

ROBERTS) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2173

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. TESTER), the Senator from Vermont (Mr. SANDERS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2182

At the request of Mr. REED, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2182, a bill to amend the Public Health Service Act with respect to mental health services.

S. 2227

At the request of Mr. OBAMA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2227, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle school models for struggling students, and for other purposes.

S. 2433

At the request of Mr. OBAMA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

S. 2479

At the request of Mr. BROWN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2479, a bill to catalyze change in the care and treatment of diabetes in the United States.

S. 2511

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2511, a bill to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship.

S. 2523

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2544

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2544, a bill to provide for a program of temporary extended unemployment compensation.

S. 2559

At the request of Mr. DODD, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2559, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2756

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2756, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2884

At the request of Ms. COLLINS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2884, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2938

At the request of Mr. GRAHAM, the name of the Senator from Idaho (Mr.

CRAIG) was added as a cosponsor of S. 2938, a bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes.

S. 2942

At the request of Mr. CARDIN, the names of the Senator from Oregon (Mr. SMITH), the Senator from Oregon (Mr. WYDEN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 2979

At the request of Mr. KERRY, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 2991

At the request of Mr. KOHL, his name was added as a cosponsor of S. 2991, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S. RES. 537

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. SCHUMER), the Senator from Utah (Mr. HATCH), the Senator from Delaware (Mr. BIDEN), the Senator from Maryland (Mr. CARDIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Montana (Mr. BAUCUS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 537, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

AMENDMENT NO. 4718

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4718 intended to be proposed to S. 2284, an original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida (for himself, Ms. SNOWE, Mr. KERRY, and Mr. MARTINEZ:)

S. 2998. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, prepaid telephone calling cards

are used by many Americans to stay in touch with loved ones around the country and throughout the world. Unfortunately, some providers and distributors of these cards are scamming consumers—by imposing undisclosed junk fees, charging exorbitant rates, and selling cards that expire shortly after consumers start using them.

Over the past couple of years, a number of State Attorneys General and the Federal Trade Commission have opened investigations and found that a number of providers and distributors are engaging in unfair and deceptive business practices. These practices include charging customers for calls where they receive busy signals, imposing weekly “maintenance fees” that may take away up to 20 percent of the card’s overall value, and billing for calls in 3-minute increments.

As a result of these investigations, some companies have been fined or have entered into consent decrees forbidding them from engaging in some deceptive practices. In addition, some states—including Florida—have imposed certain regulatory requirements on prepaid calling card providers and distributors. To date, however, neither the Federal Communications Commission nor the Federal Trade Commission has taken any action to impose upfront nationwide consumer protection requirements on this industry. This lack of Federal standards allows many of these unscrupulous operators to move from State to State, and create new “shell companies” to escape consumer protection regulations. This is wrong, and I think we need to fix this situation.

That is why I rise today to introduce the Prepaid Calling Card Consumer Protection Act of 2008.

The Prepaid Calling Card Consumer Protection Act of 2008 requires the Federal Trade Commission to draft comprehensive rules requiring all prepaid telephone calling card providers and distributors to disclose the rates and fees associated with their calling cards upfront, at the point of sale. It also requires providers who market their cards in languages other than English to disclose rates and fees in that language as well. Furthermore, the legislation requires providers to honor the cards for at least a year after the time the card is first used.

To enforce these disclosure requirements, the bill gives the Federal Trade Commission, State Attorneys General, and State consumer protection advocates the ability to sue the fraudsters who violate these requirements in Federal court. In addition, the law expressly preserves additional state consumer protection requirements—such as state utility commission certification or bonding requirements.

I invite my colleagues to join with Senators SNOWE, KERRY, MARTINEZ and myself in supporting the Prepaid Calling Card Consumer Protection Act of 2008. We should waste no time in ensuring that military servicemembers, sen-

iors, immigrants and other Americans using these prepaid telephone calling cards are protected from bad actors in the marketplace.

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. 2998

*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 “Prepaid Calling Card Consumer Protection Act of 2008”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(2) FEES.—

(A) IN GENERAL.—The term “fees” means all charges, fees, taxes, or surcharges, including connection, hang-up, service, payphone, and maintenance charges, which may be applicable to the use of a prepaid telephone calling card or a prepaid telephone calling service used by a consumer for calls originating within the United States.

(B) EXCLUSION.—The term “fees” does not include the applicable per unit or per minute rate for the particular destination called by a consumer.

