrict enforcement by the Attorney General of the United States of the provisions herein within Indian country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application and any other provision of this Act shall be resolved in favor of this section.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) BATFE AUTHORITY.—Section 5 shall take effect on the date of enactment of this Act.

SEC. 8. SEVERABILITY.

If any provision of this, or an amendment made by this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of it to any other person or circumstance shall not be affected thereby.

By Mr. KOHL:

S. 1029. A bill to amend the Food Security Act of 1985 to provide incentives to landowners to protect and improve streams and riparian habitat; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. KOHL. Mr. President, I rise today to offer a bill that amends the Food Security Act of 1985 to provide incentives for landowners to protect and improve streams and riparian habitat. This legislation would provide cost-share payments to landowners who protect and repair streamside and in-stream habitat, improve water flow and quality and initiate watershed management and planning.

The Stream Habitat Improvement Program, funded at $60 million annually, would direct resources to important fish habitat projects. The fisheries community has recognized the loss of habitat as a major threat to the health of sport fish populations. Farmers who participate in the program will make improvements on streams running through their property. Improvements could include repairing shoreline, removing barriers to fish passage, and planting trees to shade the water and strengthen stream banks. Further, existing partnerships, such as the National Fish Habitat Action Plan, could provide invaluable input to guide the program.

Healthy fisheries mean healthy communities. The EPA and the Fish and Wildlife Service have found that 81 percent of all stream fish communities in the U.S. have been adversely affected by either pollution or other disturbances. Rivers and streams provide essential habitat for numerous plant and animal species. Many of these species are threatened, endangered, or at risk for extinction. Degraded and altered habitats are the most frequently cited factors contributing to the decline among threatened or endangered aquatic species and among many native recreational and non-game fish species.

In Wisconsin alone there are almost 950,000 anglers, and almost half a million more come from out of State to fish in Wisconsin. Together these anglers spend $1 billion on fishing-related expenses in our State. This new program would advance efforts to support stream habitat restoration more effectively, which in turn will support a thriving economy and aquatic species populations. Further, healthy stream and river habitats also play an important role in the Nation's economy. Each year, about 34 million anglers spend $17 billion directly on fishing equipment and another $15 billion on trip-related expenses, food and lodging, and other recreational fishing-related expenses.

Successful management of stream and river habitat requires cooperative partnerships among producers, landowners, as well as Federal and State agencies. Offering producers and private landowners incentives and opportunities for restoring stream habitat will prevent the decline and listing of aquatic species. Building strong relationships between farm owners, private landowners and the angler community ensures that healthy fisheries will be maintained for future generations to enjoy.

By Mr. LIEBERMAN (for himself and Mr. BROWNBACK):

S. 1033. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, today, along with my friend Senator SAM BROWNBACK, I am introducing the Great Cats and Rare Canids Act, which will protect and foster populations of imperiled great cats and rare canines outside of North America.

These species, including the cheetah and the Asiatic wild dog, are threatened by habitat loss, poaching, disease, and pollution. The conservation fund established by the bill we are introducing today would sustain current conservation efforts and expand strategic measures to restore imperiled populations.

The struggle of the African wild dog is one example of the plight these large carnivores face. The less than 2,500 adults that remain not only have to combat the widespread misconception that they are livestock killers, but are extremely susceptible to those diseases common in domesticated animals. They have lost 89 percent of their habitat and are now found in only 14 of the 39 countries that comprise their historic range.

The snow leopard is another example. Like all great cats, the snow leopard needs a large tract of uninterrupted land in which to live, but the snow leopard's habitat in China has been fragmented due to human encroachment. The cats are also under extreme poaching pressures as their fur is sold on the black market.

The bill we are introducing today would help protect these predators at the top of the food chain. Our legislation is modeled after the highly successful Multinational Species Conservation Funds, which conserve rhinos, great apes, Asian elephants, African elephants, and marine turtles. Our bill would authorize $5 million in annual spending for the conservation of more than a dozen species of great cats and rare canines.

I do not think our children and grandchildren will forgive us if we stand by and let these magnificent animals drift into extinction. With a relatively small investment, we can invigorate ongoing conservation efforts around the world.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 1035. A bill to amend the Immigration and Nationality Act to reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States; to the Committee on the Judiciary.

Mr. DURBIN. 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. 1035

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 ''H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. H–1B employer requirements.
Sec. 3. H–1B government authority and requirements.
Sec. 4. L–1 visa fraud and abuse protections.
Sec. 5. Whistleblower protections.
Sec. 6. Additional Department of Labor employees.

SEC. 2. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E)

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting the following: ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

''(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and''.

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

''(i) on a website maintained by the Department of Labor, which website shall be searchable by—

''(I) the name, city, State, and zip code of the employer;

''(II) the date on which the job is expected to begin;

''(III) the title and description of the job; and

''(IV) the State and city (or county) at which the work will be performed; and

''(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

''(B) Each available job advertised on the list shall include—

''(i) the employer's full legal name;

''(ii) the address of the employer's principal place of business;

''(iii) the employer's city, State and zip code;

''(iv) the employer's Federal Employer Identification Number;

''(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

''(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

''(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

''(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

''(ix) a statement of the expected hours per week that the job will require;

''(x) the date on which the job is expected to begin;

''(xi) the date on which the job is expected to end, if applicable;

''(xii) the number of persons expected to be employed for the job;

''(xiii) the job title;

''(xiv) the job description

''(xv) the city and State of the physical location at which the work will be performed; and

''(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

''(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment—

''(i) to carry out the requirements of this paragraph; and

''(ii) that require employers to provide other information in order to advertise available jobs on the list.''.

(3) EFFECTIVE DATE.—Paragraph (1) shall take effect for applications filed at least 30 days after the creation of the list described in paragraph (2).

(d) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;'' and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.''.

SEC. 3. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 2(d)(2), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.''.

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.''.

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.''.

SEC. 4. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly

caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

''(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants under section 101(a)(15)(L).''.

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.''.

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).''.

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).''.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance)).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 5. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.''.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 4, is further amended by adding at the end the following:

''(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 6. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. ALLARD, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCAIN, Mr. MARTINEZ, Mr. SESSIONS, Mr. THOMAS, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 1036. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise to speak on bipartisan legislation that Senator LANDRIEU and myself are introducing, the Human Cloning Prohibition Act. We do this today with 26 other cosponsors. It is important to talk about this matter as we set up for the bioethical debate which will be taking place after Easter and discuss some of the parameters and issues surrounding this topic. We have a continuum of discussion points, as this body and the rest of the country and, indeed, the world is engaged on the subject.

There is an ethical way to move forward on stem cell research that is producing treatments and applications for human maladies, now in over 70 areas. The science continues to grow, and it is promising. I have held press conferences involving people with spinal cord injuries who could not walk and are walking again with the aid of braces. I have hosted people at press conferences who are suffering from congestive heart failure yet are now able to go up flights of stairs they couldn't even imagine previously with treatments utilizing their own adult stem cells. I have visited with cancer patients who have been treated with cord blood stem cells who are cancer-free now.

We have new discoveries taking place. For example, in the amniotic fluid surrounding the child in the womb exists an abundant supply of stem cells that are malleable into many different types of cells. We just learned about this breakthrough less than 6 months ago, and there are no ethical problems with it whatsoever. It is a beautiful science that is developing. In the near future, I believe we are going to see these adult stem cell advances taking root and moving forward in a glorious fashion: so that people can literally walk again who were not able to walk; so that people can literally be cured of heart conditions who had no cure and were only hoping for the possibility of a transplant; so that people, instead of having a mechanical bladder control on their side, are able to have a bladder grown of their own adult stem cells around a matrix and a frame that can be inserted back in the body that would be functioning again. The science is beautiful.

The ethical quagmire is significant as well: if we decide the route to pursue is to clone human beings; if we decide the route to pursue is to treat some humans as property, as a commodity to be researched and to be used. Human cloning and treating some humans as property are not the way to go.

What we are seeing from the clear science that has taken place in the past and the present is that human embryonic stem cells produce tumors. This has occurred in cloning situations and in noncloning embryonic stem cell situations. Embryonic stem cells produce tumors. A tumor in this situation is a growth of tissue that doesn't fit the intended purpose. Scientists are experiencing significant problems in this embryonic area. While we are developing treatments and applications using adult stem cells, cord blood, and, hopefully in the future, amniotic fluid, we are not seeing the same success using human embryonic cells.

The legislation that we put forward today, with 28 sponsors, would affirm that the United States places tremendous value on the dignity of each and every human life at whatever stage that life is in, from the very earliest moments to the very end of life. It would recognize the dignity of human life in this country and around the world. We don't want to see people recruiting women in a foreign country to give eggs on a massive scale for research purposes for the development of human clones. This legislation affirms that we stand for human dignity, from the very young human embryo to vulnerable women who could be coerced into donating eggs at potentially significant health risk to themselves. The legislation would make clear that the cloning of human persons is not something that we as a society will accept.

The Brownback-Landrieu Human Cloning Prohibition Act is endorsed by the President. It will bring the United States into conformity with the United Nations, whose General Assembly called on all member states ''to prohibit all forms of human cloning'' by a strong 84-to-34 margin. The problem with cloning human beings is that it violates the inherent dignity of a human being on so many levels. Cloning transgresses our heritage's sacred values about what is good and what is true and what is beautiful.

Western civilization is built on the tenet that every human life has immeasurable value at every stage. Human beings are ends in themselves. It is wrong to use any human purpose as a means to an end. Upon this principle are our laws founded. Without this principle, much of our law has little basis. That inherent beauty and dignity of each person at every phase of life, no matter where they are or who they are, no matter what they look like, no matter what their physical condition is, they are beautiful and unique. They are sacred. They are a child of a loving God, period.

Human cloning for whatever purpose is wrong because it turns humans into commodities or spare parts or even research animals. In recent debate, human cloning has been referred to as therapeutic cloning, research cloning, or simply SCNT, somatic cell nuclear transfer. These are presented as contrasts to reproductive cloning. But it should be noted that ''therapeutic,'' ''research,'' and ''reproductive'' are merely adjectives used to describe what is done with a human clone or with a cloned human. SCNT is just the scientific description of the cloning process. It is like calling a butterfly a lepidoptera—it still is a butterfly.

A CRS report for Congress notes:

> [A] human embryo produced via cloning involves the process called somatic cell nuclear transfer (SCNT). In SCNT the nucleus of an egg is removed and replaced by the nucleus from a mature body cell, such as a skin cell. In cloning, the embryo is created without sexual reproduction.

That is the CRS report definition of a human clone.

Stem cell pioneer Dr. James Thomson has said:

> If you create an embryo by [SCNT cloning] and give it to somebody who didn't know where it came from, there would be no test you could do to that embryo to say where it came from. It is what it is. . . .If you try to define it away, you're being disingenuous.

These quotes note that the SCNT process is cloning.

With reproductive and therapeutic cloning, human beings are turned into commodities or in some cases spare parts to be dissected in the laboratory, with the claim that some day they may be administered to other humans to

provide a treatment. Treatments are praiseworthy but not at the expense of the destruction of other members of the human family. We all want to treat people. I want to find a cure for cancer. However, it is wrong to turn humans into a means to an end.

It is also wrong to exploit women for their eggs. That is the other side of the human cloning story. SCNT cloning, as proposed by proponents of the technique, would require millions of human eggs. Poor and disadvantaged women in particular would be vulnerable to exploitation via financial incentives for donation. This is troubling because retrieving such eggs violates the dignity of a woman and may cause serious harm to her health.

The Brownback-Landrieu Human Cloning Prohibition Act is the only effective ban on human cloning. Any other so-called human cloning bans outside of this one are bans in name only and, in fact, most of them provide for human cloning for research purposes. So, under other bans, you can actually create a clone. They won't call it a clone; they will call it a product of SCNT. They will say you may create and do research on the clone; we just won't let you implant it. What is the clone, then, at that point in time? Is it in the human species at that point? Is it genetic material at that point in time? Indeed, it is. Biologically, it is a human.

Others would only regulate what could be done with a human clone, normally requiring its destruction, but they do nothing to prevent the process of human cloning, which inherently violates human dignity. We should take a stand against turning young humans into commodities, research animals, and spare parts. We should not destroy young human lives for research purposes.

That is why I urge my colleagues to support this human cloning prohibition ban.

By Mr. CORNYN (for himself and Mr. HARKIN):

S. 1038. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

Mr. CORNYN. Mr. President, I rise to introduce the Workforce Health Improvement Program Act of 2007, otherwise known as the WHIP Act. This bipartisan bill I introduce today is the same legislation I introduced in the 109th Congress. I am very pleased to be joined again by my good friend and colleague, Senator TOM HARKIN, who shares my commitment to helping keep America fit.

Public health experts unanimously agree that people who maintain active and healthy lifestyles dramatically reduce their risk of contracting chronic diseases. And as the government works to reign in the high cost of health care, it is worth talking about what we all can do to help ourselves. As you know, prevention is key, and exercise is a primary component in the prevention of many adverse health conditions that can arise over one's lifetime. A physically fit population helps to decrease health-care costs, reduce governmental spending, reduce illnesses, and improve worker productivity.

According to the Centers for Disease Control and Prevention (CDC), the economic cost alone to businesses in the form of health insurance and absenteeism is more that $15 billion. Additionally, Medicare and Medicaid programs currently spend $84 billion annually on five major chronic diseases: diabetes, heart disease, depression, cancer, and arthritis.

Reports also show that only about 15 percent of adults perform the recommended amount of physical activity, and 40 percent of adults do not participate in any physical activity. With physical inactivity being a key contributing factor to overweight and obesity, and adversely affecting workforce productivity, we quite simply need to do more to help employers encourage exercise.

Given the tremendous benefits exercise provides, I believe Congress has a duty to create as many incentives as possible to get Americans off the couch, up, and moving.

With this in mind, I am introducing the WHIP Act.

Current law already permits businesses to deduct the cost of on-site workout facilities, which are provided for the benefit of employees on a pretax basis. But if a business wants or needs to outsource these health benefits, they and/or their employees are required to bear the full cost. In other words, employees who receive off-site fitness center subsidies are required to pay income tax on the benefits, and their employers bear the associated administrative costs of complying with the IRS rules.

The WHIP Act would correct this inequity in the tax code to the benefit of many smaller businesses and their employees. Specifically, it would provide an employer's right to deduct up to $900 of the cost of providing health club benefits off-site for their employees. In addition, the employer's contribution to the cost of the health club fees would not be taxable income for employees creating an incentive for more employers to contribute to the health and welfare of their employees.

The WHIP Act is an important step in reversing the largely preventable health crisis that our country is facing, through the promotion of physical activity and disease prevention. It is a critical component of America's health care policy: prevention. It will improve our nation's quality of life by promoting physical activity and preventing disease. Additionally, it will help relieve pressure on a strained health care system and correct an inequity in the current tax code.

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

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

S. 1038

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 ''Workforce Health Improvement Program Act of 2007''.

SEC. 2. EMPLOYER-PROVIDED OFF-PREMISES HEALTH CLUB SERVICES.

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)(4) of the Internal Revenue Code of 1986 (relating to on-premises gyms and other athletic facilities) is amended to read as follows:

''(A) IN GENERAL.—Gross income shall not include—

''(i) the value of any on-premises athletic facility provided by an employer to its employees, and

''(ii) so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed $900 per employee per year.''.

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new subparagraph:

''(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

''(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

''(ii) which is not a private club owned and operated by its members,

''(iii) which does not offer golf, hunting, sailing, or riding facilities,

''(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

''(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws.''.

(c) EXCLUSION APPLIES TO HIGHLY COMPENSATED EMPLOYEES ONLY IF NO DISCRIMINATION.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Paragraphs (1) and (2) of sub-section (a)'' and inserting ''Subsections (a)(1), (a)(2), and (j)(4)'', and

(2) by striking the heading thereof through ''(2) APPLY'' AND INSERTING ''CERTAIN EXCLUSIONS APPLY''.

(d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN ATHLETIC FACILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 (relating to denial of deduction for club dues) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid to athletic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed $900 per employee per year.''.

(2) CONFORMING AMENDMENT.—The last sentence of section 274(e)(4) of such Code is amended by inserting ''the first sentence of'' before ''subsection (a)(3)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs.

MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. BYRD, Mr. INOUYE, Mr. BIDEN, Mr. LEAHY, Mr. BAUCUS, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. CONRAD, Mr. KOHL, Mr. LIEBERMAN, Mr. AKAKA, Mrs. FEINSTEIN, Mr. DORGAN, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. SCHUMER, Mr. BAYH, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WEBB, Mr. CASEY, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. TESTER):

S. 1041. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide or mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, for far too long, we've acquiesced in a lopsided economy that benefits wealthy individuals and corporations, but not America's working families. Tens of millions of our men and women are working harder than ever, but they aren't receiving their fair share of the economy they helped do so much to create and sustain.

Since President Bush took office, corporate profits have increased 65 percent. Productivity is up 18 percent. But household income has declined; the wages of working Americans are stagnant. Six million have lost their health insurance. Their retirement is uncertain as well—only 1 in 5 workers today has a guaranteed pension. In short, working families are finding that the American dream is beyond their reach. This injustice is worsening each year, and it is time for Congress to deal with it.

The best way to see that employees receive their fair share of America's prosperity is to give them a stronger voice in the workplace. Unions were fundamental in building America's middle class, and they have a vital role today in preserving the American dream for working families.

Unions can make all the difference between an economy that's fair, and an economy where working people are left behind. Union wages are 30 percent higher than non-union wages. 80 percent of union workers have health insurance, compared to only 49 percent of non-union workers. Union members are 4 times more likely to have a secure, guaranteed pension.

No wonder most American workers want union representation. The question is, why don't more of them have it?

The reason is clear. In 2005 alone, more than 30,000 workers were illegally fired or retaliated against for attempting to exercise their right to have a union in their workplace. Every 17 minutes, a worker is fired or punished in some illegal way for supporting a union. Unscrupulous employers routinely break the law to keep unions out—they intimidate employees, harass them, and discriminate against them. They shut down whole departments—or even entire plants—to avoid negotiating a union contract. It's illegal and unacceptable, but it happens every day.

Clearly, the current system is broken. It can't stop these illegal, anti-worker, anti-labor, anti-union tactics that take place every day. The penalties are so minor that employers treat them as just another cost of doing business. Even when workers succeed in forming a union, they often can't obtain a first contract because management stonewalls them and refuses to negotiate. Half of all cases alleging that employers refused to bargain are filed during first-contract negotiations—and in most of those cases, the National Labor Relations Board finds an unfair labor practice.

Year after year, Congress has refused to act against these union-busting tactics that are now all too familiar in the workplace. It's time to listen to the voice of America's working men and women, and give them what they want and deserve—a fair voice in the workplace and a fair chance at the American dream.

That's why I'm reintroducing the Employee Free Choice Act today. This essential legislation will strengthen protections for workers' freedom to choose union representation. It will restore their democratic right to join together for better wages, better benefits, and better working conditions. It will help millions of working men and women to build a better life for themselves and a better future for their children.

I am proud to have 46 of my fellow Senators joining me in sponsoring this important bill, and I hope that all of my colleagues will 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. 1041

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 ''Employee Free Choice Act of 2007''.

SEC. 2. STREAMLINING UNION CERTIFICATION.

(a) IN GENERAL.—Section 9(c) of the National Labor Relations Act (29 U.S.C. 159(c)) is amended by adding at the end the following:

''(6) Notwithstanding any other provision of this section, whenever a petition shall have been filed by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a majority of employees in a unit appropriate for the purposes of collective bargaining wish to be represented by an individual or labor organization for such purposes, the Board shall investigate the petition. If the Board finds that a majority of the employees in a unit appropriate for bargaining has signed valid authorizations designating the individual or labor organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the Board shall not direct an election but shall certify the individual or labor organization as the representative described in subsection (a).

''(7) The Board shall develop guidelines and procedures for the designation by employees of a bargaining representative in the manner described in paragraph (6). Such guidelines and procedures shall include—

''(A) model collective bargaining authorization language that may be used for purposes of making the designations described in paragraph (6); and

''(B) procedures to be used by the Board to establish the validity of signed authorizations designating bargaining representatives.''.

(b) CONFORMING AMENDMENTS.—

(1) NATIONAL LABOR RELATIONS BOARD.—Section 3(b) of the National Labor Relations Act (29 U.S.C. 153(b)) is amended, in the second sentence—

(A) by striking ''and to'' and inserting ''to''; and

(B) by striking ''and certify the results thereof,'' and inserting '', and to issue certifications as provided for in that section,''.

(2) UNFAIR LABOR PRACTICES.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (7)(B) by striking '', or'' and inserting ''or a petition has been filed under section 9(c)(6), or''; and

(B) in paragraph (7)(C) by striking ''when such a petition has been filed'' and inserting ''when such a petition other than a petition under section 9(c)(6) has been filed''.

SEC. 3. FACILITATING INITIAL COLLECTIVE BARGAINING AGREEMENTS.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

''(h) Whenever collective bargaining is for the purpose of establishing an initial agreement following certification or recognition, the provisions of subsection (d) shall be modified as follows:

''(1) Not later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly organized or certified as a representative as defined in section 9(a), or within such further period as the parties agree upon, the parties shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

''(2) If after the expiration of the 90-day period beginning on the date on which bargaining is commenced, or such additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify the Federal Mediation and Conciliation Service of the existence of a dispute and request mediation. Whenever such a request is received, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

''(3) If after the expiration of the 30-day period beginning on the date on which the request for mediation is made under paragraph (2), or such additional period as the parties may agree upon, the Service is not able to bring the parties to agreement by conciliation, the Service shall refer the dispute to an

arbitration board established in accordance with such regulations as may be prescribed by the Service. The arbitration panel shall render a decision settling the dispute and such decision shall be binding upon the parties for a period of 2 years, unless amended during such period by written consent of the parties.''.

SEC. 4. STRENGTHENING ENFORCEMENT.

(a) INJUNCTIONS AGAINST UNFAIR LABOR PRACTICES DURING ORGANIZING DRIVES.—

(1) IN GENERAL.—Section 10(l) of the National Labor Relations Act (29 U.S.C. 160(l)) is amended—

(A) in the second sentence, by striking ''If, after such'' and inserting the following:

''(2) If, after such''; and

(B) by striking the first sentence and inserting the following:

''(1) Whenever it is charged—

''(A) that any employer—

''(i) discharged or otherwise discriminated against an employee in violation of subsection (a)(3) of section 8;

''(ii) threatened to discharge or to otherwise discriminate against an employee in violation of subsection (a)(1) of section 8; or

''(iii) engaged in any other unfair labor practice within the meaning of subsection (a)(1) that significantly interferes with, restrains, or coerces employees in the exercise of the rights guaranteed in section 7;

while employees of that employer were seeking representation by a labor organization or during the period after a labor organization was recognized as a representative defined in section 9(a) until the first collective bargaining contract is entered into between the employer and the representative; or

''(B) that any person has engaged in an unfair labor practice within the meaning of subparagraph (A), (B) or (C) of section 8(b)(4), section 8(e), or section 8(b)(7);

the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred.''.

(2) CONFORMING AMENDMENT.—Section 10(m) of the National Labor Relations Act (29 U.S.C. 160(m)) is amended by inserting ''under circumstances not subject to section 10(l)'' after ''section 8''.

(b) REMEDIES FOR VIOLATIONS.—

(1) BACKPAY.—Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by striking ''*And provided further,*'' and inserting ''*Provided further*, That if the Board finds that an employer has discriminated against an employee in violation of subsection (a)(3) of section 8 while employees of the employer were seeking representation by a labor organization, or during the period after a labor organization was recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract was entered into between the employer and the representative, the Board in such order shall award the employee back pay and, in addition, 2 times that amount as liquidated damages: *Provided further,*''.

(2) CIVIL PENALTIES.—Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

(A) by striking ''Any'' and inserting ''(a) Any''; and

(B) by adding at the end the following:

''(b) Any employer who willfully or repeatedly commits any unfair labor practice within the meaning of subsections (a)(1) or (a)(3) of section 8 while employees of the employer are seeking representation by a labor organization or during the period after a labor organization has been recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract is entered into between the employer and the representative shall, in addition to any make-whole remedy ordered, be subject to a civil penalty of not to exceed $20,000 for each violation. In determining the amount of any penalty under this section, the Board shall consider the gravity of the unfair labor practice and the impact of the unfair labor practice on the charging party, on other persons seeking to exercise rights guaranteed by this Act, or on the public interest.''.

By Mrs. FEINSTEIN:

S. 1043. A bill to require the Secretary of Veterans Affairs to submit a report to Congress on proposed changes to the use of the West Los Angeles Department of Veterans Affairs Medical Center, California; to the Committee on Veterans' Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to ensure that the land on the West Los Angeles Veterans Affairs, West LA VA, campus is protected for the use of America's Veterans.

The bill would: require the VA Secretary to provide the Congressional Appropriations and Veterans Committees a comprehensive report regarding the master plan for the West LA VA facility and connected property.

The VA was required under Public Law 105–368 to develop a master plan for the West LA VA property.

If the VA has failed to developed the plan, the legislation requires it to complete a master plan prior to implementing any action based on the Capital Asset Realignment for Enhanced Services (CARES) initiative.

The VA would be prohibited from issuing any enhanced-use lease agreements for the West LA VA property until the master plan is completed and submitted to Congress.

Prevent the VA Secretary from implementing any portion of the master plan until 120 days after the submission of the plan to the Appropriations and Veterans Committees.

In addition, the Secretary would be expressly prohibited from pursuing development initiatives regarding the West LA VA property not relating to direct Veterans services unless explicitly authorized by Congress through legislation.

Direct Veterans services are defined in this legislation as any services ''directly related'' to maintaining the health, welfare, and support of Veterans.

Last year, the Senate approved similar language in the FY07 MILCON/VA Appropriations bill that required the VA to provide the Appropriations Committees a report on the master plan for the West LA VA Medical Center and connected land.

The fiscal year 2007 MILCON/VA Appropriations Act passed the Senate on November 18, 2006.

Unfortunately, all but 2 of the 11 Appropriations bills—including MILCON/VA—were ultimately packaged together in a Continuing Resolution for fiscal year 2007, and the language was never considered by the full Congress.

The bill I am introducing today is absolutely essential in light of a number of unacceptable actions that have previously been taken by the VA that, in my view, violate the spirit, if not the letter, of the law.

Last month, I joined with my colleagues Senator BARBARA BOXER and Congressman HENRY WAXMAN in writing a letter to VA Secretary James Nicholson strongly objecting to recent decisions by the VA relating to the West LA VA facility and land.

Over the past year alone, the VA has permitted the construction of a facility for the Fox Entertainment Group on the West LA VA property, and has approved a lease agreement with Enterprise Car Rental to operate on the campus.

In addition, the VA has allowed the Westside Shepherd of the Hill Church to rent a building on the property in which to hold its Sunday services and provided additional housing space for the University of California–Los Angeles (UCLA).

The VA reportedly has also considered lease projects such as movie productions, a drive-in theather, a circus event, and a golf course.

This must be put to a stop and the legislation I introduce today would do just that.

For too long, commercial interests have trumped the needs of our Veterans.

These 400 acres of land were donated to the government in 1888 specifically for Veterans and should remain that way—just as then–VA Secretary Anthony Principi promised during a visit to Los Angeles in February 2002.

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. 1043

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

SECTION 1. REPORT ON USE OF LANDS AT WEST LOS ANGELES DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, CALIFORNIA.

(a) FINDING.—Congress finds that section 707 of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368; 112 Stat. 3351) required the Secretary of Veterans Affairs to submit to Congress a report on the master plan of the Department of Veterans Affairs, or a plan for the development of such a master plan, relating to the use of Department lands at the West Los Angeles Department of Veterans Affairs Medical Center, California.

(b) REPORT.—The Secretary of Veterans Affairs shall submit to Congress a report on the master plan of the Department of Veterans Affairs relating to the use of Department lands at the West Los Angeles Department of Veterans Affairs Medical Center, California.

(c) REPORT ELEMENTS.—The report under subsection (b) shall set forth the following:

(1) The master plan referred to in that subsection, if such a plan currently exists.

(2) A current assessment of the master plan.

(3) Any proposal of the Department for a veterans park on the lands referred to in subsection (b), and an assessment of each such proposal.

(4) Any proposal to use a portion of the lands referred to in subsection (b) as dedicated green space, and an assessment of each such proposal.

(d) ALTERNATIVE REPORT ELEMENT.—

(1) PLAN FOR DEVELOPMENT OF MASTER PLAN.—If the master plan referred to in subsection (b) does not exist as of the date of the enactment of this Act, the Secretary shall set forth in the report under that subsection, in lieu of the matters specified in paragraphs (1) and (2) of subsection (c), a plan for the development of a master plan for the use of the lands referred to in subsection (b) during each period as follows:

(A) The 25-year period beginning on the date of the enactment of this Act.

(B) The 50-year period beginning on the date of the enactment of this Act.

(2) COMPLETION OF MASTER PLAN.—The master plan referred to in paragraph (1) shall be completed before both of the following:

(A) The adoption of the plan under the Capital Asset Realignment for Enhanced Services (CARES) initiative for the lands referred to in subsection (b).

(B) The issuance of any enhanced use lease with respect to any portion of such lands.

(3) COORDINATION WITH CARES.—The master plan referred to in paragraph (1) and the plan under the Capital Asset Realignment for Enhanced Services initiative for the lands referred to in subsection (b) shall be consistent.

(e) LIMITATIONS ON IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary may not implement any portion of the master plan referred to in subsection (b) or the plan referred to in subsection (d), as applicable, until 120 days after the date of the receipt by the appropriate congressional committees of the report referred to in such subsection.

(2) ACTIONS OTHER THAN DIRECT VETERANS SERVICES.—In the case of any portion of the master plan referred to in subsection (b) or the plan referred to in subsection (d), as applicable, that does not relate to direct veterans services, the Secretary may not carry out such portion of such plan except pursuant to provisions of law enacted after the date of the receipt by the appropriate congressional committees of the report referred to in such subsection.

(f) CONSTRUCTION.—Nothing in this section shall be construed to prevent the Secretary from providing, with respect to the lands referred to in subsection (b), routine maintenance, facility upkeep, tasks connected to capital improvements, and activities related to the construction of a State veterans home.

(g) DEFINITIONS.—In this section:

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

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(2) DIRECT VETERANS SERVICES.—The term ''direct veterans services'' means services directly related to maintaining the health, welfare, and support of veterans.

By Mr. BIDEN:

S. 1044. A bill to improve the medical care of members of the Armed Forces and veterans, and for other purposes; to the Committee on Armed Services.

Mr. BIDEN. Mr. President, I would like to take the opportunity today to introduce an important piece of legislation to improve the ability of the Department of Defense and the Department of Veterans Affairs to provide medical care for our Nation's Armed Forces and veterans. We are currently finishing up a debate in the Senate on additional war time funding for Iraq. As in past years, we are trying to mitigate the damage caused by the failure to properly plan for and manage the aftermath of Saddam Hussein's fall. I have spoken many times about how damaging this lack of planning has been to our efforts in Iraq and to our standing in the world.

For the past two months, the spotlight has shone on another administration failure in this war: the shameful conditions our wounded soldiers face as outpatients navigating the military health system when they return from Iraq or Afghanistan. This is another example of gross mismanagement and a strained system. To alleviate the strain on this system, I am offering legislation today—the Effective Care for the Armed Forces and Veterans Act—to improve the care that members of the Armed Forces and veterans receive at Walter Reed and other military medical facilities.

The purpose of this legislation is to ensure that some of the reasons for concern at Walter Reed do not occur in the future. As the living conditions for outpatients at Walter Reed Army Medical Center indicate, moving to private contracts for maintenance at military medical facilities can cause problems. After a private contract was awarded for maintenance and upkeep of buildings on the campus of Walter Reed Army Medical Center, a maintenance crew of approximately 300 was whittled down to 50 by the time the contract went in to effect. Many of the terrible living conditions in Building 18 that we read about in the Washington Post were a direct result of delays in building repair and maintenance because of a shortage in manpower. To prevent this situation from occurring again, this legislation calls for public-private competitions of maintenance services at military medical complexes to stop while our country is engaged in military conflicts. It also calls for a General Accountability Office review of contracting-out decisions for basic maintenance work at military facilities.

