

COLLINS), the Senator from Missouri (Mrs. McCASKILL), the Senator from Iowa (Mr. GRASSLEY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2963, a bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

S. 2972

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2972, a bill to reauthorize and modernize the Federal Aviation Administration.

S.J. RES. 26

At the request of Mrs. DOLE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S.J. Res. 26, a joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product.

S. RES. 512

At the request of Mr. DEMINT, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Alaska (Mr. STEVENS), the Senator from Louisiana (Mr. VITTER), the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Res. 512, a resolution honoring the life of Charlton Heston.

S. RES. 541

At the request of Mr. FEINGOLD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 541, a resolution supporting humanitarian assistance, protection of civilians, accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity.

S. RES. 548

At the request of Mr. DODD, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 548, a resolution recognizing the accomplishments of the members and alumni of AmeriCorps and the contributions of AmeriCorps to the lives of the people of the United States.

AMENDMENT NO. 4626

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 4626 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity,

to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4640

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 4640 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4641

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 4641 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4655

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 4655 intended to be proposed to H. R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4658

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4658 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4685

At the request of Mr. WYDEN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Oregon (Mr. SMITH) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 4685 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2977. A bill to create a Federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I am introducing the Free Speech Protection Act of 2008 to address a serious challenge to one of the most basic protections in our Constitution. American journalists and academics must have the freedom to investigate, write, speak, and publish about matters of public importance, limited only by the legal standards laid out in our First Amendment jurisprudence, including precedents such as *New York Times v. Sullivan*. Despite the protection for free speech under our own law, the rights of the American public, and of American journalists who share information with the public, are being threatened by the forum shopping of defamation suits to foreign courts with less robust protections for free speech.

These suits are filed in, and entertained by, foreign courts, despite the fact that the challenged speech or writing is written in the U.S. by U.S. journalists, and is published or disseminated primarily in the U.S. The plaintiff in these cases may have no particular connection to the country in which the suit is filed. Nevertheless, the U.S. journalists or publications who are named as defendants in these suits must deal with the expense, inconvenience, and distress of being sued in foreign courts, even though their conduct is protected by the First Amendment.

The impetus for this legislation is litigation involving Dr. Rachel Ehrenfeld, a U.S. citizen and Director of the American Center for Democracy, whose articles have appeared in the *Wall Street Journal*, the *National Review*, and the *Los Angeles Times*. She has been a scholar with Columbia University, the University of New York School of Law, and Johns Hopkins, and has testified before Congress. Dr. Ehrenfeld's 2003 book, *Funding Evil: How Terrorism is Financed and How to Stop it*, which was published solely in the United States by a U.S. publisher, alleged that a Saudi Arabian subject and his family financially supported al Qaeda in the years preceding the attacks of September 11. He sued Ehrenfeld for libel in England, although only 23 books were sold there. Why? Because under English law, it is not necessary for a libel plaintiff to prove falsity or actual malice as is required in the U.S.

Dr. Ehrenfeld did not appear, and the English court entered a default judgment for damages, an injunction against publication in the United Kingdom, a "declaration of falsity", and an

order that she and her publisher print a correction and an apology.

Dr. Ehrenfeld sought to shield herself with a declaration from both Federal and State courts that her book did not create liability under American law, but jurisdictional barriers prevented both the Federal and New York State courts from acting. Reacting to this problem, the Governor of New York, on May 1, 2008, signed into law the "Libel Terrorism Protection Act." Congress must now take similar prompt action. I note that the person who sued Dr. Ehrenfeld has filed dozens of lawsuits in England. There is a real danger that other American writers and researchers will be afraid to address this crucial subject of terror funding and other important matters. England should be free to have its own libel law, but so too should the U.S. England has become a popular venue for defamation plaintiffs from around the world, including those who want to intimidate our journalists. The stakes are high. This legislation is important.

This legislation creates a Federal cause of action and Federal jurisdiction so that Federal courts may determine whether there has been defamation under U.S. law when a U.S. journalist, speaker, or academic is sued in a foreign court for speech or publication in the U.S. The bill authorizes a court to issue an order barring enforcement of a foreign judgment and to award damages.

Freedom of speech, freedom of the press, freedom of expression of ideas, opinions, and research, and freedom of exchange of information are all essential to the functioning of a democracy. They are also essential in the fight against terrorism.

I thank Senator LIEBERMAN for working with me on this important bill.

By Mr. CASEY:

S. 2980. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high quality early learning and child care for low income children and working families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, I rise today to speak about our children and, more specifically, children from low-income and working families across the United States who need a good start in life and who need high-quality childcare each and every day while their parents must earn a living.

I believe that here in America every child is born with a bright light shining inside them, and it is our job as Senators to do everything we can, everything we can, to keep that light shining ever brightly.

A child's potential may be limited or boundless, but whatever it is, every child deserves the opportunity to become the person they were born to be. Here in America, every child deserves high-quality childcare and early education.

High-quality childcare gives low-income working families peace of mind while they work. Unfortunately, for the last 7 years, Federal funding for childcare has been essentially frozen. The neglect of Federal funding for childcare during this administration has been unconscionable. What this means is families have been locked out of access to high-quality providers. It means hundreds of thousands of children across the country have been put on waiting lists for childcare because there simply is not enough funding to provide enough slots.

Working parents struggle to find childcare that will be healthy, safe, and affordable. They worry every day about finding quality care. For so many families, this is a very personal issue, especially, of course, for mothers. I remember a mother to whom I spoke in Pennsylvania 10 years ago who was worried about being able to afford childcare for her children. She said something I will never forget. She said because of the worry about childcare, she had a knot in her stomach. I think a lot of families closely identify with and understand what she was talking about.

These are parents who must work. They must therefore leave their children in care that often does not meet all their needs because it is the only choice they can afford.

Here are the facts. The facts show an enormous unmet need in America when it comes to childcare. A couple of points: 365,000 children in America are on waiting lists. In my home State of Pennsylvania, almost 8,000 children are on waiting lists. Across the country, 13.5 million children who are eligible, eligible for Federal childcare assistance, do not get it. That is an abomination. That is an embarrassment. It is a black mark on America.

Let me say that number again: 13.5 million children who are eligible for childcare assistance are not getting it. The population of my home State of Pennsylvania is a little less than 12.5 million. So if that group of children who are eligible but not getting the childcare assistance, if that were considered a State, it would be about the fifth largest State in the country.

So 13.5 million children who should be getting help are not getting it through our childcare system.

Childcare providers working hard every day caring for and educating our children are barely paid above the poverty level, with little or no benefits. The average wage for a childcare worker is \$9.05 an hour, which on an annual basis works out to \$18,820, barely above the poverty level. Yet we charge them with the responsibility of caring for and nurturing and educating so many of our children.

Finally, the last fact: parents must struggle to afford childcare and face impossible choices between losing their jobs or leaving their children in less-than-ideal care. I believe the price for holding down a good-paying job should

not be problems with and worries about childcare.