(3) INTERNATIONAL PREFERRED DESTINATION.—The term “international preferred destination” means a specific international destination named on a prepaid telephone calling card or on the packaging material accompanying a prepaid telephone calling card.

(4) PREPAID TELEPHONE CALLING CARD.—

(A) IN GENERAL.—The terms “prepaid telephone calling card” and “card” mean any right of use purchased in advance for a sum certain linked to an access number and authorization code that enables a consumer to use a prepaid telephone calling service. Such rights of use may be embodied on a card or other physical object or may be purchased by an electronic or telephonic means through which the purchaser obtains access numbers and authorization codes that are not physically located on a card or other physical object.

(B) EXCLUSION.—The terms “prepaid telephone calling card” and “card” do not include cards or other rights of use that provide access to—

(i) a telecommunications service with respect to which the card or other rights of use and the telecommunications service are provided for free or at no additional charge as a promotional item accompanying a product or service purchased by a consumer; or

(ii) a wireless telecommunications service account with a wireless service provider that the purchaser has a preexisting relationship with or establishes a carrier-customer relationship with via the purchase of a prepaid wireless telecommunications service handset package.

(5) PREPAID TELEPHONE CALLING CARD DISTRIBUTOR.—

(A) IN GENERAL.—The term “prepaid telephone calling card distributor” means any entity, corporation, company, association, firm, partnership, or person that purchases prepaid telephone calling cards or services from a prepaid telephone calling card distributor or prepaid telephone calling service provider and sells, resells, issues, or distributes prepaid telephone calling cards for a fee to 1 or more distributors of such cards or to 1 or more retail sellers of such cards.

(B) EXCLUSION.—The term “prepaid telephone calling card distributor” does not include any retail merchants or sellers of prepaid telephone calling cards exclusively engaged in point-of-sale transactions with end-user customers.

(6) PREPAID TELEPHONE CALLING SERVICE.—

(A) IN GENERAL.—The terms “prepaid telephone calling service” and “service” mean any telecommunications service, paid for in advance by a consumer, that allows a consumer to originate voice telephone calls through a local, long distance, or toll-free access number and authorization code, whether manually or electronically dialed.

(B) EXCLUSION.—The terms “prepaid telephone calling service” and “service” do not include any service that provides access to a wireless telecommunications service account wherein the purchaser has a preexisting relationship with the wireless service provider or establishes a carrier-customer relationship via the purchase of a prepaid wireless telecommunications service handset package.

(7) PREPAID TELEPHONE CALLING SERVICE PROVIDER.—The term “prepaid telephone calling service provider” means any entity, corporation, company, association, firm, partnership, or person providing prepaid telephone calling service to the public using its own, or a resold, telecommunications network or voice over Internet technology.

(8) WIRELESS TELECOMMUNICATIONS SERVICE.—The term “wireless telecommunications service” has the meaning given the term “commercial mobile service” in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

#### SEC. 3. REQUIRED DISCLOSURES OF PREPAID TELEPHONE CALLING CARDS OR SERVICES.

(a) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Commission shall prescribe regulations that require every prepaid telephone calling service provider and prepaid telephone calling card distributor to disclose, with respect to the terms and conditions of a prepaid telephone calling card or service provided, sold, resold, issued, or distributed by such service provider or distributor, as the case may be, the following:

(1)(A) The number of calling units or minutes of domestic interstate calls provided by such card or service at the time of purchase; or

(B) the dollar value of such card or service and the domestic interstate rate per minute provided by such card or service at the time of purchase.

(2) The applicable calling unit or per minute rates for all international preferred destinations served by such card or service.

(3) The applicable per minute rates for all individual international destinations served by such card or service.

(4) That the rates described in paragraph (3) may be obtained through the prepaid telephone calling card provider’s toll-free customer service number or Internet website.

(5) All terms and conditions pertaining to the use of such card or service, including the following:

(A) The maximum amount and frequency of all fees.

(B) Applicable policies relating to refund, recharge, decrement, and expiration.

(C) Limitations, if any, on the use or period of time for which the displayed, promoted, or advertised minutes or rates will be available to the customer.

(6) The name and address of such service provider.

(7) A toll-free telephone number to contact the customer service department of such service provider and the hours of service of such customer service department.

(b) CLEAR AND CONSPICUOUS DISCLOSURE OF REQUIRED INFORMATION AND LANGUAGE REQUIREMENTS.—The regulations prescribed under subsection (a) shall include requirements as follows:

(1) CARDS.—In the case of a prepaid telephone calling card, the disclosures described in subsection (a) (other than paragraph (3) of such subsection) shall be printed in plain English in a clear and conspicuous location on each prepaid telephone calling card or the packaging of such card so that such disclosures are plainly visible to a consumer at the point of sale.

