S.J. RES. 41

At the request of Mr. MCCONNELL, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S.J. Res. 41, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. CON. RES. 89

At the request of Mr. BURR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 89, a concurrent resolution authorizing Frank Woodruff Buckles to lie in honor in the rotunda of the Capitol upon his death.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself and Mr. WEBB):

S. 3147. A bill to authorize the State of Virginia to petition for authorization to conduct natural gas exploration and drilling activities in the coastal zone of the State; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, I join those today who are addressing the issue of the energy problems that are facing our country today.

I commend the President of the United States today with regard to the offshore drilling decision that he has made, and prior thereto the indication by Senator MCCAIN as to his initiatives that he will take, in due course, I hope.

But we have to focus on not only the long picture, I will address that momentarily, but what we can do now, what we can do today and tomorrow to help alleviate the many hardships that this price structure—which none of us really envisioned—this price structure is inflicting on the American families today.

I was very proud to submit a resolution to this Senate on May 22, 2008, joined by a number of colleagues and cosponsors. I would like to once again read this short resolution in which the Senate spoke with regard to this issue about steps that could be taken now to help lessen the demand every day for the need of gasoline.

On May 22 the Senate said as follows:

S. RES. 577

Whereas each day, as Americans contend with rising gasoline prices, personal stories reflect the ways in which—

(1) family budgets are suffering; and

(2) the cost of gasoline is impacting the way Americans cope with that serious problem in family and work environments;

Whereas, as a consequence of economic pressures, Americans are finding ways to reduce consumption of gasoline, such as—

(1) driving less frequently;

(2) altering daily routines; and

(3) even changing family vacation plans;

Whereas those conservation efforts bring hardships but save funds that can be redirected to meet essential family needs;

Whereas, just as individuals are reducing energy consumption, the Federal Government, including Congress, should take steps to conserve energy;

Whereas a Government-wide initiative to conserve energy would send a signal to Americans that the Federal Government—

(1) recognizes the burdens imposed by unprecedented energy costs; and

(2) will participate in activities to reduce energy consumption; and

Whereas an overall reduction of gasoline consumption by the Federal Government by even a few percentage points would send a strong signal that, as a nation, the United States is joining to conserve energy: Now, therefore, be it

*Resolved,* That it is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by the departments and agencies.

That is the end of the sense-of-the-Senate resolution.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter that I wrote to the President a few days earlier, on May 16, addressing this very issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. That is a short step. But I do wish to refer to the future.

As noted earlier, the President has made his announcement this morning. But I would like to welcome him to this decisionmaking now to go to offshore drilling. With due respect to the Presiding Officer, we have different views expressed here a few moments ago. I want to go back over the history of this Senator, working with many others, on this issue of drilling offshore.

First, during the debate on the Energy Policy Act of 2005, H.R. 6, I attempted to offer an amendment that sought to allow States to opt out of the Federal moratorium on offshore drilling. I was joined by Senators ALEXANDER and VOINOVICH in that effort. Unfortunately, due to opposition to my proposal and the threat that my amendment would or could doom the whole bill, I withdrew the amendment, out of recognition of the hard work done by the managers.

But at that time, I warned my colleagues, and I said, standing at this very seat: I regret to predict this, but I see nothing but danger signs with regard to worldwide energy consumption and the predicament facing the United States of America.

That was over 2½ years ago that I so stated my concerns and also indicated that I wanted to support the move toward offshore drilling. So I regret that prediction of some years ago is now coming true.

Later, in 2005, I came to the floor for a second time in an attempt to push forward legislation that would allow States to opt out of the Federal moratorium. This legislation, known as the Outer Continental Shelf Revenue Sharing Act of 2005, S. 1810, was introduced 6 weeks after the devastating effects of Hurricane Katrina.

I remind my colleagues that at the time, it was shockingly clear how vulnerable and how fragile our Nation's energy infrastructure, especially our oil and gas infrastructure, was to such a terrible disaster. Every American felt the effects of this terrible hurricane at the gas pump.

Again, however, no action was taken on my bill. But I did not give up. Less than 6 months later I came to the floor again, this time with my colleagues, Senators Allen, Talent, and Santorum, all three no longer Members of our Senate, and also Senator MARK PRYOR, who very much is a Member of our Senate today, to address this issue.

We introduced the Reliable and Affordable Natural Gas Energy Reform Act of 2006, S. 2290. The bill sought to amend the Outer Continental Shelf Lands Act to allow coastal States to share in qualified OCS revenues should they choose, as States, to allow the exploration for natural gas only.

S. 2290 would have allowed a State to lift the moratorium and share in OCS revenues should their Governor successfully petition to allow drilling for natural gas off their coasts.

Again, no action was taken on this bill.

Finally, I came to the Senate floor last June, a year ago this month, when gas prices were almost $1 lower than they are today, to offer, once again, an amendment on this subject. Specifically, my amendment would have allowed the Commonwealth of Virginia to explore for natural gas off its shores, a step already approved by the Governor of Virginia and our State legislature. If a natural gas reserve was found, the Governor, with the support of the State legislature, could have petitioned the Secretary of Interior to allow for the extraction of natural gas off the shores of Virginia. Furthermore, my amendment gave a voice in the process to the Secretary of Defense and to Virginia's neighboring States. I even set up a fund that would have provided money for environmental damage mitigation. Again, due to the opposition from some of my fellow Senators, my amendment was unsuccessful, failing 43–44, and today we continue to suffer from soaring energy prices. But I will never give up; never, never, never will I give up.

It is my firm belief that America must take a balanced approach toward its energy policy. That is why, for the Memorial Day recess, I joined the chairman of the Energy and Natural Resources Committee in submitting and adopting the sense-of-the-Senate resolution I just read.

And that is why today I send to the desk and file a bill in keeping with

those who want to do offshore drilling. It is virtually identical to ones I have been submitting for nearly 3 years.

Mr. President, I am very privileged to be joined in this effort to have offshore drilling off the State of Virginia by my distinguished colleague, Senator WEBB, who wishes to be a cosponsor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I voted in favor of the senior Senator's amendment last year when he offered it. I would like to join him as a cosponsor today on the legislation he has just introduced which is a modification of the amendment that was introduced last year.

I know there are justifiable concerns about the issue of offshore drilling. I know the Chair has spoken eloquently about those concerns on many occasions. Also, I would like to say that the senior Senator from Virginia has been one of the great voices in favor of moving cautiously with respect to issues concerning our environment. He was one of the principal cosponsors on the climate change bill we just recently debated. He has proceeded carefully with respect to this legislation. There are appropriate safeguards in the legislation.

I express my strong concern that we as a body must proceed carefully forward over the next year or so to renew our efforts to address the issue of global warming and climate change on the one hand and a sensible policy that allows us to bring forward all of the aspects of energy production and technology that will allow us to take advantage of the assets our country has. A part of that would be a renewal in the proper form of nuclear power production, such as we have seen in countries such as France and Japan. Part of it would be a sensible policy with respect to coal production, the assets of which are so vast in this country. We can move forward in that area with the right sort of technology in place, but also in the areas the senior Senator is addressing in his legislation today. He is proposing to move forward carefully with respect to offshore drilling. There are safeguards with respect to State involvement that are a good counterbalance to concerns people would have. He has built in a reserve to mitigate potential environmental damages, if they were to occur. Most importantly, he is realistic at looking at where we have to move as a country. We need affirmative leadership. We can't simply step away and not address solutions with respect to different energy alternatives.