Other problems discovered at Walter Reed are directly attributable to shortages resulting from pressures to cut budgets for military medical services. These cuts cannot be tolerated at a time when military medical services are needed to treat servicemembers who have been wounded in Iraq and Afghanistan. As such, this legislation would require medical command budgets to be equal to or exceed the prior year amount while the nation is involved in a major military conflict or war.

Another issue that the conditions at Walter Reed brought up is whether or not the facility should be closed as the Base Realignment and Closure Commission recommended. The Commission recommended building new, modern facilities at the National Naval Medical Center at Bethesda and at Fort Belvoir to improve the overall quality of care and access to care in this region. Military leaders have indicated that the planned closure has limited their ability to attract needed professionals to jobs at Walter Reed and there have been concerns raised whether adequate housing for the families of the wounded has been properly planned. To deal with that, this legislation requires the Department of Defense to submit to Congress within one year a detailed plan that includes an evaluation of the following: the desirability of being able to guarantee professional jobs in the D.C. area for two years or more following the closure in order to foster a stable workforce; detailed construction plans for the new facilities and for new family housing; and the costs and benefits of building all of the needed medical treatment, rehabilitation, and housing before a single unit is moved.

Another major problem and source of frustration for injured soldiers is the length of time it takes to receive a disability determination. In order to hasten the disability determination process, we need to ensure that the Department of Defense has information systems capable of communicating with those in the Department of Veterans Affairs. The VA has been a leader in implementing electronic medical record keeping, but we have to improve the capability of the Department of Defense to send electronic medical records to the VA to speed up the disability determination process. Making the disability determination system more efficient can reduce the stress on the soldiers and their families going through the determination process.

Caseworkers are also critical. They schedule appointments and make sure wounded servicemembers get the rehabilitative and follow-up care they need. As more and more soldiers and marines come home wounded, many military caseworkers are overwhelmed. To improve the care given to servicemembers, this legislation requires a minimum ratio of case managers to patients of 1 to 20, that case managers have contact with recovering servicemembers at least once a week, and that case managers be properly trained on the military's disability and discharge systems so they can better assist patients with their paperwork.

Currently, many combat veterans returning from Iraq and Afghanistan have service-related mental health issues like post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI). Many have labeled TBI the ''signature injury'' of the Iraq and Afghanistan conflicts. It is estimated that as many as 10 percent of those serving or who have served in Iraq and Afghanistan have brain injuries. That

would mean about 150,000 of the 1.5 million soldiers and marines who have served in Operation Enduring Freedom or Operation Iraqi Freedom have suffered a brain injury. In many cases, these injuries are not diagnosed because there is not an external wound. Depending on the severity of these injuries, returning soldiers can require immediate treatment or not have symptoms show up until several years later. This legislation calls for every returning soldier to be screened for TBI. While the VA has announced plans to do this, it needs to happen in active-duty military medical facilities too. In addition, the legislation calls for a study on the advisability of treating TBI as a presumptive condition in every service's disability evaluation system, as well as the VA disability evaluation system.

We often hear about the 25,000 soldiers and marines who have been wounded in these wars—but that figure grossly underestimates the demand that the VA health care system faces. Since our country was attacked on September 11, 2001, more than 1.5 million soldiers have been deployed to Afghanistan, Iraq, and other locations. Of these, 630,000 are now veterans and, according to the Department of Defense, more than 205,000 have already received medical treatment through the Department of Veterans Affairs. A recent Harvard study on the long-term costs of treating these new veterans estimates that by 2012 more than 643,000 veterans from Iraq and Afghanistan will be using the VA system, an almost threefold increase of what the system faces now. With a significant backlog of claims currently existing, the system is in desperate need of an upgrade. To address this concern, my legislation directs the Secretary of Veterans Affairs to submit to Congress a plan for the long-term care needs for veterans for the next 50 years.

It is our highest obligation to heal the hundreds of thousands of brave men and women who will bear the physical and emotional scars of these wars for the rest of their lives. Those of us who have the privilege of serving in Congress must act now to improve the medical care we provide to our Armed Forces and veterans.

I ask unanimous consent that the text of the 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. 1044

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 ''Effective Care for the Armed Forces and Veterans Act of 2007''.

SEC. 2. PROHIBITION ON COMPETITIVE SOURCING OF CERTAIN ACTIVITIES AT MEDICAL FACILITIES OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) The health and recovery of wounded members of the Armed Forces may be risked by competitive sourcing of services at military medical facilities.

(2) The provision of medical services to members and former members of the Armed Forces who were injured while serving in Operation Iraqi Freedom or Operation Enduring Freedom is a basic service that is the responsibility of the Government and any disruption is unacceptable when it risks the health of veterans and members of the Armed Forces.

(3) The Department of Defense has attempted to implement competitive sourcing of services at military medical facilities despite the fact that doing so provides no improvement in the efficiency or effectiveness of such services.

(b) PROHIBITION ON INITIATION OF COMPETITIVE SOURCING ACTIVITIES AT MEDICAL FACILITIES OF DEPARTMENT OF DEFENSE DURING PERIOD OF MAJOR MILITARY CONFLICT.—

(1) IN GENERAL.—Except as provided in paragraph (2), during a period in which the Armed Forces are involved in a major military conflict, the Secretary of Defense shall not take any action under the Office of Management and Budget Circular A-76 or any other similar administrative regulation, directive, or policy—

(A) to subject work performed by an employee of a medical facility of the Department of Defense or employee of a private contractor of such a medical facility to public-private competition; or

(B) to convert such employee or the work performed by such employee to private contractor performance.

(2) EXCEPTION TO PREVENT NEGATIVE IMPACT ON PROVISION OF SERVICES.—Paragraph (1) shall not apply to any action at a medical facility of the Department of Defense if the Secretary of Defense certifies to Congress that not initiating such action during such period would have a negative impact on the provision of services at such military medical facility.

(c) STUDY ON COMPETITIVE SOURCING ACTIVITIES AT MEDICAL FACILITIES OF DEPARTMENT OF DEFENSE.—The Comptroller General of the United States shall assess the efficiency and advisability of subjecting work performed by an employee of a medical facility of the Department of Defense or a private contractor of such a medical facility to public-private competition, or converting such employee or the work performed by such employee to private contractor performance, under the Office of Management and Budget Circular A-76 or any other similar administrative regulation, directive, or policy.

SEC. 3. MINIMUM BUDGET FOR MEDICAL SERVICES OF THE ARMED FORCES DURING PERIOD OF MAJOR MILITARY CONFLICT.

(a) FINDINGS.—Congress finds the following:

(1) Pressure to reduce the budget for the medical services of the Department of Defense has contributed to many of the current problems at Walter Reed Army Medical Center.

(2) It is inappropriate to reduce the budget for medical services of the Department of Defense or the Department of Veterans Affairs while such services are needed to treat members of the Armed Forces or veterans who were wounded in Iraq and Afghanistan.

(b) MINIMUM BUDGET FOR MEDICAL SERVICES.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the Armed Forces are involved in a major military conflict at the time the President submits the budget for a fiscal year to Congress, the President shall not include in that budget a total aggregate amount allocated for medical services for the Department of Defense and the Department of Veterans Affairs that is less than the total aggregate amount allocated for such purposes in the budget submitted by the President to Congress for the previous fiscal year.

(2) EXCEPTION.—Paragraph (1) shall not apply if the President—

(A) certifies to Congress that submitting a total aggregate amount allocated for medical services for the Department of Defense and the Department of Veterans Affairs that is less than that required under paragraph (1) is in the national interest; and

(B) submits to Congress a report on the reasons for the reduction described by subparagraph (A).

SEC. 4. LIMITATION ON IMPLEMENTATION OF RECOMMENDATION TO CLOSE WALTER REED ARMY MEDICAL CENTER.

(a) FINDINGS.—Congress finds the following:

(1) The final recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment include recommendations to close Walter Reed Army Medical Center and to build new, modern facilities at the National Naval Medical Center at Bethesda and at Fort Belvoir to improve the overall quality of and access to health care for members of the Armed Forces.

(2) These recommendations include the transfer of medical services from the Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir, but they do not adequately provide for housing for the families of wounded members of the Armed Forces who will receive treatment at such new facilities.

(3) The recommended closure of the Walter Reed Army Medical Center has impaired the ability of the Secretary of Defense to attract the personnel required to provide proper medical services at such medical center.

(b) LIMITATION ON IMPLEMENTATION OF RECOMMENDATIONS.—The Secretary of Defense shall not take any action to implement the recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment relating to the transfer of medical services from Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir during the period beginning on the date of the enactment of this Act and ending on the date that is 60 days after the date on which Congress receives the plan required under subsection (c).

(c) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan that includes an assessment of the following:

(1) The feasibility and advisability of providing current or prospective employees at Walter Reed Army Medical Center a guarantee that their employment will continue in the Washington, DC, metropolitan area for more than two years after the date on which Walter Reed Army Medical Center is closed.

(2) Detailed construction plans for new medical facilities and family housing at the National Naval Medical Center at Bethesda and at Fort Belvoir to accommodate the transfer of medical services from Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir.

(3) The costs, feasibility, and advisability of completing all of the construction planned for the transfer of medical services from Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir before any patients are transferred to such new facilities from Walter Reed Army Medical Center as a result of the recommendations of the Defense Base

Closure and Realignment Commission under the 2005 round of defense base closure and realignment.

SEC. 5. IMPROVING CASE MANAGEMENT SERVICES FOR MEMBERS OF THE ARMED FORCES.

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

(1) Case managers are important for scheduling appointments and making sure recovering servicemembers get the care they need.

(2) Many case managers are overwhelmed by the large number of wounded members of the Armed Forces returning from deployment in Iraq and Afghanistan.

(3) Regular contact between health care providers and members of the Armed Forces returning from deployment is important for the diagnosis of post traumatic stress disorder in such members.

(4) It is inappropriate to require a wounded member of the Armed Forces or a family member of such member to provide a photo or a medal from deployment in Iraq or Afghanistan to prove that such member served in and was injured from such deployment.

(5) Case managers are well qualified to assist recovering servicemembers and their families with the disability evaluation system and discharge procedures of the Department of Defense.

(b) CASE MANAGERS.—

(1) IN GENERAL.—The Secretary of Defense shall assign at least one case manager for every 20 recovering servicemembers to assist in the recovery of such recovering servicemember.

(2) MINIMUM CONTACT.—The Secretary of Defense shall ensure that case managers contact each of their assigned recovering servicemembers not less than once per week.

(3) TRAINING.—The Secretary of Defense shall ensure that case managers of the Department of Defense are familiar with the disability and discharge system of the Department of Defense and that such case managers are able to assist recovering servicemembers complete necessary and related forms.

(c) RECOVERING SERVICEMEMBER.—In this section, the term ''recovering servicemember'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

SEC. 6. SCREENING FOR TRAUMATIC BRAIN INJURY.

(a) FINDINGS.—Congress finds the following:

(1) Many of the members of the Armed Forces deployed in Iraq and Afghanistan have brain injuries.

(2) In many cases, such injuries are not diagnosed because there is no external indication of such injury.

(3) The Secretary of Veterans Affairs carries out programs to screen all recent combat veterans for traumatic brain injury; the Secretary of Defense does not do so.

(b) SCREENING REQUIRED.—The Secretary of Defense shall screen every member of the Armed Forces returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom for traumatic brain injury upon the return of each such member.

(c) STUDIES ON TREATING TRAUMATIC BRAIN INJURY AS PRESUMPTIVE CONDITION FOR DISABILITY COMPENSATION.—

(1) STUDY BY SECRETARY OF DEFENSE.—

(A) IN GENERAL.—The Secretary of Defense shall conduct a study on the feasability and advisability of treating traumatic brain injury as a presumptive condition for members of the Armed Forces who served in Operation Iraqi Freedom or Operation Enduring Freedom for the qualification for disability compensation under laws administered by the Secretary of Defense.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study required by subparagraph (A).

(2) STUDY BY SECRETARY OF VETERANS AFFAIRS.—

(A) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a study on the feasability and advisability of treating traumatic brain injury as a presumptive condition for veterans who served as members of the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom for the qualification for disability compensation under laws administered by the Secretary of Veterans Affairs.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the results of the study required by subparagraph (A).

(3) STUDY BY DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.—

(A) IN GENERAL.—The Director of the National Institutes of Health shall conduct a study on traumatic brain injury, including the detection of traumatic brain injury and the measurement and classification of the severity of traumatic brain injury.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to Congress a report on the results of the study required by subparagraph (A).

SEC. 7. REQUIRING MEDICAL RECORDS MANAGEMENT SYSTEMS OF DEPARTMENT OF DEFENSE TO COMMUNICATE WITH MEDICAL RECORDS MANAGEMENT SYSTEMS OF DEPARTMENT OF VETERANS AFFAIRS.

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

(1) The electronic transfer of medical records of members of the Armed Forces from the medical records management systems of the Department of Defense to the medical records management systems of the Department of Veterans Affairs would be prudent.

(2) The Department of Veterans Affairs has been a leader in the implementation of electronic medical records management systems.

(b) ELECTRONIC COMMUNICATION BETWEEN MEDICAL RECORDS MANAGEMENT SYSTEMS REQUIRED.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall ensure that the medical records management systems of the Department of Defense are capable of transmitting medical records to and receiving medical records from the medical records management systems of the Department of Veterans Affairs electronically.

(2) INITIATION OF ACTIVITIES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall begin any activities required to meet the requirements of paragraph (1).

SEC. 8. DEPARTMENT OF VETERANS AFFAIRS ASSESSMENT OF LONG-TERM CARE NEEDS OF VETERANS.

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

(1) Multiple studies show that, in the next five years, the Department of Veterans Affairs will add hundreds of thousands of new veterans to the medical records management systems of the Department of Veterans Affairs.

(2) During such period, many veterans will have multiple medical care needs caused by complex medical conditions.

(b) ASSESSMENT OF LONG-TERM CARE NEEDS.—The Secretary of Veterans Affairs shall assess the current ability of the Department of Veterans Affairs to meet long-term care needs of veterans during the 50-year period that begins on the date of the enactment of this Act.

(c) DETERMINATION OF ACTIONS REQUIRED TO MEET LONG-TERM CARE NEEDS.—The Secretary of Veterans Affairs shall determine what actions are required to ensure that the needs described in subsection (b) are satisfied.

(d) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the assessment required in subsection (b) and the determination required in subsection (c).

By Mr. VOINOVICH:

S. 1045. A bill to strengthen performance management in the Federal Government, to make the annual general pay increase for Federal employees contingent on performance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VOINOVICH:

S. 1046. A bill to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VOINOVICH (for himself, Ms. COLLINS, and Mr. AKAKA):

S. 1047. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, I rise today to introduce three important pieces of legislation that I believe will improve the ability of the Federal Government to recruit and retain a world class workforce: the Federal Workforce Performance Appraisal and Management Improvement Act, the Senior Professional Performance Act, and the Generating Opportunity by Forgiving Educational Debt for Service Act.

As my colleagues know, my interest in the Federal workforce developed after working with the Federal Government for 18 years, for 10 years as mayor of Cleveland and 8 years as Governor of Ohio. Through my work on the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, I continue to observe that investing in personnel and workforce management, and management in general, struggles to be a priority in the Federal Government. My own experience as county auditor, county commissioner, mayor, and Governor has taught me that, of all the things in which government can invest, resources dedicated to human capital bring the greatest return.

Effective performance management is fundamental to building a results-oriented culture. In fact, the Merit

Systems Protection Board just published a report entitled, ''Accomplishing Our Mission: Results of the Merit Principles Survey 2005.'' In that report, the MSPB found that, ''Nonsupervisory employees feel uninformed about performance evaluation, organizational changes, and other issues at times.'' The Federal Workforce Performance Appraisal and Management Improvement Act that I am introducing today will help address that problem. By requiring supervisors and employees to have regular conversations about expectations and job performance, every employee will understand how their job performance is perceived by their boss and, more importantly, how individual work contributes to the agency's mission. In addition, this legislation would prohibit an employee who receives an unacceptable performance evaluation from receiving an annual salary adjustment. Mr. President, I know that Federal employees are dedicated and talented individuals. I know some may view this as a critique on the contributions of our civil servants; however, that could not be further from the truth. This bill recognizes their daily contributions.

As I said last year when I first introduced this legislation, employees should receive annually a rigorous evaluation. Pay should be determined by an individual's performance. I agree with the observation of Comptroller General David Walker that the passage of time should not be the single most important factor in determining an employee's pay. Instead, it should be determined by the productivity, effectiveness, and the contributions of an employee.

Today I also am pleased to introduce the Senior Professional Performance Act. In 2003, Congress enacted legislation to reform the pay and performance management systems for the Senior Executive Service. The legislation I introduce today would authorize agencies to develop and implement similar pay and performance management systems for senior level and scientific and professional personnel in order to keep these talented and capable employees on equal footing.

Finally, today I am introducing Generating Opportunity by Forgiving Educational Debt for Service Act, or GOFEDS, a bill that will help Federal agencies and the Armed Forces recruit talented individuals to serve in all areas of the Federal Government and the military. Current law—authorizes Federal agencies to pay student loans up to $10,000 a year with a cumulative cap of $60,000, but the incentive is taxed. The Active-Duty Educational Loan Repayment Program allows the Services to repay certain federally guaranteed educational loans for enlistments in military specialties designated by the Service Secretary. GOFEDS would amend the Federal tax code to allow the Federal Government's student loan repayment programs to be offered on a tax-free basis. The potential impact of this bill far outweighs its minimal cost.

I urge my colleagues to support this legislation.

By Mr. FEINGOLD (for himself, Mr. CRAPO, Mr. MARTINEZ, Mr. KOHL, Mr. KERRY, Mr. CARDIN, and Mrs. BOXER):

S. 1048. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resouces for the conservation programs of countries that activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I am introducing the Crane Conservation Act of 2007. I am very pleased that the Senators from Idaho, Mr. CRAPO, Florida, Mr. MARTINEZ, Wisconsin, Mr. KOHL, Maryland, Mr. CARDIN, and Massachusetts, Mr. KERRY, have joined me as cosponsors of this bill. I propose this legislation in the hope that Congress will do its part to protect the existence of these birds, whose cultural significance and popular appeal can be seen worldwide. This legislation is particularly important to the people of Wisconsin, as our State provides habitat and refuge to several crane species. But this legislation, which authorizes the United States Fish and Wildlife Service to distribute funds and grants to crane conservation efforts both domestically and in developing countries, promises to have a larger environmental and cultural impact that will go far beyond the boundaries of my home state. This bill is similar to legislation that I introduced in the 107th, 108th, and 109th Congresses.

In October of 1994, Congress passed and the President signed the Rhinoceros and Tiger Conservation Act. The passage of this act provided support for multinational rhino and tiger conservation through the creation of the Rhinoceros and Tiger Conservation Fund, or RTCF. Administered by the United States Fish and Wildlife Service, the RTCF distributes up to $10 million in grants every year to conservation groups to support projects in developing countries. Since its establishment in 1994, the RTCF has been expanded by Congress to cover other species, such as elephants and great apes.

Today, with the legislation I am introducing, I am asking Congress to add cranes to this list. Cranes are the most endangered family of birds in the world, with 11 of the world's 15 species at risk of extinction. Specifically, this legislation would authorize up to $5 million of funds per year to be distributed in the form of conservation project grants to protect cranes and their habitat. The financial resources authorized by this bill can be made available to qualifying conservation groups operating in Asia, Africa, and North America. The program is authorized from Fiscal Year 2008 through Fiscal Year 2012.

In keeping with my belief that we should balance the budget, this bill proposes that the $25 million in authorized spending over 5 years for the Crane Conservation Act established in this legislation should be offset through the Secretary of the Interior's administrative budget. The Secretary of the Interior would be required to transfer any funds it does not expend under the Crane Conservation Act back to the Treasury at the end of fiscal year 2012.

I am offering this legislation due to the serious and significant decline that can be expected in crane populations worldwide without further conservation efforts. Those efforts have achieved some success in the case of the North American whooping crane, the rarest crane on earth. In 1941, only 21 whooping cranes existed in the entire world. This stands in contrast to the over 450 birds in existence today. The North American whooping crane's resurgence is attributed to the bird's tenacity for survival and to the efforts of conservationists in the United States and Canada. Today, the only wild flock of North American whooping cranes breeds in northwest Canada, and spends its winters in coastal Texas. A new flock of cranes is currently being reintroduced to the wild in an eastern flyway from Wisconsin to Florida.

The movement of this flock of birds shows how any effort by Congress to regulate crane conservation needs to cross both national and international lines. As this flock of birds makes its journey from Wisconsin to Florida, the birds rely on the ecosystems of a multitude of states in this country. In its journey from the Necedah National Wildlife Refuge in Wisconsin to the Chassahowitzka National Wildlife Refuge in Florida in the fall and eventual return to my home State in the spring, this flock also faces threats from pollution of traditional watering grounds, collision with utility lines, human disturbance, disease, predation, loss of genetic diversity within the population, and vulnerability to catastrophes, both natural and man-made.

The birds also rely on private landowners, the vast majority of whom have enthusiastically welcomed the birds to their rest on their land. Through its extensive outreach and education program, the Whooping Crane Eastern Partnership has obtained the consistent support of farmers and other private landowners to make this important recovery program a success. On every front, this partnership is unique.

Despite the remarkable conservation efforts taken since 1941, however, this species is still very much in danger of extinction. While over the course of the last half-century, North American whooping cranes have begun to make a slow recovery, many species of crane in Africa and Asia have declined, including the sarus crane of Asia and the wattled crane of Africa.

The sarus crane stands four feet tall and can be found in the wetlands of

northern India and south Asia. These birds require large, open, well-watered plains or marshes to breed and survive. Due to agricultural expansion, industrial development, river basin development, pollution, warfare, and heavy use of pesticides prevalent in India and southeast Asia, the sarus crane population has been in decline. Furthermore, in many areas, a high human population concentration compounds these factors. On the Mekong River, which runs through Cambodia, Vietnam, Laos, Thailand, and China, human population growth and planned development projects threaten the sarus crane. Reports from India, Cambodia, and Thailand have also cited incidences of the trading of adult birds and chicks, as well as hunting and egg stealing in the drop in population of the sarus crane.

Only three subspecies of the sarus crane exist today. One resides in northern India and Nepal, one resides in southeast Asia, and one resides in northern Australia. Their population is about 8,000 in the main Indian population, with recent numbers showing a rapid decline. In Southeast Asia, only 1,000 birds remain.

The situation of the sarus crane in Asia is mirrored by the situation of the wattled crane in Africa. In Africa, the wattled crane is found in the southern and eastern regions, with an isolated population in the mountains of Ethiopia. Current population estimates range between 6,000 to 8,000 and are declining rapidly, due to loss and degradation of wetland habitats, as well as intensified agriculture, dam construction, and industrialization. In other parts of the range, the creation of dams has changed the dynamics of the flood plains, thus further endangering these cranes and their habitats. Human disturbance at or near breeding sites also continues to be a major threat. Lack of oversight and education over the actions of people, industry, and agriculture is leading to reduced preservation for the lands on which cranes live, thereby threatening the ability of cranes to survive in these regions.

If we do not act now, not only will cranes face extinction, but the ecosystems that depend on their contributions will suffer. With the decline of the crane population, the wetlands and marshes they inhabit can potentially be thrown off balance. I urge my colleagues to join me in supporting legislation that can provide funding to the local farming, education, and enforcement projects that can have the greatest positive effect on the preservation of both cranes and fragile habitats. This modest investment can secure the future of these exemplary birds and the beautiful areas in which they live. Therefore, I ask my colleagues to support the Crane Conservation Act of 2007.

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

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

S. 1048

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 ''Crane Conservation Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) crane populations in many countries have experienced serious decline in recent decades, a trend that, if continued at the current rate, threatens the long-term survival of the species in the wild in Africa, Asia, and Europe;

(2) 5 species of Asian crane are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and appendix I of the Convention, which species are—

(A) the Siberian crane (Grus leucogeranus);

(B) the red crowned crane (Grus japonensis);

(C) the white-naped crane (Grus vipio);

(D) the black-necked crane (Grus nigricollis); and

(E) the hooded crane (Grus monacha);

(3) the Crane Action Plan of the International Union for the Conservation of Nature considers 4 species of cranes from Africa and 1 additional species of crane from Asia to be seriously threatened, which species are—

(A) the wattled crane (Bugeranus carunculatus);

(B) the blue crane (Anthropoides paradisea);

(C) the grey crowned crane (Balearica regulorum);

(D) the black crowned crane (Balearica pavonina); and

(E) the sarus crane (Grus antigone);

(4)(A) the whooping crane (Grus americana) and the Mississippi sandhill crane (Grus canadensis pulla) are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) with approximately 225 whooping cranes in the only self-sustaining flock that migrates between Canada and the United States, and approximately 100 Mississippi sandhill cranes in the wild, both species remain vulnerable to extinction;

(5) conservation resources have not been sufficient to cope with the continued diminution of crane populations from causes that include hunting and the continued loss of habitat;

(6)(A) cranes are flagship species for the conservation of wetland, grassland, and agricultural landscapes that border wetland and grassland; and

(B) the establishment of crane conservation programs would result in the provision of conservation benefits to numerous other species of plants and animals, including many endangered species;

(7) other threats to cranes include—

(A) the collection of eggs and juveniles;

(B) poisoning from pesticides applied to crops;

(C) collisions with power lines;

(D) disturbance from warfare and human settlement; and

(E) the trapping of live birds for sale;

(8) to reduce, remove, and otherwise effectively address those threats to cranes in the wild, the joint commitment and effort of countries in Africa, Asia, and North America, other countries, and the private sector, are required;

(9) cranes are excellent ambassadors to promote goodwill among countries because they are well known and migrate across continents;

(10) because the threats facing cranes and the ecosystems on which cranes depend are similar on all 5 continents on which cranes occur, conservation successes and methods developed in 1 region have wide applicability in other regions; and

(11) conservationists in the United States have much to teach and much to learn from colleagues working in other countries in which, as in the United States, government and private agencies cooperate to conserve threatened cranes.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of cranes;

(2) to assist in the conservation and protection of cranes by supporting—

(A) conservation programs in countries in which endangered and threatened cranes occur; and

(B) the efforts of private organizations committed to helping cranes; and

(3) to provide financial resources for those programs and efforts.

SEC. 4. DEFINITIONS.

In this Act:

(1) CONSERVATION.—

(A) IN GENERAL.—The term ''conservation'' means the use of any method or procedure to improve the viability of crane populations and the quality of the ecosystems and habitats on which the crane populations depend to help the species achieve sufficient populations in the wild to ensure the long-term viability of the species.

(B) INCLUSIONS.—The term ''conservation'' includes the carrying out of any activity associated with scientific resource management, such as—

(i) protection, restoration, acquisition, and management of habitat;

(ii) research and monitoring of known populations;

(iii) the provision of assistance in the development of management plans for managed crane ranges;

(iv) enforcement of the Convention;

(v) law enforcement and habitat protection through community participation;

(vi) reintroduction of cranes to the wild;

(vii) conflict resolution initiatives; and

(viii) community outreach and education.

(2) CONVENTION.—The term ''Convention'' has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) FUND.—The term ''Fund'' means the Crane Conservation Fund established by section 6(a).

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

SEC. 5. CRANE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of appropriations and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects relating to the conservation of cranes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) APPLICANTS.—

(A) IN GENERAL.—An applicant described in subparagraph (B) that seeks to receive assistance under this section to carry out a project relating to the conservation of cranes shall submit to the Secretary a project proposal that meets the requirements of this section.

(B) ELIGIBLE APPLICANTS.—An applicant described in this subparagraph is—

(i) any relevant wildlife management authority of a country that—

(I) is located within the African, Asian, European, or North American range of a species of crane; and

(II) carries out 1 or more activities that directly or indirectly affect crane populations;

(ii) the Secretariat of the Convention; and

(iii) any person or organization with demonstrated expertise in the conservation of cranes.

(2) REQUIRED ELEMENTS.—A project proposal submitted under paragraph (1)(A) shall include—

(A) a concise statement of the purpose of the project;

(B)(i) the name of each individual responsible for conducting the project; and

(ii) a description of the qualifications of each of those individuals;

(C) a concise description of—

(i) methods to be used to implement and assess the outcome of the project;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(D) an estimate of the funds and the period of time required to complete the project;

(E) evidence of support for the project by appropriate government entities of countries in which the project will be conducted, if the Secretary determines that such support is required to ensure the success of the project;

(F) information regarding the source and amount of matching funding available for the project; and

(G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project to receive assistance under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a final project proposal, provide a copy of the proposal to other appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria described in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of appropriations, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) consult on the proposal with the government of each country in which the project is to be carried out;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to—

(i) the applicant that submitted the proposal;

(ii) other appropriate Federal officials; and

(iii) each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the Secretary determines that the proposed project will enhance programs for conservation of cranes by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and cranes that arise from competition for the same habitat or resources;

(3) enhance compliance with the Convention and other applicable laws that—

(A) prohibit or regulate the taking or trade of cranes; or

(B) regulate the use and management of crane habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition of crane habitat;

(B) crane population numbers and trends; or

(C) the current and projected threats to crane habitat and population numbers and trends;

(5) promote cooperative projects on the issues described in paragraph (4) among—

(A) governmental entities;

(B) affected local communities;

(C) nongovernmental organizations; or

(D) other persons in the private sector;

(6) carry out necessary scientific research on cranes;

(7) provide relevant training to, or support technical exchanges involving, staff responsible for managing cranes or habitats of cranes, to enhance capacity for effective conservation; or

(8) reintroduce cranes successfully back into the wild, including propagation of a sufficient number of cranes required for this purpose.

(e) PROJECT SUSTAINABILITY; MATCHING FUNDS.—To the maximum extent practicable, in determining whether to approve a project proposal under this section, the Secretary shall give preference to a proposed project—

(1) that is designed to ensure effective, long-term conservation of cranes and habitats of cranes; or

(2) for which matching funds are available.

(f) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary, at such periodic intervals as are determined by the Secretary, reports that include all information that the Secretary, after consulting with other appropriate government officials, determines to be necessary to evaluate the progress and success of the project for the purposes of—

(A) ensuring positive results;

(B) assessing problems; and

(C) fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Each report submitted under paragraph (1), and any other documents relating to a project for which financial assistance is provided under this Act, shall be made available to the public.

SEC. 6. CRANE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund established by the matter under the heading ''MULTINATIONAL SPECIES CONSERVATION FUND'' in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–237; 16 U.S.C. 4246) a separate account to be known as the ''Crane Conservation Fund'', consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under section 8; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 5.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund available for each fiscal year, the Secretary may expend not more than 3 percent, or $150,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(3) LIMITATION.—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of North American crane species.

(c) INVESTMENTS OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) ACCEPTANCE AND USE OF DONATIONS.—

(1) IN GENERAL.—The Secretary may accept and use donations to provide assistance under section 5.

(2) TRANSFER OF DONATIONS.—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

SEC. 7. ADVISORY GROUP.

(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of cranes.

(b) PUBLIC PARTICIPATION.—

(1) MEETINGS.—The advisory group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

SEC. 8. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

(b) OFFSET.—Of amounts appropriated to, and available at the discretion of, the Secretary for programmatic and administrative expenditures, a total of $25,000,000 shall be used to establish the Fund.

By Mr. HARKIN:

S. 1050. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to

the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I introduce the Promoting Wellness for Individuals with Disabilities Act. This important legislation will help ensure that people with disabilities have the same health and wellness opportunities as everyone else—through increasing access to accessible medical equipment, creating a health and wellness grant program, and improving the competency of medical professionals in providing care to patients with disabilities.