(2) ONLINE SERVICES.—In the case of a prepaid telephone calling service that consumers access and purchase via the Internet, the disclosures described in subsection (a) (other than paragraph (4) of such subsection) shall be displayed in plain English in a clear and conspicuous location on the Internet site from which the consumer purchases such service.

(3) ADVERTISING AND OTHER PROMOTIONAL MATERIAL.—The disclosures described in subsection (a) (other than paragraph (3) of such subsection) shall be printed on any advertising for the prepaid telephone calling card or service, including on any signs for display by retail merchants, any promotional emails, any Internet site used to promote such card or service, and on any other promotional material.

(4) LANGUAGES OTHER THAN ENGLISH.—If a language other than English is predominantly used on a prepaid telephone calling card or its packaging, or in the point-of-sale advertising, Internet advertising, or promotional material of a prepaid telephone calling card or prepaid telephone calling service, than the disclosures required by the regulations prescribed under subsection (a) shall be disclosed in that language on such card, packaging, advertisement, or promotional material in the same manner as if English were used.

(c) ADDITIONAL REGULATIONS.—The Commission may, in accordance with section 553 of title 5, United States Code, prescribe such other regulations as the Commission determines are necessary to protect consumers of prepaid telephone calling cards and services.

#### SEC. 4. UNLAWFUL CONDUCT RELATED TO PREPAID TELEPHONE CALLING CARDS.

(a) PREPAID TELEPHONE CALLING SERVICE PROVIDER.—It shall be unlawful for any prepaid telephone calling service provider to do any of the following:

(1) UNDISCLOSED FEES AND CHARGES.—To assess or deduct from the balance of a prepaid telephone calling card any fee or other amount for use of the prepaid telephone calling service, except—

(A) the per minute rate or value for each particular destination called by the consumer; and

(B) fees that are disclosed as required by regulations prescribed under section 3.

(2) MINUTES AND RATES AS PROMOTED AND ADVERTISED.—With respect to a prepaid telephone calling card for a service of the prepaid telephone calling service provider, to provide fewer minutes than the number of minutes promoted or advertised, or to charge a higher per minute rate to a specific destination than the per minute rate to that specific destination promoted or advertised, on—

(A) the prepaid telephone calling card;

(B) any point-of-sale material relating to the card; or

(C) other advertising related to the card or service.

(3) MINUTES ANNOUNCED, PROMOTED, AND ADVERTISED THROUGH VOICE PROMPTS.—To provide fewer minutes than the number of minutes announced, promoted, or advertised through any voice prompt given by the pre-

paid telephone calling service provider to a consumer at the time the consumer places a call to a dialed destination with a prepaid telephone calling card or service.

(4) EXPIRATION.—Unless a different expiration date is clearly disclosed pursuant to the disclosure requirements of regulations prescribed under section 3, to provide, sell, resell, issue, or distribute a prepaid telephone calling card or service that expires—

(A) before the date that is 1 year after the date on which such card or service is first used; or

(B) in the case of a prepaid telephone calling card or service that permits a consumer to purchase additional usage minutes or add additional value to the card or service, before the date that is 1 year after the date on which the consumer last purchased additional usage minutes or added additional value to the card or service.

(5) CHARGES FOR UNCONNECTED CALLS.—To assess any fee or charge for any unconnected telephone call. For purposes of this paragraph, a telephone call shall not be considered connected if the person placing the call receives a busy signal or if the call is unanswered.

(b) PREPAID TELEPHONE CALLING CARD DISTRIBUTOR.—It shall be unlawful for any prepaid telephone calling card distributor to do any of the following:

(1) UNDISCLOSED FEES AND CHARGES.—To assess or deduct from the balance of a prepaid telephone calling card any fee or other amount for use of the prepaid telephone calling service, except—

(A) the per minute rate or value for each particular destination called by the consumer; and

(B) fees that are disclosed as required by regulations prescribed under section 3.

(2) MINUTES AS PROMOTED AND ADVERTISED.—To sell, resell, issue, or distribute any prepaid telephone calling card that the distributor knows provides fewer minutes than the number of minutes promoted or advertised, or a higher per minute rate to a specific destination than the per minute rate to that specific destination promoted or advertised, on—

(A) the prepaid telephone calling card;

(B) any point of sale material relating to the card; or

(C) other advertising relating to the card or service.