This legislation allows for revenue flow that we need to address other issues such as rebuilding our infrastructure. Part of this revenue flow would go to the Federal Government; part of it also would go to the State government.

As the Senator and I are so well aware, because of a lot of different issues, we are having difficulty in the State of Virginia addressing infrastructure issues, transportation issues, the types of things we must get on top of if we are going to remain the preeminent Nation in the world in terms of being able to compete in a global economy. This process, once approved—actually, a two-step procedure by State government—would allow for income flow through royalties into the State government so that we can address these issues, one of which is so glaring in Virginia right now: our inability to see transportation projects funded at a time when the population of Virginia has so dramatically increased. In my view, the senior Senator has put forward legislation that is responsible. He is a friend of the environment. He is careful in terms of the different aspects of government involvement. I am pleased to support it.

Mr. WARNER. I thank my colleague. We have, in a very short time together, although we have known each other many years, formed a strong working partnership, not only on behalf of Virginia but on behalf of this great Nation in many ways. I thank him for joining me today. I know he looks to the future. I also look to the future but only 6 more months or a little less in the Senate. I will pass the baton to him. But each day that passes, he grows in strength of voice and stature in the Senate. I wish him well.

Mr. WEBB. I thank the Senator.

EXHIBIT 1

U.S. SENATE,
*Washington, DC, May 16, 2008.*

The PRESIDENT,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: Each day, as America contends with rising gasoline prices, we see and hear stories of how individual Americans are coping with this serious problem as they conduct their daily lives with their families and in their work environments.

They are finding ways to reduce their consumption of gasoline by driving less, altering daily routines, and even changing family vacation plans. These efforts bring hardships, but save dollars that are necessary to meet essential family needs. And while small in comparison to the overall problem of supply and demand of gasoline, these efforts do add up. I never dismiss the American ''can do'' spirit.

In one word, it is individual conservation. And in cases such as this, when individuals are leading the way, the government should join.

The purpose of this letter is to urge you to lead the vast federal government to likewise take initiatives to cut back—even in a small measure—its daily consumption of gasoline and other fuels.

I believe such a move would signal to Americans that their government is sharing the daily hardships occasioned by this turbulent, uncertain energy crisis.

Having worked in and with the Department of Defense for many decades, and recognizing that this government department is the largest user of petroleum products, I believe that the men and women of the armed services would pitch in to share the hardships on the home front and lead the effort. Their families are experiencing many of the same hardships as other families across America.

Recognizing that our nation must maintain its defense posture, especially in Iraq and Afghanistan, where our forces are courageously carrying out their missions, the department's initiative to further conserve on fuels must be done without any harmful diminution in readiness or training.

By cutting back the number of flying or steaming hours in our military ships and planes, by even a percentage point or two, the armed forces could point with pride to their efforts in our nation's conservation movement.

With kind regards, I am

Sincerely,

JOHN WARNER.

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By Mr. WYDEN:

S. 3148. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, there is a celebration today of the 40th anniversary of the Wild and Scenic Rivers Act. I want to acknowledge that important occasion by announcing two bills I am proposing today that will expand protection for some of Oregon's most special places and will lock in their preservation for generations to come.

The first bill is the Oregon Caves National Monument Boundary Adjustment Act, which will secure protection for a stunning piece of Oregon that includes natural treasures both above and below the ground at the Oregon Caves. The Oregon Caves has a unique geologic history and is particularly known as the longest marble cave open to the public west of the Continental Divide. With the bill I am introducing today, we will be creating the first subterranean wild and scenic river, a perennial stream at the monument known as the River Styx. This river is an underground portion of Cave Creek that flows through part of the cave and is one of the dynamic natural forces at work in the national monument.

The National Park Service has formally proposed a boundary modification for the Oregon Caves National Monument many times. They did it first in 1939. They did it again in 1949 and most recently in 2000. Today, I am happy to propose legislation to enact that boundary adjustment into law. I was born in 1949. It seems to me that after this effort has gone on literally for decades, it is time to secure this protection for generations to come. I want to make sure the new Wyden twins, William Peter and Ava Rose, are going to enjoy it with millions of Oregonians. That is why it is important that this action be taken and taken quickly.

Expanding this boundary will allow us to further protect the stunning majesty of both the underground and the above-ground treasures found at this national monument.

Established by a Presidential proclamation in 1909, the Oregon Caves National Monument is a 480–acre natural wonder located in the botanically-rich Siskiyou Mountains. It was originally set aside because of its unusual scientific interest and importance. Oregon Caves has a unique geologic history

and is particularly known as the longest marble cave open to the public west of the Continental Divide.

A perennial stream, the ''River Styx''—an underground portion of Cave Creek—flows through part of the cave and is one of the dynamic natural forces at work in the national monument. The cave ecosystem provides habitat for numerous plants and animals, including some state-sensitive species such as Townsend's big-eared bats and several cave-adapted species of arthropods, insects, spiders, etc., found only in the Oregon Caves and nowhere else. The caves possess a significant collection of Pleistocene-aged fossils, including jaguar and grizzly bear. Grizzly bones that were found in the cave in 1995 were estimated to be at least 50,000 years old, the oldest known from either North or South America.

Today, I am proposing legislation that will enhance the protection of the resources associated with Oregon Caves National Monument and increase public recreation opportunities by adding surrounding lands to the monument. My bill would expand the monument boundary by 4,084 acres to include the entire Cave Creek Watershed, management of which would be transferred from the United States Forest Service to the National Park Service. In addition, my legislation would designate at least 9.6 miles of rivers and tributaries as wild, scenic, or recreational, under the federal Wild and Scenic Rivers Act, including the first subterranean wild and scenic river, the River Styx. This bill would also provide authorization for retirement of existing grazing allotments.

When the Oregon Caves National Monument was established in 1909, the focus was on the unique subsurface resources, and the small rectangular boundary was thought to be adequate to protect the cave. Through the years, however, scientific research and technology have provided new information about the cave's ecology, and the impacts from the surface environment and the related hydrological processes. The current 480–acre boundary is insufficient to adequately protect this cave system. The National Park Service has formally proposed a boundary modification numerous times, first in 1939, again in 1949, and most recently in 2000. Today, I am happy to propose legislation to enact that boundary adjustment into law.

The Oregon Caves National Monument makes a unique contribution to Southern Oregon's economy and to the national heritage. The monument receives over 80,000 visitors annually, and is the second smallest unit of the National Park System. A larger monument boundary will help showcase more fully the recreational opportunities on the above-ground lands within the proposed monument boundary. In addition to the numerous subsurface resources, the monument's above-ground lands in the Siskiyou Mountains possess a beauty and diversity that is unique in America, and indeed the world. The extensive biological diversity stems from the unique geology of the region and the range of temperatures, fire regimes, and climates found in the area that create a region rich in endemic plants, fish-bearing streams, and the most varied conifer forest on the planet. The Oregon Caves National Monument's approximately 500 plants, 5,000 animals, 2,000 fungi, and over a million bacteria per acre that make the spot have one of the highest concentrations of biological diversity anywhere.

Expanding the monument's boundary will also preserve the caves' resources by protecting the water that enters the cave. Water quality has been a major concern and the activities on the adjacent lands can affect the water quality and the caves' precious resources. By granting the National Park Service the ability to safeguard these resources, and by providing for a voluntary donation of grazing permits, my legislation will be able to better protect these resources. The current grazing permitee, Phil Krouse's family, has had the Big Grayback Grazing Allotment, 19,703 acres, since 1937. Over the decades, the number of allowed livestock has diminished, but the livestock still has an impact on the drinking water supply and the water quality of this natural gem. Mr. Krouse has publicly stated that he would look favorably upon retirement with private compensation for his allotment, such as my legislation will allow to proceed.