Low-income families also spend much higher percentages of their income on childcare, often bringing that family to the breaking point. This is all wrong. Our priorities are literally upside down.

That is why I am announcing today a bill I introduced today, the Starting Early, Starting Right Act. The Starting Early, Starting Right Act. I will go through a couple of the provisions.

In summary. First of all, my bill on childcare will move hundreds of thousands of children on State waiting lists into high-quality childcare. The bill will meet the needs of underserved children such as English language learners, children with developmental disabilities and other special needs, children living in very poor communities, and children in rural areas, to ensure we reach children most in need of high-quality childcare.

Next, our bill will ensure States will visit and monitor childcare providers on an announced as well as unannounced basis every year. Fourth, our bill will require childcare providers who are licensed or registered to participate in 40 hours of training before they work with children as well as 24 hours on an ongoing annual basis.

Next we will expand parents' access to high quality childcare opportunities by requiring States to pay childcare providers rates based upon the actual and current cost of care, what advocates know to be the 75th percentile level.

Finally, it encourages States to exceed this rate for special populations of children with greater needs. This bill will improve access to high quality care for infants and toddlers by setting aside 30 percent of the bill's funding for this underserved group of children. Finally, this bill will provide greater funding for quality initiatives and encourage more States to adopt quality rating provisions to improve the quality of their programs. Quality rating improvement systems, known by the acronym QRIS, such as the successful program in Pennsylvania, the Pennsylvania STARS program, give providers benchmarks as well as resources to continually improve the quality of care.

I wanted to share one story before I conclude, a story about the powerful impact of high quality childcare on children and families. This story was shared with our office by a childcare provider from southeastern Pennsylvania about a family I will not identify to respect their privacy. One of the children was a 3-year-old boy. I will call him, for purposes of this presentation, Sammy. Sammy started in childcare along with his older sister and younger brother when his mother was evicted from her house following divorce. Sammy's father did not pay child support but, luckily, Sammy's grandmother took them in. They all lived in a tiny two-bedroom apartment.

Dropoffs at the childcare center were difficult for this young child. With all the recent changes and trauma in his life, he was scared about his mother leaving. His mother would apologize to the staff, saying she never worked before and the children were not used to childcare.

The childcare worker always assured Sammy's mother that it was no problem and that no apologies were necessary. Unfortunately, a few weeks later, Sammy's mom showed up one day in tears. She confided to the childcare worker that she had not been able to find a job and was now so desperate she had to use food stamps. She had gone to the store by bus, getting there through the public transit system. The cashier treated her disrespectfully. Because of that, she was understandably humiliated, and she began to feel hopeless and afraid she would never find a job to support her three children. But at that moment, when that mother was at her greatest need and when the family was in need, the childcare center in southeastern Pennsylvania rallied around this mother and her children. Over the next 2 years the staff of the center encouraged and supported her while she found a job, went back to school, and eventually moved out of her mother's house into an apartment of her own.

Her oldest daughter was very successful and attended school with the center through first grade. She was then evaluated for the gifted program when she went to public school and second grade. The youngest son blossomed and made it through family growing pains with little difficulty. Finally, Sammy had some problems, but they were able to get the help needed because of the generosity and commitment of the people who worked in this childcare center. During that time the staff, led by the director, helped raise money for Christmas presents, doctors' bills, and Sammy's mother's application to take her pharmacy assistant's license exam.

When this childcare worker left the center, Sammy's mom told her what a profound difference the staff at the center had made in her life and in the lives of her children. Like so many in our country, this group of skilled, caring, and professional early childhood educators made it possible for this family to overcome so many obstacles.

The childcare worker told our staff recently:

[Sammy] is the kid I think about when people ask me why I do what I do.

That is what that childcare worker said about her commitment to the care of children and to that child and his family. This is what quality childcare can mean in the real world to a struggling family. It may be the difference between literally failure and success for countless families. Sometimes it can mean sheer survival. This is one example of childcare providers and families such as Sammy's all across the country. These are quiet victories

we never hear much about, but they are literally life changing in impact.

Increasing funding for childcare is not only the right thing to do, it is the smart thing, especially for at-risk children and children from low-income families. Research shows that high quality childcare helps low-income children enter school ready to succeed. One study found that children in high quality childcare demonstrated greater mathematical ability and thinking and attention skills and had fewer behavioral problems than any other children in second grade. I won't put the entire report in the RECORD, but the title of that first study is "The Children of the Cost, Quality and Outcome Study Go to School." This is a June 1999 report by the University of North Carolina at Chapel Hill, University of Colorado Health Sciences Center, University of California at Los Angeles, and Yale University. Several others have mentioned this, but other studies have shown that low-income children who enroll in high quality early care and education programs score higher on reading, vocabulary, math, and cognitive tests, and are less likely to be held back a grade or to be arrested as a youth, and are more likely to attend college than their peers who do not enroll in such programs.

Although the peace of mind for parents that comes from knowing their children are well cared for cannot be measured, the impact on stable employment can. Studies show that parents who receive childcare assistance are much more likely to remain in the workforce. The study I refer to that made these findings is a briefing paper by the Economic Policy Institute which is entitled "Staying Employed After Welfare." The subheading is "Work supports and job quality vital to employment tenure and wage growth."

Finally, there is no question that starting early and right is truly the right thing to do. The evidence supporting high quality childcare is overwhelming and irrefutable. The evidence tells us we can keep that bright light alive in the heart and soul of every child. We can give them what they need to get a good, solid start in their lives, if only we make that choice to support high quality childcare, if only we make that a priority.

I urge my colleagues in the Senate to support this bill, the Starting Early, Starting Right Act. As of now nearly 50 national and State organizations across the country have endorsed this legislation. They know, as so many of us do, that investing in early care for children is the right and the smart thing to do. It is time we put our focus and priorities back where they belong, on our children. In doing so, it will help every child become the person they were born to be.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2982. A bill to amend the Runaway and Homeless Youth Act to authorize

appropriations, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the bipartisan Runaway and Homeless Youth Protection Act of 2008 along with Senator SPECTER, the ranking Republican on the Judiciary Committee. This legislation would reauthorize and improve the Runaway and Homeless Youth Act, RHYA. The programs authorized during the past 30 years by the RHYA have consistently proven critical to protecting and giving hope to our Nation's runaway and homeless youth.

The prevalence of homelessness among young people in America is shockingly high. The problem is not limited to large cities. Its impact is felt strongly in smaller communities and rural areas as well. It affects our young people directly and reverberates throughout our families and communities. That this problem continues in the richest country in the world means that we need to redouble our commitment and our efforts to safeguard our Nation's youth. We need to support the dedicated people in communities across the country who work to address these problems every day.

On April 29, the Senate Judiciary Committee held a hearing to focus the Senate's attention on these problems and to identify and develop solutions to protect runaway and homeless youth. It was the first Senate hearing on these matters in more than a decade. We heard from a distinguished panel of witnesses, some of whom spoke firsthand about the significant challenges that young people face when they have nowhere to go.