The health and wellness of America's citizens has long been one of my top priorities. Too often, many Americans don't know about or lack access to health screenings and preventive services. As Ben Franklin said, ''An ounce of prevention is worth a pound of cure.''

However, it is often difficult for many people with disabilities to access this ounce of prevention. Visits to physicians' offices often do not include accessible examination and diagnostic equipment, such as accessible examination tables, weight scales, and mammography machines for people with mobility or balance issues. The presence of these physical barriers can reduce the likelihood that persons with disabilities will receive timely and appropriate medical services.

For example, one woman—a physician herself—told me that she has not had a complete physical examination since her spinal cord injury more than a decade ago because the tables are too high for her to get onto. She has not had a mammogram or colonoscopy because, as she puts it, it seems like such an effort to have to explain to the technicians her needs, to get them to lift her, and so on. These issues, which many of us take for granted, represent significant barriers to people with disabilities.

Further, health and wellness programs on topics such as smoking cessation, weight control, nutrition, or fitness may not focus on the unique challenges faced by individuals with disabilities. And it may be difficult for persons with particular disabilities, such as those with intellectual disabilities, to find physicians or dentists who are willing to take them on as patients. All of these factors can also increase the incidence of secondary conditions for people with disabilities.

I believe that the ''Promoting Wellness for Individuals with Disabilities Act'' is a good first step toward addressing these problems. The bill would: authorize the U.S. Access Board to establish accessibility standards for medical diagnostic equipment—including examination tables, examination chairs, weight scales, and mammography equipment, x-ray machines, and other radiological equipment commonly used for diagnostic purposes by medical professionals; establish a national wellness grant program that will help fund programs or activities for smoking cessation, weight control, nutrition or fitness that focus on the unique challenges faced by individuals with disabilities; preventive health screening programs for individuals with disabilities to reduce the incidence of secondary conditions; and athletic, exercise, or sports programs that provide individuals with disabilities an opportunity to increase their physical activity; and improve education and training of physicians and dentists by requiring that medical schools, dental schools, and their residency programs provide training to improve competency and clinical skills in providing care to patients with disabilities, including those with intellectual disabilities.

I invite my fellow Members to join me in support of this legislation. Together, we can make certain that people with disabilities are not limited in their access to quality medical care, or in their opportunities for health and wellness.

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. 1050

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 ''Promoting Wellness for Individuals with Disabilities Act of 2007''.

SEC. 2. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) is amended by adding at the end of the following:

''SEC. 510. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

''(a) STANDARDS.—Not later than 9 months after the date of enactment of the Promoting Wellness for Individuals with Disabilities Act of 2007, the Architectural and Transportation Barriers Compliance Board shall issue (including publishing) standards setting forth the minimum technical criteria for medical diagnostic equipment used in (or in conjunction with) physician's offices, clinics, emergency rooms, hospitals, and other medical settings. The standards shall ensure that such equipment is accessible to, and usable by, individuals with disabilities, and shall allow independent entry to, use of, and exit from the equipment by such individuals to the maximum extent possible.

''(b) MEDICAL DIAGNOSTIC EQUIPMENT COVERED.—The standards issued under subsection (a) for medical diagnostic equipment shall apply to equipment that includes examination tables, examination chairs (including chairs used for eye examinations or procedures, and dental examinations or procedures), weight scales, mammography equipment, x-ray machines, and other radiological equipment commonly used for diagnostic purposes by health professionals.

''(c) INTERIM STANDARDS.—Until the date that the standards described under subsection (a) are in effect, purchases of examination tables, weight scales, and mammography equipment made after January 1, 2008, and used in (or in conjunction with) medical settings as described in subsection (a), shall meet the following interim accessibility requirements:

''(1) Examination tables shall be height-adjustable between a range of at least 18 inches to 37 inches.

''(2) Weight scales shall be capable of weighing individuals who remain seated in a wheelchair or other personal mobility aid.

''(3) Mammography machines and equipment shall be capable of being used by individuals in a standing, seated, or recumbent position, including individuals who remain seated in a wheelchair or other personal mobility aid.

''(d) REVIEW AND AMENDMENT.—The Architectural and Transportation Barriers Compliance Board shall periodically review and, as appropriate, amend the standards.''.

SEC. 3. WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following new section:

''SEC. 399R. ESTABLISHMENT OF WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.

''(a) IN GENERAL.—

''(1) INDIVIDUAL WITH A DISABILITY DEFINED.—For purposes of this section, the term 'individual with a disability' has the meaning given the term in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)), for purposes of title V of such Act (29 U.S.C. 791 et seq.).

''(2) WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.—The Secretary, in collaboration with the National Advisory Committee on Wellness for Individuals With Disabilities, may make grants on a competitive basis to public and nonprofit private entities for the purpose of carrying out programs for promoting good health, disease prevention, and wellness for individuals with disabilities, and preventing secondary conditions in such individuals.

''(b) REQUIREMENT OF APPLICATION.—To be eligible to receive a grant under subsection (a), a public or nonprofit private entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(c) AUTHORIZED ACTIVITIES.—With respect to promoting good health and wellness for individuals with disabilities described in subsection (a), activities for which the Secretary may make a grant under such subsection include—

''(1) programs or activities for smoking cessation, weight control, nutrition, or fitness that focus on the unique challenges faced by individuals with disabilities regarding these issues;

''(2) preventive health screening programs for individuals with disabilities to reduce the incidence of secondary conditions; and

''(3) athletic, exercise, or sports programs that provide individuals with disabilities (including children with disabilities) an opportunity to increase their physical activity in a dedicated or adaptive recreational environment.

''(d) PRIORITIES.—

''(1) ADVISORY COMMITTEE.—The Secretary shall establish a National Advisory Committee on Wellness for Individuals With Disabilities that shall set priorities to carry out this section, review grant proposals, and make recommendations for funding, and annually evaluate the progress of the program under this section in implementing the priorities.

''(2) REPRESENTATION.—The Advisory Committee established under paragraph (1) shall include representation by the Department of Health and Human Services Office on Disability, the United States Surgeon General

or his designee, the Centers for Disease Control and Prevention, private nonprofit organizations that represent the civil rights and interests of individuals with disabilities, and individuals with disabilities or their family members.

''(e) DISSEMINATION OF INFORMATION.—The Secretary shall, in addition to the usual methods of the Secretary, disseminate information about the availability of grants under the Wellness Grant Program for Individuals with Disabilities in a manner designed to reach public entities and nonprofit private organizations that are dedicated to providing outreach, advocacy, or independent living services to individuals with disabilities.

''(f) REPORTS TO CONGRESS.—The Secretary shall, not later than 180 days after the date of the enactment of the Promoting Wellness for Individuals with Disabilities Act of 2007, and annually thereafter, submit to Congress a report summarizing activities, findings, outcomes, and recommendations resulting from the grant projects funded under this section during the preceding fiscal year.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary.''.

SEC. 4. IMPROVING EDUCATION AND TRAINING TO PROVIDE MEDICAL SERVICES TO INDIVIDUALS WITH DISABILITIES.

(a) COORDINATED PROGRAM TO IMPROVE PEDIATRIC ORAL HEALTH.—Section 320A(b) of the Public Health Service Act (42 U.S.C. 247d–8(b)) is amended by—

(1) striking '', or to increase'' and inserting '', to increase''; and

(2) striking the period and inserting the following '', or to provide training to improve competency and clinical skills in providing oral health services to, and communicating with, patients with disabilities (including those with intellectual disabilities) through training integrated into the core curriculum and patient interaction in community-based settings.''.

(b) CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended by adding at the end the following:

''(h) REQUIREMENT TO PROVIDE TRAINING.—To be eligible to receive a payment under this section, a children's hospital shall provide training to improve competency and clinical skills in providing health care to, and communicating with, patients with disabilities, including those with intellectual disabilities, as part of any approved graduate medical residency training program provided by the hospital. Such training shall include treating patients with disabilities in community-based settings, as part of the usual training or residency placement.''.

(c) CENTERS OF EXCELLENCE.—Section 736(b) of the Public Health Service Act (42 U.S.C. 293(b)) is amended—

(1) in paragraph (6)(B), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) to carry out a program to improve competency and clinical skills of students in providing health services to, and communicating with, patients with disabilities, including those with intellectual disabilities; and''.

(d) FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, GENERAL DENTISTRY, PEDIATRIC DENTISTRY, AND PHYSICIAN ASSISTANTS.—Section 747(a) of the Public Health Service Act (42 U.S.C. 293k(a)) is amended—

(1) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (6), by striking ''pediatric dentistry.'' and inserting the following: ''pediatric dentistry; and

''(7) to plan, develop, and operate a program for the training of physicians or dentists, or medical or dental residents, to improve competency and clinical skills of physicians and dentists in providing services to, and communicating with, patients with disabilities, including those with intellectual disabilities.''; and

(3) by inserting at the end the following: ''The training described in paragraph (7) shall include training integrated into the core curriculum, as well as patient interaction with individuals with disabilities in community-based settings, as part of the usual training or residency placement.''.

(e) ADVISORY COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 762(a)(1) of the Public Health Service Act (42 U.S.C. 294o(a)(1)) is amended—

(1) in subparagraph (E), by striking ''; and'' and inserting a semicolon;

(2) by adding at the end the following:

''(G) appropriate efforts to be carried out by hospitals, schools of medicine, schools of osteopathic medicine, schools of dentistry, and accrediting bodies with respect to changes in undergraduate and graduate medical training to improve competency and clinical skills of physicians in providing health care services to, and communicating with, patients with disabilities, including those with intellectual disabilities; and''.

(f) MEDICARE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended by adding at the end the following:

''(8) REQUIREMENT TO PROVIDE TRAINING.—To be eligible to receive a payment under this subsection, a hospital shall provide training to improve competency and clinical skills in providing health care to, and communicating with, patients with disabilities, including those with intellectual disabilities, as part of any approved medical residency training program provided by the hospital. Such training shall include treating patients with disabilities in community-based settings, as part of the usual training or residency placement.''.

(g) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (f) shall take effect 180 days after the date of enactment of this Act.

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. OBAMA, and Mrs. DOLE):

S. 1051. A bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia at Constitution Gardens previously approved to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Energy and Natural Resources.

Mr. DODD. Mr. President, I rise today to introduce the National Liberty Memorial Act along with my colleagues, Senators CHARLES E. GRASSLEY and Sen. BARACK OBAMA. Representatives DONALD M. PAYNE, WILLIAM LACY CLAY, STEVE COHEN, SHEILA JACKSON-LEE, HENRY C. ''HANK'' JOHNSON, Jr., NITA M. LOWEY, ALBIO SIRES, and BETTY SUTTON have introduced companion language in the House.

The depth and breadth of patriotic contributions by African Americans in the Revolutionary War have gone practically unacknowledged. Historians are now beginning to uncover their forgotten heroism, and estimate that 5,000 slaves and free blacks fought in the army, navy, and militia during that harrowing time. They served and struggled in major battles from Lexington and Concord to Yorktown and made significant contributions to the revolutionary effort. More than 400 hailed from my State of Connecticut.

More than twenty years ago, Congress authorized a memorial to black Revolutionary War soldiers and sailors, those who provided civilian assistance, and the many slaves who fled slavery or filed petitions to courts or legislatures for their freedom. A site was selected in Constitution Gardens, fittingly near the 56 Signers of the Declaration of Independence Memorial and the great war memorials. Unfortunately, the group originally authorized to raise funds for and build the memorial was unable to conclude its task, and the site sits empty today.

A group of committed citizens has formed the National Mall Liberty Fund DC, ''Liberty Fund D.C.'', to carry out the vision of Congress. Last year, the National Capital Memorial Advisory Commission concluded that there are no legal impediments that would preclude the Liberty Fund DC from assuming the prior group's site approvals on the Mall. The legislation that we offer today would amend the 1986 enactment to authorize the Liberty Fund to raise money for and build this valuable memorial.

The time has come to recognize the sacrifice and the impact of the African Americans who fought for the birth of our country. I urge my colleagues to support the National Liberty Memorial Act.

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

S. 1052. A bill to amend title XIX and XXI of the Social Security Act to provide States with the option to provide nurse home visitation services under Medicaid and the State Children's Health Insurance Program; to the Committee on Finance.

Mr. SALAZAR. Mr. President, I rise today to make the health of American children and families a top priority with the Healthy Children and Families Act of 2007, which I introduced earlier today with Senator SPECTER. I am honored that Senator SPECTER has cosponsored this important legislation, and I thank Senator SPECTER for his leadership and commitment to children's health and to empowering families to lead healthy lives.

The Children's Health Insurance Program has successfully improved the health of over six million low-income children, allowing them to grow, learn and reach their fullest potential. In the coming months, I look forward to working with my colleagues on the Finance Committee to reauthorize the Children's Health Insurance Program

so that it continues to fulfill its promise to provide quality health care to all low-income children.

The reauthorization of the Children's Health Insurance Program provides us with an opportunity to strengthen and improve it. The Healthy Children and Families Act does just that by allowing states to offer nurse home visitation services in their Medicaid and State Children's Health Insurance programs. The Healthy Children and Families Act models nurse home visitation services after the Nurse Family Partnership program.

The Nurse Family Partnership program provides low-income pregnant women with trained, registered nurses who counsel their clients in their homes on prenatal care, child health and development, proper nutrition, life-coping strategies and skills, healthy family relationships, educational development and opportunities, employment training, family planning information, family support mechanisms and a variety of other services that children and families need to maintain healthy, economically stable lives.

Nurse home visitation programs empower women and children to transform their lives, families and communities. The nurses provide the education and tools for pregnant women and their families to improve their health by getting early prenatal care, preventative healthcare and proper nutrition. In addition, the nurses provide help for pregnant women and families to change risky behaviors such as substance abuse, and also teach pregnant women parenting skills so that they can welcome their babies into households that are prepared to raise physically and mentally healthy children. Nurses in the program also help mothers continue their own education and obtain employment so that the family is able to be economically stable.

We all recognize that the most critical time for childhood development begins in infancy. Nurse home visitation programs nurture the cognitive development of children during those critical early years so that children are equipped to learn.

The success of nurse home visitation services is nothing short of inspiring. Statistics from multiple, controlled studies prove that mothers and children served by nurse visitation services have a: 79 percent reduction in preterm delivery; 48 percent reduction in child abuse and neglect; 59 percent reduction in child arrests; 61 percent fewer arrests of the mother; 72 percent fewer conviction for the mother; 46 percent increase in father presence in household; 32 percent fewer subsequent pregnancies; 50 percent reduction in language delays of child age 21 months; 67 percent reduction in childhood behavioral problems at age 6.

With these amazing, life-altering results, it is no surprise that nurse visitation programs have been found to save taxpayer dollars. The Rand Corporation conducted a cost-benefit analysis and found that for every dollar spent on Nurse Family Partnership services, a savings of $5.70 is yielded in diminished health care costs and governmental and social costs associated with child abuse and neglect, unwanted pregnancy, childhood developmental delays, and criminal justice costs.

The life transforming impact of nurse home visitation programs led the Brookings Institute to recently publish a report in which it identified nurse home visitation services as one of the most cost-effective returns on investment for children. The Center for the Study and Prevention of Violence has identified nurse home visitation services such as Nurse Family Partnership as a ''blueprint'' for violence prevention. At a time when youth violence is on the rise, these programs hold the key to reducing violent conduct.

The Healthy Children and Families Act will allow states to offer nurse home visitation services to over half a million pregnant women annually. The Act will empower mothers and children to live healthy and economically stable lives that enrich their communities. Moreover, the Act will save scarce resources by improving prenatal health, birth outcomes, increasing intervals between first and subsequent births, reducing early childhood injuries and hospitalizations, reducing child abuse and neglect, reducing involvement in the criminal justice system, and improving maternal employment and economic self-sufficiency of families.

I encourage my colleagues to support the Healthy Children and Families Act as cost effective, smart legislation that will transform the health and lives of children and families.

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

S. 1053. A bill to provide for a resource study of the area known as the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting resources of the corridor, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today along with Senator BOXER as cosponsor to direct the Secretary of the Interior to study the suitability and feasibility of expanding the Santa Monica National Recreation Area to include the Rim of the Valley Corridor.

The Rim of the Valley Corridor is an example of a highly threatened habitat area, the Mediterranean chaparral ecosystem. Connecting to the adjacent Los Padres and San Bernardino National Forests, the Corridor encircles the San Fernando Valley, La Crescenta, Simi, Conejo, and Santa Clarita Valleys, consisting of parts of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, and San Rafael Hills.

There is a great need for expanded parkland in southern California. While the Los Angeles metropolitan region has the second-largest urban concentration in the United States, the area has one of the lowest ratios of park-and-recreation-lands per thousand-population of any urban area in the country.

Since the creation of the Santa Monica Recreation Area in 1978, Federal, State, and local authorities have worked successfully together to create and maintain the highly successful Santa Monica Mountains National Recreation Area, hemmed in on all sides by development.

With the passage of this legislation, Congress will hold true to its original commitment to preserve the scenic, natural, and historic setting of the Santa Monica Mountains Recreation Area.

With the inclusion of the Rim of the Valley Corridor in the Santa Monica Mountains Recreation Area, greater ecological health and diversity will be promoted, particularly for larger animals like mountain lions, bobcats, and the golden eagle. By creating a single contiguous Rim of the Valley Trail, people will enjoy greater access to existing trails in the Recreational Area.

Within a National Recreation Area, the National Park Service is prohibited from exercising the powers of eminent domain, and private property may be purchased from voluntary sellers only.

The bill includes a provision directing the Department of the Interior to analyze any effects that a proposed expansion of the Santa Monica Mountains National Recreation Area will have on private land within or bordering the area. Any such effects will be thoroughly considered as the study moves forward.

After the study called for in this bill is complete, the Secretary of the Interior and Congress will be in a key position to determine whether all or portions of the Rim of the Valley Corridor warrant inclusion in the Santa Monica Mountains National Recreation Area.

This bill enjoys strong support from local and State officials and I hope that it will have as much strong bipartisan support this Congress, as it did last Congress. Congressman ADAM SCHIFF plans to introduce companion legislation for this bill in the House and I applaud his commitment to this issue.

I urge my colleagues to support this legislation and I ask unanimous consent that the text of this proposed 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. 1053

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 ''Rim of the Valley Corridor Study Act''.

SEC. 2. RESOURCE STUDY OF RIM OF THE VALLEY CORRIDOR, CALIFORNIA.

(a) STUDY REQUIRED.—The Secretary of the Interior shall conduct a resource study of

the lands, waters, and interests of the area known as the Rim of the Valley Corridor in the State of California to evaluate a range of alternatives for protecting resources of the corridor, including the alternative of establishing all or a portion of the corridor as a unit of the Santa Monica Mountains National Recreation Area. The Rim of the Valley Corridor generally includes the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys in California.

(b) STUDY TOPICS.—In conducting the study, the Secretary shall seek to achieve the following objectives:

(1) Protecting wildlife populations in the Santa Monica Mountains National Recreation Area by preserving habitat linkages and wildlife movement corridors between large blocks of habitat in adjoining regional open space.

(2) Establishing connections along the State-designated Rim of the Valley Trail System, with the aim of creating a single contiguous Rim of the Valley Trail and encompassing major feeder trails connecting adjoining communities and regional transit to the trail system.

(3) Preserving recreational opportunities and facilitating access to open space for a variety of recreational users.

(4) Protecting rare, threatened, or endangered plant and animal species, and rare or unusual plant communities and habitats.

(5) Protecting historically significant landscapes, districts, sites, and structures.

(6) Respecting the needs of communities within, or in the vicinity of, the Rim of the Valley Corridor.

(c) PRIVATE PROPERTY.—As part of the study, the Secretary shall analyze the potential impact that establishment of all or a portion of the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area is likely to have on land within or bordering the area that is privately owned at the time the study is conducted. The report required by subsection (g) shall discuss the concerns of private landowners within the existing boundaries of the Santa Monica Mountains National Recreation Area.

(d) COST EFFECTIVENESS.—As part of evaluating each alternative considered under the study, the Secretary shall estimate the impact of implementing the alternative on staffing and other potential costs to Federal, State, and local agencies and other organizations.

(e) CONSULTATION.—The Secretary shall conduct the study in consultation with appropriate Federal, State, county, and local government entities.

(f) STUDY CRITERIA.—In addition to the special considerations specified in this section, the Secretary shall conduct the study using the criteria prescribed for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(g) TRANSMISSION OF STUDY.—Within three years after funds are first made available for the study, the Secretary shall transmit a report containing the results of the study to the Committee on Energy and Natural Resources of the Senate and to the Committee on Natural Resources of the House of Representatives.

By Mrs. FEINSTEIN:

S. 1054. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to authorize water recycling and other water supply projects by the Inland Empire Utilities Agency and the Cucamonga Valley Water District. These projects will produce approximately 95,000 acre-feet of new water annually in one of the most rapidly growing regions in the United States, reducing the need for imported water from the Colorado River and northern California through the California Water Project.

The federal investment required is limited to approximately 10 percent of the projects' cost, or about $30 million.

This legislation is intended to be the companion to H.R. 122, sponsored by DAVID DREIER, GRACE NAPOLITANO, KEN CALVERT, JOE BACA, and GARY MILLER.

This legislation has broad support and has already passed the House, and in fact similar legislation to H.R. 122 also passed the House of Representatives in each of the previous two Congresses.

It is time for this legislation to pass the Senate as well and be enacted into law. Environmental groups such as the Mono Lake Committee, Environmental Defense, Clean Water and Natural Resources Defense Council strongly support the water recycling and groundwater remediation projects in this bill. Business leaders such as Southern Cal Edison and Building Industry Association also support these projects.

The Inland Empire Regional Water Recycling Initiative would authorize two project components. The first will be constructed by the Inland Empire Utilities Agency—IEUA—and will produce approximately 90,000 acre feet of new water annually. The second of these projects, to be constructed by the Cucamonga Valley Water District—CVWD—will produce an additional 5,000 acre feet of new water annually.

The Inland Empire Regional Water Recycling Initiative has the support of all member agencies of IEUA, as well as the water agencies downstream in Orange County. IEUA encompasses approximately 242 square miles and serves the cities of Chino, Chino Hills, Fontana—through the Fontana Water Company—Ontario, Upland, Montclair, Rancho Cucamonga—through the Cucamonga Valley Water District—and the Monte Vista Water District.

I want to say a few words about the importance of water recycling projects.

The development of recycled water can bring significant amounts of water ''on line'' in a relatively short period of time. Recycled water provides our State and region with the ability to ''stretch'' existing water supplies significantly and in so doing, minimize conflict and address the many needs that exist. According to the State of California's Recycled Water Task Force, water recycling is a critical part of California's water future with an estimated 1.5 million acre-feet of new supplies being developed over the next 25 years.

Water recycling is also a bipartisan initiative in California, as witnessed by the many Republican and Democratic House cosponsors of the House versions of the bill I introduce today.

Water recycling also has significant greenhouse gas reduction benefits. The greenhouse gas emission reductions attributed to local development and use of recycled water within Inland Empire Utilities Agency's service area is roughly 100,000 tons of CO_2 equivalents per year.

With only a small percentage of the total recycled water available being used in Southern California, approximately 10 percent, there is a huge potential for additional energy savings and greenhouse gas reductions from aggressive development of recycled water supplies.

California is not the only State engaged in water recycling. Today, water recycling is an essential water supply element in Albuquerque, Phoenix, Denver, Salt Lake City, Tucson, EI Paso, San Antonio, Portland, and other western metropolitan areas.

I urge my colleagues to support this bill to help meet the West's water supply needs and to reduce our dependence on the Colorado River. 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. 1054

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

SECTION 1. INLAND EMPIRE AND CUCAMONGA VALLEY RECYCLING PROJECTS.

(a) SHORT TITLE.—This section may be cited as the ''Inland Empire Regional Water Recycling Initiative''.

(b) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 1639. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional water recycling project described in the report submitted under section 1606(c).

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

''(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

''SEC. 1640. CUCAMONGA VALLEY WATER RECYCLING PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Cucamonga Valley Water District, may participate in the design, planning, and construction of the Cucamonga

Valley Water District satellite recycling plants in Rancho Cucamonga, California, to reclaim and recycle approximately 2 million gallons per day of domestic wastewater.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the capital cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000.

''(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.''.

(c) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 1638 the following:

''1639. Inland Empire Regional Water Recycling Program.

''1640. Cucamonga Valley Water Recycling Project.''.

By Mr. BIDEN:

S. 1055. A bill to promote the future of the American automobile industry, and for other purposes; to the Committee on Finance.

Mr. BIDEN. Mr. President, today I am introducing The American Automobile Industry Promotion Act of 2007 to jump-start next generation battery technology development in the United States and extend incentives to American-made highly efficient vehicles.

This legislation authorizes $100 million a year for 5 years to advance new battery technology—an amount double the administration's current budget request. On a national and international level, we must do whatever it takes to help our domestic auto manufacturers remain competitive.

Right now, the Japanese dominate the market for lithium ion batteries because they invested hundreds of millions of dollars in developing this technology and in supporting their domestic industry. And, the Koreans and the Chinese are not far behind. American auto manufacturers are playing catch-up and we need to move quickly.

Specifically, I am proposing to support the development of advanced electric components, systems and vehicles, by providing funds for battery research to national laboratories, small businesses, and institutes of higher learning. The bill will also establish, through a competitive selection process, an Industry Alliance of private, U.S. based, for-profit firms whose primary business is battery development. The Industry Alliance would be an advisory resource on short and long term battery technology development.

The new research initiative will have four major areas of focus: (1) Research and Development including battery technology, high-efficiency charging systems, high-powered drive-train systems, control systems and power train development, and nanomaterial technology for battery and fuel cell systems. (2) Demonstration. The initiative also creates a demonstration program which would devote resources toward demonstration, testing and evaluation of hybrid electric vehicles for many different applications including military, mass market passenger and SUV vehicles. (3) Education. The initiative will support curriculum development in secondary, high school, as well as higher education institutions that focus on electric drive systems and component engineering. (4) Testing. Finally, the initiative would work with the EPA to develop testing and certification procedures for criteria pollutants, fuel economy, and petroleum use in vehicles.

In addition to research and development for the lithium ion battery, the American Automobile Industry Promotion Act will also set a national standard for biodiesel, a cleaner-burning fuel made from natural and renewable sources; and expand tax credit eligibility for consumers who purchase more fuel-efficient diesel vehicles. Today's diesels are cleaner than their predecessors, are in compliance with EPA emissions standards, and are 30 percent more fuel efficient than an equivalent gasoline engine. Specifically, the bill expands the emissions requirements to qualify for a tax credit for various weight diesel vehicles, increasing the number of American-manufactured more fuel efficient diesel vehicles that qualify. This provision would expire in four years, at which time all highly efficient vehicles will have to meet higher emissions standards to qualify for the tax credit.

Now is the time to act. It's not too late, but we do not have the luxury of waiting. If we are ever to be truly competitive in the global auto market and free from our dependence on foreign oil, we must move forward on all fronts.

I ask unanimous consent that the text of the 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. 1055

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 ''American Automobile Industry Promotion Act of 2007''.

SEC. 2. ADVANCED ENERGY INITIATIVE FOR VEHICLES.

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid-supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term ''battery'' means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(A) a vehicle that—

(i) uses an electric motor for all or part of the motive power of the vehicle; and

(ii) may use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term ''engine dominant hybrid electric vehicle'' means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel; and

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) FUEL CELL VEHICLE.—The term ''fuel cell vehicle'' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Energy Policy Act of 2005 (42 U.S.C. 16152)).

(5) INITIATIVE.—The term ''Initiative'' means the Advanced Battery Initiative established by the Secretary under subsection (f)(1).

(6) NONROAD VEHICLE.—The term ''nonroad vehicle'' has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(7) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(8) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term ''plug-in hybrid fuel cell vehicle'' means an onroad or nonroad vehicle that is propelled by a fuel cell using—

(A) any compatible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(9) INDUSTRY ALLIANCE.—The term ''Industry Alliance'' means the entity selected by the Secretary under subsection (f)(2).

(10) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(c) GOALS.—The goals of the electric drive transportation technology program established under subsection (e) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of battery technology systems independent of fundamental fuel cell vehicle technology development.

(d) ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences—

(1) to conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate), of state-of-the-art battery technologies with potential application for electric drive transportation;

(2) to identify knowledge gaps in the scientific and technological bases of battery manufacture and use;

(3) to identify fundamental research areas that would likely have a significant impact on the development of superior battery technologies for electric drive vehicle applications; and

(4) to recommend steps to the Secretary to accelerate the development of battery technologies for electric drive transportation.

(e) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high-capacity, high-efficiency batteries;

(2) high-efficiency on-board and off-board charging components;

(3) high-powered drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for education offered by institutions of higher education that is focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency—

(i) to understand and inventory markets; and

(ii) to identify and implement methods of removing barriers for existing and emerging applications.

(f) ADVANCED BATTERY INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish and carry out an Advanced Battery Initiative in accordance with this subsection to support research, development, demonstration, and commercial application of battery technologies.

(2) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(3) RESEARCH.—

(A) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(i) researchers, including Industry Alliance participants;

(ii) small businesses;

(iii) National Laboratories; and

(iv) institutions of higher education.

(B) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(i) comments to identify advanced battery technology needs relevant to electric drive technology;

(ii) an assessment of the progress of research activities of the Initiative; and

(iii) assistance in annually updating advanced battery technology roadmaps.

(4) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this subsection shall be available to the public.

(5) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(g) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 3. AVAILABILITY OF NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE CREDIT FOR HIGH-EFFICIENCY DIESEL MOTOR VEHICLES.

(a) IN GENERAL.—Section 30B(c)(3)(A) of the Internal Revenue Code of 1986 (defining new advanced lean burn technology motor vehicle credit) is amended—

(1) by adding ''and'' at the end of clause (ii), and

(2) by striking clause (iv).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property purchased after the date of the enactment of this Act.

SEC. 4. BIODIESEL STANDARDS.

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

(1) by redesignating the first subsection (r) (relating to the definition of the term ''manufacturer'') as subsection (t) and moving the subsection so as to appear after subsection (s); and

(2) by inserting after subsection (o) the following:

''(p) BIODIESEL STANDARDS.—

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

''(A) BIODIESEL.—

''(i) IN GENERAL.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

''(I) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

''(II) the requirements of the American Society of Testing and Materials D6751.

''(ii) INCLUSIONS.—The term 'biodiesel' includes esters described in subparagraph (A) derived from—

''(I) animal waste, including poultry fat, poultry waste, and other waste material; and

''(II) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

''(B) BIODIESEL BLEND.—

''(i) IN GENERAL.—The term 'biodiesel blend' means a mixture of biodiesel and diesel fuel (as defined in section 4083(a) of the Internal Revenue Code of 1986).

''(ii) INCLUSIONS.—The term 'biodiesel blend' includes—

''(I) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as 'B5'); and

''(II) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as 'B20').

''(2) STANDARDS.—Not later than 180 days after the date of enactment of the American Automobile Industry Promotion Act of 2007, the Administrator shall promulgate regulations to establish standards for each biodiesel blend that is sold or introduced into commerce in the United States.''.

By Mrs. FEINSTEIN (for herself and Mr. BROWNBACK):

S. 1056. A bill to provide for a comprehensive Federal effort relating to early detection of, treatments for, and the prevention of cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise, along with my Senate Cancer Coalition cochair, Senator BROWNBACK, to introduce the National Cancer Act of 2007, a bipartisan blueprint for winning the war against cancer.

It includes: grants for targeted drug development; creating ''cancer quarterbacks'' in Medicare; Medicaid coverage for smoking cessation treatments; pilot projects for expanding colorectal cancer screening in underserved populations; continued research into the possible benefits of early detection for lung cancer; loan repayment assistance for cancer prevention researchers; incentives for research into drugs that

prevent cancer from developing and spreading in the first place; provisions to promote the collection and storage of tissue sample, to give researchers the tools they need to use genomic research to create individualized cures; promoting access to clinical trials, as well as investigational therapies for those who are terminally ill; addressing the health needs of the growing number of cancer survivors.