I want to express my thanks to all the volunteers and supporters in the local business and conservation community in Southern Oregon, to Phil Krouse for his commitment to Oregon's natural resources, and to Craig Ackerman, the former Superintendent of the Oregon Caves National Monument. My colleagues in the House of Representatives, Representatives DEFAZIO, HOOLEY, BLUMENAUER and WU will be introducing companion legislation in the House today and I look forward to working with them to advance this legislation.

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

S. 3148

*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 ''Oregon Caves National Monument Boundary Adjustment Act of 2008''.

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

(a) FINDINGS.—Congress finds that—

(1) the Oregon Caves National Monument—

(A) is comprised of a rectangular area of approximately 480 acres located in the Siskiyou Mountains of southern Oregon; and

(B) was established by Presidential Proclamation Number 876 (36 Stat. 2497), dated July 12, 1909, to protect the caves, which were determined to have unusual scientific interest and importance;

(2) on June 10, 1933, in accordance with Executive Order 6166 (5 U.S.C. 901 note), the administration of the Monument was transferred from the Secretary of Agriculture to the Secretary of the Interior; and

(3) the 1999 general management plan for the Monument contains a recommendation for adding surrounding land to the Monument—

(A) to provide better protection for—

(i) cave ecology;

(ii) surface and subsurface hydrology;

(iii) public water supplies; and

(iv) trails and views;

(B) to establish a logical topographical boundary; and

(C) to enhance public outdoor recreation opportunities.

(b) PURPOSE.—The purpose of this Act is to add surrounding land to the Monument—

(1) to enhance the protection of the resources associated with the Monument; and

(2) to increase public recreation opportunities.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) GRAZING ALLOTMENT.—The term ''grazing allotment'' means—

(A) the Big Grayback Grazing Allotment located in the Rogue River-Siskiyou National Forest; and

(B) the Billy Mountain Grazing Allotment located in a parcel of land that is—

(i) managed by the Secretary (acting through the Director of the Bureau of Land Management); and

(ii) located in close proximity to the land described in subparagraph (A).

(2) GRAZING LEASE; GRAZING PERMIT.—The terms ''grazing lease'' and ''grazing permit'' mean any document authorizing the use of a grazing allotment for the purpose of grazing livestock for commercial purposes.

(3) LESSEE; PERMITTEE.—The terms ''lessee'' and ''permittee'' mean a livestock operator that holds a valid existing grazing lease or permit for a grazing allotment.

(4) MAP.—The term ''map'' means the map entitled ''Oregon Caves National Monument, Proposed Boundary'' numbered 150/80,023, and dated June 2008.

(5) MONUMENT.—The term ''Monument'' means the Oregon Caves National Monument established by Presidential Proclamation Number 876 (36 Stat. 2497), dated July 12, 1909.

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

(7) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

**SEC. 4. BOUNDARY ADJUSTMENT; LAND TRANSFER.**

(a) BOUNDARY ADJUSTMENT.—The boundary of the Monument is modified—

(1) to include approximately 4,070 acres of land identified on the map as the ''Proposed Addition Lands''; and

(2) to exclude approximately 4 acres of land—

(A) located in the City of Cave Junction; and

(B) identified on the map as the ''Cave Junction Unit''.

(b) LAND TRANSFER.—The Secretary of Agriculture shall—

(1) transfer the land described in subsection (a)(1) to the Secretary; and

(2) adjust the boundary of the Rogue River-Siskiyou National Forest to exclude the land transferred under paragraph (1).

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection

in the appropriate offices of the National Park Service.

**SEC. 5. WILD AND SCENIC RIVER DESIGNATIONS.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(171) OREGON CAVES NATIONAL MONUMENT, OREGON.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior:

''(A) CAVE CREEK.—The 2.6-mile segment of Cave Creek from the headwaters at the River Styx to the boundary of the Rogue River-Siskiyou National Forest as a recreational river.

''(B) LAKE CREEK.—The 3.6-mile segment of Lake Creek from the headwaters at Bigelow Lakes to the confluence with Cave Creek as a scenic river.

''(C) NO NAME CREEK.—The 0.6-mile segment of No Name Creek from the headwaters to the confluence with Cave Creek as a wild river.

''(D) PANTHER CREEK.—The 0.8-mile segment of Panther Creek from the headwaters to the confluence with Lake Creek as a scenic river.

''(E) RIVER STYX.—The segment of River Styx from the source to the confluence with Cave Creek as a recreational river.

''(F) UPPER CAVE CREEK.—The segment of Upper Cave Creek from the headwaters to the confluence with River Styx as a recreational river.''.

**SEC. 6. ADMINISTRATION.**

(a) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Monument in accordance with—

(1) this Act;

(2) Presidential Proclamation Number 876 (36 Stat. 2497), dated July 12, 1909; and

(3) any law (including regulations) generally applicable to units of the National Park System, including the National Park Service Organic Act (16 U.S.C. 1 et seq.).

(b) ECOLOGICAL FOREST RESTORATION ACTIVITIES.—As soon as practicable after the date of enactment of this Act, the Secretary shall carry out forest restoration activities within the boundaries of the Monument—

(1) to reduce the risk of losing key ecosystem components;

(2) to restore the proper role of fire in the ecosystem; and

(3) to ensure that forest attributes (including species composition and structure) remain intact and functioning within a historical range.

**SEC. 7. VOLUNTARY GRAZING LEASE OR PERMIT DONATION PROGRAM.**

(a) DONATION OF LEASE OR PERMIT.—

(1) ACCEPTANCE BY SECRETARY CONCERNED.—The Secretary concerned shall accept any grazing lease or grazing permit that is donated by a lessee or permittee.

(2) TERMINATION.—The Secretary concerned shall terminate any grazing lease or grazing permit acquired under paragraph (1).

(3) NO NEW GRAZING LEASE OR PERMIT.—With respect to each grazing lease or grazing permit donated under paragraph (1), the Secretary concerned shall—

(A) not issue any new grazing lease or grazing permit within the grazing allotment covered by the grazing lease or grazing permit; and

(B) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease or grazing permit.

(b) EFFECT OF DONATION.—A lessee or permittee that donates a grazing lease or grazing permit (or a portion of a grazing lease or grazing permit) under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

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

There are authorized to be appropriated such sums as are necessary to carry out this Act.

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By Mr. WYDEN:

S. 3149. A bill to amend the Wild and Scenic Rivers Act to add certain segments to the Rogue River designation, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, the second piece of legislation I introduce today is the Lower Rogue Wild and Scenic Rivers Act. The Rogue River is a much beloved piece of Oregon's beautiful landscape. This bill will protect the waters that feed it.

Protecting the wild and scenic tributaries to the Rogue River is a critical step in protecting the backbone of one of Oregon's most important sport and commercial fisheries. In 2008, the American Rivers Organization named the Rogue and its tributaries as the second most endangered river in our country. I am hoping to change that today by introducing this legislation which would protect 143 miles of wild and scenic tributaries that feed the Rogue River with cold, clean water.

The Rogue River is one of our Nation's premier recreation destinations, famous for its free flowing waters which provide numerous rafting and fishing opportunities. The headwaters of this great river start in one of Oregon's other great gems—Crater Lake National Park—and ultimately empty into the Pacific Ocean near Gold Beach on the Southwest Oregon coast. Along that stretch, the Rogue River flows through one of the most spectacular canyons and diverse natural areas in the United States. The Rogue River is home to runs of coho, spring and fall chinook, winter and summer steelhead—and it has the special distinction of being one of only several rivers in the country with runs of green sturgeon.