Our witnesses demonstrated that young people can overcome harrowing obstacles and create new opportunities when given the chance. One witness went from living as a homeless youth in his teens to earning two Oscar nominations as a distinguished actor. Another witness is working with homeless youth at the same Vermont organization that enabled him to stop living on the streets and is on his way to great things. Our witness panel gave useful and insightful suggestions on how to improve the Runaway and Homeless Youth Act to make it more effective. We have included many of these recommendations in our bill.

The Justice Department estimated that 1.7 million young people either ran away from home or were thrown out of their homes in 1999. Another study suggested a number closer to 2.8 million in 2002. Whether the true number is one million or five million, young people become homeless for a number of reasons, ranging from abandonment to running away from an abusive home to having no place to go after being released from state care. An estimated 40 to 60 percent of homeless children are expected to experience physical abuse, and 17 to 35 percent experience sexual abuse while on the

street, according to a report by the Department of Health and Human Services. Homeless youth are also at greater risk of mental health problems. While many receive vital services in their communities, others remain a hidden population, on the streets of our big cities and in rural areas like Vermont.

The Runaway and Homeless Youth Act is the way in which the Federal Government helps communities across the country protect some of our most vulnerable children. It was first passed the year I was elected to the Senate. We have reauthorized it several times since then, and working with Senator SPECTER and Senators on both sides of the aisle, I hope that we will do so again this year. While some have tried to end these programs, a bipartisan coalition has worked to preserve and continue the good that is accomplished through them. I remember Senator SPECTER's efforts early in his Senate career to preserve these programs when he chaired the Judiciary Committee's Subcommittee on Juvenile Justice. The Runaway and Homeless Youth Act and the programs it funds provide a safety net that helps give young people a chance to build lives for themselves, and helps reunite youngsters with their families. Given the increasingly difficult economic conditions being experienced by so many families around the country, it is time to recommit ourselves to these principles and programs.

Under the Runaway and Homeless Youth Act, every State receives a Basic Center grant to provide housing and crisis services for runaway and homeless youth and their families. Community-based groups around the country can also apply for funding through the Transitional Living Program and the Sexual Abuse Prevention/Street Outreach grant program. The transitional living program grants are used to provide longer-term housing to homeless youth between the ages of 16 and 21, and to help them become self-sufficient. The outreach grants are used to target youth susceptible to engaging in high-risk behaviors while living on the street.

Our bill makes improvements to the Runaway and Homeless Youth Act reauthorizations of past years. It doubles funding for States by instituting a minimum of \$200,000, which will allow states to better meet the diverse needs of their communities. This bill also requires the Department of Health and Human Services to develop performance standards for grantees. Providing program guidelines would level the playing field for bidders, ensure consistency among providers, and increase the effectiveness of the services under the Runaway and Homeless Youth Act. In addition, our legislation develops an incidence study to better estimate the number of runaway and homeless youth and to identify trends. The incidence study would provide more accurate estimates of the runaway and

homeless youth population and would help lawmakers make better policy decisions and allow communities to provide better outreach.

In my home State of Vermont, the Vermont Coalition for Runaway and Homeless Youth, the New England Network for Child, Youth, and Family Services, and Spectrum Youth and Family Services in Burlington all receive grants under these programs and have provided excellent services. In one recent year, the street outreach programs in Vermont served nearly 10,000 young people.

The overwhelming need for services is not limited to any one state or community. Many transitional living programs are forced to turn away young people seeking shelter. We heard testimony of an exemplary program within blocks of our nation's Capitol that has a waiting list as long as a year. This is unacceptable. The needs in our communities are real, and reauthorizing the law will allow these programs to expand their enormously important work.

These topics are difficult but deserve our attention. Finding solutions to this growing problem is an effort we can all support. I thank Senator SPECTER for joining with me and urge all Senators to support prompt passage of this bill.

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. 2982

*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 "Runaway and Homeless Youth Protection Act".

#### SEC. 2. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

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

"(3) services to such young people should be developed and provided using a positive youth development approach that ensures a young person a sense of—

"(A) safety and structure;

"(B) belonging and membership;

"(C) self-worth and social contribution;

"(D) independence and control over one's life; and

"(E) closeness in interpersonal relationships."

#### SEC. 3. BASIC CENTER PROGRAM.

(a) SERVICES PROVIDED.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) in subsection (a)(2)(B), by striking clause (i) and inserting the following:

"(i) safe and appropriate shelter provided for not to exceed 21 days; and"; and

(2) in subsection (b)(2)—

(A) by striking "\$100,000" and inserting "\$200,000";

(B) by striking "\$45,000" and inserting "\$70,000"; and

(C) by adding at the end the following: "Whenever the Secretary determines that

any part of the amount allotted under paragraph (1) to a State for a fiscal year will not be obligated before the end of the fiscal year, the Secretary shall reallocate such part to the remaining States for obligation for the fiscal year."

(b) ELIGIBILITY.—Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(1) in paragraph (11) by striking "and" at the end;

(2) in paragraph (12) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(13) shall develop an adequate emergency preparedness and management plan."

#### SEC. 4. TRANSITIONAL LIVING GRANT PROGRAM.

(a) ELIGIBILITY.—Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)) is amended—

(1) in paragraph (1)—

(A) by striking "indirectly" and inserting "by contract"; and

(B) by striking "services" the first place it appears and inserting "provide, directly or indirectly, services,";

(2) in paragraph (2), by striking "a continuous period not to exceed 540 days, except that" and all that follows and inserting the following: "a continuous period not to exceed 635 days, except that a youth in a program under this part who has not reached 18 years of age on the last day of the 635-day period may, if otherwise qualified for the program, remain in the program until the earlier of the youth's 18th birthday or the 180th day after the end of the 635-day period;";

(3) in paragraph (14), by striking "and" at the end;

(4) in paragraph (15), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(16) to develop an adequate emergency preparedness and management plan."

#### SEC. 5. GRANTS FOR RESEARCH EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "give special consideration to" and inserting "prioritize";

(B) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively; and

(C) by inserting after paragraph (1) the following:

"(2) positive youth development service delivery methods, providing links to community services, promoting mental and physical health development, enabling youth to obtain and maintain housing after program completion, and developing self-sufficiency competencies;"

(2) in subsection (c)—

(A) by inserting "for eligibility and selection" after "priority";

(B) by striking "shall give" and inserting the following: "shall—"

"(A) give";

(C) by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(B) ensure that the applicants selected—

"(i) are geographically representative of regions of the United States; and

"(ii) carry out projects that serve diverse populations of homeless youth."