Just over 35 years ago, President Nixon signed into law the original National Cancer Act, creating the National Cancer Institute and making cancer research a priority of the Federal Government. This work has led to tremendous breakthroughs against cancer, including innovative drugs, treatments, and a better understanding of the factors that lead to cancer in the first place. Last year, death rates decreased for 11 of the 15 cancers most common in men, and 10 of the cancers most common in women.

Sixty-five percent of people diagnosed with cancer can now expect to survive at least 5 years. This is good news. But it is not enough. The cost of cancer, in both human and economic terms, remains staggering.

An estimated 1,399,790 Americans were diagnosed with some form of cancer last year.

Approximately 1 of 3 women will develop cancer at some point in her lifetime; for men, the risk is slightly less than 1 in 2.

The National Institutes of Health estimated the overall cost of cancer in 2005 at $209.9 billion.

The price of inaction is too steep. Cancer is, first and foremost, a disease of aging. About 76 percent of cancer cases are diagnosed in patients at age 55 or older. If no fundamental changes are made, the aging of the Baby Boom generation will bring a 20 percent increase in cancer diagnoses.

In the face of these challenges, the National Cancer Institute, NCI, with broad support in the cancer community, set the ambitious goal of ending death and suffering from cancer by 2015. This goal has generated unprecedented excitement and unity, with over 80 Members of the United States Senate signing a letter in support of the effort.

It is time to reexamine and reorient our Nation's cancer policy to meet this ambitious goal. This does not mean that cancer will be eradicated by 2015. As our population ages, cancer will not go away. But we can change the meaning of a cancer diagnosis, and that is what the 2015 goal is about.

Meeting this goal will take a comprehensive approach. It requires detecting cancer earlier, before it spreads and becomes harder to treat. It requires targeted therapies, capable of killing cancer cells while leaving healthy cells intact. We must provide access to high quality cancer care for those who do get sick. We must also understand more about why people get cancer in the first place, and ways it can be prevented.

Our legislation takes a multifaceted approach to changing the very nature of a cancer diagnosis. The National Cancer Act of 2007 will do the following:

Authorize grants for the development of targeted drugs.

New drug therapies continue to lead us closer to the day in which cancer is a treatable, chronic condition controlled with a simple pill or injection. It has now been 5 years since the drug company Novartis won approval for Gleevec, a targeted drug that has saved the lives of countless patients with Chronic Myeloid Leukemia, CML.

Gleevec demonstrates the promise of this new kind of drug therapy. It blocks the enzymes that help cancer cells grow and divide, leaving healthy cells untouched. When this drug was first introduced, CML patients who were near death recovered and left the hospital. Yet it could not be determined if their remission would last, or if long-term use of this revolutionary drug would prove safe.

We now know that Gleevec is fulfilling this early promise. Before the advent of this drug, CML patients would often suffer a relapse after 2 or 3 years. But a recent study of CML patients taking Gleevec has demonstrated a remarkable 89 percent survival rate after 5 years. The cancer progressed to a more serious stage in only 7 percent of patients during this time period, and only 5 percent were forced to discontinue treatment because of side effects.

These results suggest that patients may be able to stay on Gleevec indefinitely, keeping this formerly deadly cancer under control while leading full and productive lives.

Targeted therapies are now offering hope to patients with many different kinds of cancer: Herceptin for some breast cancers, Iressa for those with small cell lung cancer, Avastin for colorectal cancer. Avastin can extend survival by interfering with the growth of blood vessels that feed the tumor, literally starving it.

These drugs are the future of cancer research. We need more drugs like Gleevec, which transform cancer from a killer to a controllable health condition. This legislation would authorize NCI to make grants to further develop these treatments.

To help with the development of targeted drugs, the bill also calls for the establishment of a task force on surrogate endpoints and biomarkers. They are the mechanisms for measuring the efficacy of cancer treatment at the molecular level, allowing doctors to precisely gauge how a patient is reacting to a treatment, or if a cancer is progressing.

Developing biomarkers for different types of cancer is an essential step, and our bill will establish a program to develop the biomarkers with the most immediate clinical promise.

The bill will also create special reimbursements for coordinating physicians, or ''cancer quarterbacks'' in Medicare. Successful cancer treatment is increasingly complex, reaching across the entire spectrum of the medical profession. It can involve lab tests, CT-scans, surgery, chemotherapy, and a full team of specialists who offer this care. Many patients have no single physician who can guide them through the complicated and sometimes contradictory course of cancer treatment, no professional to advise them what is best.

This bill would require Medicare to pay oncology doctors or nurses to become the overall managers of patients' care, in effect providing every cancer patient with a ''cancer quarterback'' physician to help them coordinate care and make the necessary decisions.

This cancer quarterback can direct care in the manner that best meets the patient's needs, instead of focusing on only a small segment of his or her care.

This legislation requires that State Medicaid drug programs cover smoking cessation treatments in the same manner as all other approved therapies. I have long believed that we will not truly address the burden of cancer until we address tobacco use. I have asked all kinds of cancer experts about what we can do to stop death from cancer, and their answer is always the same: Stop tobacco use.

Tobacco causes 30 percent of cancer deaths and 1 in 5 of all deaths in the United States. It is the leading cause of preventable death. Smoking related costs total $167 billion annually.

According to the CDC, more than 70 percent of American smokers would like to quit. Studies indicate that tobacco use treatment, including smoking cessation aids, will double their chances of success.

Yet under current law, State Medicaid programs are exempted from providing coverage of smoking cessation agents in the same way as they provide coverage of other drugs. Other exemptions include fertility treatments, drugs to promote hair growth, and drugs for erectile dysfunction.

Simply put, smoking cessation aids, which are FDA approved and proven to be effective, do not belong on this list. Denying people access to treatments to help them break a deadly and expensive addiction is flawed policy.

Our bill will remove tobacco cessation products from this list of exemptions, leveling the playing field with other FDA approved products.

Our bill establishes pilot projects for expanding colorectal cancer screening for low-income, uninsured individuals. The Breast and Cervical Cancer Early Detection Program has proven very successful in providing low income women with access to potentially life saving screenings. It is now time to provide similar access to colorectal cancer screening.

The need is great. A 2006 study conducted by Northwestern University researchers found that only 7 percent of minority patients without regular

health care access at risk for developing colon cancer are being screened. A 2005 study of New York City residents found that those least likely to have been recommended colorectal screening are low-income or uninsured.

Early detection allows physicians to identify patients with pre-cancerous polyps, and treat them before cancer even develops. These pilot projects identify the best ways to provide access to this lifesaving care for those who are not currently receiving recommended screenings.

This bill will authorize continued research on the potential of CT scans to detect lung cancer early. before it becomes fatal. Despite all the promising advances against many types of cancer, lung cancer remains the Nation's leading cause of cancer death in both men and women. About 20,000 people who have never smoked are diagnosed with lung cancer each year, and this number is increasing.

We need to learn more about how to screen for lung cancer and detect it early, before it has advanced. There is much we need to learn before scientists can make a definitive recommendation about screening and its potential benefits for both smokers and non-smokers.

To help scientists learn more, this bill will authorize funding to provide CT scans to those with a history of heavy smoking. This further study will help determine whether this promising technology is indeed the method we need to make progress against the leading cancer killer.

This legislation expands the existing NIH loan repayment program to provide assistance to researchers who make a commitment to working on cancer prevention research. This will encourage the best and brightest to pursue work that will help us to better understand what causes cancer and how we can stop it from occurring.

The bill will encourage and support research into new drugs and treatments, called chemopreventatives, which can stop precancerous cells from becoming tumors. Decades of research has enabled physicians to prescribe medications to prevent serious illness, such as statin drugs to lower cholesterol, and drugs to treat high blood pressure before it leads to strokes.

Progress in drug development to stop cancer has been far more limited. The promise of this field was made clear when, last year, the Food and Drug Administration, FDA, licensed Gardasil, a vaccine to stop the spread of cervical cancer. Gardasil protects against the two forms of the human papillomavirus, or HPV, which causes approximately 70 percent of cervical cancer cases. This vaccine could virtually eliminate cervical cancer during the lifetime of our daughters and granddaughters.

We need more chemoprevention techniques like Guardasil to guard against other types of cancer. People at high risk for a specific type of cancer may one day take a daily pill to stop abnormal cells from progressing to full blown cancer. Though it will take a long time for these promises to become reality, this research is the future of cancer care.

In order to encourage this work, our legislation would grant Orphan Drug Act protections to treatments designed to treat high-risk conditions in individuals who have not yet been diagnosed with cancer, but if left untreated, face a high risk of developing cancer.

This research will require new resources in order to have the best chance of success. To build the foundations for success, our bill will encourage biospecimen collection.

Scientists are beginning to understand the significant role that genetics plays in the development of cancer. To encourage further study, scientists need access to a variety of tissue, blood, and other samples from both cancer patients and those who are healthy. Our bill codifies guidelines for the collection of these samples and requires that the Medicare Payment Advisory Commission, MedPAC, draft a report examining potential payment systems for these activities.

We are on the cusp of an age of personalized medicine, in which a cancer patient's tumor can be analyzed to determine what type of treatment will be most effective. Patients will no longer undergo round after round of chemotherapy or radiation in the hopes of finding a treatment regime that works. Collecting and storing blood and tissue samples will provide our researchers with the materials they need to make these important discoveries.

Our bill will promote clinical trial enrollment. Patients willing to try these cutting edge cancer therapies as they emerge face a variety of obstacles. They, or their physicians, might not know what clinical trial opportunities exist. They may need to travel to a far away facility to participate. Our legislation requires the Director of the National Cancer Institute to create a clinical trials program, which includes: an outreach program, to assure that all patients, especially minorities, participate in trials; and a coordination program, to help patients with logistical challenges and the support costs of trial participation.

Our bill creates an oncology compassionate access program. No patient should lose a battle with cancer because bureaucratic hurdles denied him or her access to a potentially lifesaving therapy. Our bill provides for the creation of a new compassionate access program to speed access of investigational therapies for terminally ill patients who have exhausted all other available treatment options.

Our bill will address the needs of a growing number of cancer survivors. As cancer increasingly becomes a manageable, chronic condition, there will be an increasing number of cancer survivors confronting yet-unknown health challenges. Current cancer survivors number almost 10 million, and this number will only grow. This bill will: expand current cancer surveillance systems to track the health status of cancer survivors; implement a national cancer survivorship action plan, including post treatment health programs; require States to consider the needs of cancer survivors, and their families, in addition to current patients, when drafting their comprehensive cancer control plans.

Require the National Cancer Institute and the National Institute of Environmental Health Sciences, NIEHS, to report on their strategies, benchmarks, and progress in meeting the 2015 goal. This will allow Congress to adjust policy as necessary to ensure that the promise of ending death and suffering from cancer is realized.

The state of cancer care has changed drastically since 1971, and it is time that our Federal policies reflect these changes. The 2015 goal is ambitious, and it requires no less than ambitious legislation in response.

I urge you to join me in supporting this legislation.

Mr. BROWNBACK. Mr. President, today, I introduce the National Cancer Act of 2007, along with my colleague DIANNE FEINSTEIN. Thirty-five years ago, President Richard Nixon signed the original National Cancer Act, and today, we are moving forward with a new, comprehensive bill that takes us one step closer to ending death and suffering from cancer within 10 years. This bill addresses impact-oriented issues such as the development of cancer prevention drugs and a screening for the most lethal cancer.

Lung cancer is the number one cancer killer in America. Individuals afflicted with lung cancer historically have had only 15 percent survival rate. Our legislation includes a new demonstration program to continue research on a screening that uses a spiral CT scan. Screenings using this tool and appropriate follow-up procedures have shown very encouraging results in early detection.

We also include accountability mechanisms in this bill. We request a report from the Federal Government regarding the manner in which Federal cancer research funding is being spent by requiring an estimate of the number of individuals who have benefited from such investment and the number of new treatments developed.

Another issue our legislation addresses is the fact that less than 5 percent of adults diagnosed with cancer each year will be treated through enrollment in a clinical trial; this is often due to lack of awareness. Our bill creates an education program about the availability of clinical trials.

Our legislation also includes efforts to ensure the availability of compassionate access options. Making decisions about treatment options for cancer is a decision best made between the cancer patient and their doctor. Compassionate access offers cancer patients, who have exhausted all of their

treatment options, access to promising investigational treatments that have not yet received full approval by the Food and Drug Administration.

Finally, our bill includes measures to accelerate the progress of the National Cancer Institute's initiative of mapping the genome of the most lethal cancers in America, which will lead to earlier cancer diagnosis and the use of personalized medicine.

I look forward to working with my colleague DIANNE FEINSTEIN and others in moving forward with this legislation in the Senate.

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

S. 1058. A bill to expedite review of the Grand River Bands of Ottawa Indians of Michigan to secure a timely and just determination of whether the Bands are entitled to recognition as a Federal Indian tribe so that the Bands may receive eligible funds before the funds are no longer available; to the Committee on Indian Affairs.

Mr. LEVIN. Mr. President, the Grand River Bands of Ottawa Indians, commonly referred to as the Grand River Bands, has been in some form indigenous to the State of Michigan for over 200 years. The Grand River Bands consists of the 19 bands of Indians who occupied the territory along the Grand River in what is now southwest Michigan, including the cities of Grand Rapids and Muskegon. The members of the Grand River Bands are the descendants and political successors to signatories of the 1821 Treaty of Chicago and the 1836 Treaty of Washington. They are also one of six tribes which is an original signatory of the 1855 Treaty of Detroit. However, the Grand River Bands is the only one of those tribes which is not recognized by the Federal Government.

In the 109th Congress, I introduced a bill, with my colleague, Senator STABENOW, which would direct the Bureau of Indian Affairs at the Department of the Interior to make a recognition determination, for the Grand River Bands, in a timely manner. I am pleased to re-introduce that bill now. I would also like to affirm that this bill does not federally recognize the tribe nor does it address the issue of gaming. Furthermore, I would like to stress the timely manner in which this determination must be made.

If federally recognized, the Grand River Bands is eligible for funds set aside for them from a Federal consent judgment. These funds are expected to be distributed this year. In order for the Grand River Bands to receive their portion of this fund, they must be federally recognized before this money is distributed. They have completed all of the necessary items for a determination to be made by the Bureau of Indian Affairs, but the Bureau has failed to act on the petition for the past ten years.

I hope that this legislation will help to provide a timely remedy so that the Grand River Bands can receive funds that are currently set aside for them, and enjoy the full benefits and status of Federal recognition.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. BROWNBACK, and Mr. LEAHY):

S. 1060. A bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I introduce today with my colleagues Senators SPECTER, BROWNBACK, and LEAHY the Recidivism Reduction and Second Chance Act of 2007, which takes direct aim at reducing recidivism rates by improving the transition of offenders from prison back into the community. As this bill reflects, preventing recidivism is not only the right thing to do, it makes our communities safer and it saves us money.

Today, we have over two million individuals in our Federal and State prisons and millions more in local jails. Our Federal and State prisons will release nearly 650,000 of these offenders back into our communities this year. A staggering ⅔ of released State prisoners will be rearrested for a felony or serious misdemeanor within 3 years of release.

It's not difficult to see why. These ex-offenders face a number of difficult challenges upon release. The unemployment rate among former inmates is as high as 60 percent; 15–27 percent of prisoners expect to go to homeless shelters upon release; and 57 percent of Federal and 70 percent of State inmates used drugs regularly before prison. This addiction and dependency often continues during incarceration.

Unless we address these problems, these individuals will commit hundreds of thousands of serious crimes after their release, and our communities will bear the human and economic cost. If we are going to reduce recidivism and crime, we simply have to make concerted, common-sense efforts now to help ex-offenders successfully reenter and reintegrate into their communities.

The Recidivism Reduction and Second Chance Act of 2007 confronts head-on the dire situation of prisoners reentering our communities with insufficient monitoring, little or no job skills, inadequate drug treatment, insufficient housing, lack of basic physical and mental health services, and deficient basic life skills. Through commonsense and cost effective measures, it offers a second chance for ex-offenders, and the children and families that depend on them, and it strengthens our communities and ensures safe neighborhoods.

The Second Chance Act provides a competitive grant program to study current approaches to reducing recidivism rates. It also provides grants for the development and implementation of comprehensive substance abuse treatment programs, academic and vocational education programs, housing and job counseling programs, and mentoring for offenders who are approaching release and who have been released. To ensure accountability, the bill requires grantees to establish performance goals and benchmarks and report the results to Congress.

The bill authorizes $192 million per year in competitive grant funding. This represents an investment in our future and an acknowledgement of the problem we face. We must remember that the average cost of incarcerating each prisoner exceeds $20,000 per year, with expenditures on corrections alone having increased from $9 billion in 1982 to $60 billion in 2002. That's more than a six-fold increase, and the costs keep going up.

A relatively modest investment in offender reentry efforts today is far more cost-effective than the alternative—building more prisons for these ex-offenders to return to if they can't reenter their communities and are convicted of further crimes. An ounce of prevention, as the saying goes, is worth a pound of cure.

I'm proud today to join with Senator SPECTER, Senator BROWNBACK, and Senator LEAHY in introducing the Recidivism Reduction and Second Chance Act and ask that our colleagues join with us in this vital effort. The safety of our neighbors, our children, and our communities depends on 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. 1060

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 ''Recidivism Reduction and Second Chance Act of 2007'' or the ''Second Chance Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Submission of reports to Congress.

TITLE I—AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Subtitle A—Improvements to Existing Programs

Sec. 101. Reauthorization of adult and juvenile offender State and local reentry demonstration projects.
Sec. 102. Improvement of the residential substance abuse treatment for State offenders program.

Subtitle B—New and Innovative Programs to Improve Offender Reentry Services

Sec. 111. State and local reentry courts.
Sec. 112. Grants for comprehensive and continuous offender reentry task forces.

Sec. 113. Prosecution drug treatment alternative to prison programs.
Sec. 114. Grants for family substance abuse treatment alternatives to incarceration.
Sec. 115. Prison-based family treatment programs for incarcerated parents of minor children.
Sec. 116. Grant programs relating to educational methods at prisons, jails, and juvenile facilities.

Subtitle C—Conforming Amendments

Sec. 121. Use of violent offender truth-in-sentencing grant funding for demonstration project activities.

TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

Subtitle A—Drug Treatment

Sec. 201. Grants for demonstration programs to reduce drug use and recidivism in long-term substance abusers.
Sec. 202. Offender drug treatment incentive grants.
Sec. 203. Ensuring availability and delivery of new pharmacological drug treatment services.
Sec. 204. Study of effectiveness of depot naltrexone for heroin addiction.
Sec. 205. Authorization of appropriations.

Subtitle B—Job Training

Sec. 211. Technology careers training demonstration grants.
Sec. 212. Grants to States for improved workplace and community transition training for incarcerated youth offenders.

Subtitle C—Mentoring

Sec. 221. Mentoring grants to nonprofit organizations.
Sec. 222. Bureau of Prisons policy on mentoring contacts.

Subtitle D—Administration of Justice Reforms

CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY

Sec. 231. Federal prisoner reentry program.
Sec. 232. Identification and release assistance for Federal prisoners.
Sec. 233. Improved reentry procedures for Federal prisoners.
Sec. 234. Duties of the Bureau of Prisons.
Sec. 235. Authorization of appropriations for Bureau of Prisons.
Sec. 236. Encouragement of employment of former prisoners.
Sec. 237. Elderly nonviolent offender pilot program.

CHAPTER 2—REENTRY RESEARCH

Sec. 241. Offender reentry research.
Sec. 242. Grants to study parole or post-incarceration supervision violations and revocations.
Sec. 243. Addressing the needs of children of incarcerated parents.

CHAPTER 3—CORRECTIONAL REFORMS TO EXISTING LAW

Sec. 251. Clarification of authority to place prisoner in community corrections.
Sec. 252. Residential drug abuse program in Federal prisons.
Sec. 253. Medical care for prisoners.
Sec. 254. Contracting for services for post-conviction supervision offenders.

SEC. 3. FINDINGS.

Congress finds the following:

(1) In 2002, over 7,000,000 people were incarcerated in Federal or State prisons or in local jails. Nearly 650,000 people are released from Federal and State incarceration into communities nationwide each year.

(2) There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year, these jails will release more than 10,000,000 people back into the community.

(3) Recent studies indicate that over ⅔ of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years after release.

(4) According to the Bureau of Justice Statistics, expenditures on corrections alone increased from $9,000,000,000 in 1982, to $59,600,000,000 in 2002. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

(5) The Serious and Violent Offender Reentry Initiative provided $139,000,000 in funding for State governments to develop and implement education, job training, mental health treatment, and substance abuse treatment for serious and violent offenders. This Act seeks to build upon the innovative and successful State reentry programs developed under the Serious and Violent Offender Reentry Initiative, which terminated after fiscal year 2005.

(6) Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. According to the Bureau of Prisons, there is evidence to suggest that inmates who are connected to their children and families are more likely to avoid negative incidents and have reduced sentences.

(7) Released prisoners cite family support as the most important factor in helping them stay out of prison. Research suggests that families are an often underutilized resource in the reentry process.

(8) Approximately 100,000 juveniles (ages 17 years and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from secure confinement still have their likely prime crime years ahead of them. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent. The chances that young people will successfully transition into society improve with effective reentry and aftercare programs.

(9) Studies have shown that between 15 percent and 27 percent of prisoners expect to go to homeless shelters upon release from prison.

(10) Fifty-seven percent of Federal and 70 percent of State inmates used drugs regularly before going to prison, and the Bureau of Justice Statistics report titled ''Trends in State Parole, 1990–2000'' estimates the use of drugs or alcohol around the time of the offense that resulted in the incarceration of the inmate at as high as 84 percent.

(11) Family-based treatment programs have proven results for serving the special populations of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family-based treatment for substance-abusing mothers and children found that 6 months after such treatment, 60 percent of the mothers remained alcohol and drug free, and drug-related offenses declined from 28 percent to 7 percent. Additionally, a 2003 evaluation of residential family-based treatment programs revealed that 60 percent of mothers remained clean and sober 6 months after treatment, criminal arrests declined by 43 percent, and 88 percent of the children treated in the program with their mothers remained stabilized.

(12) A Bureau of Justice Statistics analysis indicated that only 33 percent of Federal inmates and 36 percent of State inmates had participated in residential in-patient treatment programs for alcohol and drug abuse 12 months before their release. Further, over ⅓ of all jail inmates have some physical or mental disability and 25 percent of jail inmates have been treated at some time for a mental or emotional problem.

(13) State Substance Abuse Agency Directors, also known as Single State Authorities (in this paragraph referred to as ''SSAs''), manage the publicly funded substance abuse prevention and treatment system of the Nation. SSAs are responsible for planning and implementing State-wide systems of care that provide clinically appropriate substance abuse services. Given the high rate of substance use disorders among offenders reentering our communities, successful reentry programs require close interaction and collaboration with each SSA as the program is planned, implemented and evaluated.

(14) According to the National Institute of Literacy, 70 percent of all prisoners function at the lowest literacy levels.

(15) Less than 32 percent of State prison inmates have a high school diploma or a higher level of education, compared to 82 percent of the general population.

(16) Approximately 38 percent of inmates who completed 11 years or less of school were not working before entry into prison.

(17) The percentage of State prisoners participating in educational programs decreased by more than 8 percent between 1991 and 1997, despite growing evidence of how educational programming while incarcerated reduces recidivism.

(18) The National Institute of Justice has found that 1 year after release, up to 60 percent of former inmates are not employed.

(19) Transitional jobs programs have proven to help people with criminal records to successfully return to the workplace and to the community, and therefore can reduce recidivism.

SEC. 4. SUBMISSION OF REPORTS TO CONGRESS.

Not later than January 31 of each year, the Attorney General shall submit each report received under this Act or an amendment made by this Act during the preceding year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

TITLE I—AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Subtitle A—Improvements to Existing Programs

SEC. 101. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) ADULT AND JUVENILE OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) establishing or improving the system or systems under which—

''(A) correctional agencies and other criminal and juvenile justice agencies of the grant recipient develop and carry out plans to facilitate the reentry into the community of each offender in the custody of the jurisdiction involved;

''(B) the supervision and services provided to offenders in the custody of the jurisdiction involved are coordinated with the supervision and services provided to offenders after reentry into the community, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

''(C) the efforts of various public and private entities to provide supervision and services to offenders after reentry into the community, and to family members of such offenders, are coordinated; and

''(D) offenders awaiting reentry into the community are provided with documents (such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, and information on obtaining public assistance) useful in achieving a successful transition from prison, jail, or a juvenile facility;

''(2) carrying out programs and initiatives by units of local government to strengthen reentry services for individuals released from local jails, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

''(3) assessing the literacy, educational, and vocational needs of offenders in custody and identifying and providing services appropriate to meet those needs, including follow-up assessments and long-term services;

''(4) facilitating collaboration among the corrections (including community corrections), technical school, community college, business, nonprofit, workforce development, and employment service sectors—

''(A) to promote, where appropriate, the employment of people released from prison, jail, or a juvenile facility through efforts such as educating employers about existing financial incentives;

''(B) to facilitate the creation of job opportunities, including transitional jobs and time-limited subsidized work experience (where appropriate);

''(C) to connect offenders to employment (including supportive employment and employment services before their release to the community), provide work supports (including transportation and retention services), as appropriate, and identify labor market needs to ensure that education and training are appropriate; and

''(D) to address obstacles to employment that are not directly connected to the offense committed and the risk that the offender presents to the community and provide case management services as necessary to prepare offenders for jobs that offer the potential for advancement and growth;

''(5) providing offenders with education, job training, responsible parenting and healthy relationship skills training (designed specifically to address the needs of fathers and mothers in or transitioning from prison, jail, or a juvenile facility), English literacy education, work experience programs, self-respect and life skills training, and other skills useful in achieving a successful transition from prison, jail, or a juvenile facility;

''(6) providing structured post-release housing and transitional housing (including group homes for recovering substance abusers (with appropriate safeguards that may include single-gender housing)) through which offenders are provided supervision and services immediately following reentry into the community;

''(7) assisting offenders in securing permanent housing upon release or following a stay in transitional housing;

''(8) providing substance abuse treatment and services (including providing a full continuum of substance abuse treatment services that encompasses outpatient services, comprehensive residential services and recovery, and recovery home services) to offenders reentering the community from prison, jail, or a juvenile facility;

''(9) expanding family-based drug treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit, as appropriate to the safety, security, and well-being of the family;

''(10) encouraging collaboration among juvenile and adult corrections, community corrections, and community health centers to allow access to affordable and quality primary health care for offenders during the period of transition from prison, jail, or a juvenile facility to the community;

''(11) providing or facilitating health care services to offenders (including substance abuse screening, treatment, and aftercare, infectious disease screening and treatment, and screening, assessment, and aftercare for mental health services) to protect the communities in which offenders will live;

''(12) enabling prison, jail, or juvenile facility mentors of offenders to remain in contact with those offenders (including through the use of all available technology) while in prison, jail, or a juvenile facility and after reentry into the community, and encouraging the involvement of prison, jail, or a juvenile facility mentors in the reentry process;

''(13) systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community (as appropriate to the safety, security, and well-being of the family), including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to function as a stable living situation during reentry, and involving family members in the planning and implementation of the reentry process;

''(14) creating, developing, or enhancing offender and family assessments, curricula, policies, procedures, or programs (including mentoring programs)—

''(A) to help offenders with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities (as appropriate to the safety, security, and well-being of the family), and become non-abusive parents or partners; and

''(B) under which particular attention is paid to the safety of children affected and the confidentiality concerns of victims, and efforts are coordinated with victim service providers;

''(15) maintaining the parent-child relationship, as appropriate to the safety, security, and well-being of the child as determined by the relevant corrections and child protective services agencies, including—

''(A) implementing programs in correctional agencies to include the collection of information regarding any dependent children of an offender as part of intake procedures, including the number, age, and location or jurisdiction of such children;

''(B) connecting those identified children with services as appropriate and needed;

''(C) carrying out programs (including mentoring) that support children of incarcerated parents, including those in foster care and those cared for by grandparents or other relatives (which is commonly referred to as kinship care);

''(D) developing programs and activities (including mentoring) that support parent-child relationships, as appropriate to the safety, security, and well-being of the family, including technology to promote the parent-child relationship and to facilitate participation in parent-teacher conferences, books on tape programs, family days, and visitation areas for children while visiting an incarcerated parent;

''(E) helping incarcerated parents to learn responsible parenting and healthy relationship skills;

''(F) addressing visitation obstacles to children of an incarcerated parent, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies; and

''(G) identifying and addressing obstacles to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of such offenders;

''(16) carrying out programs for the entire family unit, including the coordination of service delivery across agencies;

''(17) facilitating and encouraging timely and complete payment of restitution and fines by offenders to victims and the community;

''(18) providing services as necessary to victims upon release of offenders, including security services and counseling, and facilitating the inclusion of victims, on a voluntary basis, in the reentry process;

''(19) establishing or expanding the use of reentry courts and other programs to—

''(A) monitor offenders returning to the community;

''(B) provide returning offenders with—

''(i) drug and alcohol testing and treatment; and

''(ii) mental and medical health assessment and services;

''(C) facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;

''(D) provide and coordinate the delivery of other community services to offenders, including—

''(i) employment training;

''(ii) education;

''(iii) housing assistance;

''(iv) children and family support, including responsible parenting and healthy relationship skill training designed specifically to address the needs of incarcerated and transitioning fathers and mothers;

''(v) conflict resolution skills training;

''(vi) family violence intervention programs; and

''(vii) other appropriate services; and

''(E) establish and implement graduated sanctions and incentives;

''(20) developing a case management reentry program that—

''(A) provides services to eligible veterans, as defined by the Attorney General; and

''(B) provides for a reentry service network solely for such eligible veterans that coordinates community services and veterans services for offenders who qualify for such veterans services; and

''(21) protecting communities against dangerous offenders, including—

''(A) conducting studies in collaboration with Federal research initiatives in effect on the date of enactment of the Second Chance Act of 2007, to determine which offenders are returning to prisons, jails, and juvenile facilities and which of those returning offenders represent the greatest risk to community safety;

''(B) developing and implementing procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

''(C) using validated assessment tools to assess the risk factors of returning inmates, and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely; and

''(D) developing and implementing procedures to identify efficiently and effectively those violators of probation, parole, or post-incarceration supervision who represent the greatest risk to community safety.''.

(b) JUVENILE OFFENDER DEMONSTRATION PROJECTS REAUTHORIZED.—Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking ''may be expended for'' and all that follows through the period at the end and inserting ''may be expended for any activity described in subsection (b).''.

(c) APPLICATIONS; REQUIREMENTS; PRIORITIES; PERFORMANCE MEASUREMENTS.—Section 2976 of the Omnibus Crime Control and

Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) by redesignating subsection (h) as subsection (o); and

(2) by striking subsections (d) through (g) and inserting the following:

''(d) APPLICATIONS.—A State, unit of local government, territory, or Indian tribe, or combination thereof, desiring a grant under this section shall submit an application to the Attorney General that—

''(1) contains a reentry strategic plan, as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to pay for the program after the Federal funding is discontinued;

''(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations; and

''(3) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this section, and specifically explains how such measurements will provide valid measures of the impact of that program.

''(e) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this section only if the application—

''(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian tribe applying for a grant under this section;

''(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of offenders into their communities;

''(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

''(4) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community; and

''(5) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant.

''(f) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this section that best—

''(1) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

''(2) include—

''(A) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

''(B) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities; and

''(C) coordination with families of offenders;

''(3) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

''(A) planning while offenders are in prison, jail, or a juvenile facility, pre-release transition housing, and community release;

''(B) establishing pre-release planning procedures to ensure that the eligibility of an offender for Federal or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services; and

''(C) delivery of continuous and appropriate drug treatment, medical care, job training and placement, educational services, or any other service or support needed for reentry;

''(4) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

''(5) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs; and

''(6) target high-risk offenders for reentry programs through validated assessment tools.