The Rogue River received its first protections in the original Wild and Scenic Rivers Act, in 1968. A narrow stretch of land was protected along the river banks. Since that time, a great deal has been learned about the importance of protecting the tributaries that feed into the main stem of the Rogue. Protecting the wild and scenic tributaries to the Rogue River is a critical step in protecting the backbone of one of Oregon's most important sport and commercial fisheries.

In 2008, American Rivers named the Rogue and its tributaries as the second most endangered river in the U.S. I'm hoping to change that today by introducing legislation to protect this river and its tributaries. My proposal would protect 143 miles of wild and scenic tributaries that feed the Rogue River with cold clean water. The protected tributaries would include Galice Creek, Little Windy Creek, Jenny Creek, Long Gulch—and 36 other tributaries of the Rogue.

By protecting the tributaries that feed this mighty river, I will seek to protect the Rogue River for future generations so they can enjoy the Rogue River as we do today. My colleagues in the House of Representatives, Representatives DEFAZIO, HOOLEY, BLUMENAUER and WU will be introducing companion legislation in the House today. I want to express my thanks to the conservation and business communities of Southern Oregon, who have worked diligently to protect these waters and enable the outdoor recreationists to use and enjoy these rivers. I look forward to working with my House colleagues and the bill's other supporters to advance our legislation to the President's desk.

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. 3149

*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 ''Lower Rogue Wild and Scenic Rivers Act of 2008''.

**SEC. 2. ROGUE RIVER ADDITIONS.**

(a) IN GENERAL.—Section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) is amended—

(1) by striking ''The segment'' and inserting the following:

''(A) IN GENERAL.—The segment''; and

(2) by adding at the end the following:

''(B) ADDITIONAL AREAS.—In addition to the segment described in subparagraph (A), the following segments of the Rogue River, Oregon, to be administered in the following classifications:

''(i) KELSEY CREEK.—

''(I) The 2.2-mile segment of Kelsey Creek from the headwaters of the Creek to the eastern section line of 32S 8W sec. 30 as a recreational river.

''(II) The 7.1-mile segment of Kelsey Creek from the eastern section line of 32S 8W sec. 30 to the confluence with the Rogue River as a wild river.

''(ii) EAST FORK KELSEY CREEK.—

''(I) The 0.1-mile segment of East Fork Kelsey Creek from the headwaters of the Creek to 0.1 miles downstream of road 32–7–19.3 as a scenic river.

''(II) The 4.7-mile segment of East Fork Kelsey Creek downstream from 0.1 miles downstream of road 32–7–19.3 to the confluence with Kelsey Creek as a wild river.

''(iii) WHISKY CREEK.—

''(I) The 0.6-mile segment of Whisky Creek from the confluence of the East Fork and West Fork to 0.1 miles downstream from road 33–8–23 as a recreational river.

''(II) The 1.9-mile segment of Whisky Creek from 0.1 miles downstream from road 33–8–23 to the confluence with the Rogue River as a wild river.

''(iv) EAST FORK WHISKY CREEK.—

''(I) The 0.1-mile segment of East Fork Whisky Creek from the headwaters of the Creek to 0.1 miles downstream of road 34–8–1 as a scenic river.

''(II) The 3.7-mile segment of East Fork Whisky Creek from 0.1 miles downstream of road 34–8–1 to the confluence with Whisky Creek as a wild river.

''(v) WEST FORK WHISKY CREEK.—The 4.8-mile segment of West Fork Whisky Creek from the headwaters of the Creek to the confluence of the Rogue River as a wild river.

''(vi) BIG WINDY CREEK.—

''(I) The 1.5-mile segment of Big Windy Creek from the headwaters of the Creek to 0.1 miles downstream from road 34–9–17.1 as a scenic river.

''(II) The 5.8-mile segment of Big Windy Creek from 0.1 miles downstream from road 34–9–17.1 to the confluence with the Rogue River as a wild river.

''(vii) EAST FORK BIG WINDY CREEK.—

''(I) The 0.2-mile segment of East Fork Big Windy Creek from the headwaters of the Creek to 0.1 miles downstream from road 34–8–36 as a scenic river.

''(II) The 3.7-mile segment of East Fork Big Windy Creek from 0.1 miles downstream from road 34–8–36 to the confluence with Big Windy Creek as a wild river.

''(viii) LITTLE WINDY CREEK.—

''(I) The 1.1-mile segment of Little Windy Creek from the headwaters of the Creek to 0.1 miles downstream of road 34–8–36 as a scenic river.

''(II) The 1.9-mile segment of Little Windy Creek from 0.1 miles downstream of road 34–8–36 to the confluence with the Rogue River as a wild river.

''(ix) HOWARD CREEK.—

''(I) The 0.3-mile segment of Howard Creek from the headwaters of the Creek to 0.1 miles downstream of road 34–9–34 as a scenic river.

''(II) The 6.9-mile segment of Howard Creek from 0.1 miles downstream of road 34–9–34 to the confluence with the Rogue River as a wild river.

''(x) MULE CREEK.—

''(I) The 0.2-mile segment of Mule Creek from the headwaters of the Creek to 0.1 miles downstream from road 32–9–15.1 as a scenic river.

''(II) The 11.2-mile segment of Mule Creek from 0.1 miles downstream from road 32–9–15.1 to the confluence with the Rogue River as a wild river.

''(xi) GRAVE CREEK.—

''(I) The 1.6-mile segment of Grave Creek from the confluence of Wolf Creek downstream as a scenic river.

''(II) The 8.2-mile segment of Grave Creek from 1.6 miles downstream of the confluence of Wolf Creek to the confluence with the Rogue River as a recreational river.

''(xii) ANNA CREEK.—The 3.5-mile segment of Anna Creek from the headwaters of Anna Creek to the confluence with Howard Creek as a wild river.

''(xiii) MISSOURI CREEK.—

''(I) The 2.6-mile segment of Missouri Creek from the headwaters of the Creek to the north section line of 33S 10W sec. 25 as a scenic river.

''(II) The 2.2-mile segment of Missouri Creek from the north section line of 33S 10W sec. 25 to the confluence with the Rogue River as a wild river.

''(xiv) JENNY CREEK.—

''(I) The 0.3-mile segment of Jenny Creek from the headwaters of the Creek to 0.1 miles downstream from road 34–9–7 as a scenic river.

''(II) The 4.6-mile segment of Jenny Creek from 0.1 miles downstream from road 34–9–7 to the confluence with the Rogue River as a wild river.

''(xv) RUM CREEK.—

''(I) The 2-mile segment of Rum Creek from the headwaters of the Creek to 0.1 miles downstream from road 34–8–34 as a scenic river.

''(II) The 2.4-mile segment of Rum Creek from 0.1 miles downstream from road 34–8–34 to the confluence with the Rogue River as a wild river.

''(xvi) EAST FORK RUM CREEK.—

''(I) The 0.5-mile segment of East Rum Creek from the headwaters to 0.1 miles downstream of road 34–8–10.1 as a scenic river.

''(II) The 1.5-mile segment of East Rum Creek from 0.1 miles downstream of road 34–8–10.1 to the confluence with Rum Creek as a wild river.

''(xvii) WILDCAT CREEK.—The 1.7-mile segment of Wildcat Creek from the headwaters of the Creek downstream to the confluence with the Rogue River as a wild river.