#### SEC. 6. COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES.

Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5714-21 et seq.) is amended by adding at the end the following:

**“SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.**

“(a) PERIODIC ESTIMATE.—Not later than 2 years after the date of enactment of the Runaway and Homeless Youth Protection Act, and at 5-year intervals thereafter, the Secretary shall prepare, and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a written report that—

“(1) contains an estimate, obtained by using the best quantitative and qualitative social science research methods available, of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but less than 26 years of age; and

“(2) includes with such estimate an assessment of the characteristics of such individuals.

“(b) CONTENT.—Each assessment required by subsection (a) shall include—

“(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are not less than 13 years of age but less than 26 years of age to determine past and current—

“(A) socioeconomic characteristics of such individuals; and

“(B) barriers to such individuals obtaining—

“(i) safe, quality, and affordable housing;

“(ii) comprehensive and affordable health insurance and health services; and

“(iii) incomes, public benefits, supportive services, and connections to caring adults; and

“(2) such other information as the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

“(c) IMPLEMENTATION.—If the Secretary enters into any agreement with a non-Federal entity for purposes of carrying out subsection (a), such entity shall be a nongovernmental organization, or an individual, determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.”

**SEC. 7. SEXUAL ABUSE PREVENTION PROGRAM.**

Section 351(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-41(b)) is amended by inserting “public and” after “priority to”.

**SEC. 8. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.**

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

**“PART F—NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN**

**“SEC. 361. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.**

“(a) IN GENERAL.—The Secretary shall, directly or through grants or contracts, conduct a national homeless youth awareness campaign (referred to in this section as the ‘national awareness campaign’) in accordance with this section for purposes of—

“(1) increasing awareness of individuals of all ages, socioeconomic backgrounds, and geographic locations, of the issues facing runaway and homeless youth (including youth considering running away); and

“(2) encouraging parents and guardians, educators, health care professionals, social service professionals, law enforcement officials, stakeholders, and other community members to assist youth described in paragraph (1) in averting or resolving runaway and homeless situations.

“(b) USE OF FUNDS.—Amounts made available to carry out this section for the national awareness campaign may only be used for the following:

“(1) Dissemination of educational information and materials through various media, including television, radio, the Internet and related technologies, and emerging technologies.

“(2) Evaluation of the effectiveness of the activities described in paragraphs (1) and (5).

“(3) Development of partnerships with national organizations concerned with youth homelessness, community-based youth service organizations, including faith-based organizations, and government organizations to carry out the national awareness campaign.

“(4) Conducting outreach activities to stakeholders and potential stakeholders in the national awareness campaign.

“(5) In accordance with applicable laws (including regulations), development and placement in telecommunications media (including the Internet and related technologies, and emerging technologies) of public service announcements that educate the public on—

“(A) the issues facing runaway and homeless youth (including youth considering running away); and

“(B) the opportunities that adults have to assist youth described in subparagraph (A).

“(c) PROHIBITIONS.—None of the amounts made available to carry out this section may be obligated or expended for any of the following:

“(1) To fund public service time that supplants pro bono public service time donated by national or local broadcasting networks, advertising agencies, or production companies for the national awareness campaign, or to fund activities that supplant pro bono work for the national awareness campaign.

“(2) To carry out partisan political purposes, or express advocacy in support of or opposition to any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

“(3) To fund advertising that features any elected official, person seeking elected office, cabinet level official, or other Federal employee employed pursuant to section 213.3301 or 213.3302 of title 5, Code of Federal Regulations (or any corresponding similar regulation or ruling).

“(4) To fund advertising that does not contain a primary message intended to educate the public on the issues and opportunities described in subsection (b)(5).

“(5) To fund advertising that solicits contributions from both public and private sources to support the national awareness campaign.

“(d) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Secretary shall cause to be performed—

“(1) audits and examinations of records, relating to the costs of the national awareness campaign, pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

“(2) audits to determine whether the costs of the national awareness campaign are allowable under section 306 of such Act (41 U.S.C. 256).

“(e) REPORT.—The Secretary shall include in each report submitted under section 382(a) a summary of information about the national awareness campaign that describes—

“(1) the strategy of the national awareness campaign and whether specific objectives of the campaign were accomplished;

“(2) steps taken to ensure that the national awareness campaign operated in an effective and efficient manner consistent with the overall strategy and focus of the national awareness campaign; and

“(3) all grants or contracts entered into with a corporation, partnership, or individual working on the national awareness campaign.”

**SEC. 9. CONFORMING AMENDMENTS.**

(a) REPORTS.—Section 382(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5715(a)) is amended by striking “, and E” and inserting “, E, and F”.

(b) CONSOLIDATED REVIEW.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5731a) is amended by striking “, and E” and inserting “, E, and F”.

(c) EVALUATION AND INFORMATION.—Section 386(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5732(a)) is amended by striking “, or E” and inserting “, E, or F”.

**SEC. 10. PERFORMANCE STANDARDS.**

Part G of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.), as redesignated by section 8, is amended by inserting after section 386 the following:

**“SEC. 386A. PERFORMANCE STANDARDS.**

“(a) ESTABLISHMENT OF PERFORMANCE STANDARDS.—Not later than 1 year after the date of enactment of the Runaway and Homeless Youth Protection Act, the Secretary shall issue rules that specify performance standards for public and nonprofit private entities that receive grants under sections 311, 321, and 351.

“(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the performance standards required by subsection (a).

“(c) IMPLEMENTATION OF PERFORMANCE STANDARDS.—The Secretary shall integrate the performance standards into the processes of the Department of Health and Human Services for grantmaking, monitoring, and evaluation for programs under parts A, B, and E.”

**SEC. 11. APPEALS.**

Part G of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.) as amended by section 10, is further amended by inserting after section 386A the following:

**“SEC. 386B. APPEALS.**

“(a) ESTABLISHMENT OF APPEAL PROCEDURE.—Not later than 6 months after the date of enactment of the Runaway and Homeless Youth Protection Act, the Secretary shall establish by rule an appeal procedure to enable applicants to obtain timely reviews of the amounts of grants made, and the denials of grants requested, under this title.

“(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the appeal procedure required by subsection (a).”

**SEC. 12. DEFINITIONS.**

(a) HOMELESS YOUTH.—Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking “The” and all that follows through “means” and inserting “The term ‘homeless’, used with respect to a youth, means”; and

(2) in subparagraph (A)(ii), by striking “not less than 16 years of age” and inserting “not less than 16 years of age and not more than 21 years of age, except that nothing in this clause shall prevent a participant who enters the program carried out under part B prior to reaching 22 years of age from being

eligible for the 635-day length of stay authorized by section 322(a)(2); and”.

(b) RUNAWAY YOUTH.—Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) RUNAWAY YOUTH.—The term ‘runaway’, used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.”.

#### SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) in paragraph (1)—

(A) by striking “is authorized” and inserting “are authorized”;

(B) by striking “(part E) \$105,000,000 for fiscal year 2004” and inserting “(parts E and F) \$150,000,000 for fiscal year 2009”;

(C) by striking “2005, 2006, 2007, and 2008” and inserting “2010, 2011, 2012, and 2013”;

(2) in paragraph (4)—

(A) by striking “is authorized” and inserting “are authorized”;

(B) by striking “such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008” and inserting “\$30,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013”;

(3) by adding at the end the following:

“(5) PART F.—There is authorized to be appropriated to carry out part F \$3,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.”.