''(g) USES OF GRANT FUNDS.—

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of a grant received under this section may not exceed 75 percent of the project funded under such grant in fiscal year 2008.

''(B) WAIVER.—Subparagraph (A) shall not apply if the Attorney General—

''(i) waives, in whole or in part, the requirement of this paragraph; and

''(ii) publishes in the Federal Register the rationale for the waiver.

''(2) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

''(h) REENTRY STRATEGIC PLAN.—

''(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes, and that uses, to the maximum extent possible, random assigned and controlled studies to determine the effectiveness of the program funded with a grant under this section. One goal of that plan shall be to reduce the rate of recidivism (as defined by the Attorney General, consistent with the research on offender reentry undertaken by the Bureau of Justice Statistics) for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section by 50 percent over a period of 5 years.

''(2) COORDINATION.—In developing a reentry plan under this subsection, an applicant shall coordinate with communities and stakeholders, including persons in the fields of public safety, juvenile and adult corrections, housing, health, education, substance abuse, children and families, victims services, employment, and business and members of nonprofit organizations that can provide reentry services.

''(3) MEASUREMENTS OF PROGRESS.—Each reentry plan developed under this subsection shall measure the progress of the applicant toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

''(i) REENTRY TASK FORCE.—

''(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to—

''(A) examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders' time in prison, jail, or a juvenile facility on families and communities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations; and

''(B) provide the analysis described in subsection (e)(4).

''(2) MEMBERSHIP.—The task force or other authority under this subsection shall be comprised of—

''(A) relevant State, tribal, territorial, or local leaders; and

''(B) representatives of relevant—

''(i) agencies;

''(ii) service providers;

''(iii) nonprofit organizations; and

''(iv) stakeholders.

''(j) STRATEGIC PERFORMANCE OUTCOMES.—

''(1) IN GENERAL.—Each applicant shall identify in the reentry strategic plan developed under subsection (h), specific performance outcomes relating to the long-term goals of increasing public safety and reducing recidivism.

''(2) PERFORMANCE OUTCOMES.—The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

''(A) reduction in recidivism rates, which shall be reported in accordance with the measure selected by the Director of the Bureau of Justice Statistics under section 234(c)(2) of the Second Chance Act of 2007;

''(B) reduction in crime;

''(C) increased employment and education opportunities;

''(D) reduction in violations of conditions of supervised release;

''(E) increased payment of child support;

''(F) increased housing opportunities;

''(G) reduction in drug and alcohol abuse; and

''(H) increased participation in substance abuse and mental health services.

''(3) OTHER OUTCOMES.—A grantee under this section may include in the reentry strategic plan developed under subsection (h) other performance outcomes that increase the success rates of offenders who transition from prison, jails, or juvenile facilities.

''(4) COORDINATION.—A grantee under this section shall coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and shall consult with the Attorney General for assistance with data collection and measurement activities as provided for in the grant application materials.

''(5) REPORT.—Each grantee under this section shall submit an annual report to the Attorney General that—

''(A) identifies the progress of the grantee toward achieving its strategic performance outcomes; and

''(B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

''(k) PERFORMANCE MEASUREMENT.—

''(1) IN GENERAL.—The Attorney General, in consultation with grantees under this section, shall—

''(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

''(B) identify sources and methods of data collection in support of performance measurement required under this section;

''(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

''(D) consult with the Substance Abuse and Mental Health Services Administration and the National Institute on Drug Abuse on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

''(2) COORDINATION.—The Attorney General shall coordinate with other Federal agencies to identify national and other sources of information to support performance measurement of grantees.

''(3) STANDARDS FOR ANALYSIS.—Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

''(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section in any fiscal year after the fiscal year in which a grantee receives a grant under this section, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

''(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

''(2) the reentry plan of the grantee includes performance measures to assess progress of the grantee toward a 10 percent reduction in the rate of recidivism over a 2-year period.

''(3) the grantee will coordinate with the Attorney General, nonprofit organizations (if relevant input from nonprofit organizations is available and appropriate), and other experts regarding the selection and implementation of the performance measures described in subsection (k).

''(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

''(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

''(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, that provides technical assistance and training to, and has special expertise and broad, national-level experience in, offender reentry programs, training, and research.

''(3) USE OF FUNDS.—The organization receiving a grant under paragraph (1) shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

''(A) provide education, training, and technical assistance for States, tribes, territories, local governments, service providers, nonprofit organizations, and corrections institutions;

''(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

''(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

''(D) disseminate information to States and other relevant entities about best practices, policy standards, and research findings;

''(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

''(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or supervision following release from prison, jail, or a juvenile facility who should be returned to prisons, jails, or juvenile facilities and those who should receive other penalties based on defined, graduated sanctions;

''(G) collaborate with the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, and the Federal Resource Center for Children of Prisoners;

''(H) develop a national reentry research agenda; and

''(I) establish a database to enhance the availability of information that will assist offenders in areas including housing, employment, counseling, mentoring, medical and mental health services, substance abuse treatment, transportation, and daily living skills.

''(4) LIMIT.—Of amounts made available to carry out this section, not more than 4 percent shall be available to carry out this subsection.

''(n) ADMINISTRATION.—Of amounts made available to carry out this section—

''(1) not more than 2 percent shall be available for administrative expenses in carrying out this section; and

''(2) not more than 2 percent shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under this section, using a methodology that—

''(A) includes, to the maximum extent feasible, random assignment of offenders (or entities working with such persons) to program delivery and control groups; and

''(B) generates evidence on which reentry approaches and strategies are most effective.''.

(d) GRANT AUTHORIZATION.—Section 2976(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(a)) is amended by striking ''States, Territories'' and all that follows through the period at the end and inserting the following: ''States, local governments, territories, or Indian tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 2976(o) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w), as so redesignated by subsection (c) of this section, is amended—

(1) in paragraph (1), by striking ''$15,000,000 for fiscal year 2003'' and all that follows and inserting ''$50,000,000 for each of fiscal years 2008 and 2009.''; and

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

''(2) LIMITATION.—Of the amount made available to carry out this section in any fiscal year, not more than 3 percent or less than 2 percent may be used for technical assistance and training.''.

SEC. 102. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE OFFENDERS PROGRAM.

(a) REQUIREMENT FOR AFTERCARE COMPONENT.—Section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1(c)), is amended—

(1) by striking the subsection heading and inserting ''REQUIREMENT FOR AFTERCARE COMPONENT.—''; and

(2) by amending paragraph (1) to read as follows:

''(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services, which may include case management services and a full continuum of support services that ensure providers furnishing services under that program are approved by the appropriate State or local agency, and licensed, if necessary, to provide medical treatment or other health services.''.

(b) DEFINITION.—Section 1904(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3(d)) is amended to read as follows:

''(d) RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM DEFINED.—In this part, the term 'residential substance abuse treatment program' means a course of comprehensive individual and group substance abuse treatment services, lasting a period of at least 6 months, in residential treatment facilities set apart from the general population of a prison or jail (which may include the use of pharmacological treatment, where appropriate, that may extend beyond such period).''.

(c) REQUIREMENT FOR STUDY AND REPORT ON AFTERCARE SERVICES.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall conduct a study on the use and effectiveness of funds used by the Department of Justice for aftercare services under section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by subsection (a) of this section, for offenders who reenter the community after completing a substance abuse program in prison or jail.

Subtitle B—New and Innovative Programs to Improve Offender Reentry Services

SEC. 111. STATE AND LOCAL REENTRY COURTS.

(a) IN GENERAL.—Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by adding at the end the following:

''SEC. 2978. STATE AND LOCAL REENTRY COURTS.

''(a) GRANTS AUTHORIZED.—The Attorney General shall award grants, in accordance with this section, of not more than $500,000 to—

''(1) State and local courts; and

''(2) State agencies, municipalities, public agencies, nonprofit organizations, territories, and Indian tribes that have agreements with courts to take the lead in establishing a reentry court (as described in section 2976(b)(19)).

''(b) USE OF GRANT FUNDS.—Grant funds awarded under this section shall be administered in accordance with such guidelines, regulations, and procedures as promulgated by the Attorney General, and may be used to—

''(1) monitor juvenile and adult offenders returning to the community;

''(2) provide juvenile and adult offenders returning to the community with coordinated and comprehensive reentry services and programs such as—

''(A) drug and alcohol testing and assessment for treatment;

''(B) assessment for substance abuse from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

''(C) substance abuse treatment from a provider that is approved by the State, and licensed, if necessary, to provide medical and other health services;

''(D) health (including mental health) services and assessment;

''(E) aftercare and case management services that—

''(i) facilitate access to clinical care and related health services; and

''(ii) coordinate with such clinical care and related health services; and

''(F) any other services needed for reentry;

''(3) convene community impact panels, victim impact panels, or victim impact educational classes;

''(4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—

''(A) housing assistance;
''(B) education;
''(C) employment training;
''(D) conflict resolution skills training;
''(E) batterer intervention programs; and
''(F) other appropriate social services; and
''(5) establish and implement graduated sanctions and incentives.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as preventing a grantee that operates a drug court under part EE at the time a grant is awarded under this section from using funds from such grant to supplement the drug court under part EE in accordance with paragraphs (1) through (5) of subsection (b).

''(d) APPLICATION.—To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—
''(1) describes the program to be assisted under this section and the need for such program;
''(2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding is discontinued;
''(3) identifies the governmental and community agencies that will be coordinated by the project;
''(4) certifies that—
''(A) all agencies affected by the program, including community corrections and parole entities, have been appropriately consulted in the development of the program;
''(B) there will be appropriate coordination with all such agencies in the implementation of the program; and
''(C) there will be appropriate coordination and consultation with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) of the State; and
''(5) describes the methodology and outcome measures that will be used to evaluate the program.

''(e) MATCHING REQUIREMENTS.—The Federal share of a grant under this section may not exceed 75 percent of the costs of the project assisted by such grant unless the Attorney General—
''(1) waives, wholly or in part, the matching requirement under this subsection; and
''(2) publicly delineates the rationale for the waiver.

''(f) ANNUAL REPORT.—Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—
''(1) a summary of the activities carried out under the program assisted by the grant;
''(2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and
''(3) such other information as the Attorney General may require.

''(g) AUTHORIZATION OF APPROPRIATIONS.—
''(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2008 and 2009 to carry out this section.
''(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—
''(A) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and
''(B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.''.

SEC. 112. GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part BB the following:

''PART CC—GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES

''SEC. 2901. AUTHORIZATION.

''The Attorney General shall carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, Indian tribes, and other public and private entities for the purpose of establishing and administering task forces (to be known as 'Comprehensive and Continuous Offender Reentry Task Forces'), in accordance with this part.

''SEC. 2902. COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.

''(a) IN GENERAL.—For purposes of this part, a Comprehensive and Continuous Offender Reentry Task Force is a planning group of a State, unit of local government, territory, or Indian tribe that—
''(1) develops a community reentry plan, described in section 2903, for each juvenile and adult offender to be released from a correctional facility in the applicable jurisdiction;
''(2) supervises and assesses the progress of each such offender, with respect to such plan, starting on a date before the offender is released from a correctional facility and ending on the date on which the court supervision of such offender ends;
''(3) conducts a detailed assessment of the needs of each offender to address employment training, medical care, drug treatment, education, and any other identified need of the offender to assist in the offender's reentry;
''(4) demonstrates affirmative steps to implement such a community reentry plan by consulting and coordinating with other public and nonprofit entities, as appropriate;
''(5) establishes appropriate measurements for determining the efficacy of such community reentry plans by monitoring offender performance under such reentry plans;
''(6) complies with applicable State, local, territorial, and tribal rules and regulations regarding the provision of applicable services and treatment in the applicable jurisdiction; and
''(7) consults and coordinates with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) and the criminal justice agencies of the State to ensure that offender reentry plans are coordinated and delivered in the most cost-effective manner, as determined by the Attorney General, in consultation with the grantee.

''(b) CONSULTATION REQUIRED.—A Comprehensive and Continuous Offender Reentry Task Force for a county or other defined geographic area shall perform the duties described in paragraphs (1) and (2) of subsection (a) in consultation with representatives of—
''(1) the criminal and juvenile justice and correctional facilities within that county or area;
''(2) the community health care services of that county or area;
''(3) the drug treatment programs of that county or area;
''(4) the employment services organizations available in that county or area;
''(5) the housing services organizations available in the county or area; and
''(6) any other appropriate community services available in the county or area.

''SEC. 2903. COMMUNITY REENTRY PLAN DESCRIBED.

''For purposes of section 2902(a)(1), a community reentry plan for an offender is a plan relating to the reentry of the offender into the community and, according to the needs of the offender, shall—
''(1) identify employment opportunities and goals;
''(2) identify housing opportunities;
''(3) provide for any needed drug treatment;
''(4) provide for any needed mental health services;
''(5) provide for any needed health care services;
''(6) provide for any needed family counseling;
''(7) provide for offender case management programs or services; and
''(8) provide for any other service specified by the Comprehensive and Continuous Offender Reentry Task Force as necessary for the offender.

''SEC. 2904. APPLICATION.

''To be eligible for a grant under this part, a State or other relevant entity shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies. Such application shall contain such information as the Attorney General specifies.

''SEC. 2905. RULE OF CONSTRUCTION.

''Nothing in this part shall be construed as supplanting or modifying a sentence imposed by a court, including any terms of supervision.

''SEC. 2906. REPORTS.

''An entity that receives funds under this part for a Comprehensive and Continuous Offender Reentry Task Force during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of such Task Force during such fiscal year.

''SEC. 2907. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.''.

SEC. 113. PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.

(a) AUTHORIZATION.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding after part CC the following:

''PART DD—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS

''SEC. 2911. GRANT AUTHORITY.

''(a) IN GENERAL.—The Attorney General may make grants to State and local prosecutors to develop, implement, or expand qualified drug treatment programs that are alternatives to imprisonment, in accordance with this part.

''(b) QUALIFIED DRUG TREATMENT PROGRAMS DESCRIBED.—For purposes of this part, a qualified drug treatment program is a program—
''(1) that is administered by a State or local prosecutor;
''(2) that requires an eligible offender who is sentenced to participate in the program (instead of incarceration) to participate in a comprehensive substance abuse treatment program that is approved by the State and licensed, if necessary, to provide medical and other health services;
''(3) that requires an eligible offender to receive the consent of the State or local prosecutor involved to participate in such program;

''(4) that, in the case of an eligible offender who is sentenced to participate in the program, requires the offender to serve a sentence of imprisonment with respect to the crime involved if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the relevant substance abuse treatment program described in paragraph (2);

''(5) that provides for the dismissal of the criminal charges involved in an eligible offender's participation in the program if the offender is determined to have successfully completed the program;

''(6) that requires each substance abuse provider treating an eligible offender under the program to—

''(A) make periodic reports of the progress of the treatment of that offender to the State or local prosecutor involved and to the appropriate court in which the eligible offender was convicted; and

''(B) notify such prosecutor and such court if the eligible offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements; and

''(7) that has an enforcement unit comprised of law enforcement officers under the supervision of the State or local prosecutor involved, the duties of which shall include verifying an eligible offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an eligible offender who has absconded from the facility of a substance abuse treatment provider or otherwise violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements, and returning such eligible offender to court for sentencing for the crime involved.

''SEC. 2912. USE OF GRANT FUNDS.

''(a) IN GENERAL.—A State or local prosecutor that receives a grant under this part shall use such grant for expenses of a qualified drug treatment program, including for the following expenses:

''(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

''(2) Payments for substance abuse treatment providers that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement.

''(3) Payments to public and nonprofit private entities that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

''(b) SUPPLEMENT AND NOT SUPPLANT.—Grants made under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this part.

''SEC. 2913. APPLICATIONS.

''To request a grant under this part, a State or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall contain the certification by the State or local prosecutor that the program for which the grant is requested is a qualified drug treatment program, in accordance with this part.

''SEC. 2914. FEDERAL SHARE.

''The Federal share of a grant made under this part shall not exceed 75 percent of the total costs of the qualified drug treatment program funded by such grant for the fiscal year for which the program receives assistance under this part.

''SEC. 2915. GEOGRAPHIC DISTRIBUTION.

''The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this part is equitable and includes State or local prosecutors—

''(1) in each State; and

''(2) in rural, suburban, and urban jurisdictions.

''SEC. 2916. REPORTS AND EVALUATIONS.

''For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

''SEC. 2917. DEFINITIONS.

''In this part:

''(1) STATE OR LOCAL PROSECUTOR.—The term 'State or local prosecutor' means any district attorney, State attorney general, county attorney, or corporation counsel who has authority to prosecute criminal offenses under State or local law.

''(2) ELIGIBLE OFFENDER.—The term 'eligible offender' means an individual who—

''(A) has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

''(B) has never been charged with or convicted of an offense, during the course of which—

''(i) the individual carried, possessed, or used a firearm or dangerous weapon; or

''(ii) there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) is an element of the offense or for which the person is charged or convicted;

''(C) does not have 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and

''(D)(i) has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and

''(ii) has been found to be in need of substance abuse treatment because that individual has a history of substance abuse that is a significant contributing factor to the criminal conduct of that individual.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

''(26) There are authorized to be appropriated to carry out part DD such sums as may be necessary for each of fiscal years 2008 and 2009.''.

SEC. 114. GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION.

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.) is amended by inserting after part II the following:

''PART JJ—GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION

''SEC. 3001. GRANTS AUTHORIZED.

''The Attorney General may make grants to States, units of local government, territories, and Indian tribes to develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders.

''SEC. 3002. USE OF GRANT FUNDS.

''Grants made to an entity under section 3001 for a program described in such section may be used for the following:

''(1) Salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.

''(2) Payments to providers of substance abuse treatment for providing treatment and case management to nonviolent parent drug offenders participating in that program, including comprehensive treatment for mental health disorders, parenting classes, educational classes, vocational training, and job placement.

''(3) Payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in that program.

''SEC. 3003. PROGRAM REQUIREMENTS.

''A program for which a grant is made under section 3001 shall comply with the following requirements:

''(1) The program shall ensure that all providers of substance abuse treatment are approved by the State and are licensed, if necessary, to provide medical and other health services.

''(2) The program shall ensure appropriate coordination and consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 201(e) of the Second Chance Act of 2007).

''(3) The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.

''(4) The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.

''(5) The program shall provide that if a nonviolent parent drug offender who participates in that program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.

''(6) The program shall ensure that a determination is made as to whether a nonviolent drug offender has completed the substance abuse treatment program.

''(7) The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug offender involved throughout the course of that program to encourage compliance with that program.

''(8) The program shall develop and implement a reentry plan for each nonviolent parent drug offender that shall include reinforcement strategies for family involvement as appropriate, relapse strategies, support groups, placement in transitional housing, and continued substance abuse treatment, as needed.

''SEC. 3004. DEFINITIONS.

''In this part:

''(1) NONVIOLENT PARENT DRUG OFFENDERS.—The term 'nonviolent parent drug offender' means an offender who is—

''(A) a parent of an individual under 18 years of age; and

''(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.

''(2) NONVIOLENT OFFENSE.—The term 'nonviolent offense' has the meaning given that term in section 2991(a).

''SEC. 3005. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2008 and 2009.''.

SEC. 115. PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN.

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.), is amended—

(1) by redesignating part X as part KK; and

(2) by adding at the end the following:

"PART LL—PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN

"SEC. 3021. GRANTS AUTHORIZED.

''The Attorney General may make grants to States, units of local government, territories, and Indian tribes to provide prison-based family treatment programs for incarcerated parents of minor children.

"SEC. 3022. USE OF GRANT FUNDS.

''An entity that receives a grant under this part shall use amounts provided under that grant to—

''(1) develop, implement, and expand prison-based family treatment programs in correctional facilities for incarcerated parents with minor children, excluding from the programs those parents with respect to whom there is reasonable evidence of domestic violence or child abuse;

''(2) coordinate the design and implementation of such programs between appropriate correctional facility representatives and the appropriate governmental agencies; and

''(3) develop and implement a pre-release assessment and a reentry plan for each incarcerated parent scheduled to be released to the community, which shall include—

''(A) a treatment program for the incarcerated parent to receive continuous substance abuse treatment services and related support services, as needed;

''(B) a housing plan during transition from incarceration to reentry, as needed;

''(C) a vocational or employment plan, including training and job placement services; and

''(D) any other services necessary to provide successful reentry into the community.

"SEC. 3023. PROGRAM REQUIREMENTS.

''A prison-based family treatment program for incarcerated parents with respect to which a grant is made shall comply with the following requirements:

''(1) The program shall integrate techniques to assess the strengths and needs of immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.

''(2) The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.

''(3) The program shall be located in an area separate from the general population of the prison.

"SEC. 3024. APPLICATIONS.

''To be eligible for a grant under this part for a prison-based family treatment program, an entity described in section 3021 shall, in addition to any other requirement specified by the Attorney General, submit an application to the Attorney General in such form and manner and at such time as specified by the Attorney General. Such application shall include a description of the methods and measurements the entity will use for purposes of evaluating the program involved and such other information as the Attorney General may reasonably require.

"SEC. 3025. REPORTS.

''An entity that receives a grant under this part for a prison-based family treatment program during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that—

''(1) is based on evidence-based data; and

''(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.

"SEC. 3026. PRISON-BASED FAMILY TREATMENT PROGRAM DEFINED.

''In this part, the term 'prison-based family treatment program' means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training.

"SEC. 3027. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2008 and 2009.''.

SEC. 116. GRANT PROGRAMS RELATING TO EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding at the end the following:

"PART MM—GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES

"SEC. 3031. GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

''(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and other public and private entities to—

''(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities; and

''(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1).

''(b) APPLICATION.—To be eligible for a grant under this section, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time and accompanied by such information as the Attorney General specifies.

''(c) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this section, the entity described in subsection (a) receiving that grant shall submit to the Attorney General a detailed report of the aggregate findings and conclusions of the evaluation described in subsection (a)(1), conducted by that entity and the recommendations of that entity to the Attorney General described in subsection (a)(2).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section for each of fiscal years 2008 and 2009.

"SEC. 3032. GRANTS TO IMPROVE EDUCATIONAL SERVICES IN PRISONS, JAILS, AND JUVENILE FACILITIES.

''(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes for the purpose of improving the academic and vocational education programs available to offenders in prisons, jails, and juvenile facilities.

''(b) APPLICATION.—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

''(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.''.

Subtitle C—Conforming Amendments

SEC. 121. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.

Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

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

(2) in paragraph (3) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) to carry out any activity described in section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)).''.

TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

Subtitle A—Drug Treatment

SEC. 201. GRANTS FOR DEMONSTRATION PROGRAMS TO REDUCE DRUG USE AND RECIDIVISM IN LONG-TERM SUBSTANCE ABUSERS.

(a) AWARDS REQUIRED.—The Attorney General may make competitive grants to eligible partnerships, in accordance with this section, for the purpose of establishing demonstration programs to reduce the use of alcohol and other drugs by supervised long-term substance abusers during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser.

(b) USE OF GRANT FUNDS.—A grant made under subsection (a) to an eligible partnership for a demonstration program, shall be used—

(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership, with respect to the program for which a grant is awarded under this section;

(2) to develop and implement a program for supervised long-term substance abusers during the period described in subsection (a), which shall include—

(A) alcohol and drug abuse assessments that—

(i) are provided by a State-approved program; and

(ii) provide adequate incentives for completion of a comprehensive alcohol or drug abuse treatment program, including through the use of graduated sanctions; and

(B) coordinated and continuous delivery of drug treatment and case management services during such period; and

(3) to provide addiction recovery support services (such as job training and placement, peer support, mentoring, education, and other related services) to strengthen rehabilitation efforts for long-term substance abusers.

(c) APPLICATION.—To be eligible for a grant under subsection (a) for a demonstration program, an eligible partnership shall submit to the Attorney General an application that—

(1) identifies the role, and certifies the involvement, of each agency, organization, or researcher involved in such partnership, with respect to the program;

(2) includes a plan for using judicial or other criminal or juvenile justice authority to supervise the long-term substance abusers who would participate in a demonstration program under this section, including for—

(A) administering drug tests for such abusers on a regular basis; and

(B) swiftly and certainly imposing an established set of graduated sanctions for noncompliance with conditions for reentry into the community relating to drug abstinence (whether imposed as a pre-trial, probation, or parole condition, or otherwise);

(3) includes a plan to provide supervised long-term substance abusers with coordinated and continuous services that are based on evidence-based strategies and that assist such abusers by providing such abusers with—

(A) drug treatment while in prison, jail, or a juvenile facility;

(B) continued treatment during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser;

(C) addiction recovery support services;

(D) employment training and placement;

(E) family-based therapies;

(F) structured post-release housing and transitional housing, including housing for recovering substance abusers; and

(G) other services coordinated by appropriate case management services;

(4) includes a plan for coordinating the data infrastructures among the entities included in the eligible partnership and between such entities and the providers of services under the demonstration program involved (including providers of technical assistance) to assist in monitoring and measuring the effectiveness of demonstration programs under this section; and

(5) includes a plan to monitor and measure the number of long-term substance abusers—

(A) located in each community involved; and

(B) who improve the status of their employment, housing, health, and family life.

(d) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than September 30, 2008, the Attorney General shall submit to Congress a report that identifies the best practices relating to the comprehensive and coordinated treatment of long-term substance abusers, including the best practices identified through the activities funded under this section.

(2) FINAL REPORT.—Not later than September 30, 2009, the Attorney General shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a partnership that includes—

(A) the applicable Single State Authority for Substance Abuse;

(B) the State, local, territorial, or tribal criminal or juvenile justice authority involved;

(C) a researcher who has experience in evidence-based studies that measure the effectiveness of treating long-term substance abusers during the period in which such abusers are under the supervision of the criminal or juvenile justice system involved;

(D) community-based organizations that provide drug treatment, related recovery services, job training and placement, educational services, housing assistance, mentoring, or medical services; and

(E) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the office of a United States attorney).

(2) LONG-TERM SUBSTANCE ABUSER.—The term ''long-term substance abuser'' means an individual who—

(A) is in a prison, jail, or juvenile facility;

(B) has abused illegal drugs or alcohol for a significant number of years; and

(C) is scheduled to be released from prison, jail, or a juvenile facility during the 24-month period beginning on the date the relevant application is submitted under subsection (c).

(3) SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE.—The term ''Single State Authority for Substance Abuse'' means an entity designated by the Governor or chief executive officer of a State as the single State administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services in that State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 202. OFFENDER DRUG TREATMENT INCENTIVE GRANTS.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes in an amount described in subsection (c) to improve the provision of drug treatment to offenders in prisons, jails, and juvenile facilities.

(b) REQUIREMENTS FOR APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) for a fiscal year, an entity described in that subsection shall, in addition to any other requirements specified by the Attorney General, submit to the Attorney General an application that demonstrates that, with respect to offenders in prisons, jails, and juvenile facilities who require drug treatment and who are in the custody of the jurisdiction involved, during the previous fiscal year that entity provided drug treatment meeting the standards established by the Single State Authority for Substance Abuse (as that term is defined in section 201) for the relevant State to a number of such offenders that is 2 times the number of such offenders to whom that entity provided drug treatment during the fiscal year that is 2 years before the fiscal year for which that entity seeks a grant.

(2) OTHER REQUIREMENTS.—An application under this section shall be submitted in such form and manner and at such time as specified by the Attorney General.

(c) ALLOCATION OF GRANT AMOUNTS BASED ON DRUG TREATMENT PERCENT DEMONSTRATED.—The Attorney General shall allocate amounts under this section for a fiscal year based on the percent of offenders described in subsection (b)(1) to whom an entity provided drug treatment in the previous fiscal year, as demonstrated by that entity in its application under that subsection.

(d) USES OF GRANTS.—A grant awarded to an entity under subsection (a) shall be used—

(1) for continuing and improving drug treatment programs provided at prisons, jails, and juvenile facilities of that entity; and

(2) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services, such as job training and placement, education, peer support, mentoring, and other similar services.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.

SEC. 203. ENSURING AVAILABILITY AND DELIVERY OF NEW PHARMACOLOGICAL DRUG TREATMENT SERVICES.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and public and private organizations to establish pharmacological drug treatment services as part of the available drug treatment programs being offered by such grantees to offenders who are in prison or jail.

(b) CONSIDERATION OF PHARMACOLOGICAL TREATMENTS.—In awarding grants under this section to eligible entities, the Attorney General shall consider—

(1) the number and availability of pharmacological treatments offered under the program involved; and

(2) the participation of researchers who are familiar with evidence-based studies and are able to measure the effectiveness of such treatments using randomized trials.

(c) APPLICATIONS.—

(1) IN GENERAL.—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies.

(2) INFORMATION REQUIRED.—An application submitted under paragraph (1) shall—

(A) provide assurances that grant funds will be used only for a program that is created in coordination with (or approved by) the Single State Authority for Substance Abuse (as that term is defined in section 201) of the State involved to ensure pharmacological drug treatment services provided under that program are clinically appropriate;

(B) demonstrate how pharmacological drug treatment services offered under the program are part of a clinically-appropriate and comprehensive treatment plan; and

(C) contain such other information as the Attorney General specifies.

(d) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

SEC. 204. STUDY OF EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall carry out a grant program under which the Attorney General may make grants to public and private research entities (including consortia, single private research entities, and individual institutions of higher education) to evaluate the effectiveness of depot naltrexone for the treatment of heroin addiction.

(b) EVALUATION PROGRAM.—To be eligible to receive a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application that—

(1) contains such information as the Attorney General specifies, including information that demonstrates that—

(A) the applicant conducts research at a private or public institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1101);

(B) the applicant has a plan to work with parole officers or probation officers for offenders who are under court supervision; and

(C) the evaluation described in subsection (a) will measure the effectiveness of such treatments using randomized trials; and

(2) is in such form and manner and at such time as the Attorney General specifies.

(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 to carry out sections 203 and 204 for each of fiscal years 2008 and 2009.

Subtitle B—Job Training

SEC. 211. TECHNOLOGY CAREERS TRAINING DEMONSTRATION GRANTS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to States, units of local government, territories, and Indian tribes to provide technology career training to prisoners.

(b) USE OF FUNDS.—A grant awarded under subsection (a) may be used to establish a technology careers training program to train prisoners during the 3-year period before release from prison, jail, or a juvenile facility for technology-based jobs and careers.

(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 212. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

"SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

''(a) DEFINITION.—For purposes of this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

''(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

''(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

''(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

''(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and career and technical education;

''(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and career and technical education) and State industry programs;

''(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

''(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4), as necessary to document the attainment of project performance objectives; and

''(2) expend on each participating eligible student for an academic year, not more than the maximum Federal Pell Grant funded under section 401 of the Higher Education Act of 1965 for such academic year, which shall be used for—

''(A) tuition, books, and essential materials; and

''(B) related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

''(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time); and

''(2) is 35 years of age or younger.

''(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

''(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal years 2008 and 2009.''.

Subtitle C—Mentoring

SEC. 221. MENTORING GRANTS TO NONPROFIT ORGANIZATIONS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to nonprofit organizations for the purpose of providing mentoring and other transitional services essential to reintegrating offenders into the community.

(b) USE OF FUNDS.—A grant awarded under subsection (a) may be used for—

(1) mentoring adult and juvenile offenders during incarceration, through transition back to the community, and post-release;

(2) transitional services to assist in the reintegration of offenders into the community; and

(3) training regarding offender and victims issues.

(c) APPLICATION; PRIORITY CONSIDERATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) PRIORITY CONSIDERATION.—Priority consideration shall be given to any application under this section that—

(A) includes a plan to implement activities that have been demonstrated effective in facilitating the successful reentry of offenders; and

(B) provides for an independent evaluation that includes, to the maximum extent feasible, random assignment of offenders to program delivery and control groups.