''(xviii) MONTGOMERY CREEK.—The 1.8-mile segment of Montgomery Creek from the headwaters of the Creek downstream to the confluence with the Rogue River as a wild river.

''(xix) QUARTZ CREEK.—

''(I) The 0.5-mile segment of Quartz Creek from its headwaters to 0.1 miles downstream from road 35–9–1.2 as a recreational river.

''(II) The 2.8-mile segment from 0.1 miles downstream from road 35–9–1.2 to the confluence of the North Fork Galice Creek as a scenic river.

''(xx) HEWITT CREEK.—

''(I) The 1.3-mile segment of Hewitt Creek from the headwaters of the Creek to 0.1 miles downstream of road 33–9–21 as a scenic river.

''(II) The 1.3-mile segment of Hewitt Creek from 0.1 miles downstream of road 33–9–21 to the confluence with the Rogue River as a wild river.

''(xxi) BUNKER CREEK.—The 6.6-mile segment of Bunker Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

''(xxii) DULOG CREEK.—

''(I) The 0.8-mile segment of Dulog Creek from the headwaters of the Creek to 0.1 miles downstream of road 34–8–36 as a scenic river.

''(II) The 1.0-mile segment of Dulog Creek from 0.1 miles downstream of road 34–8–36 to the confluence with the Rogue River as a wild river.

''(xxiii) GALICE CREEK.—The 2.2-mile segment of Galice Creek from the confluence with the North and South Forks of Galice Creek to the confluence with the Rogue River as a recreational river.

''(xxiv) NORTH FORK GALICE CREEK.—

''(I) The 1.2-mile segment of North Fork Galice Creek from the headwaters of the Creek to 0.1 miles upstream of road 34–8–36 as a scenic river.

''(II) The 4.5-mile segment of North Fork Galice Creek from 0.1 miles upstream of road 34–8–36 to the confluence with Galice Creek as a recreational river.

''(xxv) QUAIL CREEK.—

''(I) The 0.7-mile segment of Quail Creek from the headwaters of the Creek to 0.1 miles downstream from road 32–9–14.2 as a scenic river.

''(II) The 1.8-mile segment of Quail Creek from to 0.1 miles downstream from road 32–9–14.2 to the confluence with the Rogue River as a wild river.

''(xxvi) MEADOW CREEK.—The 4.1-mile segment of Meadow Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

''(xxvii) RUSSIAN CREEK.—

''(I) The 0.4-mile segment of Russian Creek from the headwaters of the Creek to 0.1 miles downstream from road 33–8–21 as a scenic river.

''(II) The 2.2-mile segment of Russian Creek 0.1 miles downstream from road 33–8–21 to the confluence with the Rogue River as a wild river.

''(xxviii) ALDER CREEK.—The 1.2-mile segment of Alder Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

''(xxix) BOOZE CREEK.—The 1.5-mile segment of Booze Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

''(xxx) BRONCO CREEK.—The 1.8-mile segment of Bronco Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

''(xxxi) CENTENNIAL GULCH CREEK.—The 1.9-mile segment of Centennial Gulch Creek from the headwaters of the Creek to the confluence with the Rogue River as a recreational river.

''(xxxii) COPSEY CREEK.—The 1.5-mile segment of Copsey Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

''(xxxiii) CORRAL CREEK.—The 0.5-mile segment of Corral Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

''(xxxiv) COWLEY CREEK.—The 0.9-mile segment of Cowley Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

''(xxxv) DITCH CREEK.—

''(I) The 0.5-mile segment of Ditch Creek from the headwaters of the Creek 0.1 miles downstream from road 33–5–9.2 as a scenic river.

''(II) The 1.9-mile segment of Ditch Creek from 0.1 miles downstream from road 33–5–9.2 to the confluence with the Rogue River as a wild river.

''(xxxvi) FRANCIS CREEK.—The 0.9-mile segment of Francis Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

''(xxxvii) LONG GULCH.—

''(I) The 1.4-mile segment of Long Gulch from the headwaters to 0.1 miles downstream from road 34–9–21 as a scenic river.

''(II) The 1.1-mile segment of Long Gulch from 0.1 miles downstream of road 34–9–21 to the confluence with the Rogue River as a wild river.

''(xxxviii) BAILEY CREEK.—

''(I) The 1.0-mile segment of Bailey Creek from the headwaters of the Creek to 0.1 miles downstream from road 34–8–22.2 as a scenic river.

''(II) The 2.1-mile segment of Bailey Creek from 0.1 miles downstream from road 34–8–22.2 to the confluence of the Rogue River as a wild river.

''(xxxix) SHADY CREEK.—The 0.7-mile segment of Shady Creek from the headwaters of the Creek to the confluence with the Rogue River, as a wild river.

''(xl) SLIDE CREEK.—

''(I) The 0.5-mile segment of Slide Creek from the headwaters of the Creek to 0.1 miles downstream from road 33–9–6 as a scenic river.

''(II) The 0.7-mile segment of Slide Creek from 0.1 miles downstream of road 33–9–6 to the confluence with the Rogue River as a wild river.''.

(b) ADMINISTRATIVE PROVISIONS.—

(1) IN GENERAL.—Any segment of the Rogue River designated by subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subsection (a)(2)) shall—

(A) include an average of 640 acres per mile measured from the ordinary high water mark on both sides of the River; and

(B) be managed as part of the Rogue Wild and Scenic River designated by subparagraph (A) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subsection (a)(1)).

(2) WITHDRAWAL.—Subject to valid rights, the Federal land within the boundaries of the river segments designated by subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subsection (a)(2)) is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(3) WINDPOWER FACILITIES PROHIBITED.—The siting of windpower facilities within the lateral boundaries of a segment of the Rogue Wild and Scenic River designated by subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subsection (a)(2)) is prohibited.

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

S. 3151. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to priority review vouchers; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise to engage my distinguished colleague from Ohio in a colloquy.

Mr. BROWN. I yield to the Senator.

Mr. BROWNBACK: I want to express my support for our provision included in the Food and Drug Administration Amendments Act of 2007, FDAAA, signed into law this Congress, to award an FDA priority review voucher to encourage the development of treatments for tropical diseases. According to the World Health Organization, roughly one billion people, or nearly one of every six people worldwide, are affected by at least one tropical disease. However, less than 1% of the roughly 1,400 drugs registered between 1975 and 1999 treated such diseases. These diseases are often referred to as the ''neglected diseases'' because of the lack of modern treatments available to address them and their disproportionate impact on very low income populations.

Since the purpose of the priority review voucher is to encourage research and development for diseases for which there is currently little or no market, our intent is that the priority review voucher creates a strong incentive for investment in the often financially risky business of drug and biologic procurement for neglected diseases. Basic economics dictate that the voucher will create the strongest incentive by being freely transferable among private businesses, with each voucher having the capacity for transfer multiple times, without restriction. This interpretation is the intent of Congress. Any imposition of restriction by the Food and Drug Administration on the number of times and manner of transfer of the voucher will have the effect of negating its value, which is contrary to Congressional intent. I yield to my distinguished colleague to elaborate on this point.

Mr. BROWN. I concur with my colleague on the importance of creating a strong incentive for development of treatments for neglected, tropical diseases through a freely transferable priority review voucher. Accordingly, I rise today to introduce, along with my colleague from the State of Kansas, a bill that would codify the authors' intent of two parts of the priority review voucher law. First, any priority review voucher awarded under the provision is freely transferable without restriction on the number of times it can be transferred. Second, the priority review voucher can be redeemed only for a human drug application that is not already pending with the Food and Drug Administration. I encourage my colleagues in Congress to join us in ensuring that this legislation moves quickly through the legislative process.