By Mr. AKAKA (by request):

S. 2984. A bill to amend title 38, United States Code, to expand and enhance veterans’ benefits, and for other purposes; to the Committee on Veterans’ Affairs.

Mr. AKAKA. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that such measures will be available for review and consideration.

The Veterans’ Benefits Enhancement Act of 2008 consists of several provisions addressing a range of VA care and services. Title I entails adjustments to education benefits currently offered by VA. Title II addresses disability claims adjudication, memorials affairs, insurance and specially adapted housing. Title III addresses health care matters, including nursing home care, contract-care payment, personnel pay and disclosure of private information and medical records. Title IV addresses VA police officers and VA medical facility leases.

Title I of the bill would make several administrative and housekeeping changes to VA’s education programs, allowing for faster and more efficient claims adjudication. Among other changes, this title would eliminate the requirement that a student file an application with VA upon changing his or her program of study while remaining enrolled at the same school and elimi-

nate the requirement that wages must be earned in order to participate in VA’s full-time on-job training, OJT, program.

Title II would make changes to disability claims adjudication, memorial affairs, insurance and specially adapted housing. Specifically, it would explicitly authorize VA to stay temporarily its adjudication of a pending claim before a VA regional office or the Board of Veterans’ Appeals, when a Federal Circuit appeal on the relevant issue is pending. It would also authorize the Board to decide cases out of docket-number order when a case has been stayed or when there is sufficient evidence to decide a claim, but a claim with an earlier docket number is not ready for decision. This title of the bill would also extend full-time and family SGLI coverage to Individual Ready Reservists.

Title III pertains to health care matters, including nursing home care, contract-care payment, personnel pay and disclosure of private information and medical records. It would make permanent VA’s authority to provide non-institutional extended care services either directly, by contract, or by another provider or payor. It would also extend VA’s obligation to provide nursing home care to veterans with a service-connected disability rated at 70 percent or greater until December 31, 2013, and VA’s authority to establish non-profit research corporations through the same date. This title would also repeal requirements that VA produce certain reports and make permanent VA’s authority to assign enrollment priority category 6 to those veterans who participated in chemical and biological warfare testing at DOD’s Deseret Test Center from 1962 to 1973.

The fourth and final title of this bill would permit VA police officers to carry firearms and conduct investigations of crimes that occurred on VA property, while off VA property in an official capacity. It also would increase the uniform allowance of VA police officers, to ensure they do not have to pay out-of-pocket for uniform maintenance. Finally, it would raise the threshold for congressional authorization for major medical facility leases from \$600,000 to \$1,000,000.

I am introducing this bill for the review and consideration of my colleagues at the request of the Administration. As Chairman of the Committee on Veterans’ Affairs, I have not taken a position on this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

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

S. 2984

*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 “Veterans’ Benefits Enhancement Act of 2008”.

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

Sec. 1. Short title; table of contents.  
Sec. 2. References to title 38, United States Code.

#### TITLE I—EDUCATION BENEFITS

Sec. 101. Elimination of reporting requirement for prior training.

Sec. 102. Modification of waiting period before affirmation of enrollment in a correspondence course.

Sec. 103. Elimination of change-of-program application.

Sec. 104. Elimination of wage earning requirement for self-employment on-job training.

#### TITLE II—OTHER BENEFITS MATTERS

Sec. 201. Staying of Claims.

Sec. 202. Management of Board of Veterans’ Appeals Docket.

Sec. 203. Authorization of memorial headstones and markers for deceased remarried surviving spouses of veterans.

Sec. 204. Permanent authority for VA to fund contract medical disability examinations.

Sec. 205. Modification of servicemembers’ group life insurance coverage.

Sec. 206. Authorization of Temporary Residence Assistance grants to certain active duty servicemembers.

Sec. 207. Designation of VA Office of Small Business Programs.

#### TITLE III — HEALTH CARE MATTERS

Sec. 301. Noninstitutional extended care services.

Sec. 302. Extensions of certain authorities.

Sec. 303. Permanent authority for veterans who participated in certain chemical and biological testing conducted by the Department of Defense.

Sec. 304. Repeal of certain annual reporting requirements.

Sec. 305. Amendments to annual Gulf War research report.

Sec. 306. Payment for care furnished by CHAMPVA beneficiaries.

Sec. 307. Payor provisions for care furnished to certain children of Vietnam veterans.

Sec. 308. Disclosures from certain medical records.

Sec. 309. Provision of health-plan contract information and Social Security number.

#### TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Expansion of authority for Department of Veterans Affairs police officers.

Sec. 402. Uniform allowance for Department of Veterans Affairs police officers.

Sec. 403. Increase in threshold for major medical facility leases requiring Congressional approval.

#### SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

#### TITLE I—EDUCATION MATTERS

SEC. 101. ELIMINATION OF REPORTING REQUIREMENT FOR PRIOR TRAINING.

Section 3676(c)(4) is amended by striking “and the Secretary”.

SEC. 102. MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE.

Section 3686(b) is amended by striking “ten” and inserting “five”.



**SEC. 103. ELIMINATION OF CHANGE-OF-PROGRAM APPLICATION.**

Section 3691(d) is amended—

(1) by inserting “(1)” following “another program if—”;

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D);

(3) at the end of subparagraph (C), as redesignated by paragraph (2) of this section, by striking “or”; and

(4) by striking the period and inserting “;or

“(2) the change from one program to another is at the same educational institution and that educational institution finds that the new program is suitable to the veteran’s or person’s aptitudes, interests, and abilities as shall be evidenced by its certification to the Secretary of such veteran’s or person’s enrollment in the new program.”

“In the case of a change of program described in paragraph (2), the veteran or person will not be required to apply to the Secretary for approval of such change.”

**SEC. 104. ELIMINATION OF WAGE EARNING REQUIREMENT FOR SELF-EMPLOYMENT ON-JOB TRAINING.**

Section 3677(b) is amended by adding at the end the following new paragraph:

“(3) The requirement for certification under paragraph (1) shall not apply to training described in section 3452(e)(2).”

**TITLE II—OTHER BENEFITS MATTERS****SEC. 201. STAYING OF CLAIMS.**

(a) IN GENERAL.—Chapter 5 is amended by inserting before section 502 the following new section:

**§ 501A. Staying of claims**

“(a) Notwithstanding any other provision of this title, the Secretary may temporarily stay the adjudication of a claim or claims before the Board of Veterans’ Appeals or an agency of original jurisdiction when the Secretary determines that the stay is necessary to preserve the integrity of a program administered under this title.

“(b) The Secretary shall issue regulations describing the factors the Secretary will consider in determining whether and to what extent a stay is warranted.