(d) STRATEGIC PERFORMANCE OUTCOMES.—The Attorney General shall require each applicant under this section to identify specific performance outcomes related to the long-term goal of stabilizing communities by reducing recidivism (using a measure that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6)), and reintegrating offenders into society.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal

year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year and that identifies the progress of the grantee toward achieving its strategic performance outcomes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $15,000,000 for each of fiscal years 2008 and 2009.

SEC. 222. BUREAU OF PRISONS POLICY ON MENTORING CONTACTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall, in order to promote stability and continued assistance to offenders after release from prison, adopt and implement a policy to ensure that any person who provides mentoring services to an incarcerated offender is permitted to continue such services after that offender is released from prison. That policy shall permit the continuation of mentoring services unless the Director demonstrates that such services would be a significant security risk to the offender, incarcerated offenders, persons who provide such services, or any other person.

(b) REPORT.—Not later than September 30, 2008, the Director of the Bureau of Prisons shall submit to Congress a report on the extent to which the policy described in subsection (a) has been implemented and followed.

Subtitle D—Administration of Justice Reforms

CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY

SEC. 231. FEDERAL PRISONER REENTRY PROGRAM.

(a) ESTABLISHMENT.—The Director of the Bureau of Prisons (in this chapter referred to as the ''Director'') shall establish a prisoner reentry strategy to help prepare prisoners for release and successful reintegration into the community, which shall require that the Bureau of Prisons—

(1) assess each prisoner's skill level (including academic, vocational, health, cognitive, interpersonal, daily living, and related reentry skills) at the beginning of the term of imprisonment of that prisoner to identify any areas in need of improvement prior to reentry;

(2) generate a skills development plan for each prisoner to monitor skills enhancement and reentry readiness throughout incarceration;

(3) determine program assignments for prisoners based on the areas of need identified through the assessment described in paragraph (1);

(4) ensure that priority is given to the reentry needs of high-risk populations, such as sex offenders, career criminals, and prisoners with mental health problems;

(5) coordinate and collaborate with other Federal agencies and with State and local criminal justice agencies, community-based organizations, and faith-based organizations to help effectuate a seamless reintegration of prisoners into their communities;

(6) collect information about a prisoner's family relationships, parental responsibilities, and contacts with children to help prisoners maintain important familial relationships and support systems during incarceration and after release from custody; and

(7) provide incentives for prisoner participation in skills development programs.

(b) INCENTIVES FOR PARTICIPATION IN SKILLS DEVELOPMENT PROGRAMS.—A prisoner who participates in reentry and skills development programs may, at the discretion of the Director, receive any of the following incentives:

(1) The maximum allowable period in a community confinement facility.

(2) A reduction in the term of imprisonment of that prisoner, except that such reduction may not be more than 1 year from the term the prisoner must otherwise serve.

(3) Such other incentives as the Director considers appropriate.

SEC. 232. IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.

(a) OBTAINING IDENTIFICATION.—The Director shall assist prisoners in obtaining identification (including a social security card, driver's license or other official photo identification, or birth certificate) prior to release.

(b) ASSISTANCE DEVELOPING RELEASE PLAN.—At the request of a direct-release prisoner, a representative of the United States Probation System shall, prior to the release of that prisoner, help that prisoner develop a release plan.

(c) DIRECT-RELEASE PRISONER DEFINED.—In this section, the term ''direct-release prisoner'' means a prisoner who is scheduled for release and will not be placed in pre-release custody.

SEC. 233. IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.

The Attorney General shall take such steps as are necessary to modify the procedures and policies of the Department of Justice with respect to the transition of offenders from the custody of the Bureau of Prisons to the community—

(1) to enhance case planning and implementation of reentry programs, policies, and guidelines;

(2) to improve such transition to the community, including placement of such individuals in community corrections facilities; and

(3) to foster the development of collaborative partnerships with stakeholders at the national and local levels to facilitate the exchange of information and the development of resources to enhance opportunities for successful offender reentry.

SEC. 234. DUTIES OF THE BUREAU OF PRISONS.

(a) DUTIES OF THE BUREAU OF PRISONS EXPANDED.—Section 4042(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(6) establish pre-release planning procedures that help prisoners—

''(A) apply for Federal and State benefits upon release (including Social Security Cards, Social Security benefits, and veterans' benefits); and

''(B) secure such identification and benefits prior to release, subject to any limitations in law; and

''(7) establish reentry planning procedures that include providing Federal prisoners with information in the following areas:

''(A) Health and nutrition.

''(B) Employment.

''(C) Literacy and education.

''(D) Personal finance and consumer skills.

''(E) Community resources.

''(F) Personal growth and development.

''(G) Release requirements and procedures.''.

(b) MEASURING THE REMOVAL OF OBSTACLES TO REENTRY.—

(1) PROGRAM REQUIRED.—The Director shall carry out a program under which each institution within the Bureau of Prisons codes the reentry needs and deficits of prisoners, as identified by an assessment tool that is used to produce an individualized skills development plan for each inmate.

(2) TRACKING.—In carrying out the program under this subsection, the Director shall quantitatively track, by institution and Bureau-wide, the progress in responding to the reentry needs and deficits of individual inmates.

(3) ANNUAL REPORT.—On an annual basis, the Director shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that documents the progress of each institution within the Bureau of Prisons, and of the Bureau as a whole, in responding to the reentry needs and deficits of inmates. The report shall be prepared in a manner that groups institutions by security level to allow comparisons of similar institutions.

(4) EVALUATION.—The Director shall—

(A) implement a formal standardized process for evaluating the success of each institution within the Bureau of Prisons in enhancing skills and resources to assist in reentry; and

(B) ensure that—

(i) each institution is held accountable for low performance under such an evaluation; and

(ii) plans for corrective action are developed and implemented as necessary.

(c) MEASURING AND IMPROVING RECIDIVISM OUTCOMES.—

(1) ANNUAL REPORT REQUIRED.—

(A) IN GENERAL.—At the end of each fiscal year, the Director shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing the statistics demonstrating the relative reduction in recidivism for inmates released by the Bureau of Prisons within that fiscal year and the 2 prior fiscal years, comparing inmates who participated in major inmate programs (including residential drug treatment, vocational training, and prison industries) with inmates who did not participate in such programs. Such statistics shall be compiled separately for each such fiscal year.

(B) SCOPE.—A report under this paragraph is not required to include statistics for a fiscal year that begins before the date of the enactment of this Act.

(C) CONTENTS.—Each report under this paragraph shall provide the recidivism statistics for the Bureau of Prisons as a whole, and separately for each institution of the Bureau.

(2) MEASURE USED.—In preparing the reports required by paragraph (1), the Director shall, in consultation with the Director of the Bureau of Justice Statistics, select a measure for recidivism (such as rearrest, reincarceration, or any other valid, evidence-based measure) that the Director considers appropriate and that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6).

(3) GOALS.—

(A) IN GENERAL.—After the Director submits the first report required by paragraph (1), the Director shall establish goals for reductions in recidivism rates and shall work to attain those goals.

(B) CONTENTS.—The goals established under subparagraph (A) shall use the relative reductions in recidivism measured for the fiscal year covered by that first report as a baseline rate, and shall include—

(i) a 5-year goal to increase, at a minimum, the baseline relative reduction rate by 2 percent; and

(ii) a 10-year goal to increase, at a minimum, the baseline relative reduction rate by 5 percent within 10 fiscal years.

(d) FORMAT.—Any written information that the Bureau of Prisons provides to inmates for reentry planning purposes shall use common terminology and language.

(e) MEDICAL CARE.—The Bureau of Prisons shall provide the United States Probation and Pretrial Services System with relevant

information on the medical care needs and the mental health treatment needs of inmates scheduled for release from custody. The United States Probation and Pretrial Services System shall take this information into account when developing supervision plans in an effort to address the medical care and mental health care needs of such individuals. The Bureau of Prisons shall provide inmates with a sufficient amount of all necessary medications (which will normally consist of, at a minimum, a 2-week supply of such medications) upon release from custody.

SEC. 235. AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF PRISONS.

There are authorized to be appropriated to the Director to carry out sections 231, 232, 233, and 234 of this chapter, $5,000,000 for each of the fiscal years 2008 and 2009.

SEC. 236. ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.

The Attorney General, in consultation with the Secretary of Labor, shall take such steps as are necessary to implement a program to educate employers and the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) regarding incentives (including the Federal bonding program of the Department of Labor and tax credits) for hiring former Federal, State, or local prisoners.

SEC. 237. ELDERLY NONVIOLENT OFFENDER PILOT PROGRAM.

(a) PROGRAM ESTABLISHED.—

(1) IN GENERAL.—Notwithstanding section 3624 of title 18, United States Code, or any other provision of law, the Director shall conduct a pilot program to determine the effectiveness of removing each eligible elderly offender from a Bureau of Prison facility and placing that offender on home detention until the date on which the term of imprisonment to which that offender was sentenced expires.

(2) TIMING OF PLACEMENT IN HOME DETENTION.—

(A) IN GENERAL.—In carrying out the pilot program under paragraph (1), the Director shall—

(i) in the case of an offender who is determined to be an eligible elderly offender on or before the date specified in subparagraph (B), place such offender on home detention not later than 180 days after the date of enactment of this Act; and

(ii) in the case of an offender who is determined to be an eligible elderly offender after the date specified in subparagraph (B) and before the date that is 3 years and 91 days after the date of enactment of this Act, place such offender on home detention not later than 90 days after the date of that determination.

(B) DATE SPECIFIED.—For purposes of subparagraph (A), the date specified in this subparagraph is the date that is 90 days after the date of enactment of this Act.

(3) VIOLATION OF TERMS OF HOME DETENTION.—A violation by an eligible elderly offender of the terms of home detention (including the commission of another Federal, State, or local crime) shall result in the removal of that offender from home detention and the return of that offender to the designated Bureau of Prisons institution in which that offender was imprisoned immediately before placement on home detention under paragraph (1).

(b) SCOPE OF PILOT PROGRAM.—

(1) PARTICIPATING DESIGNATED FACILITIES.—The pilot program under subsection (a) shall be conducted through at least 1 Bureau of Prisons institution designated by the Director as appropriate for the pilot program.

(2) DURATION.—The pilot program shall be conducted during each of fiscal years 2008 and 2009.

(c) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Director shall contract with an independent organization to monitor and evaluate the progress of each eligible elderly offender placed on home detention under subsection (a)(1) for the period that offender is on home detention during the period described in subsection (b)(2).

(2) ANNUAL REPORT.—The organization described in paragraph (1) shall annually submit to the Director and to Congress a report on the pilot program under subsection (a)(1), which shall include—

(A) an evaluation of the effectiveness of the pilot program in providing a successful transition for eligible elderly offenders from incarceration to the community, including data relating to the recidivism rates for such offenders; and

(B) the cost savings to the Federal Government resulting from the early removal of such offenders from incarceration.

(3) PROGRAM ADJUSTMENTS.—Upon review of the report submitted under paragraph (2), the Director shall submit recommendations to Congress for adjustments to the pilot program, including its expansion to additional facilities.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ELDERLY OFFENDER.—The term ''eligible elderly offender'' means an offender in the custody of the Bureau of Prisons who—

(A) is not less than 60 years of age;

(B) is serving a term of imprisonment after conviction for an offense other than a crime of violence (as that term is defined in section 16 of title 18, United States Code) and has served the greater of 10 years or ½ of the term of imprisonment of that offender;

(C) has not been convicted in the past of any Federal or State crime of violence;

(D) has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence; and

(E) has not escaped, or attempted to escape, from a Bureau of Prisons institution.

(2) HOME DETENTION.—The term ''home detention'' has the same meaning given the term in the Federal Sentencing Guidelines, and includes detention in a nursing home or other residential long-term care facility.

(3) TERM OF IMPRISONMENT.—The term ''term of imprisonment'' includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

CHAPTER 2—REENTRY RESEARCH

SEC. 241. OFFENDER REENTRY RESEARCH.

(a) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may conduct research on juvenile and adult offender reentry, including—

(1) a study identifying the number and characteristics of minor children who have had a parent incarcerated, and the likelihood of such minor children becoming involved in the criminal justice system some time in their lifetime;

(2) a study identifying a mechanism to compare rates of recidivism (including rearrest, violations of parole, probation, post-incarceration supervision, and reincarceration) among States; and

(3) a study on the population of offenders released from custody who do not engage in recidivism and the characteristics (housing, employment, treatment, family connection) of that population.

(b) BUREAU OF JUSTICE STATISTICS.—The Bureau of Justice Statistics may conduct research on offender reentry, including—

(1) an analysis of special populations (including prisoners with mental illness or substance abuse disorders, female offenders, juvenile offenders, offenders with limited English proficiency, and the elderly) that present unique reentry challenges;

(2) studies to determine which offenders are returning to prison, jail, or a juvenile facility and which of those returning offenders represent the greatest risk to victims and community safety;

(3) annual reports on the demographic characteristics of the population returning to society from prisons, jails, and juvenile facilities;

(4) a national recidivism study every 3 years;

(5) a study of parole, probation, or post-incarceration supervision violations and revocations; and

(6) a study concerning the most appropriate measure to be used when reporting recidivism rates (whether rearrest, reincarceration, or any other valid, evidence-based measure).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

SEC. 242. GRANTS TO STUDY PAROLE OR POST-INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General may make grants to States to study and to improve the collection of data with respect to individuals whose parole or post-incarceration supervision is revoked, and which such individuals represent the greatest risk to victims and community safety.

(b) APPLICATION.—As a condition of receiving a grant under this section, a State shall—

(1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on—

(A) the number and type of parole or post-incarceration supervision violations that occur with the State;

(B) the reasons for parole or post-incarceration supervision revocation;

(C) the underlying behavior that led to the revocation; and

(D) the term of imprisonment or other penalty that is imposed for the violation; and

(2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau.

(c) ANALYSIS.—Any statistical analysis of population data under this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

SEC. 243. ADDRESSING THE NEEDS OF CHILDREN OF INCARCERATED PARENTS.

(a) BEST PRACTICES.—

(1) IN GENERAL.—The Attorney General shall collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and coordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents (including those in foster

care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

(2) CONTENTS.—The best practices developed under paragraph (1) shall include information related to policies, procedures, and programs that may be used by States to address—

(A) maintenance of the parent-child bond during incarceration;

(B) parental self-improvement; and

(C) parental involvement in planning for the future and well-being of their children.

(b) DISSEMINATION TO STATES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall disseminate to States and other relevant entities the best practices described in subsection (a).

(c) SENSE OF CONGRESS.—It is the sense of Congress that States and other relevant entities should use the best practices developed and disseminated in accordance with this section to evaluate and improve the communication and coordination between State corrections departments and child protection agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

CHAPTER 3—CORRECTIONAL REFORMS TO EXISTING LAW

SEC. 251. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.

(a) PRE-RELEASE CUSTODY.—Section 3624(c) of title 18, United States Code, is amended to read as follows:

''(c) PRE-RELEASE CUSTODY.—

''(1) IN GENERAL.—The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

''(2) HOME CONFINEMENT AUTHORITY.—The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

''(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during pre-release custody under this subsection.

''(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Director of the Bureau of Prisons under section 3621.

''(5) REPORTING.—Not later than 1 year after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007 (and every year thereafter), the Director of the Bureau of Prisons shall transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report describing the Bureau's utilization of community corrections facilities. Each report under this paragraph shall set forth the number and percentage of Federal prisoners placed in community corrections facilities during the preceding year, the average length of such placements, trends in such utilization, the reasons some prisoners are not placed in community corrections facilities, and any other information that may be useful to the committees in determining if the Bureau is utilizing community corrections facilities in an effective manner.

''(6) ISSUANCE OF REGULATIONS.—The Director of Bureau of Prisons shall issue regulations pursuant to this subsection not later than 90 days after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007.''.

(b) COURTS MAY NOT REQUIRE A SENTENCE OF IMPRISONMENT TO BE SERVED IN A COMMUNITY CORRECTIONS FACILITY.—Section 3621(b) of title 18, United States Code, is amended by adding at the end the following: ''Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person.''.

SEC. 252. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL PRISONS.

Section 3621(e)(5)(A) of title 18, United States Code, is amended by striking ''means a course of'' and all that follows and inserting the following: ''means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population (which may include the use of pharmocotherapies, where appropriate, that may extend beyond the 6-month period);''.

SEC. 253. MEDICAL CARE FOR PRISONERS.

Section 3621 of title 18, United States Code, is further amended by adding at the end the following new subsection:

''(g) CONTINUED ACCESS TO MEDICAL CARE.—

''(1) IN GENERAL.—In order to ensure a minimum standard of health and habitability, the Bureau of Prisons shall ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine.

''(2) DEFINITION.—In this subsection, the term 'community confinement' has the meaning given that term in the application notes under section 5F1.1 of the Federal Sentencing Guidelines Manual, as in effect on the date of the enactment of the Second Chance Act of 2007.''.

SEC. 254. CONTRACTING FOR SERVICES FOR POST-CONVICTION SUPERVISION OFFENDERS.

Section 3672 of title 18, United States Code, is amended by inserting after the third sentence in the seventh undesignated paragraph the following: ''He also shall have the authority to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.''.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S.1062. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I am proud to be joined today by my colleagues, Senator GRASSLEY from Iowa, and Representative STARK in the House, to introduce the William H. Frist Gift of Life Congressional Medal Act. This important legislation gives long overdue recognition to the courageous act of organ donation and encourages others to become new donors.

This bill establishes a congressional medal to recognize organ donors and their families for their selfless acts of organ donation. The medal is named in honor of Dr. William H. Frist, a former transplant surgeon, later Senate majority leader, who first offered the Gift of Life Congressional Medal Act during his time in the Senate.

Nearly 100,000 people are currently waiting for an organ transplant. Over 2,000 are children under age 18. In my home State of Illinois, nearly 5,000 men, women, and children wait for a life-saving donation. Sadly, the national waiting list continues to grow every year. Since the waiting list began, at least 75,000 donation-eligible Americans have died waiting for an organ to become available; in 2005 alone, over 6,000 people died for lack of a suitable organ, including some 300 Illinois residents. Minorities representing approximately 25 percent of the population comprise over 40 percent of the organ transplant waiting list and half of the patients who die while patiently waiting for their gift of life.

Every 16 minutes, a new name is added to the growing list, while the hope of those who have been waiting for months and years at a time begins to diminish. To narrow the gap between the limited supply and the increasing demand for donated organs, willing donors must make their desire to donate clear to the only people able to make the decision if the occasion should arise—their immediate family members. Although there are up to 15,000 potential donors annually, families consent to donation for less than 6,000 donors.

Congressional medals are awarded to individuals who perform an outstanding deed or act of service to the security, prosperity, and national interest of the United States. Is there a more outstanding deed or act than that of the gift of life? Over 21,000 Americans receive the gift of life each year through transplantation surgery made possible by the generosity of organ and tissue donors. The Gift of Life Congressional Medal Act would allow us to recognize these donors and their families and inspire others to become donors.

This is noncontroversial, nonpartisan legislation to recognize the selfless act of donating one's organ for another's well-being and to hopefully increase the rate of organ donation. I ask my colleagues to help bring an end to transplant waiting lists and give recognition to the faith and courage displayed by organ donors and their families. This bill honors these brave acts, while publicizing the critical need for increased organ donation. I urge all of my colleagues to support the William H. Frist Gift of Life Congressional Medal 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. 1062

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 ''William H. Frist Gift of Life Congressional Medal Act''.

SEC. 2. CONGRESSIONAL MEDAL.

The Secretary of the Treasury shall design and strike a bronze medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury, to commemorate organ donors and their families.

SEC. 3. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—Any organ donor, or the family of any organ donor, shall be eligible for a medal described in section 2.

(b) DOCUMENTATION.—The Secretary of Health and Human Services shall direct the entity holding the Organ Procurement and Transplantation Network (hereafter in this Act referred to as ''OPTN'') to contract to—

(1) establish an application procedure requiring the relevant organ procurement organization, as described in section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)), through which an individual or their family made an organ donation, to submit to the OPTN contractor documentation supporting the eligibility of that individual or their family to receive a medal described in section 2; and

(2) determine, through the documentation provided, and, if necessary, independent investigation, whether the individual or family is eligible to receive a medal described in section 2.

SEC. 4. PRESENTATION.

(a) DELIVERY TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary of the Treasury shall deliver medals struck pursuant to this Act to the Secretary of Health and Human Services.

(b) DELIVERY TO ELIGIBLE RECIPIENTS.—The Secretary of Health and Human Services shall direct the OPTN contractor to arrange for the presentation to the relevant organ procurement organization all medals struck pursuant to this Act to individuals or families that, in accordance with section 3, the OPTN contractor has determined to be eligible to receive medals under this Act.

(c) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), only 1 medal may be presented to a family under subsection (b). Such medal shall be presented to the donating family member, or in the case of a deceased donor, the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

(2) EXCEPTION.—In the case of a family in which more than 1 member is an organ donor, the OPTN contractor may present an additional medal to each such organ donor or their family.

SEC. 5. DUPLICATE MEDALS.

(a) IN GENERAL.—The Secretary of Health and Human Services or the OPTN contractor may provide duplicates of the medal described in section 2 to any recipient of a medal under section 4(b), under such regulations as the Secretary of Health and Human Services may issue.

(b) LIMITATION.—The price of a duplicate medal shall be sufficient to cover the cost of such duplicates.

SEC. 6. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of section 5111 of title 31, United States Code.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act.

SEC. 8. SOLICITATION OF DONATIONS.

(a) IN GENERAL.—The Secretary of the Treasury may enter into an agreement with the OPTN contractor to collect funds to offset expenditures relating to the issuance of medals authorized under this Act.

(b) PAYMENT OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), all funds received by the Organ Procurement and Transplantation Network under subsection (a) shall be promptly paid by the Organ Procurement and Transplantation Network to the Secretary of the Treasury.

(2) LIMITATION.—Not more than 5 percent of any funds received under subsection (a) shall be used to pay administrative costs incurred by the OPTN contractor as a result of an agreement established under this section.

(c) NUMISMATIC PUBLIC ENTERPRISE FUND.—Notwithstanding any other provision of law—

(1) all amounts received by the Secretary of the Treasury under subsection (b)(1) shall be deposited in the Numismatic Public Enterprise Fund, as described in section 5134 of title 31, United States Code; and

(2) the Secretary of the Treasury shall charge such fund with all expenditures relating to the issuance of medals authorized under this Act.

(d) START-UP COSTS.—A 1-time amount not to exceed $55,000 shall be provided to the OPTN contractor to cover initial start-up costs. The amount will be paid back in full within 3 years of the date of the enactment of this Act from funds received under subsection (a).

(e) NO NET COST TO THE GOVERNMENT.—The Secretary of the Treasury shall take all actions necessary to ensure that the issuance of medals authorized under section 2 results in no net cost to the Government.

SEC. 9. DEFINITIONS.

For purposes of this Act—

(1) the term ''organ'' means the human kidney, liver, heart, lung, pancreas, and any other human organ (other than corneas and eyes) specified by regulation of the Secretary of Health and Human Services or the OPTN contractor; and

(2) the term ''Organ Procurement and Transplantation Network'' means the Organ Procurement and Transplantation Network established under section 372 of the Public Health Service Act (42 U.S.C. 274).

SEC. 10. SUNSET PROVISION.

This Act shall be effective during the 2-year period beginning on the date of the enactment of this Act.

By Mrs. CLINTON:

S. 1063. A bill to amend title 10, United States Code, to improve certain death and survivor benefits with respect to members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON:

S. 1064. A bill to provide for the improvement of the physical evaluation processes applicable to members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON (for herself and Ms. COLLINS):

S. 1065. A bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes; to the Committee on Armed Services.

Mrs. CLINTON. Mr. President, today, I am introducing the Heroes at Home Act of 2007, the Restoring Disability Benefits for Injured and Wounded Warriors Act of 2007, and the Protecting Military Family Financial Benefits Act of 2007 to serve our servicemembers and send a message: you will be treated as heroes before deployment, during deployment, and upon returning home. You didn't offer excuses and do not deserve to be offered excuses by your country.

I want to thank Senator COLLINS for co-sponsoring the Heroes at Home Act of 2007 and for partnering with me on numerous pieces of legislation and initiatives related to these and other important health issues.

This is a moment of profound challenge for our country, for our military, and for our men and women in uniform. And while there are often strong disagreements here in Washington, I hope we can unite around our common values and patriotism when it comes to how we treat our servicemembers and veterans.

If you serve your country your country should serve you. That is the promise our country must keep to the men and women who enlist, who fight, and who return home often bearing the visible and invisible scars of sacrifice. Sadly, too often in the past several years, that promise has been broken: whether it's a lack of up-armored vehicles on the ground in Iraq or a lack of appropriate care in outpatient facilities at Walter Reed.

Last year, I authored and passed into law the Heroes at Home initiative to assist returning servicemembers experiencing the complex, diffuse, and life-altering symptoms of traumatic brain injury and other mental health difficulties.

One out of every 10 returning servicemembers are affected by traumatic brain injury (TBI), which has been widely identified as the ''signature wound'' of the Global War on Terror. This includes severe injuries as well as invisible wounds that result in trouble remembering appointments, holding down a job, and returning to civilian life. Unfortunately, troops have an increased risk of sustaining more than one mild or moderate TBI because of multiple deployments and the prevalent use of Improved Explosive Devices by enemy combatants in Operation Iraqi Freedom and Operation Enduring Freedom. However, mild and moderate TBI may go undetected, especially if the servicemember has sustained more obvious injuries. Further, it can be difficult to distinguish mild TBI from Post Traumatic Stress Disorder since both conditions have common symptoms, such as irritability, anxiety and depression. Although many wounded

servicemembers receive cognitive evaluations upon returning from deployment, the lack of a baseline test conducted prior to the injury leads these servicemembers to question the validity of their post-deployment assessments.

When I visited Walter Reed a few weeks ago, I met a young Army soldier who had lost one arm and lost his ring finger because his wedding band had melted onto it. I asked him how he was doing, and he said, ''You know, I'm working hard at my rehabilitation and they're taking great care of me with my prosthetics.''

He said, ''but what really bothers me is my memory. I don't have the focus that I used to have. I can't really set out tasks and know that I can accomplish them.'' And he said, ''That's the thing that really bothers me I've got to have my brain back.''

His story, and the stories of hundreds of other servicemembers like him, demonstrates that we need to do more to help rapid identification of traumatic brain injury in order to facilitate the best care once the servicemembers return home, and expand support systems for members and former members of the Armed Services with traumatic brain injury and their families.

That's why I, along with Senator COLLINS, am introducing the Heroes at Home Act of 2007 today, to build on last year's Heroes at Home initiative. I am grateful to have developed this proposal with the Wounded Warrior Project, the National Military Family Association, the Military Officers Association of America, and the American Academy of Neurology.

We should provide pre-deployment cognitive screening to better diagnose and treat traumatic brain injury when these men and women return home. This legislation will improve detection of mild and moderate TBI by implementing an objective, computer-based assessment protocol to measure cognitive functioning both prior to and after deployment. This baseline test will help detect mild and moderate cases of TBI and distinguish them from PTSD. My legislation will also require that the same assessment tool be used across all branches of the 6yArmed Services and for every member of the Armed Forces who will be deployed to Iraq and Afghanistan.

We should also help families take care of a loved one by providing them with training to become certified caregivers, so that they can receive compensation for care giving they already provide. Family members of returning soldiers with TBI are often ill-equipped to handle the demands of caring for their loved one, which in some bases can become a full-time responsibility. My legislation will establish a Traumatic Brain Injury Family Caregiver Personal Care Attendant Training and Certification Program, which would train and certify family caregivers of TBI patients as personal care attendants, enabling them to provide quality care at home and at the same time qualify for compensation from the VA.

Finally, we should explore new ways to treat TBI in rural settings and outpatient clinics through telemedicine. Servicemembers and veterans continue to face problems in accessing needed medical and mental health care, especially veterans or Guard and Reserve members who live in rural areas. The Heroes at Home Act of 2007 will help increase the reach of needed care for TBI by creating a demonstration project, administered jointly by the Departments of Defense and Veterans Affairs that would use telehealth technology to assess TBI and related mental health conditions and facilitate rehabilitation and dissemination of educational material on techniques, strategies and skills for servicemembers with TBI.

On March 6, 2007 Chief of Staff of the Army General Peter Schoomaker and the then Army Surgeon General Lieutenant General Kevin C. Kiley, testified before the Senate Armed Services Committee that soldiers appearing before the Physical Evaluation Board were ''short-changed'' and had not received appropriate disability benefits. According to the Congressional Research Service, since the enactment of the Traumatic Servicemembers Group Life Insurance program at least 45 percent of claims have been denied. In March 2006 the Comptroller General issued GAO Report 06–362: Military Disability System: Improved Oversight Needed to Ensure Consistent and Timely Outcomes for Reserve and Active Duty Service Members—the Department of Defense did not heed the recommendations provided in this report and as a result injured and wounded warriors continue to languish in an inefficient and adversarial disability system.

I am also introducing legislation to fix the disability benefits system for our wounded warriors. When I've visited Walter Reed, one common thread uniting the problems is the disjointed and unfair process for evaluating disabilities. There were only three lawyers and one paralegal assigned to Walter Reed's entire evaluation process. Compare that to 4,000 Army JAG lawyers assigned to active duty, the National Guard, and the Reserves.

The ''Restoring Disability Benefits for Injured and Wounded Warriors Act of 2007'' will restore disability benefits for wounded and injured members of the Armed Forces. The act will direct reviews of disability claims, traumatic injury claims, and the Physical Evaluation Board process. Additionally, the ''Restoring Disability Benefits for Injured and Wounded Warriors Act of 2007'' will increase the availability of legal counsel for members appealing their disability cases, and direct the Comptroller General to provide a follow up report on the efforts currently being made by the Department of Defense to address certain deficiencies in the Disability Evaluation Systems; the adequacy of the Department of Veterans Affairs Disability Schedule for Ratings as it relates to the nature of wounds our warriors suffer in combat today; and to report on the standards and procedures of Physical Evaluation Boards.

So I am proposing an up-and-down review of previously-denied cases and failed appeals, an independent review of traumatic injury claims under the Traumatic Servicemembers Group Life Insurance program where up to 45 percent of claims have been denied, and a fix to ensure members have the proper liaison and legal assistance when appearing before the Physical Evaluation Board. We must stop short-changing our wounded warriors.

Finally, I am introducing the Protecting Military Family Financial Benefits Act of 2007 to close gaps in coverage for the Death Gratuity and Survivor Benefits beneficiaries and improve pre-deployment counseling and services for all members of the Armed Forces.

Every day single-parents deploy to distant battlefields and leave their minor children in the care of a financially ill-prepared guardian or caretaker. Unfortunately, when tragedy strikes and a military servicemember makes the ultimate sacrifice, minor dependent children and families are excluded from benefits and entitlements. In too many cases pre-deployment counseling and help are under-funded or unavailable.

These provisions will add an option for members of the Armed Forces to designate guardians or caretakers as a beneficiary for Death Gratuity benefits for care of dependent children and to receive annuities under the Survivor Benefit Plan for care of dependent children. These options do not exist under current law.

The Department of Defense will be required to commission an independent panel to review and assess military pre-deployment counseling and services, and implement recommended changes and best practices within 120 days of receiving the report. This review will include pre-deployment counseling and services available for unmarried members of the Armed Forces with dependent children, unmarried single members without dependent children, and married members with or without dependent children.

Specifically, what level of counseling or services are available for these members to maximize financial protections for the proper care of their surviving dependents under the Servicemembers' Group Life Insurance, Traumatic Servicemembers' Group Life Insurance, Death Gratuity, Dependency and Indemnity Compensation, Survivor Benefits Plan, and benefits payable under the Social Security Act.

The review will include the preparation and maintenance of Family Care Plans for single-parents including elements for such plans relating to death

benefits, wills, powers of attorney, trusts, safeguarding of the plan during deployment, and the acknowledgement of specific guardian and caretaker duties relating to use of financial benefits for the care of minor dependent children.