Mr. BROWNBACK. I thank my friend, the Senator from Ohio, for introducing this important measure and for his remarks.

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By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 3152. A bill to provide for a comprehensive study by the National Research Council of the National Academies to assess the water management, needs, and conservation of the Apalachicola-Chattahoochee-Flint River System; to the Committee on Environment and Public Works.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation to help preserve a vital ecosystem and protect a way of life for many citizens in my home State of Florida.

I am introducing a bill that would require the U.S. Army Corps of the Engineers to commission the National Research Council of the National Academies to conduct a comprehensive study of water management and conservation of the Apalachicola-Chattahoochee-Flint, ACF, River System. My colleague in the Florida Congressional Delegation, Congressman ALLEN BOYD, is offering similar legislation today in the U.S. House of Representatives.

At the confluence of the Flint and Chattahoochee Rivers, the Apalachicola River begins its winding journey to the Gulf of Mexico. Nearly 112 miles later, the river flows into Apalachicola Bay, bringing fresh water and vital nutrients to the famed oyster beds and fisheries of the bay.

I visited the Apalachicola last month, rode down the river, and met with many who are concerned about its fate. When people think of Florida, they may envision palm trees or white sand. That is not what the Apalachicola has to offer, but it is unique and spectacular in its own right. The water is dark from tannic acid leached from trees in the river's swamps. At nearly 140 feet tall, majestic bluffs line the banks of the northern section of the river and form the largest exposed geological outcropping in Florida. In this reach of the river, the Alum Bluff is a significant historic site. Andrew Jackson paused here in 1818, and Confederate troops fortified the area with earthworks and cannon during the Civil War.

As you traverse into the southern reaches of the Apalachicola and get closer to the bay, the vegetation changes and the land is flat. The brackish area of the Apalachicola, where the river's freshwater mixes with saltwater from the Gulf of Mexico, is home to one of the Nation's most productive oyster-harvesting areas.

I work a great deal on another ecosystem that is much more familiar in Florida and across the Nation, the Everglades. I can tell you that comparing an impaired ecosystem like the River of Grass to the Apalachicola demonstrates a powerful lesson: we must manage our natural resources wisely, or face serious consequences.

Chronic drought conditions in the southeastern U.S. have led to dramatic decreases in the quantity of water entering the ACF River System. Both these natural fluctuations in water supply and human-related uses have led to unprecedented reductions in freshwater inflow entering Apalachicola Bay. The water and nutrients delivered to the bay are critical to the health and productivity of the estuary and adjacent coastal waters of the Gulf. This area supports significant recreational and commercial fisheries, including 90 percent of Florida's oyster fishery, as well as shrimp, grouper, and other high-value species.

We cannot sit back and watch as the Apalachicola River and Bay decline as a result of this historically low freshwater inflow. Under the current way of doing business, the ecosystems of the river and bay are suffering, as are the citizens who rely upon them for their livelihood. We need a solution that takes into account the environmental sensitivities and real water needs of all citizens in Florida, Alabama, and Georgia who live and work within the ACF River System. This study is a first step toward reaching that goal.

As an independent and trusted source of scientific analysis and advice, the National Research Council is uniquely qualified to undertake such a comprehensive study. In the legislation, I ask that the NRC examine a number of critical issues. These include examining the state of the science on the Apalachicola River and Bay, including the impact of reduced freshwater flow on the area's ecology, and assessing water availability, supply options, demand-management alternatives, and socioeconomic factors that influence uses in the ACF River System. There is also a tremendous need for the NRC to provide all concerned with water management in the ACF River System with recommendations on how to determine water limits that adequately recognize and balance the needs of all users.

We have responsibility to be good stewards of our environment. This responsibility requires us to ensure that our management decisions are based on the best, peer- reviewed science that is available. The NRC study commissioned in the legislation that I am offering today would go a long way in helping us to fulfill that responsibility.

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

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

S. 3152

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

**SECTION 1. STUDY ON THE APALACHICOLA-CHATTAHOOCHEE-FLINT RIVER SYSTEM.**

(a) NATIONAL RESEARCH COUNCIL STUDY.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Army shall enter into an agreement with the National Research Council of the National Academies under which the Council shall conduct a comprehensive study of the water management, needs, and conservation of the Apalachicola-Chattahoochee-Flint River System (in this Act referred to as the ''ACF River System'').

(b) MATTERS TO BE ADDRESSED.—The study under subsection (a) shall include the following:

(1) A summary of the existing body of scientific knowledge on—

(A) the ecology, hydrology, geomorphology, and biogeochemistry of the Apalachicola River and the greater ACF River System;

(B) the ecosystem services provided by the Apalachicola River;

(C) the impact of variation in freshwater flow on the ecology of the river and downstream coastal ecosystems, including the Apalachicola Bay ecosystem; and

(D) how to restore the natural hydraulic function of the ACF River System, including restoration of floodplains and wetlands.

(2) An assessment of models that serve as the basis for the master manuals of the ACF River System.

(3) An assessment of water availability, supply options, demand-management alternatives, and socioeconomic factors that influence uses in the ACF River System, including water quality, navigation, hydropower, recreation, in-stream ecology, and flood control.

(4) An assessment of policies, regulations, and other factors that affect Federal water project operations.

(5) Recommendations for an approach to determine water limits that recognize the needs of all water users along the ACF River System, including adequate in-stream flow requirements.

(6) Recommendations for any additional measures to address the long-term watershed management needs of the ACF River System as the National Research Council considers appropriate.

(c) REPORT.—Not later than 2 years after entering into an agreement under subsection (a), the National Research Council shall submit to the Secretary of the Army and Congress a report containing the findings of the study under subsection (a) and such other recommendations as the Council considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this Act, there is authorized to be appropriated $1,200,000.

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

S. 3155. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other puropses; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join Senator SPECTER and Senator KOHL in introducing important legislation designed to protect our communities and particularly our most precious asset, our children, not only by keeping them safe and out of trouble, but also by helping to ensure they have the opportunity to become productive adult members of society. Senator SPECTER and Senator KOHL have been leaders in this area of the law for decades, and I am honored to work with them once again on such an important initiative. I thank Senator KOHL for sharing with me the responsibilities of chairing the Committee's hearing on this bill in December, and for working so hard to draft this legislation.

The Juvenile Justice and Delinquency Prevention Act, JJDPA, sets out Federal policy and standards for the administration of juvenile justice in the states. It authorizes key Federal resources for states to improve their juvenile justice systems and for communities to develop programs to prevent young people from getting into trouble. With the reauthorization of this important legislation, we recommit to these important goals but also push the law forward in key ways to better serve our communities and our children.

The basic goals of the Juvenile Justice and Delinquency Prevention Act remain the same: keeping our communities safe by reducing juvenile crime, promoting programs and policies that keep children out of the criminal justice system, and encouraging states to implement policies designed to steer those children who do enter the juvenile justice system back onto a track to become contributing members of society.

The reauthorization of the JJDPA that we introduce today augments these goals in several ways. First, this bill encourages states to move away from keeping young people in adult jails. The Center for Disease Control and Prevention concluded late last year that children who are held in adult prisons commit more crimes, and more serious crimes, when they are released, than children with similar histories who are kept in juvenile facilities. After years of pressure to try more and more young people as adults and to send them to adult prisons, it is time to seriously consider the strong evidence that this policy is not working.