“(c) A claimant or claimants may petition for review of an action under a regulation prescribed in accordance with this section. Such review may be sought only in the United States Court of Appeals for the Federal Circuit, which may set aside such action if it determines that the action is arbitrary and capricious.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 501 the following new item: “501A. Staying of claims.”

(c) EFFECTIVE DATE.—The provisions of section 501A, as added by subsection (a) of this section, shall apply to—

(1) any claim for benefits under any law administered by the Secretary of Veterans Affairs that is received by the Department of Veterans Affairs on or after the date of enactment of this Act; and

(2) any claim for such benefits that was received by the Department of Veterans Affairs before the date of enactment of this Act but is not finally adjudicated by the Department as of that date.

**SEC. 202. MANAGEMENT OF BOARD OF VETERANS’ APPEALS DOCKET.**

(a) IN GENERAL.—Section 7107(a)(1) is amended by inserting before the period at the end the following: “, but the Board may consider and decide a particular case before another case with an earlier docket number if the earlier case has been stayed, or if a decision on the earlier case has been delayed

for any reason and the later case is fully developed and ready for decision”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply to—

(1) any claim for benefits under a law administered by the Secretary of Veterans Affairs that is received by the Department of Veterans Affairs on or after the date of enactment of this Act; and

(2) any claim for such benefits that was received by the Department of Veterans Affairs before the date of enactment of this Act but is not finally adjudicated by the Department as of that date.

**SEC. 203. AUTHORIZATION OF MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS.**

(a) IN GENERAL.—Section 2306(b)(4)(B) is amended by striking “an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce” and inserting “a surviving spouse who had a subsequent remarriage”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to deaths occurring on or after the date of the enactment of this Act.

**SEC. 204. PERMANENT AUTHORITY FOR VA TO FUND CONTRACT MEDICAL DISABILITY EXAMINATIONS.**

REPEAL OF EXPIRATION OF AUTHORITY TO FUND CONTRACT MEDICAL EXAMINATIONS USING APPROPRIATED FUNDS.—Section 704 of the Veterans Benefits Act of 2003 (Public Law 108-183; 117 Stat. 2651; 38 U.S.C. 5101 note), is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by striking “TEMPORARY” from the heading of section 704.

**SEC. 205. MODIFICATION OF SERVICEMEMBERS’ GROUP LIFE INSURANCE COVERAGE.**

(a) EXPANSION OF SERVICEMEMBERS’ GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) In general.—Subparagraph (C) of section 1967(a)(1) is amended by striking “section 1965(5)(B) of this title” and inserting “subparagraph (B) or (C) of section 1965(5) of this title”.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 1967(a)(5) is amended by striking “section 1965(5)(B) of this title” and inserting “subparagraph (B) or (C) of section 1965(5) of this title”; and

(B) Subparagraph (B) of section 1969(g)(1) is amended by striking “section 1965(5)(B) of this title” and inserting “subparagraph (8) or (C) of section 1965(5) of this title”.

(b) REDUCTION IN PERIOD OF DEPENDENTS’ COVERAGE AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking “120 days after”.

(c) AUTHORITY TO SET PREMIUMS FOR READY RESERVISTS’ SPOUSES.—Section 1969(g)(1)(B) is amended by striking “(which shall be the same for all such members)”.

(d) FORFEITURE OF VETERANS’ GROUP LIFE INSURANCE.—Section 1973 is amended by striking “under this subchapter” and inserting “and Veterans Group Life Insurance under this subchapter”.

(e) EFFECTIVE AND APPLICABILITY DATES.—(1) The amendments made in subsection (a) of this section shall take effect on the date of enactment of this Act.

(2) The amendment made by subsection (b) of this section shall apply with respect to Servicemembers’ Group Life Insurance coverage for an insurable dependent of a member, as defined in section 1965(10) of title 38, United States Code, that begins on or after the date of enactment of this Act.

(3) The amendment made by subsection (c) of this section shall take effect as if enacted

on June 5, 2001, immediately after the enactment of the Veterans’ Survivor Benefits Improvements Act of 2001 (Public Law 107-14; 115 Stat. 25).

(4) The amendment made by subsection (d) of this section shall apply with respect to any act of mutiny, treason, spying, or desertion committed on or after the date of enactment of this Act for which a person is found guilty, or with respect to refusal because of conscientious objections to perform service in, or to wear the uniform of, the United States Armed Forces on or after the date of enactment of this Act.

**SEC. 206. PERMIT VA TO PROVIDE TEMPORARY RESIDENCE ASSISTANCE GRANTS TO CERTAIN ACTIVE DUTY SERVICEMEMBERS.**

Section 2101(c) is amended to read as follows:

“(c) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability described in this section if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent, and subject to the same limitations, as assistance is provided to veterans under this chapter.”

**SEC. 207. DESIGNATION OF VA OFFICE OF SMALL BUSINESS PROGRAMS.**

The Office of Small Business Programs of the Department of Veterans Affairs is the office that is established within the Office of the Secretary of Veterans Affairs under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

**TITLE III—HEALTH CARE MATTERS****SEC. 301. NONINSTITUTIONAL EXTENDED CARE SERVICES.**

(a) Section 1701(10) is repealed.

(b) Section 1701(6) is amended—

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

(2) by adding the following new subparagraph (E):

“(E) Noninstitutional extended care services, including alternatives to institutional extended care which the Secretary may furnish (i) directly, (ii) by contract, or (iii) (through provision of case management) by another provider or payor.”

**SEC. 302. EXTENSIONS OF CERTAIN AUTHORITIES.**

(a) NURSING HOME CARE.—Subsection (c) of section 1710A is amended by striking “December 31, 2008” and inserting “December 31, 2013”.

(b) RESEARCH CORPORATIONS.—Section 7368 is amended by striking “December 31, 2008” and inserting “December 31, 2013”.

(c) RECOVERY AUDITS.—Section 1703(d) is amended in paragraph (4) by striking “September 30, 2008” and inserting “September 30, 2013”.

**SEC. 303. PERMANENT AUTHORITY FOR VETERANS WHO PARTICIPATED IN CERTAIN CHEMICAL AND BIOLOGICAL TESTING CONDUCTED BY THE DEPARTMENT OF DEFENSE.**

Subsection (e) of section 1710 is amended by striking paragraph (3)(D).

**SEC. 304. REPEAL OF CERTAIN ANNUAL REPORTING REQUIREMENTS.**

(a) NURSE PAY REPORT.—Section 7451 is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) LONG-TERM PLANNING REPORT.—Section 8107 is repealed.

**SEC. 305. AMENDMENTS TO ANNUAL GULF WAR RESEARCH REPORT.**

Section 707 of the Persian Gulf War Veterans’ Health Status Act (title VII of Public

Law 102-585; 106 Stat. 4943; 38 U.S.C. 527 note) is amended in subsection (c)(1), by striking "Not later than March 1 of each year" and inserting "Not later than July 1, 2008, and July 1 of each of the five following years".