(3) MINUTES ANNOUNCED, PROMOTED, OR ADVERTISED THROUGH VOICE PROMPTS.—To sell, resell, issue, or distribute a prepaid telephone calling card that such distributor knows provides fewer minutes than the number of minutes announced, promoted, or advertised through any voice prompt given to a consumer at the time the consumer places a call to a dialed destination with the prepaid telephone calling card or service.

(4) EXPIRATION.—Unless a different expiration date is clearly disclosed pursuant to the disclosure requirements of regulations prescribed under section 3, to provide, sell, resell, issue, or distribute a prepaid telephone calling card that expires—

(A) before the date that is 1 year after the date on which such card or service is first used; or

(B) in the case of a prepaid telephone calling card or service that permits a consumer to purchase additional usage minutes or add additional value to the card or service, before the date that is 1 year after the date on which the consumer last purchased additional usage minutes or added additional value to the card or service.

(c) LIABILITY.—A prepaid telephone calling service provider or a prepaid telephone calling card distributor may not avoid liability under this section by stating that the displayed, announced, promoted, or advertised

minutes, or the per minute rate to a specific destination, are subject to fees or charges, or by utilizing other disclaimers or limitations.

#### SEC. 5. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—Notwithstanding any other provision of law, a violation of a regulation prescribed under section 3 or the commission of an unlawful act proscribed under section 4 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) AUTHORITY OF THE COMMISSION.—The Commission shall enforce this Act in the same manner and by the same means as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) RULEMAKING AUTHORITY.—The Commission may prescribe regulations to carry out this Act.

#### SEC. 6. STATE ENFORCEMENT.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State, a State utility commission, or other authorized State consumer protection agency has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this Act, the State, as *parens patriae*, may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction—

(A) to enjoin that practice;

(B) to enforce compliance with this Act;

(C) to obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) to obtain such other relief as the court may consider to be appropriate.

(2) NOTICE TO FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of a State, a State utility commission, or an authorized State consumer protection agency shall provide to the Commission—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply to the filing of an action under paragraph (1) if the attorney general of a State, a State utility commission, or an authorized State consumer protection agency filing such action determines that it is not feasible to provide the notice described in subparagraph (A) before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State, a State utility commission, or an authorized State consumer protection agency shall provide notice and a copy of the complaint to the Commission at the time the action is filed.

(b) INTERVENTION BY FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—Upon receiving notice under subsection (a)(2), the Commission may intervene in the action that is the subject of such notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), the Commission may—

(A) be heard with respect to any matter that arises in that action; and

(B) file a petition for appeal.

(c) CONSTRUCTION.—Nothing in this Act may be construed to prevent an attorney general of a State, a State utility commission, or an authorized State consumer protection agency from exercising the powers

conferred on the attorney general, a State utility commission, or an authorized State consumer protection agency by the laws of that State—

(1) to conduct investigations;

(2) to administer oaths or affirmations;

(3) to compel the attendance of witnesses or the production of documentary and other evidence;

(4) to enforce any State consumer protection laws of general applicability; or

(5) to establish or utilize existing administrative procedures to enforce the provisions of the law of such State.

(d) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

#### SEC. 7. APPLICATION.

The regulations prescribed under section 3 and the provisions of section 4 shall apply to any prepaid telephone calling card issued or placed into the stream of commerce, and to any advertisement, promotion, point-of-sale material or voice prompt regarding a prepaid telephone calling service that is created or disseminated 90 days after the date on which the regulations are prescribed under section 3(a).

#### SEC. 8. PREEMPTION.

Nothing in this Act shall affect the authority of any State to establish or continue in effect a provision of the law of a State relating to regulation of prepaid calling cards, prepaid calling card distributors, prepaid calling services, or prepaid calling service providers, except to the extent that such provision of law is inconsistent with the provisions of this Act or a regulation prescribed under this Act, and then only to the extent of such inconsistency. A provision of the law of a State is not inconsistent with this Act or a regulation prescribed under this Act if such provision provides equal or greater protection to consumers than what is provided under this Act or the regulations prescribed under this Act.

By Mr. AKAKA (for himself and Mr. INOUE):

S. 3000. A bill to amend title 38, United States Code, to include Federally recognized tribal organizations in certain grant programs of the Department of Veterans Affairs for the several States and territories, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I proudly introduce, along with my good friend and colleague, the senior Senator from Hawaii, Senator DANIEL INOUE, the Native American Veterans Access Act. This measure would provide equitable veterans' services to Native Americans by allowing tribal governments to apply for veterans' program grants currently limited to States, and in some cases, even U.S. Territories.