Finally, this review will determine the adequate level of resources available at military pre-deployment centers including: the availability of legal and financial counseling, training level of pre-deployment counselors, Family Support Group involvement, availability of PTSD screening, and availability of suicide prevention counseling.

Let us all join together in accepting our responsibility as a nation to those who serve and resolve to improve their care for traumatic brain injuries, reform their disability benefits, and fix their survivor benefits.

I ask unanimous consent letters of support for this legislation be printed in the RECORD.

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

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
Alexandria, VA, March 28, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the 362,000 members of the Military Officers Association of America (MOAA), I am writing to express our support for your leadership in sponsoring the ''Heroes at Home Act of 2007'' that will improve the diagnosis and treatment of traumatic brain injury (TBI) in current and former military members. This is a key step in closing the gap and providing for a more seamless transition between DoD and the VA.

We are proud of the sacrifice our military members and their families are willing to make for our country. For those wounded servicemembers, their sacrifices represent an especially unique population that deserves special attention. Like you, we are particularly concerned about those who bear the burden of what has been diagnosed as TBI, the ''signature wound'' for this War on Terrorism.

MOAA appreciates your dedication to our military community and for taking the lead in sponsoring this very important measure to help improve the quality of life of our wounded troops and family members. Your legislation will facilitate diagnosing servicemembers with TBI early in the health care and rehabilitation process, it will provide a program that will ensure family caregivers have the resources and training they need to care for their loved ones, and allows for a demonstration project to evaluate existing technology and identify effective telehealth or telemental health resources within the DoD and VA systems.

MOAA thanks you for introducing this legislation. We look forward to working closely with you in seeking timely enactment of this legislation in the 110th Congress.

Sincerely and Thank You,

NORBERT R. RYAN,
President and CEO.

NATIONAL MILITARY
FAMILY ASSOCIATION, INC.,
Alexandria, VA, March 29, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The National Military Family Association (NMFA) is the only national organization whose sole focus is the military family and whose goal is to influence the development and implementation of policies that will improve the lives of the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration. For more than 35 years, its staff and volunteers, comprised mostly of military members, have built a reputation for being the leading experts on military family issues. On behalf of NMFA and the families it serves, we commend your proposal of the Heroes at Home Act of 2007 that builds on previous legislation.

The National Military Family Association supports this legislation addressing several issues affecting military service members, veterans and their families. Traumatic Brain Injury (TBI) has been found to be the signature wound of service members serving in Operation Enduring Freedom and Operation Iraqi Freedom. Establishing a protocol for obtaining a baseline measurement for cognitive functioning of service members would provide a better understanding of TBI. NMFA is concerned with the lack of knowledge regarding mild and moderate TBI incidents, its long term effects on service members and potential long-term impact on the resources required by the DoD and VA health care systems. Also, research on TBI will help to identify better methods for diagnosis and treatment of this condition. Establishing a training and certification program for family caregivers recognizes the important commitment family members make in caring for their loved ones diagnosed with TBI.

Access to health care and counseling is a major challenge facing returning service members and veterans living in rural areas. Telehealth and telemental health services would offer an alternative to long travel time and encourage service members and veterans to make greater use of these needed services. Additionally, partnering with existing resources offers an efficient way to deliver these services.

Thank you for your support of military service members and veterans diagnosed with TBI, and the families who care for them. If you have any questions you may contact Barbara Cohoon in our Government Relations department.

Sincerely,

TANNA K. SCHMIDLI,
Chairman, Board of Governors.

AMERICAN ACADEMY OF NEUROLOGY,
St. Paul, MN, March 28, 2007.

Hon. HILLARY CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: The American Academy of Neurology (AAN), representing over 20,000 neurologists and neuroscience professionals, believes that our veterans deserve the best possible care and treatment for neurological injuries sustained in their service to our country. The conflicts in Iraq and Afghanistan have created an emerging epidemic of traumatic brain injury (TBI) among combat veterans.

For that reason, we are proud to support your Heroes at Home Act of 2007. TBI is associated with cognitive dysfunction, post-traumatic epilepsy, headaches and other motor and sensory neurological complications. It is essential that the federal government provide all veterans with access to the necessary neurological interventions and long-term treatments that their injuries require. The Heroes at Home Act of 2007 makes great steps towards providing that care.

Specifically, the AAN strongly supports the Act's provisions to implement fully pre- and post-deployment cognitive and memory screening of all active duty and reserve personnel.

The AAN also supports the bill's provision to expand telehealth and telemental health services offered by the VA to improve the surveillance and treatment of veterans with TBI and related seizure disorders. Ongoing outreach to veterans suffering TBI is essential, especially those who are discharged and return to rural communities.

Lastly, the AAN supports the Heroes at Home Act's implementation of a national program to train veterans who have experienced a TBI, their family caregivers and personal care attendants in the skills necessary to manage the long-term consequences of TBI.

Sincerely,

THOMAS R. SWIFT,
President.

BRAIN INJURY ASSOCIATION
OF AMERICA,
McLean, VA, March 28, 2007.

Sen. HILLARY RODHAM CLINTON,
Russell Senate Building,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The Brain Injury Association of America enthusiastically endorses the ''Heroes at Home Act of 2007'' as a critical move forward in meeting the rehabilitation and emotional adjustment needs of traumatic brain injury (TBI) survivors of Operation Iraq Freedom (OIF) and Operation Enduring Freedom (OEF).

The Brain Injury Association of America and its nationwide network of state affiliates commend you for recognizing the critical role played by family caregivers in facilitating recovery from brain injury and for addressing the pressing need to increase support for these caregivers by providing access to education, training and financial compensation.

The Brain Injury Association of America also applauds the steps this bill takes to establish a protocol for the assessment and documentation of cognitive functioning of each member of the Armed Forces both before and after deployment, including appropriate mechanisms to permit the differential diagnosis of TBI and post traumatic stress disorder (PTSD) in returning service members. It is time to make use of the increased availability of superior technology in detecting and treating TBI among all Armed Services personnel.

The Brain Injury Association of America is proud to endorse the ''Heroes at Home Act of 2007,'' and commends your leadership on one of the most important issues related to the War on Terror, the unanticipated high incidence of traumatic brain injuries among America's brave service members.

Sincerely,

SUSAN H. CONNORS,
President/CEO.

WOUNDED WARRIOR PROJECT,
Jacksonville, FL, March 29, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The Wounded Warrior Project (WWP) strongly supports your legislation entitled the ''Heroes At Home

Act of 2007'' that you will soon be introducing. We are especially grateful that, included in your legislation are provisions brought to your attention by our organization. These provisions require the Department of Defense to perform a pre-deployment cognitive assessment on all servicemembers and will require the Department of Veterans Affairs to establish a Personal Care Attendant (PCA) Training and Certification program for family caregivers of severely brain injured servicemembers.

Traumatic Brain Injury (TBI) has been called the ''signature wound'' of the Global War on Terror. Many wounded servicemembers have received cognitive evaluations upon returning from deployment, but question the value of their assessment as no baseline test was conducted prior to the injury. The adoption of a ''Pre-Deployment Cognitive Assessment'' would assist both the Departments of Defense and Veterans Affairs in the diagnosis and treatment of brain injured servicemembers and, in some cases, help enhance the ability to distinguish between Post Traumatic Stress Disorder (PTSD) and TBI.

The second provision, the ''Traumatic Brain Injury Family Caregiver Personal Care Attendant (PCA) Training and Certification program'' would offer family members serving as the primary caregivers for severely traumatically brain injured servicemembers training and certification from the Department of Veterans Affairs (VA) as a personal care attendant. They would also then qualify for VA payment for services rendered to the TBI veteran in their care. In many circumstances, the family caregiver is forced to leave his/her job to provide the necessary care for their loved one, leaving the entire family in an adverse economic situation. In these cases, the family member often develops critical skills to assist in the servicemember's care but have been denied financial compensation for such labor. This program would be offered through the four Tier I VA Polytrauma centers on a rotating and regular basis.

These provisions, as well as the Telehealth and TeleMental Health study, contained in the ''Heroes At Home Act'' will go far towards insuring the long term health and well-being of service members incurring Traumatic Brain Injury. Again, WWP thanks you for your leadership on these issues and we stand committed to assisting you in seeing this legislation through to passage and enactment.

Sincerely,

JOHN MELIA,
Executive Director.

By Mr. DODD (for himself, Mr. KERRY, Mr. DURBIN, and Mr. FEINGOLD):

S. 1066. A bill to require the Secretary of Education to revise regulations regarding student loan repayment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senators KERRY, DURBIN, and FEINGOLD to introduce the Medical Education Affordability Act, MEAA. The purpose of this bill is to make medical and dental education more affordable.

Upon graduation from college, students who can demonstrate economic hardship are eligible to extend their student loan deferment for up to 3 additional years. Using the economic hardship deferment, a formula that takes into account earnings and debt level, the majority of medical and dental residents defer repayment of their student loans until the end of their residency period. Unfortunately, for those specialties that require a residency of more than 3 years—OB/GYN, psychiatry, general surgery, and oral maxillofacial dentistry to name a few—student loan repayment begins before a resident's medical or dental education is completed. This situation creates an enormous financial burden for residents who have, in most cases, incurred significant debt. In 2006, the average indebtedness for graduating medical students was $130,000, for graduating dental students it was $145,465. While lenders are currently required to offer forbearance to medical and dental students, this is an expensive option as interest continues to accrue and may be capitalized more.often.

The Medical Education Affordability Act would solve this problem by extending the economic hardship deferment to cover the entire length of a medical or dental residency. By altering the definition we are removing a significant financial obstacle facing students with residency periods longer than 3 years. I want to stress again, residents will still have to demonstrate economic hardship—MEAA only extends the deferment for borrowers that continue to meet the debt-to-income requirements of the economic hardship deferment.

Mr. President, I hope my colleagues will join me in support of medical education by signing onto this bill. By working together, I believe that the Senate as a body can act to ensure that more individuals are able to pursue a full range of medical specialties. I ask unanimous request 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. 1066

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 ''Medical Education Affordability Act''.

SEC. 2. REGULATION REVISION REQUIRED.

(a) ACTION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Education shall revise the regulations of the Department of Education that are promulgated to carry out the provisions relating to student loan repayment deferment under the Federal Family Education Loan Program under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.), the William D. Ford Federal Direct Loan Program under part D of title IV of such Act (20 U.S.C. 1087a et seq.), and the Federal Perkins Loan Program under part E of title IV of such Act (20 U.S.C. 1087aa et seq.), which are promulgated under sections 682.210, 685.204, and 674.34 of title 34, Code of Federal Regulations, to comply with the requirements of subsection (b).

(b) REQUIREMENTS.—The student loan repayment deferment regulations shall be revised to provide, with respect to a borrower who is in a postgraduate medical or dental internship, residency, or fellowship program, that if the borrower qualifies for student loan repayment deferment under the economic hardship provision—

(1) the deferment shall be available for the length of the internship, residency, or fellowship program if the program—

(A) must be successfully completed by the borrower before the borrower may begin professional practice or service; or

(B) leads to a degree or certificate awarded by a health professional school, hospital, or health care facility that offers postgraduate training; and

(2) the borrower shall not be required to apply annually for such student loan repayment deferment during the length of the program.

By Mr. OBAMA (for himself, Mr. KERRY, Mrs. CLINTON, and Mr. DURBIN):

S. 1067. A bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. KERRY, and Mrs. CLINTON):

S. 1068. A bill to promote healthy communities; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, next week is National Public Health week—a week to raise awareness about the importance of public health all around this Nation. I applaud the efforts of the American Public Health Association in organizing events across the country to assist in this awareness building.

We all know the alarming statistics demonstrating the worsening health status in both children and adults in this Nation. Without intervention, 1 in 3 children born in 2000 can expect to develop diabetes in their lifetime because of obesity resulting from poor nutrition and sedentary lifestyles. In my home State of Illinois, we have the highest number of lead-poisoned children in the Nation because of the large amount of older housing in places like Chicago. And asthma rates are on the rise in minority populations, reflecting worsening air quality in many areas.

But what many don't know is how, and the degree to which, changes in the environment are contributing to this health decline. Yet, study after study has shown that environmental factors can be just as problematic as poor genes in causing disease.

While working as a community organizer in the mid-1980s on Chicago's south side, I became intimately aware of the impact of the built environment on public health. One of the neighborhoods in which I worked was bordered by the highly polluted Calumet River on one side and railroad tracks on the other side. People didn't just grow up in this neighborhood—generation after generation stayed in a community with pollutants and extremely limited access to physical activity and healthy

living. This image stays with me and is a motivating force to improve community design that includes all members of society.

The American Public Health Association and countless other expert organizations have shown us that if we make a real commitment to, and investment in, building healthy communities, we can substantially improve the health of children and adults.

There are many simple ways we can do this. Whenever we build a new highway or a new condo complex, we could also build a park where kids can play. Whenever we plan new communities, we could put grocery stores, restaurants and post offices within easy walking distance. We could take steps to ensure that factories or power plants aren't located near schools. We could ensure that kids are not exposed to lead hazards. And we could encourage the development of ''green'' homes and buildings that decrease energy consumption.

And that is why I come to the floor today to reintroduce the Healthy Places Act, and the Healthy Communities Act. The Healthy Places Act would help State and local governments assess the health impact of new policies or projects, whether it's a new highway or a shopping center. And once the health impact is determined, the bill gives grant funding and technical assistance to help address the potential health problems. And while we already know a great deal about the relationship between the built environment and the health status of residents, the bill supports additional research so we can look into new environmental health hazards.

The Healthy Communities Act goes hand in hand with the Healthy Places Act, calling for the assessment of the impact of federal policies on environmental health and justice. To make sure our policy decisions are not hurting public health, this legislation requires an Environmental Health Report Card for each state and the Nation at large. Since areas with poor environmental health tend to be disproportionately fiscally poor as well, this legislation establishes health action zones that qualify for grant assistance to address these problems. And since much more remains to be understood in this arena, the bill calls for environmental health research and for environmental health workforce development.

We as a society are moving in the direction of designing communities with healthy living and public health in mind. For example, in Chicago, city leaders recognized the lack of grocery stores in many lower income neighborhoods, forcing families to go without fresh foods. To address this issue, the city's Department of Planning and Development developed a program called Retail Chicago, which used redevelopment funds to attract local developers to build grocery stores in low-income neighborhoods.

While we celebrate the success of such local efforts, we must call upon the Federal Government to provide adequate support. And we must ensure that all segments of society reap the rewards of building and maintaining healthy communities. I thank you for this time, and I urge my colleagues to support the Healthy Places Act and the Healthy Communities Act.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 1069. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introdnce the Early Hearing Detection and Intervention Act of 2007. This bill is a companion bill to H.R. 1198, introduced in the House by Representative LOIS CAPPS. I am pleased to be joined again this year by my colleague from Iowa, Senator HARKIN, who has long been a champion of the hearing impaired. Together we worked to address hearing impairment in children in 1999, and today we unite again to achieve even greater progress for children.

The number of Americans with a hearing loss has doubled during the past 30 years. Most of us associate hearing problems with the aging process, and it is true that the largest group of Americans suffering from hearing impairment are those in the 65 to 75 year age range. At the same time, each year more than 12,000 babies in the United States are born with permanent hearing loss. With another 2 to 3 of every 1,000 newborns suffering partial hearing loss, this is the number one birth defect in America. Unfortunately, hearing loss can go undiagnosed for years.

In recent years, scientists have stressed how crucial the first years of a child's life are to their future development. Specialists in speech and language development tell us that the crucial period for developing speech and communication in a child's life can begin as early as 6 months of age. Many babies with hearing loss experience delays in speech, language, and cognitive development which compromises the foundation they need for later schooling and success in society. This makes early detection and intervention of hearing loss a necessity if we are to ensure that all our children get the strong start they deserve.

The ability to hear is a major element of one's ability to read and communicate. To the extent that we can help infants and young children overcome disabilities detected early in life, we will improve their ability to function in society, receive an education, obtain meaningful employment, and enjoy a better quality of life. Without early diagnosis and intervention, these children are behind the learning curve, literally. before they have even started. They should not be denied a strong start in life simply for the lack of a simple screening test.

For 50 years, expert commissions and task forces have emphasized the need to detect hearing loss early. In 1989, concerned about the lack of progress in this area, Surgeon General C. Everett Koop set a goal that by the year 2000, all infants—at least 90 percent of all births or admissions—would be screened for hearing loss prior to discharge from hospital. Subsequent Federal initiatives, combined with improved technology and concerted action from hospitals and State agencies, have since led to dramatic advances in procedures for early identification. By the beginning of 1993, about a dozen hospitals had instituted essentially universal screening—defined as testing at least 90 percent of all newborns or infants admitted, prior to discharge. In 1997, an expert panel at the National Institute of Deafness and Other Communication Disorders recommended that the first hearing screening be carried out before an infant is 3 months old in order to ensure that treatment can begin before 6 months of age. The panel also recommended that the most comprehensive and effective way of ensuring screening before an infant is 6 months old is to have newborns screened before they are sent home from the hospital. Yet a 1998 report by the Commission on Education of the Deaf estimated that the average age at which a child with congenital hearing loss was identified in the United States was a 2½ to 3 years old, with many children not being identified until 5 or 6 years old.

Today we have seen substantial progress in screening, 69 percent of babies are now screened for hearing loss before one month of age. This is an increase of 47 percent compared to back in 1998. That improvement is the result of a bipartisan effort I undertook with Senators HARKIN and FRIST in 1999 when we introduced the Newborn and Infant Hearing Screening and Intervention Act of 1999.

That act helped states to establish programs to detect and diagnose hearing loss in all newborn children and to promote appropriate treatment and intervention for newborns with hearing loss. The legislation funded research by the National Institutes of Health to determine the best detection, diagnostic, treatment and intervention techniques and technologies.

The legislation we are introducing today builds on that success. The bill we are introducing today provides the additional assistance necessary to help States in implementing programs to ensure that all our newborns are tested and to ensure that those identified with a hearing impairment get the help they need. Therefore, this legislation assures that reasonable action will be taken to identify hearing loss within the groups of newborns and infants, so we reach each child as early as possible. Furthermore, the bill supports the recruitment, retention, education, and training of qualified personnel and

health care providers, which will provide us with the healthcare professionals we need. And finally the legislation sets targets for a long-term follow-up. It requires the development of models that reduce the loss to follow-up of newborns and infants who are identified with a hearing loss through screening.

A baby born today will be part of this country's future. Surely we owe it to that child to give them a strong start on that future by ensuring that if they do have a hearing impairment it is diagnosed and treatment started well before their first year of life is completed. I urge my colleagues to join with Senator HARKIN and myself in supporting the Early Hearing Detection and Intervention Act of 2007.

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

S. 1069

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 ''Early Hearing Detection and Intervention Act of 2007''.

SEC. 2. EARLY DETECTION, DIAGNOSIS, AND TREATMENT OF HEARING LOSS.

Section 399M of the Public Health Service Act (42 U.S.C. 280g–1) is amended—

(1) in the section heading, by striking ''**INFANTS**'' and inserting ''**NEWBORNS AND INFANTS**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''newborn and infant hearing screening, evaluation and intervention programs and systems'' and inserting ''newborn and infant hearing screening, evaluation, diagnosis, and intervention programs and systems, and to assist in the recruitment, retention, education, and training of qualified personnel and health care providers,''; and

(B) by amending paragraph (1) to read as follows:

''(1) To develop and monitor the efficacy of statewide programs and systems for hearing screening of newborns and infants; prompt evaluation and diagnosis of children referred from screening programs; and appropriate educational, audiological, and medical interventions for children identified with hearing loss. Early intervention includes referral to and delivery of information and services by schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns and infants. Programs and systems under this paragraph shall establish and foster family-to-family support mechanisms that are critical in the first months after a child is identified with hearing loss.''; and

(C) by adding at the end the following:

''(3) To develop efficient models to ensure that newborns and infants who are identified with a hearing loss through screening are not lost to follow-up by a qualified health care provider. These models shall be evaluated for their effectiveness, and State agencies shall be encouraged to adopt models that effectively reduce loss to follow-up.

''(4) To ensure an adequate supply of qualified personnel to meet the screening, evaluation, and early intervention needs of children.'';

(3) in subsection (b)—

(A) in paragraph (1)(A), by striking ''hearing loss screening, evaluation, and intervention programs'' and inserting ''hearing loss screening, evaluation, diagnosis, and intervention programs'';

(B) in paragraph (2)—

(i) by striking ''for purposes of this section, continue'' and insert the following: ''for purposes of this section—

''(A) continue'';

(ii) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(B) establish a postdoctoral fellowship program to foster research and development in the area of early hearing detection and intervention.'';

(4) in paragraphs (2) and (3) of subsection (c), by striking the term ''newborn and infant hearing screening, evaluation and intervention programs'' each place such term appears and inserting ''newborn and infant hearing screening, evaluation, diagnosis, and intervention programs''; and

(5) in subsection (e)—

(A) in paragraph (3), by striking ''ensuring that families of the child'' and all that follows and inserting ''ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, and language and communication options and are given the opportunity to consider and obtain the full range of early intervention services, educational and program placements, and other options for their child from highly qualified providers.''; and

(B) in paragraph (6), by striking '', after rescreening,''; and

(6) in subsection (f)—

(A) in paragraph (1), by striking ''fiscal year 2002'' and inserting ''fiscal years 2008 through 2013'';

(B) in paragraph (2), by striking ''fiscal year 2002'' and inserting ''fiscal years 2008 through 2013''; and

(C) in paragraph (3), by striking ''fiscal year 2002'' and inserting ''fiscal years 2008 through 2013''.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. SMITH, and Mr. KOHL):

S. 1070. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, with my colleagues, Senator BLANCHE LINCOLN, Senator GORDON SMITH and Senator HERB KOHL, I rise to introduce the Elder Justice Act of 2007.

Senators LINCOLN, SMITH, KOHL and I introduced similar legislation last Congress and former Senator John Breaux and I were the lead sponsors of the Elder Justice Act in the 107th and 108th Congresses, with the strong support of Senators LINCOLN, SMITH and KOHL. While the legislation has been reported unanimously by the Finance Committee in the 109th and 108th Congresses, it, unfortunately, has not become law. I am here to say that will not be the case this Congress.

I would like to take this opportunity to highlight the provision of the Elder Justice Act. This legislation establishes an Elder Justice Coordinating Council to make recommendations to the Secretary of Health and Human Services on the coordination of activities of the Federal, State, local and private agencies and entities relating to elder abuse, neglect and exploitation. It also provides a first time direct funding stream separate from the Social Services Block Grant for adult protective services. In addition, the Elder Justice Act creates an advisory board to create a short and long-term multidisciplinary strategic plan for the developing field of elder justice.

The legislation creates new forensic centers to promote detection and increase expertise—new programs will train health professionals in both forensic pathology and geriatrics. The bill also authorizes $10 million for national organizations or States that represent or train long-term care ombudsman representatives to provide training, technical assistance, demonstration programs and research to improve ombudsman effectiveness in addressing abuse and neglect in nursing homes and assisted living facilities.

In addition, the Elder Justice Act requires immediate reporting to law enforcement of crimes in a long-term care facility. It also allows the seven State demonstration projects authorized through the Medicare Modernization Act of 2003 to be completed and directs the Secretary of Health and Human Services to report the findings to the appropriate congressional committees no later than six months after the completion of the demonstration projects. The bill also authorizes $500,000 to determine the efficacy of establishing and maintaining a national nurse aide registry. Finally, the legislation authorizes $20 million in grants to enhance long-term care staffing through training and recruitment to establish employee incentives including career and wage benefit ladders and programs to improve management practices.

With more than 77 million baby boomers retiring over the next three decades, we cannot wait any longer for this legislation to pass. One of my top priorities of the 110th Congress is having the Elder Justice Act signed into law. Older Americans deserve nothing less.

In closing, our legislation has been endorsed by the Elder Justice Coalition, a national membership organization dedicated to eliminating elder abuse, neglect, and exploitation in America. This coalition, which has been a strong advocate and supporter of the Elder Justice Act, has over 500 members.

I urge my colleagues to support this legislation so we can provide older Americans the same protections that we provide to our children and victims of domestic violence.

Mr. KOHL. Mr. President, today I am pleased to be a cosponsor of the Elder Justice Act of 2007. As in previous Congresses, I am an original cosponsor and fully support the bill's goals and passage. I want to thank Senators HATCH,

LINCOLN and SMITH for their continued leadership to make sure that our Nation finally acts in a comprehensive way to prevent elder abuse.

Our Nation has for far too long turned its back on the shame of elder abuse. Congress has held hearings on the devastating effects of elder abuse for a quarter of a century. With this bill, we are finally saying enough is enough—elder abuse is unacceptable and we are going to act to stop it.

This bill takes several important steps to make improvements to what is now an inadequate system of protection for our vulnerable elders. First, it boosts funding for the long-term care ombudsman program, which serves as an advocate for the elderly and disabled in long-term care. It also establishes an adult protective services grant program and forensics centers that are charged with developing expertise on elder abuse. In addition, it elevates the importance of elder justice issues by creating a coordinating council of Federal agencies that will make policy recommendations and submit reports to Congress every 2 years. And the legislation requires the Departments of Labor and Health and Human Services to take a proactive role in funding initiatives aimed at improving training programs and working conditions for long-term care professionals as a strategy for increasing the number of such workers during the coming years.

As much as I support this bill, however, I am disappointed that it does not include one important policy that can prevent abuse—a common-sense background check system that can screen out potential workers with serious criminal convictions that may put fragile seniors in long-term care at risk.

Almost every day, we read terrible stories about elderly patients who are beaten, sexually assaulted, or robbed by the very people who are charged with their care. Research shows that many instances of elder abuse could be avoided by a simple background check. It is time to put in place a nationwide system that can detect and prevent elder abuse. The seven-State pilot program that began in 2003 is an excellent start. Already, it is showing that States can successfully implement comprehensive, cost-effective programs that consolidate checks from State registries, State criminal records, and FBI records. In the coming weeks, I plan to introduce legislation that will take steps to make these pilot programs a reality for all States. I hope my colleagues will join me in this effort.

Again, I want to thank Senators HATCH, LINCOLN, and SMITH for their commitment to the cause of elder justice. The legislation we are introducing today will go a long way to focusing more attention on solutions for elder abuse, and developing new approaches to improve the quality of long-term care.

By Mr. STEVENS:

S. 1072. A bill to require Federal agencies to conduct their environmental, transportation, and energy-related activities in support of their respective missions in an environmentally, economically, and fiscally sound manner, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. STEVENS. Mr. President, the bill that I introduce today seeks to codify the initiatives announced by President Bush in January of this year in his Executive order to strengthen Federal environmental, energy, and transportation management. The bill would require the head of agencies to improve their agency's energy efficiency and reduce greenhouse gas emissions through the reduction of energy intensity by 3 percent annually through the end of fiscal year 2014 or by 30 percent by the end of fiscal year 2014.

The bill would require that at least half of an agency's statutorily required renewable energy consumed in a fiscal year come from a new renewable source and allows agencies, to the extent possible, to implement renewable energy generation projects on agency property. The bill would also set energy efficiency goals for water consumption, acquisition of goods and services, operation of Government vehicles, and the acquisition of electronic products.

This bill would put the Federal Government at the forefront of the Nation's efforts to improve our energy efficiency and ultimately reduce our greenhouse gas emissions.

A September 2002 report from the U.S. Department of Energy entitled, U.S. Lighting Market Characterization. Volume I: National Lighting Inventory and Energy Consumption Estimate, states that 38 percent of all energy consumed in the United States is used to generate electricity and that lighting consumes 22 percent of all the electricity produced in the United States.

Lighting consumes a significant percentage of the Nation's energy production. Because of this consumption, the bill would also require the Federal Government to take the lead in the use of energy efficient light bulbs. The bill does not specify any particular technology, but would define energy efficient light bulbs as those with an efficiency rating of not less than 30 lumens per watt. This definition would change from 30 lumens per watt to 45 lumens per watt in the year 2018. The replacement of low energy efficient light bulbs to more energy efficient light bulbs on Federal properties would be required to be completed within the next 5 years.

Many of the new energy efficient bulbs, such as compact fluorescent light bulbs, contain mercury. The bill would require that a disposal plan be developed to support the use of these bulbs and their proper disposal.

As the Nation looks to take advantage of the new energy efficient light bulbs at significant savings to individual households and businesses, the Federal Government should lead the way. The Government should be setting the standard for energy efficiency. This bill would mandate Federal Government leadership in this area with substantial savings in our energy consumption.

I urge my colleagues to support these legislative concepts.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, and Ms. SNOWE):

S. 1073. A bill to amend the Clear Air Act to promote the use of fuels with low lifecycle greenhouse gas emissions, to establish a greenhouse gas performance standard for motor vehicle fuels, to require a significant decrease in greenhouse gas emissions from motor vehicles, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators COLLINS and SNOWE to introduce legislation that will significantly reduce the amount of greenhouse gases emitted from our Nation's transportation sector.

This bill would reduce carbon dioxide emissions from passenger vehicles and motor vehicle fuels by 22 percent below projected levels under business as usual by 2030. This reduction is equivalent to the removal of 662 million metric tons of carbon dioxide from the atmosphere or taking over 108 million cars off the road for a year. This would save 3.6 million barrels of oil per day by 2030.

It would achieve these reductions by requiring a: 3 percent reduction in emissions from the motor vehicle fuel pool by 2015, with an additional 3 percent reduction every 5 years, and 30 percent reduction in vehicle tailpipe emissions by 2016, with additional reductions every 5 years.

Highway vehicles are responsible for 32 percent of annual U.S. emissions of carbon dioxide (CO_2), the primary global-warming gas. And, motor vehicle emissions will continue to increase as more and more Americans purchase vehicles and the number of miles driven grows.

With more than 240 million motor vehicles on the road, producing 2 billion metric tons of carbon dioxide emissions per year, increasing our use of low carbon fuels is an essential part of a climate-safe transportation strategy.

So, the signs could not be clearer: It's time to sound the death-knell for the era of gas-guzzling motor vehicles. It is time to utilize improved vehicle technology and to increase access to cleaner, renewable fuels at the pump.

First, this bill will achieve this goal by increasing the availability of low carbon emitting fuels for motor vehicles.

We must start considering fuel emissions not only in terms of emissions produced at the tailpipe, but also in terms of the emissions generated by the production and transportation of fuels. The total emissions of a fuel,

from production to end-use, are known as the ''lifecycle emissions'' of a fuel.

Not all fuels are created equal in terms of emissions; in fact, not all fuels within a give fuel category are created equal.

For example, ethanol produced from corn emits only about 10 to 20 percent less greenhouse gas emissions per unit of energy delivered compared to petroleum-based gasoline. In contrast, ethanol produced from cellulosic biomass achieves an 80 to 90 percent reduction in greenhouse gas emissions per unit of energy.

Electricity would also qualify as an alternative fuel under this bill. The lifecycle emissions of electricity produced by traditional coal-fired power plants will be far greater than that produced by wind or other zero-carbon electricity generation technologies.

By 2009, this bill would require the Environmental Protection Agency (EPA) to quantify the total lifecycle emissions of all motor vehicle fuels. The bill would also require EPA to develop a fuel labeling process to provide this information to consumers at the pump.

Armed with this information about the lifecycle emissions of different fuels, oil refiners and importers would be required to reduce the greenhouse gas emissions of their entire fuel pool by 3 percent below projected levels by 2015. And, every 5 years thereafter, emissions would be cut by an additional 3 percent.

To help fuel providers meet the mandated emissions reductions in a cost-effective manner, the bill would establish a carbon-credit trading market.

This would reduce emissions from motor vehicle fuels by 10 percent below projected levels by 2030 and would increase the supply of low-carbon fuels such as biodiesel, E–85, hydrogen, electricity, and others.

Second, the bill would achieve reductions in transportation sector emissions by federalizing California's landmark tailpipe emissions standard. California passed a landmark law in 2002 that required a reduction in tailpipe emissions and was the first State in the country to do so. This would require automakers to reduce tailpipe emissions, such as carbon dioxide, by 30 percent by 2016. It will also require EPA to tighten the reductions every 5 years.