**SEC. 306. PAYMENT FOR CARE FURNISHED TO CHAMPVA BENEFICIARIES.**

Section 1781 is amended at the end by adding the following new subsection:

"(e) Payment by the Secretary under this section on behalf of a covered beneficiary for medical care shall constitute payment in full and extinguish any liability on the part of the beneficiary for that care."

**SEC. 307. PAYOR PROVISIONS FOR CARE FURNISHED TO CERTAIN CHILDREN OF VIETNAM VETERANS.**

(a) CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA.—Section 1803 is amended—

(1) by redesignating subsection (c) as (d); and

(2) by inserting new subsection (c) as follows:

"(c) Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the provider or agent thereof would be eligible to receive payment for such care or services from such third party, but—

"(1) the health care provider or agent for the health care provider may not impose any additional charge on the beneficiary who received the medical care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

"(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

"(3) the Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section."

(b) CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH BIRTH DEFECTS.—Section 1813 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting new subsection (c) as follows:

"(c) Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the health care provider or agent thereof would be eligible to receive payment for such care or services from such third party, but—

"(1) the health care provider or agent for the health care provider may not impose any additional charge on the beneficiary who received medical care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

"(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

"(3) the Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section."

**SEC. 308. DISCLOSURES FROM CERTAIN MEDICAL RECORDS.**

Section 7332(b)(2) of such title is amended by adding at the end thereof the following new subparagraph:

"(F)(i) To a representative of a patient who lacks decision-making capacity, when a practitioner deems the content of the given record necessary for that representative to make an informed decision regarding the patient's treatment.

"(ii) In this subparagraph, the term 'representative' means an individual, organization or other body authorized under section 7331 of this title and its implementing regulations to give informed consent on behalf of a patient who lacks decision-making capacity."

**SEC. 309. PROVISION OF HEALTH-PLAN CONTRACT INFORMATION AND SOCIAL SECURITY NUMBER.**

Subchapter I of Chapter 17 of title 38, United States Code, is amended—

(1) by adding at the end the following new section:

**§ 1709. Provision of health-plan contract information and social security number**

"(a) Any individual who applies for or is in receipt of any hospital, nursing home, or domiciliary care; medical, rehabilitative, or preventive health services; or other medical care under laws administered by the Secretary shall, at the time of such application, or otherwise when requested by the Secretary, furnish the Secretary with such current information as the Secretary may require to identify any health-plan contract, as defined in section 1729 (i)(1) of this title, under which such individual is covered, to include, as applicable, the name, address, and telephone number of such health-plan contract; the name of the individual's spouse, if the individual's coverage is under the spouse's health-plan contract; the plan number, and the plan's group code.

"(b) Any individual who applies for or is in receipt of any hospital, nursing home, or domiciliary care; medical, rehabilitative, or preventive health services; or other medical care and services under laws administered by the Secretary shall, at the time of such application, or otherwise when requested by the Secretary, furnish the Secretary with the individual's social security number and the social security number of any dependent or Department of Veterans Affairs' beneficiary on whose behalf, or based upon whom, such individual applies for or is in receipt of such benefit. This subsection does not require an individual to furnish the Secretary with a social security number for any individual to whom a social security number has not been assigned.

"(c) The Secretary shall deny the individual's application for, or may terminate the individual's enrollment in, the system of patient enrollment established by the Secretary under section 1705 of this title, if the individual does not provide the social security number required or requested to be furnished pursuant to subsection (b) of this section. The Secretary, following such denial or termination, may, upon receipt of the information required or requested under subsection (b), approve the individual's application or reinstate the individual's enrollment (if otherwise in order), for such medical care and services provided on and after the date of such receipt of information.

"(d) Nothing in this section shall be construed as authority to deny medical care and treatment to an individual in a medical emergency."

(2) by amending the table of sections for such subchapter by adding at the end thereof the following new item: § 1709. Provision of health-plan contract information and social security number."

**TITLE IV—MISCELLANEOUS PROVISIONS**

**SEC. 401. EXPANSION OF AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.**

Section 902 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

"(A) enforce Federal laws;

"(B) enforce the rules prescribed under section 901 of this title;

"(C) enforce traffic and motor vehicle laws of a state or local government within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable state or local law. Any such enforcement shall be by issuance of a citation for violation of such law;

"(D) carry the appropriate VA-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

"(E) conduct investigations, on and off Department property, of offenses that may have been committed on property under the original jurisdiction of VA, consistent with agreements or other consultation with affected local, state, or Federal law enforcement agencies; and

"(F) carry out, as needed and appropriate, the duties described in subparagraphs (A)–(E) of this subsection when engaged in duties authorized by other Federal statutes."

(B) by striking paragraph (2) and renumbering paragraph (3) as paragraph (2) and adding ", and on any arrest warrant issued by competent judicial authority" before the period.

(2) by amending subsection (c) to read:

"(c) The powers granted to Department police officers designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General."

**SEC. 402. UNIFORM ALLOWANCE FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.**

Section 903 is amended—

(1) by striking the matter in subsection (b) and inserting:

"(b) The amount of the allowance that the Secretary may pay under this section will be the lesser of—

"(1) the amount currently allowed as prescribed by the Office of Personnel Management; or

"(2) estimated costs or actual costs as determined by periodic surveys conducted by the Department.

"During any fiscal year no officer will receive more than the amount established under this subsection."

(2) by striking the matter in subsection (c) and inserting:

"(c) The allowance established under subsection (b) shall be paid at the beginning of a Department police officer's employment for those appointed on or after October 1, 2008. In the case of any other Department police officer, an allowance in the amount established under subsection (b) shall be paid upon the request of the officer.

**SEC. 403. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY LEASES REQUIRING CONGRESSIONAL APPROVAL.**

Section 8104(a)(3)(B) is amended by striking "\$600,000" and inserting "\$1,000,000".

THE SECRETARY  
OF VETERANS AFFAIRS,  
Washington, April 25, 2008.

Hon. NANCY PELOSI,  
Speaker of the House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: We are transmitting the "Veterans' Benefits Enhancement Act of 2008," a draft bill "[t]o amend title 38, United States Code, to expand and enhance



veterans' benefits, and for other purposes." The Department of Veterans Affairs (VA) requests that the bill be referred to the appropriate committee for prompt consideration and enactment.

VA's draft bill contains four titles that address improvements to education, health care, and other benefits, as well as other miscellaneous matters. Enclosed please find a section-by-section analysis, which includes cost estimates.

The provisions of title I dealing with education matters would eliminate the requirement that certain institutions report to VA any credit granted a student for prior training, modify the waiting period before affirmation of enrollment in a program pursued exclusively by correspondence, eliminate the requirement that an individual report to VA for approval a second change of program pursued while enrolled at the same institution, and eliminate the wage-earning requirement for self-employment on-job training.