Native veterans have a long history of honorable and extraordinary service in our national defense. From the American Indians who served alongside General George Washington, to Nainoa Hoe, a Native Hawaiian soldier who

was killed on patrol in Iraq while carrying the battle flag his father held in Vietnam, native veterans have served bravely and honorably.

Unfortunately, too often our Nation's track record in serving native veterans does not match their service. Especially in the case of native veterans who return to their ancestral homelands, reservation communities, or tribal villages, many native veterans are geographically and culturally disconnected from the services provided by State and Federal veterans' programs.

Part of the problem is that veterans' programs are not always designed with native veterans in mind. For example, while the Department of Veterans Affairs and Department of Labor operate several exemplary veterans' grant programs for State governments, most of these programs are not open to tribal governments. The bill I am introducing today would address this issue, by giving tribal governments access to many of these important programs.

First, my bill would provide access to VA's two nursing home grants, which help local governments construct veterans' nursing homes and pay for nursing home care, adult day care, domiciliary care, and hospital care. It is important that tribal governments be included in these grants, given the expected rise in the number of older native veterans. The U.S. Census projects that while the overall number of older veterans will decrease by 10 percent by 2020, during that same period the number of older native veterans will increase by 60 percent. This expected boom in older native veterans makes it important that we give tribal governments the same opportunities we already provide State governments to care for their elder veterans.

My bill would also give the Secretary of Labor discretion to include tribal governments in Veterans Employment and Training programs and grants. Veterans' employment services are much needed among native veterans, and in Indian Country. Census data indicates that American Indian and Alaska Native veterans are twice as likely as other veterans to be unemployed. For those veterans living on-reservation, the labor market is shamefully dismal: a recently published report from the Bureau of Indian Affairs found on-reservation unemployment to be 49 percent. That unemployment rate is twice as high as national unemployment was during the worst year of the Great Depression. Surely it is not too much to ask that tribal governments in these circumstances be considered for the veterans' employment programs States and U.S. Territories already have access to.

I ask my colleagues to join me in supporting these measures, as we work towards parity in access and benefits for Native American veterans.

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

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

S. 3000

*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 "Native American Veterans Access Act of 2008".

#### SEC. 2. INCLUSION OF FEDERALLY RECOGNIZED TRIBAL ORGANIZATIONS IN CERTAIN GRANT PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR THE STATES AND TERRITORIES.

(a) TREATMENT OF TRIBAL ORGANIZATION HEALTH FACILITIES AS STATE HOMES.—Section 8138 of title 38, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e)(1) A health facility (or certain beds in a health facility) of a tribal organization is treatable as a State home under subsection (a) in accordance with the provisions of that subsection.

"(2) Except as provided in paragraph (3), the provisions of this section shall apply to a health facility (or certain beds in such facility) treated as a State home under subsection (a) by reason of this subsection to the same extent as health facilities (or beds) treated as a State home under subsection (a).

"(3) Subsection (f) shall not apply to the treatment of health facilities (or certain beds in such facilities) of tribal organizations as a State home under subsection (a).

"(4) In this subsection, the term 'tribal organization' has the meaning given such term in section 3764(4) of this title."

(b) STATE HOME FACILITIES FOR DOMICILIARY, NURSING, AND OTHER CARE.—

(1) IN GENERAL.—Chapter 81 of such title is further amended—

(A) in section 8131, by adding at the end the following new paragraph:

"(5) The term 'tribal organization' has the meaning given such term in section 3764(4) of this title."

(B) in section 8132, by inserting "and tribal organizations" after "the several States"; and

(C) by inserting after section 8133 the following new section:

#### "§ 8133A. Tribal organizations

"(a) The Secretary may make grants to tribal organizations under this subchapter in order to carry out the purposes of this subchapter.

"(b) Grants to tribal organizations under this section shall be made in the same manner, and under the same conditions, as grants made to the several States under the provisions of this subchapter, subject to such exceptions as the Secretary shall prescribe for purposes of this subchapter to take into account the unique circumstances of tribal organizations."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 8133 the following new item:

"8133A. Tribal organizations."

(c) JOB COUNSELING, TRAINING AND PLACEMENT SERVICES FOR VETERANS.—Section 4101 of such title is amended—

(1) in paragraph (6), by inserting "tribal organizations," after "to the extent determined necessary and feasible."; and

(2) by adding at the end the following new paragraph:

"(9) The term 'tribal organization' has the meaning given such term in section 3764(4) of this title."