Combined, these provisions would achieve a 22 percent reduction in transportation sector emissions below projected levels by 2030.

Additional provisions in the bill mandate: auto manufacturers to optimize dual-fueled vehicles to improve their fuel economy when running on alternative fuels, and alternative fuel vehicles, and only alternative fuel vehicles, come with a green fuel cap. This would alert consumers that these vehicles can accept other fuels besides traditional gasoline.

Just as it is necessary to reduce emissions in the electricity and industrial sectors, it is equally necessary to reduce emissions from the transportation sector. This bill makes significant, yet feasible, strides to reduce emissions through upgrades in vehicle technology and the incorporation of lower lifecycle emission fuels into the motor vehicle fuel pool. I urge my colleagues to join me in supporting this bill.

I ask unanimous consent that the text of the 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. 1073

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 ''Clean Fuels and Vehicles Act of 2007''.

SEC. 2. FUEL WITH LOW LIFECYCLE GREENHOUSE GAS EMISSIONS; GREENHOUSE GAS EMISSION REDUCTIONS.

Title II of the Clean Air Act (42 U.S.C. 7581 et seq.) is amended by adding at the end the following:

''PART D—FUEL WITH LOW LIFECYCLE GREENHOUSE GAS EMISSIONS; GREENHOUSE GAS EMISSION REDUCTIONS

''SEC. 251. DEFINITIONS.

''In this part:

''(1) GREENHOUSE GAS.—The term 'greenhouse gas' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(2) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gases emitted per unit of fuel from production to use (including feedstock production or extraction and distribution).

''(3) MAJOR OIL COMPANY.—The term 'major oil company' has the meaning given the term in section 105(b) of the Energy Policy and Conservation Act (42 U.S.C. 6213(b)).

''(4) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given the term in section 216.

''SEC. 252. GREENHOUSE GAS EMISSION REDUCTIONS FROM FUELS AVAILABLE FOR MOTOR VEHICLES.

''(a) DETERMINATION PROCESS; FUEL EMISSIONS BASELINE.—

''(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall, by regulation—

''(A) establish a determination process for use in determining the lifecycle greenhouse gas emissions of a fuel; and

''(B) based on the aggregate quantity and variety of fuels available for motor vehicles used in the United States during calendar year 2007, determine the average quantity of lifecycle greenhouse gas emissions per unit of energy delivered to a motor vehicle (referred to in this section as the 'fuel emissions baseline').

''(2) CONSIDERATIONS.—For purposes of determining the lifecycle greenhouse gas emissions of a fuel under paragraph (1), the Administrator shall consider—

''(A) greenhouse gas emissions resulting from—

''(i) production, extraction, distribution, transportation, and end use of the fuel;

''(ii) issues relating to the end use efficiency of the fuel;

''(iii) changes in land use and land cover resulting from an activity described in clause (i) with respect to the fuel; and

''(iv) net climate impacts affecting the energy and agricultural sectors resulting from an activity described in clause (i) with respect to the fuel; and

''(B) any other appropriate matters, as determined by the Administrator.

''(3) REQUIREMENTS.—The Administrator shall include in regulations promulgated to carry out paragraph (1) procedures by which the Administrator shall—

''(A) determine the lifecycle greenhouse gas emissions of a fuel and the fuel emissions baseline;

''(B) make each determination described in subparagraph (A), and information used in making the determinations, available to consumers;

''(C) label fuels with low lifecycle greenhouse gas emissions; and

''(D) provide information about adverse impacts of the fuel on—

''(i) land use and land cover;

''(ii) water, soil, and air quality; and

''(iii) public health.

''(b) SUBSEQUENT AVERAGE LIFECYCLE GREENHOUSE GAS EMISSIONS.—Not later than June 1, 2013, and annually thereafter, based on the aggregate quantity and variety of fuel available for motor vehicles used in the United States during the preceding calendar year, the Administrator shall determine, in accordance with the regulations promulgated under subsection (a), the average quantity of lifecycle greenhouse gas emissions per unit of energy delivered to a motor vehicle through the use of a unit of fuel for motor vehicles for the preceding calendar year.

''(c) REQUIRED REDUCTIONS IN LIFECYCLE GREENHOUSE GAS EMISSIONS.—

''(1) REGULATIONS.—The Administrator shall promulgate regulations to establish a credit trading program to address the lifecycle greenhouse gas emissions from fuels available for use in motor vehicles.

''(2) REQUIRED EMISSION REDUCTIONS.—The Administrator shall, by regulation, require each major oil company, refiner, or fuel importer that produces, sells, or introduces gasoline or other fuels available for use in motor vehicles into commerce in the United States to reduce the average lifecycle greenhouse gas emissions per unit of energy delivered to a motor vehicle through fuel to a level that is—

''(A) for calendar year 2015, 3 percent below the fuel emissions baseline; and

''(B) not later than every fifth calendar year thereafter, 3 percent below the average quantity of lifecycle greenhouse gas emissions per unit of energy delivered to a vehicle allowed pursuant to this section during the required fuel emissions level for the preceding calendar year, as determined by the Administrator under subsection (b).

''(3) USE OF CREDITS.—

''(A) IN GENERAL.—For the purpose of complying with the required reductions in lifecycle greenhouse gas emissions under this section, each major oil company, fuel refiner, or fuel importer shall demonstrate, on an annual basis, that the fuel mix provided to the market by the company, refiner, or importer meets the lifecycle greenhouse gas emission level specified in subparagraphs (A) and (B) of paragraph (2), including if necessary, by using credits previously banked or purchased.

''(B) CREDITS FOR ADDITIONAL REDUCTIONS.—The regulations promulgated to carry out this section shall permit a provider of a fuel that achieves a greater reduction in lifecycle greenhouse gas emissions than is required under subparagraph (A) or (B) of

paragraph (2) for a particular compliance period to generate credits, based on—

''(i) the quantity of fuel provided; and

''(ii) the difference between—

''(I) the greater reduction in lifecycle greenhouse gas emissions of the fuel under subparagraph (A) or (B) of paragraph (2); and

''(II) the minimum required reduction in lifecycle greenhouse gas emissions of the fuel under that subparagraph.

''(d) STATEMENT OF CONGRESSIONAL INTENT.—It is the intent of Congress that, through implementation of this section—

''(1) an incentive will be created for the use, in lieu of gasoline, of fuels having lower lifecycle greenhouse gas emissions; and

''(2) fuels with the lowest lifecycle greenhouse gas emissions will continue over time—

''(A) to be improved;

''(B) to become widely-available and competitive in the marketplace; and

''(C) to contribute to an overall reduction in greenhouse gas emissions.

''SEC. 253. GREENHOUSE GAS EMISSION REDUCTIONS FROM AUTOMOBILES.

''(a) VEHICLE EMISSIONS BASELINE.—Not later than January 1, 2009, based on the aggregate quantity and variety of new automobiles sold in the United States during model year 2002 and the average greenhouse gas emissions from those new automobiles, the Administrator shall determine the average quantity of greenhouse gas emissions per vehicle mile (referred to in this section as the 'new vehicle emissions baseline').

''(b) SUBSEQUENT AVERAGE EMISSIONS FROM NEW AUTOMOBILES.—Not later than June 1, 2015, and annually thereafter, based on the aggregate quantity and variety of new automobiles sold in the United States during the preceding model year and the average greenhouse gas emissions from those new automobiles during the preceding model year, the Administrator shall determine the average quantity of greenhouse gas emissions per vehicle mile for the model year.

''(c) REQUIRED REDUCTIONS IN GREENHOUSE GAS EMISSIONS FROM AUTOMOBILES.—

''(1) IN GENERAL.—The Administrator shall, by regulation, require each manufacturer of automobiles for sale in the United States to reduce the average quantity of greenhouse gas emissions per vehicle mile of the aggregate quantity and variety of automobiles manufactured by the manufacturer to a level that is—

''(A) for automobiles manufactured in model year 2016, 30 percent less than the new vehicle emissions baseline; and

''(B) not later than every fifth model year thereafter, such percent as shall be specified by the Administrator that is less than the average quantity of greenhouse gas emissions per vehicle mile required for the model year preceding that fifth model year, as determined by the Administrator under subsection (b).''.

SEC. 3. OPTIMIZED DUAL FUELED VEHICLES.

(a) OPTIMIZED DUAL FUELED AUTOMOBILES.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) 'alternative fueled automobile' means an automobile that is—

''(A) a dedicated automobile;

''(B) a dual fueled automobile; or

''(C) an optimized dual fueled automobile.''; and

(2) by adding at the end the following:

''(17) 'optimized dual fueled automobile' means an automobile that—

''(A) is capable of operating on alternative fuel and on gasoline or diesel fuel;

''(B) can satisfactorily operate throughout a Federal testing procedure exclusively on alternative fuel, when fueled with the maximum alternative fuel capacity, as determined by the Administrator of the Environmental Protection Agency; and

''(C) when operated on alternative fuel, achieves an average fuel economy that is not less than 20 percent greater, on a gallon of gasoline-equivalent energy basis, than the fuel economy of the same automobile operated on gasoline or diesel fuel.''.

(b) FUEL ECONOMY CALCULATION FOR OPTIMIZED DUAL FUEL AUTOMOBILES.—Section 32905 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(B) by striking ''title, for any'' and inserting ''title—

''(1) for any'';

(C) in paragraph (1)(B) (as designated and redesignated by subparagraphs (A) and (B)), by striking ''fuel.'' and inserting ''fuel; and''; and

(D) by adding at the end the following:

''(2) for any model of dual fueled automobile manufactured by a manufacturer in any of model years 2011 through 2015, the Administrator of the Environmental Protection Agency shall measure the fuel economy for that model by dividing 1.0 by the sum obtained by adding—

''(A) for optimized dual fueled automobiles, the sum obtained by adding—

''(i) .5 divided by the fuel economy measured under section 32904(c), when operating the model on gasoline and diesel fuel; and

''(ii) .5 divided by the fuel economy measured under subsection (a), when operating the model on alternative fuel; and

''(B) for dual fueled automobiles other than optimized dual fueled automobiles, values that reflect the actual use of gasoline and diesel fuel relative to alternative fuel in the models based on a determination made by the Administrator, taking into account alternative fuel sales and total number of models of dual fueled vehicles other than optimized dual fueled automobiles.''; and

(2) by striking subsection (f).

(c) YEAR MODIFICATION.—Section 32906(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''(1)(A) For'' and inserting ''(1) For'';

(B) by striking ''2010'' and inserting ''2015''; and

(C) by striking subparagraph (B); and

(2) in paragraph (2), by striking ''described—'' and all that follows through subparagraph (B) and inserting ''described in paragraph (1) is more than 1.2 miles per gallon, the limitation in that paragraph shall apply.''.

(d) INCREASING CONSUMER AWARENESS OF ALTERNATIVE FUEL VEHICLES.—Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL VEHICLES.—The Secretary of Transportation shall promulgate regulations that—

''(1) require each manufacturer that manufactures alternative fuel vehicles that run on fuels with low lifecycle greenhouse gas emissions to install a green-colored fuel cap on each alternative fuel vehicle to distinguish the vehicle from vehicles that do not use low lifecycle greenhouse gas-emitting alternative fuels; and

''(2) prohibit a manufacturer from installing a green-colored fuel cap on an automobile manufactured by the manufacturer that does not run on a low lifecycle greenhouse gas-emitting alternative fuel.''.

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

S. 1074. A bill to provide for direct access to electronic tax return filing, and for other purposes; to the Committee on Finance.

Mr. AKAKA. Mr. President, I am delighted to reintroduce the Free Internet Filing Act as the tax filing deadline approaches. The bill requires the Internal Revenue Service (IRS) to provide universal access to individual taxpayers filing their tax returns directly through the IRS Web site. I thank Senator BINGAMAN for cosponsoring this bill and working with me on taxpayer rights issues.

It is frustrating that individual taxpayers completing their own returns are still not able to electronically file directly with the IRS. Taxpayers are dependent on commercial preparers to electronically file their taxes. If taxpayers take the time necessary to prepare their returns by themselves, they must be given the option of electronically filing directly with the IRS. My legislation would make this direct filing possible.

The current system, the Free File Alliance, provides only a select group of taxpayers with the ability to file electronically for free using third party intermediaries. The current Free File Alliance agreement is a failure because it leaves out too many taxpayers. Taxpayers that make more than $52,000 are not eligible.

Taxpayers should not have the additional worry associated with sharing their private financial information with a tax preparation company. In an era when there have been so many electronic breaches of financial information, taxpayers should not be forced to hand over their private information if they want to electronically file their return with the IRS. Taxpayers should not lose out on the benefits of electronic filing simply because they are worried about sending their data to third parties.

IRS Commissioner Mark Everson has stated, ''E-file is the fastest, safest, and most accurate way to file a tax return. People will get their returns faster through E-file. E-file greatly reduces the chances for making an error compared to filing a paper 1040.'' I simply want to provide every individual taxpayer the ability to electronically file their taxes at no cost and without having to use a commercial tax preparer.

My legislation will lead to an increase in the number of electronically filed returns. Approximately 45 million returns prepared using software are mailed in rather than electronically filed. With universal access to free e-file, this number could be substantially reduced. Electronic filing helps taxpayers receive their refunds faster than mailing in paper returns.

My legislation would also reduce errors and IRS administrative costs. According to Mr. Bert Dumars, the Director of the IRS Electronic Tax Administration, it costs 55 to 75 cents to process an electronic return while it costs

about two dollars to process a paper return. In addition, the error rate for electronic returns is one percent while the error rate for paper returns is 20 percent.

We have an obligation to make free electronic filing available to all individual taxpayers. Electronic filing benefits both taxpayers and the IRS. I have appreciated the attention paid to this issue by Senator BAUCUS and Senator GRASSLEY. I will continue to work with my colleagues to enact the Free Internet Filing Act.

I ask unanimous consent that the text of the bill be printed in the RECORD. I also ask unanimous consent that a letter of support from the Hawaii Alliance for Community-Based Economic Development be included in the RECORD. Finally, I ask unanimous consent that a letter of support from the National Consumer Law Center, Consumer Federation of America, U.S. Public Interest Research Group, California Reinvestment Coalition, Center for Economic Progress, Consumer Action, and the Neighborhood Economic Development Advocacy Project, be printed in the RECORD.

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

S. 1074

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 ''Free Internet Filing Act''.

SEC. 2. DIRECT ACCESS TO E-FILE FEDERAL INCOME TAX RETURNS.

(a) IN GENERAL.—The Secretary of the Treasury shall provide individual taxpayers with the ability to electronically file their Federal income tax returns through the Internal Revenue Service website without the use of an intermediary or with the use of an intermediary which is contracted by the Internal Revenue Service to provide free universal access for such filing (hereafter in this section referred to as the ''direct e-file program'') for taxable years beginning after the date which is not later than 3 years after the date of the enactment of this Act.

(b) DEVELOPMENT AND OPERATION OF PROGRAM.—In providing for the development and operation of the direct e-file program, the Secretary of the Treasury shall—

(1) consult with nonprofit organizations representing the interests of taxpayers as well as other private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary,

(2) promulgate such regulations as necessary to administer such program, and

(3) conduct a public information and consumer education campaign to encourage taxpayers to use the direct e-file program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the direct e-file program. Any sums so appropriated shall remain available until expended.

(d) REPORTS TO CONGRESS.—

(1) REPORT ON IMPLEMENTATION.—The Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives every 6 months regarding the status of the implementation of the direct e-file program.

(2) REPORT ON USAGE.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives annually on taxpayer usage of the direct e-file program.

MARCH 28, 2007.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The National Consumer Law Center (on behalf of its low-income clients), Consumer Federation of America, Consumer Action, U.S. Public Interest Research Group, California Reinvestment Coalition, Center for Economic Progress, and the Neighborhood Economic Development Advocacy Project write to support your bill entitled the ''Free Internet Filing Act.'' Consumer groups have long advocated for what the Free Internet Filing Act would provide—the ability of taxpayers to electronically file their returns without the need for a third party intermediary.

Enabling taxpayers to file electronically directly with the Internal Revenue Service will benefit taxpayers tremendously. It will save taxpayers the fees charged by some commercial preparers for electronic filing. Unlike the current Free File program established by the IRS, the Free Internet Filing Act will provide taxpayers with free electronic filing without the potential of being subject to cross-marketing pitches for financial products which may not be in their best interests. While the marketing pitches for refund anticipation loans and other ancillary products were dropped this year from the Free File program, such a limitation is not enshrined in law or regulation.

The Free Internet Filing Act will also help taxpayers to keep their information private. By allowing free direct electronic filing with the IRS, taxpayers will have the ability to bypass commercial preparers that might exploit or share their personal, confidential tax information for non-tax purposes.

We believe the IRS should have been required a long time ago to establish free direct electronic filing. For many years, Americans have been able to apply for federal student financial aid on www.fafsa.ed.gov and Social Security retirement benefits at www.ssa.gov. A free direct electronic filing program at www.irs.gov is long overdue.

If you have any questions about this letter, please contact Chi Chi Wu. Thank you again for all your efforts to protect taxpayer rights.

Sincerely,

Chi Chi Wu, Staff Attorney, National Consumer Law Center; Jean Ann Fox, Director of Consumer Protection, Consumer Federation of America; David Marzahl, Executive Director, Center for Economic Progress; Ed Mierzwinski, Consumer Program Director, U.S. Public Interest Research Group (U.S. PIRG); Linda Sherry, Director, National Priorities, Consumer Action; Rhea L. Serna, Policy Advocate, California Reinvestment Coalition; Chris Keeley, Campaigns Organizer, Neighborhood Economic Development Advocacy Project (NEDAP).

HAWAI'I ALLIANCE FOR COMMUNITY-BASED ECONOMIC DEVELOPMENT,
Honolulu, HI, March 22, 2007.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Hawai'i Alliance for Community Based Economic Development (HACBED) is writing in support of the ''Free Internet Filing Act.''

HACBED is a statewide 501(c)3 organization established in 1992 to help maximize the impact of community-based economic development organizations (CBEDOs). We pursue our mission by helping CBEDOs to increase community control of their assets and means of production. We accomplish this in many ways—by providing technical support to help CBEDOs deal with organizational issues; by networking on a local and national basis for funding and financing for community-based efforts; and, by advocating for communities to play a more active role in the political process in order to effect systemic change. To this end, HACBED has been facilitating statewide conversations to develop a comprehensive asset policy agenda. Core to this agenda is the recognition of the importance of creating policies that assist individuals, families and the broader community to build wealth.

Tax season is an essential time for low income families to take advantage of their tax related benefits, including the earned income tax credit. Electronic filing of taxes is a quicker, more efficient way to process a tax return. In many cases, working families must pay a professional tax preparer to prepare their return and file electronically. By providing free universal access to electronic filing these low-income working families would be able to keep more of their hard-earned dollars in their pocket.

HACBED fully supports this bill and we look forward to working with you in the future to insure free and low cost tax-related services for low-income families.

Sincerely,

BRENT DILLABAUGH,
Deputy Director.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S1076. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2010, to improve aviation safety and capacity, to provide stable, cost-based funding for the national aviation system, and for other purposes; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise today to announce the introduction, by request, of the Next Generation Air Transportation System Financing Reform Act of 2007, the Bush administration's proposal for the Federal Aviation Administration, (FAA), reauthorization.

As chairman of the Commerce Committee, I, along with vice chairman STEVENS, introduce this bill out of courtesy to the Bush administration. They have outlined an aggressive proposal for the FAA reauthorization and while I cannot support all portions of this bill, I believe our colleagues should have an opportunity to consider the ideas outlined.

While I commend the Department of Transportation and the FAA for their work on the proposal, I have great concerns with some of the provisions. Specifically, I am troubled by the proposal to dramatically increase the general aviation fuel tax and substantially cut the Airport Improvement Program, AIP, funding level.

The Commerce Committee has jurisdiction over the FAA and I will work with Senator JAY ROCKEFELLER, the chairman of the Aviation Subcommittee, and Senator TRENT LOTT,

the ranking member of the subcommittee, along with other members of the committee, to craft a bipartisan bill that we can bring before the full Senate.

It is important that we act quickly, as the current aviation tax structure expires at the end of the fiscal year. Therefore, we must present our committee and this body with a bill that not only solves funding issues for our Nation's air system, but also puts us on a course to fully modernize our aviation system to safely and efficiently handle the increase in air traffic that is expected.

In the coming weeks, we will be back here with a bill that I believe will gain the support of the majority of the Commerce Committee and the support of the Senate.

Mr. STEVENS. Mr. President, as vice chairman of the Commerce Committee I concur with my good friend and colleague. I applaud the administration for moving the process forward but I echo Senator INOUYE's concerns with the proposal. I look forward to working with him and our colleagues on the Commerce, Science, and Transportation Committee to craft a Committee proposal in the coming weeks.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. CHAMBLISS, Mr. COCHRAN, Mrs. DOLE, Mr. INHOFE, Mr. LOTT, and Mr. ISAKSON).

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

Mr. BYRD. Mr. President, West Virginians have always been a deeply spiritual people. Historically, we have stood fast in our devotion to the Creator, even when—or especially when—faced with adversity, deprivation, or misfortune. Just as we recognize that joyful events are best celebrated with prayers of gratitude, we also believe that hardship can be endured and, in fact, diminished through the infinite power of the healing word.

As we leave for Easter recess to celebrate the resurrection, we lift our heads from the darkness to the light. We ask for God's blessings. The Gospel at John 14:13 tells us that God answers prayer, meaning that he hears us whenever we ask for anything according to his will.

The importance of prayer is recognized by people of faith in nearly every denomination. Yet, in America, too many of our citizens belittle, ignore, or denigrate the power of prayer. They believe that the doctrine of separation of powers means that we can pray only within the four walls of a house of worship, and nowhere else. But that viewpoint does not reflect the intent of the Creator.

Prayer, no matter where undertaken, by design, provides both inspiration and solace. It is comforting, particularly during a time of war. No wonder, then, that prayer has always had a place in the lives of our military. In December 1944, General George S. Patton, Jr., ordered Colonel James H. O'Neill, the chaplain of the Third Army, to produce a prayer to the heavens, which requested clear weather. The prayer, written by Chaplain O'Neill, reads as follows:

> Almighty and most merciful Father, we humbly beseech Thee, of Thy great goodness . . . Grant us fair weather for Battle. Graciously hearken to us as soldiers who call upon Thee, that, armed with Thy power, we may advance from victory to victory . . . and establish Thy justice among men and nations. Amen.

Chaplain O'Neill's prayer was provided on behalf of all soldiers, regardless of denomination, when or where they prayed, and with whom. It was a prayer in addition to the silent or outspoken, individual and voluntary prayers of each of the enlisted men and women of the Army.

Although I cannot be sure of it, I would imagine that soldiers in the field responded favorably to the prayer of Chaplain O'Neill. They assuredly did not object to his expression of faith—one in which they were free to participate or not. Undoubtedly, the soldiers drew inspiration from the Chaplain's words.

Now, while our children do not normally face the mortal peril that U.S. troops inevitably face in a time of war, all Americans—whether young or old—in school or in battle, surely from time to time need to draw upon the blessings of a higher power to face whatever tests fate may throw their way on any given day.

Yet, one wonders what would happen if a student in an American classroom today decided, of his or her own volition, to recite a prayer like the one by Chaplain O'Neill. In some jurisdictions, it is probable that the student would be disciplined and his/her teachers punished for potentially violating the First Amendment.

Is today's state of affairs consistent with the intent of the Framers? No. The Founding Fathers believed in a Supreme Being, and they were proud of their faith. On February 22, 1756, John Adams wrote:

> Suppose a nation in some distant region should take the Bible for their only law book and every member should regulate his conduct by the precepts there exhibited! Every member would be obliged in conscience to temperance, frugality, and industry; to justice, kindness, and charity towards his fellow men; and to piety, love, and reverence toward Almighty God . . . what a Utopia, what a paradise would this region be.

As his words reflect, John Adams knew and recognized that we were and are a religious people.

The Religion Clauses of the First Amendment to the U.S. Constitution state: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . .''

In my opinion, too many have not given equal weight to both of these clauses. Instead, they have focused only on the first clause, which prohibits the establishment of religion, at the expense of the second clause, which protects the right of Americans to worship as they please. This country was founded by men and women of strong faith, whose intent was not to suppress religion, but to ensure that the government favored no single religion over another.

In particular, the Free Exercise Clause of the First Amendment states that Congress cannot make laws that prohibit the free exercise of religion. Consequently, I believe that any prohibition of voluntary prayer in school, either spoken aloud or recounted in silence, violates the right of our schoolchildren to practice freely their religion. And that's not right. Any child should be free to pray to God, of his or her own volition, whether at home, in church, or at school. Period.

I am not a proponent of repeatedly amending the U.S. Constitution. I believe that such amendments should be done only rarely and with great care. However, because I feel as strongly about this today as I have for over four decades, I am going to take this opportunity, once again, as I have at least eight times over the past 45 years, to introduce today a joint resolution to amend the Constitution to clarify the intent of the Framers with respect to voluntary prayer in school.

The language of the resolution that I am introducing today to amend the Constitution simply states: ''Nothing in this Constitution, including any amendment to this Constitution, shall be construed to prohibit voluntary prayer or require prayer in a public school, or to prohibit voluntary prayer or require prayer at a public school extracurricular activity.''

This resolution is similar to legislation that I introduced or cosponsored starting in 1962, but more recently in 1973, 1979, 1982, 1993, 1995, 1997, and 2006. This resolution is not a radical departure. It simply reiterates what should already be permissible under a correct interpretation of the First Amendment. It does not change the language of the First Amendment, and it would not permit any school to advocate a particular religious message endorsed by the government. The resolution seeks neither to advance nor to inhibit religion. It does not signify government approval of any particular religious sect or creed. It does not compel a ''non-believer'' to pray. In fact, it does not require an atheist to embrace or adopt any religious action, belief, or expression. It does not coerce or compel anyone to do anything, and it does not foster excessive government entanglement with religion.

This Constitutional Amendment simply allows children to pray, voluntarily, if they wish to do so. The Supreme Court has held that the Establishment Clause is not violated so long

as the government treats religious speech and other speech equally. The resolution has a preeminently secular purpose, which is to ensure that religious and non-religious speech are treated equally.

The First Amendment is to secure religious liberty. Justice Stevens has written that, ''nothing in the Constitution as interpreted by this Court prohibits any public school student from voluntarily praying at any time before, during or after the school day.''

Similarly, Justice Sandra Day O'Connor has written that the Religion Clauses of our Constitution have ''kept religion a matter for the individual conscience, not for the prosecutor or bureaucrat.''

And we should make certain that religion is a matter for the individual conscience. But keeping religion a matter for the individual conscience should not mean that a schoolchild must stand silent, unable to turn to God for comfort or guidance in times of need. Not every reference to God represents the impermissible establishment of religion. Instead, let us make certain that every individual, including every schoolchild, can be assured of his/her right to pray voluntarily to God, as he/she pleases, consistent with the intent of the Framers, who wrote the U.S. Constitution and the Bill of Rights.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 134—DESIGNATING SEPTEMBER 2007 AS ''ADOPT A SCHOOL LIBRARY MONTH''

Mr. DURBIN (for himself and Mr. COLEMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 134

Whereas extensive research has demonstrated a link between high-quality school libraries and student achievement in the classroom and on standardized tests, regardless of the level of poverty or family instability experienced by the student;

Whereas 37 percent of all fourth grade children in the United States are reading at below-basic reading levels;

Whereas the school libraries of the United States are valuable tools that could be used to inspire and enhance literacy for all children;

Whereas, to become a lifelong reader, a student must be exposed to adults who read regularly and serve as positive reading role models;

Whereas school librarians are—

(1) instrumental in helping teachers educate the students of the United States; and

(2) through the use of books, computer resources, and other resources, a necessary component for expanding the curriculum of the public schools of the United States;

Whereas the school libraries of the United States are used as media centers to provide students with opportunities to interact with computers and other electronic information resources;

Whereas the use of school library computers helps students develop media and technological skills, including—

(1) critical thinking;

(2) communication competency; and

(3) the ethical and appropriate use of technology information access, retrieval, and production;

Whereas the school libraries of the United States serve as a gathering place for students of all ages, backgrounds, and interests to come together to debate ideas;

Whereas only approximately $1,000,000,000 is allocated to school libraries each year, which translates to $0.54 per student; and

Whereas numerous programs, including the READesign program of the Heart of America Foundation, are working to reestablish school libraries as the hearts of the public schools of the United States by—

(1) offering intensive care for school libraries though efforts designed—

(A) to redecorate school libraries;

(B) to revitalize technology available to school libraries; and

(C) to replenish the book shelves of school libraries; and

(2) renewing community support and interest for—

(A) enriching the lives of children; and

(B) helping students regain lost opportunities for learning: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as ''Adopt a School Library Month'' to raise public awareness about the important role school libraries play in the academic achievement of children; and

(2) calls on the Federal Government, States, local governments, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate ceremonies, programs, and other activities.

Mr. DURBIN. Mr. President, When I was growing up in East St. Louis, I spent hours reading about faraway places, exciting adventures, and historic figures and events. I spent countless hours in the library discovering wonderful stories and developed a lifelong love of reading.

Now imagine going to school where the library is dark and uninviting, and where there is no librarian in sight. These conditions are real. I have visited schools in my home State of Illinois and seen libraries that show their years of neglect.

The dire circumstances that face some of these school libraries are not due to lack of concern by school officials. School leaders are working with limited budgets and unforgiving performance standards. School libraries were once one of the central features of our school, but are now one of the first programs to be cut.

In Cairo, IL, there is no money available for new books. The superintendent told me that his school libraries would have no books at all if it were not for the donations from the local community. In Collinsville, school libraries had science books so outdated they were published before man landed on the moon. We cannot expect our students to compete in today's global economy unless we provide them with the tools that they need to succeed.

Many studies have demonstrated the strong link between high-quality school libraries and student achievement, both in the classroom and on standardized tests. School libraries benefit all students, regardless of race, class, or family situation. According to a study by the Illinois School Library Media Association, students average 5 percent to 13 percent higher on their reading and writing test scores when their libraries are well-funded. Students in schools with more current collections in their libraries scored 7 percent to 13 percent higher in reading and writing in lower grades and 3 percent higher on college entrance exams. In Illinois, additional computers in school libraries led to an 8-percent increase in the reading performance of fifth to eighth graders, and to an 11-percent increase in the writing scores for eighth graders. The data is consistent and clear: All of our children are more likely to succeed when their school possesses a high-quality school library.

Many groups recognize the importance of school libraries and are doing something about it. In particular, I commend the Heart of America Foundation, which is focused on improving some of the Nation's most needy school libraries. In impoverished communities where many libraries have one book or less per student, Heart of America tries to bring the collections of these libraries up to at least the national average of 22 books per student. Its READesign program offers intensive care for school libraries through renovation, revitalizing technology, and replenishing book shelves. Heart of America makes READesigns a community effort by bringing together individuals, corporate sponsors, and community groups to provide schools with ''library makeovers.'' The transformation of these school libraries is truly extraordinary. It goes beyond simply painting and restocking the bookshelves. After a READesign, a school library once again becomes a welcoming and vibrant center of learning, books, and technology.

I am confident that others will be as inspired by the READesign program and the potential of our school libraries as I am. In designating September 2007 as ''Adopt a School Library Month,'' it is my hope that individuals will remember the importance of school libraries in facilitating the academic achievement of our children and support needy school libraries in their respective communities.

SENATE RESOLUTION 135—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD SUPPORT INDEPENDENCE FOR KOSOVO

Mr. LIEBERMAN (for himself, Mr. BIDEN, Mr. MCCAIN, and Mr. SMITH) submitted the followoing resolution; which was referred to the Committee on Foreign Relations:

S. RES. 135

Whereas the United States has enduring national interests in the peace and security of southeastern Europe, and in the greater integration of the region into the Euro-Atlantic community of democratic, well-governed states;