Title II of the draft bill deals with miscellaneous provisions that would permit VA to stay temporarily its adjudication of claims while awaiting pending court decisions, clarify that the Board of Veterans' Appeals may decide certain cases out of docket-number order, permit VA to furnish a memorial headstone or marker for certain deceased surviving spouses of veterans, make permanent VA authority to contract for medical disability examinations, modify servicemembers' group life insurance coverage, permit VA to provide Temporary Residence Assistance grants to certain active-duty servicemembers, and designate the office required to be established by the Small Business Act (15 U.S.C. §644(k)) as the Office of Small Business Programs.

Title III addresses a number of significant health care matters. One of the major provisions would authorize the Secretary to require that recipients of, and applicants for, medical care and services provide their health-plan contract information and social security numbers upon request. This would allow VA to enhance revenue collection from health insurance carriers and ensure the accurate identification of medical care applicants by a single unique identifier, thus facilitating VA medical care eligibility determinations.

Other key provisions of title III would provide for several needed program extensions, including the Department's mandate to provide nursing home care to veterans with service-connected disabilities of 70 percent or greater and to those who need such care for the treatment of a service-connected disability. Another provision of title III would allow VA to establish additional nonprofit research corporations. There is also a measure to extend VA's authority to conduct its audit-recovery program, which assists in identifying erroneous payments or overpayments made under fee-basis contracts or other medical services contracts. The audit program has achieved notable success in the amounts recovered. All of these are important authorities that should not be allowed to lapse.

We also propose to amend 38 U.S.C. §7332 to allow VA providers to disclose information related to a patient's treatment of drug abuse, alcoholism and alcohol abuse, infection with the human immunodeficiency virus, and sickle cell anemia to that patient's authorized surrogate when the patient lacks decision-making capacity but has not expressly authorized the release of that information to that surrogate. The terms of the provision are very narrowly drawn to permit disclosure of this information only when clinically relevant to the treatment decision that the surrogate is being asked to make and are consistent with widely-accept-

ed ethical standards for informed consent. In its report, *Disclosing Patients' Protected Health Information to Surrogates* (February 2005), VHA's National Ethics Committee concluded that, in light of significant legal protections now in place regarding employment discrimination based on personal health status and the confidentiality of personal health information, the current section 7332 prohibition against the disclosure of clinically-relevant medical information to surrogate decision makers is no longer justifiable. Moreover, the Committee concluded that 38 U.S.C. §7332 places clinicians in the ethically untenable position of being required to obtain informed consent from the surrogate decision maker on behalf of a patient who lacks decision-making capacity, while being unable to disclose to the surrogate this significant clinical information without which there can be no full and informed consent.

Key provisions of Title IV of the draft bill would make long-needed improvements to VA's Security and Law Enforcement Program, and enable our police officers to more fully perform all of the duties required of their law enforcement positions.

The Office of Management and Budget advises that transmission of this legislative package is in accord with the President's program.

An identical letter has been sent to the President of the Senate.

Sincerely yours,

JAMES B. PEAKE.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 551—CELEBRATING 75 YEARS OF SUCCESSFUL STATE-BASED ALCOHOL REGULATION

Mr. BAUCUS (for himself and Mr. BARRASSO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 551

Whereas, throughout the history of the United States, alcohol has been consumed by the people of the United States and has been regulated by government;

Whereas, before the passage of the 18th amendment to the Constitution of the United States (commonly known as "National Prohibition"), abuses and insufficient regulation resulted in irresponsible overconsumption of alcohol;

Whereas the passage of the 18th amendment, which prohibited "the manufacture, sale, or transportation of intoxicating liquors" in the United States, resulted in a dramatic increase in illegal activity, including unsafe black market alcohol production, a growth in organized crime, and increasing noncompliance with alcohol laws;

Whereas the platforms of the 2 major political parties in the 1932 presidential campaign advocated ending National Prohibition by repealing the 18th amendment;

Whereas, on February 20, 1933, the second session of the 72nd Congress submitted to conventions of the States the question of repealing the 18th amendment and adding new language to the Constitution requiring the transportation or importation of alcoholic beverages for delivery or use in any State to be carried out in compliance with the laws of that State;

Whereas, on December 5, 1933, Utah became the 36th State to approve what became the 21st amendment to the Constitution of the United States, making the ratification of the 21st amendment the fastest ratification of a

constitutional amendment in the history of the United States and the only ratification of a constitutional amendment ever decided by State conventions pursuant to Article V of the Constitution;

Whereas alcohol is the only product in commerce in the United States that has been the subject of 2 constitutional amendments;

Whereas Congress's reenactment in 1935 of the Act entitled "An Act divesting intoxicating liquors of their interstate character in certain cases", approved March 1, 1913 (commonly known as the Webb-Kenyon Act) (27 U.S.C. 122), and the enactment of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.), section 2004 of Aimee's Law (27 U.S.C. 122a) (relating to 21st amendment enforcement), the Sober Truth on Preventing Underage Drinking Act (Public Law 109-422; 120 Stat. 2890), and annual appropriations to support State enforcement of underage drinking laws demonstrate a longstanding and continuing intent on the part of Congress that States should exercise their primary authority to achieve temperance, the creation and maintenance of orderly and stable markets with respect to alcoholic beverages, and the facilitation of the efficient collection of taxes;

Whereas the legislatures and alcoholic beverage control agencies of the 50 States have worked diligently to implement the powers granted by the 21st amendment for 75 years and to ensure the creation and maintenance of State-based regulatory systems for alcohol distribution made up of producers, importers, wholesale distributors, and retailers;

Whereas the development of a transparent and accountable system for the distribution and sale of alcoholic beverages, an orderly market, temperance in consumption and sales practices, the efficient collection of taxes, and other essential policies have been successfully guided by the collective experience and cooperation of government agencies and licensed industry members throughout the geographically and culturally diverse Nation;

Whereas regulated commerce in alcoholic beverages annually contributes billions of dollars in Federal and State tax revenues and additional billions to the United States economy and supports the employment of millions of people in the United States in more than 2,500 breweries, distilleries, wineries, and import companies, more than 2,700 wholesale distributor facilities, more than 530,000 retail outlets, and numerous agricultural, packaging, and transportation businesses;

Whereas the United States system of State-based alcohol regulation has resulted in a marketplace with unprecedented choice, variety, and selection for consumers;

Whereas members of the licensed alcoholic beverage industry have been constant partners with Federal and State governments in balancing the conduct of competitive businesses with the need to control alcohol in order to provide consumers in the United States with a safe and regulated supply of alcoholic beverages; and

Whereas members of the licensed alcoholic beverage industry have created and supported a wide range of national, State, and community programs to address problems associated with alcohol abuse, including drunk driving and underage drinking: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates 75 years of effective State-based alcohol regulation since the passage of the 21st amendment to the Constitution of the United States;

(2) commends State lawmakers, regulators, law enforcement officers, the public health