We must do this with ample consideration for the fiscal constraints on states, particularly in these lean budget times, and with ample deference to the traditional role of states in setting their own criminal justice policy. We have done so here. But we also must work to ensure that unless strong and considered reasons dictate otherwise, the presumption must be that children will be kept with other children, particularly before they have been convicted of any wrongdoing.

As a former prosecutor, I know well the importance of holding criminals accountable for their crimes with strong sentences. But when we are talking about children, we must also think about how best to help them become responsible, contributing members of society as adults. That keeps us all safer.

I am disturbed that children from minority communities continue to be overrepresented in the juvenile justice system. This bill encourages states to take new steps to identify the reasons for this serious and continuing problem and to work together with the Federal government and with local communities to find ways to start solving it.

I am also concerned that too many runaway and homeless young people are locked up for so-called status offenses, like truancy, without having committed any crime. In a Judiciary Committee hearing earlier this year on the reauthorization of the Runaway and Homeless Youth Act, I was amazed by the plight of this vulnerable population, even in the wealthiest country in the world, and inspired by their ability to rise above that adversity. The Runaway and Homeless Youth Act seeks to provide necessary services to vulnerable young people.

Complementing that effort, this reauthorization of the JJDPA takes strong and significant steps to move states away from detaining children from at-risk populations for status offenses. This bill requires rigorous new procedures before a state can detain a status offender, and strictly limits the time they may be detained. This provision was drafted with the limited resources of states in mind, deference to judicial discretion, and the need to keep children safe when no other appropriate placement is available, but it aims to move states decisively in the direction of ending the practice of detaining status offenders, as some states already have.

As I have worked with experts on this legislation, it has become abundantly clear that mental health and drug treatment are fundamental to making real progress toward keeping juvenile offenders from recidivism. Mental disorders are two to three times more common among children in the juvenile justice system than in the general population, and fully eighty percent of young people in the juvenile justice system have been found by some studies to have a connection to substance abuse. Often these young people face coexisting mental health and drug problems. This bill takes new and important steps to prioritize and fund mental health and drug treatment.

The bill tackles several other key facets of juvenile justice reform. It emphasizes effective training of personnel who work with young people in the juvenile justice system, both to encourage the use of approaches that have been proven effective and to eliminate cruel and unnecessary treatment of juveniles. It also creates incentives for the use of programs that research and testing have shown to work best.

Finally, the bill refocuses attention on prevention programs intended to keep children from ever entering the criminal justice system. I was struck when Chief Richard Miranda of Tucson,

Arizona, said at our December hearing on this bill that we cannot arrest our way out of the problem. I heard the same sentiment from Chief Anthony Bossi and others at the Judiciary Committee's field hearing on young people and violent crime in Rutland, Vermont, earlier this year. When seasoned police officers from Rutland, Vermont, to Tucson, Arizona, tell me that prevention programs are pivotal, I pay attention.

Just as this administration and recent Republican Congresses have gutted programs that support state and local law enforcement, so they have consistently cut and narrowed effective prevention programs, creating a dangerous vacuum. We need to reverse this trend and help our communities implement programs proven to help kids turn their lives around.

I have long supported a strong Federal commitment to preventing youth violence, and I have worked hard on past reauthorizations of this legislation, as have Senators SPECTER and KOHL and others on the Judiciary Committee. We have learned the importance of balancing strong law enforcement with effective prevention programs. This reauthorization pushes forward new ways to help children move out of the criminal justice system, return to school, and become responsible, hard-working members of our communities.

I thank the many prominent Vermont representatives of law enforcement, the juvenile justice system, and prevention-oriented non-profits who have spoken to me in support of reauthorizing this important Act and who have helped inform my understanding of these issues. They include Ken Schatz of the Burlington City Attorney's Office, Vermont Juvenile Justice Specialist Theresa Lay-Sleeper, and Chief Steve McQueen of the Winooski Police Department. I know that many of my colleagues on the Committee have heard from passionate leaders on this issue in their own states.

These are difficult issues. We all care deeply about the well-being of our children and our communities, but we will not always agree completely on the best way to address the problems that keep too many of our young people ensnared in the justice system. After months of research and discussions, Senator KOHL, Senator SPECTER, and I believe we have found a way forward toward creating a system that will work more effectively to protect our young people. I hope all Senators will support this important legislation.

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

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

S. 3155

*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 ''Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008''.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:



## TITLE I—FINDINGS AND DECLARATION OF PURPOSE

**SEC. 101. FINDINGS.**

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

**''SEC. 101. FINDINGS.**

''Congress finds the following:

''(1) A growing body of adolescent development research supports the use of developmentally appropriate services and sanctions for youth in the juvenile justice system and those at risk for delinquent behavior to help prevent youth crime and to successfully intervene with youth who have already entered the system.

''(2) Research has shown that targeted investments to redirect offending juveniles onto a different path are cost effective and can help reduce juvenile recidivism and adult crime.

''(3) Minorities are disproportionately represented in the juvenile justice system.

''(4) Between 1990 and 2004, the number of youth in adult jails increased by 208 percent.

''(5) Every day in the United States, an average of 7,500 youth are incarcerated in adult jails.

''(6) Youth who have been previously tried as adults are, on average, 34 percent more likely to commit crimes than youth retained in the juvenile justice system.

''(7) Research has shown that every dollar spent on evidence based programs can yield up to $13 in cost savings.

''(8) Each child prevented from engaging in repeat criminal offenses can save the community $1,700,000 to $3,400,000.

''(9) Youth are 19 times more likely to commit suicide in jail than youth in the general population and 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility.

''(10) Seventy percent of youth in detention are held for nonviolent charges, and more than ⅔ are charged with property offenses, public order offenses, technical probation violations, or status offenses, such as truancy, running away, or breaking curfew.

''(11) The prevalence of mental disorders among youth in juvenile justice systems is 2 to 3 times higher than among youth in the general population.

''(12) Eighty percent of juveniles in juvenile justice systems have a nexus to substance abuse.

''(13) The proportion of girls entering the justice system has increased steadily over the past several decades, rising from 20 percent in 1980 to 29 percent in 2003.''.

**SEC. 102. PURPOSES.**

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) to support a continuum of programs (including delinquency prevention, intervention, mental health and substance abuse treatment, and aftercare) to address the needs of at-risk youth and youth who come into contact with the justice system.''.

**SEC. 103. DEFINITIONS.**

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by amending paragraph (18) to read as follows:

''(18) the term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);'';

(2) in paragraph (22), by striking ''or confine adults'' and all that follows and inserting ''or confine adult inmates;'';

(3) by amending paragraph (26) to read as follows:

''(26) the term 'adult inmate'—

''(A) means an individual who—

''(i) has reached the age of full criminal responsibility under applicable State law; and

''(ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense; and

''(B) does not include an individual who—

''(i) at the time of the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and

''(ii) was committed to the care and custody of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law;'';

(4) in paragraph (28), by striking ''and'' at the end;

(5) in paragraph (29), by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

''(30) the term 'core requirements' means the requirements described in paragraphs (11), (12), (13), and (15) of section 223(a);

''(31) the term 'chemical agent' means a spray used to temporarily incapacitate a person, including oleoresin capsicum spray, tear gas, and 2-chlorobenzalmalononitrile gas;

''(32) the term 'isolation'—

''(A) means any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and

''(B) does not include confinement in the room or cell in which the youth usually sleeps, protective confinement (for injured youths or youths whose safety is threatened), separation based on an approved treatment program, routine confinement at the time of the youth's admission, confinement

that is requested by the youth, or the separation of the youth from a group in a nonlocked setting for the purpose of calming;

''(33) the term 'restraint' has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290ii);

''(34) the term 'evidence based' means a program or practice that is demonstrated to be effective and that—

''(A) is based on a clearly articulated and empirically supported theory;

''(B) has measurable outcomes, including a detailed description of what outcomes were produced in a particular population; and

''(C) has been scientifically tested, optimally through randomized, controlled studies;

''(35) the term 'promising' means a program or practice that is demonstrated to be effective based on positive outcomes from 1 or more objective evaluations, or based on practice knowledge, as documented in writing to the Administrator; and

''(36) the term 'dangerous practice' means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program.''.

## TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

**SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.**

Section 204(a)(2)(B)(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(a)(2)(B)(i)) is amended by striking ''240 days after the date of enactment of this paragraph'' and inserting ''July 2, 2009''.

**SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.**

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''the Administrator of the Substance Abuse and Mental Health Services Administration, the Secretary of Defense, the Secretary of Agriculture,'' after ''the Secretary of Health and Human Services,''; and

(ii) by striking ''Commissioner of Immigration and Naturalization'' and inserting ''Assistant Secretary for Immigration and Customs Enforcement''; and

(B) in paragraph (2)(A), by inserting ''(including at least 1 representative from the mental health fields)'' after ''field of juvenile justice''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''paragraphs (12)(A), (13), and (14) of section 223(a) of this title'' and inserting ''the core requirements''; and

(B) in paragraph (2)(B)—

(i) by striking ''180 days after the date of the enactment of this paragraph'' and inserting ''May 3, 2009''; and

(ii) by striking ''Committee on Education and the Workforce'' and inserting ''Committee on Education and Labor''.

**SEC. 203. ANNUAL REPORT.**

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in the matter preceding paragraph (1), by striking ''a fiscal year'' and inserting ''each fiscal year'';

(2) in paragraph (1)—

(A) in subparagraph (B), by inserting '', ethnicity,'' after ''race'';

(B) in subparagraph (E), by striking ''and'' at the end;

(C) in subparagraph (F)—

(i) by inserting ''and other'' before ''disabilities,''; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(G) a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government;

''(H) the number of juveniles released from custody and the type of living arrangement to which each such juvenile was released; and

''(I) the number of status offense cases petitioned to court, number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention''; and

(3) by adding at the end the following:

''(5) A description of the criteria used to determine what programs qualify as evidence based and promising programs under this title and title V and a comprehensive list of those programs the Administrator has determined meet such criteria.

''(6) A description of funding provided to Indian tribes under this Act, including direct Federal grants and funding provided to Indian tribes through a State or unit of local government.''.

**SEC. 204. ALLOCATION OF FUNDS.**

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)(1), by striking ''age eighteen.'' and inserting ''18 years of age, based on the most recent census data to monitor any significant changes in the relative population of people under 18 years of age occurring in the States.'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

''(c)(1) If any amount allocated under subsection (a) is withheld from a State due to noncompliance with the core requirements, the funds shall be reallocated for an improvement grant designed to assist the State in achieving compliance with the core requirements.

''(2) The Administrator shall condition a grant described in paragraph (1) on—

''(A) the State, with the approval of the Administrator, developing specific action steps designed to restore compliance with the core requirements; and

''(B) submitting to the Administrator semiannually a report on progress toward implementing the specific action steps developed under subparagraph (A).

''(3) The Administrator shall provide appropriate and effective technical assistance directly or through an agreement with a contractor to assist a State receiving a grant described in paragraph (1) in achieving compliance with the core requirements.'';

(4) in subsection (d), as so redesignated, by striking ''efficient administration, including monitoring, evaluation, and one full-time staff position'' and inserting ''effective and efficient administration, including the designation of at least 1 person to coordinate efforts to achieve and sustain compliance with the core requirements''; and

(5) in subsection (e), as so redesignated, by striking ''5 per centum'' and inserting ''not more than 5 percent''.

**SEC. 205. STATE PLANS.**

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''Not later than 30 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on a publicly available website.'' after ''compliance with State plan requirements.'';

(B) in paragraph (3)—

(i) in subparagraph (A)(ii)—

(I) in subclause (II), by striking ''counsel for children and youth'' and inserting ''publicly supported court-appointed legal counsel for children and youth charged in delinquency matters'';

(II) in subclause (III), by striking ''mental health, education, special education'' and inserting ''children's mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities'';

(III) in subclause (V), by striking ''delinquents or potential delinquents'' and inserting ''delinquent youth or youth at risk of delinquency, including volunteers who work with youth of color'';

(IV) in subclause (VII), by striking ''and'' at the end;

(V) by redesignating subclause (VIII) as subclause (XI);

(VI) by inserting after subclause (VII) the following:

''(VIII) the executive director or the designee of the executive director of a public or nonprofit entity that is located in the State and receiving a grant under part A of title III;

''(IX) persons with expertise and competence in preventing and addressing mental health or substance abuse problems in juvenile delinquents and those at-risk of delinquency;

''(X) representatives of victim or witness advocacy groups; and''; and

(VII) in subclause (XI), as so redesignated, by striking ''disabilities'' and inserting ''and other disabilities, truancy reduction or school failure'';

(ii) in subparagraph (D)(ii), by striking ''requirements of paragraphs (11), (12), and (13)'' and inserting ''core requirements''; and

(iii) in subparagraph (E)(i), by adding ''and'' at the end;

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking ''section 222(d)'' and inserting ''section 222(e)''; and

(ii) in subparagraph (C), by striking ''Indian tribes'' and all that follows through ''applicable to the detention and confinement of juveniles'' and inserting ''Indian tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles'';

(D) in paragraph (7)(B)—

(i) by striking clause (i) and inserting the following:

''(i) a plan for ensuring that the chief executive officer of the State, State legislature, and all appropriate public agencies in the State with responsibility for provision of services to children, youth and families are informed of the requirements of the State plan and compliance with the core requirements;'';

(ii) in clause (iii), by striking ''and'' at the end; and

(iii) by striking clause (iv) and inserting the following:

''(iv) a plan to provide alternatives to detention, including diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;

''(v) a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs;

''(vi) a plan to engage family members in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement; and

''(vii) a plan to use community-based services to address the needs of at-risk youth or youth who have come into contact with the juvenile justice system;'';

(E) in paragraph (8), by striking ''existing'' and inserting ''evidence based and promising'';

(F) in paragraph (9)—

(i) in the matter preceding subparagraph (A), by striking ''section 222(d)'' and inserting ''section 222(e)'';

(ii) in subparagraph (A)(i), by inserting ''status offenders and other'' before ''youth who need'';

(iii) in subparagraph (B)(i)—

(I) by striking ''parents and other family members'' and inserting ''status offenders, other youth, and the parents and other family members of such offenders and youth''; and

(II) by striking ''be retained'' and inserting ''remain'';

(iv) by redesignating subparagraphs (G) through (S) as subparagraphs (J) through (V), respectively;

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

(vi) by inserting after subparagraph (D) the following:

''(E) providing training and technical assistance to, and consultation with, juvenile justice and child welfare agencies of States and units of local government to develop coordinated plans for early intervention and treatment of youth who have a history of abuse and juveniles who have prior involvement with the juvenile justice system;'';

(vii) in subparagraph (G), as so redesignated, by striking ''expanding'' and inserting ''programs to expand'';

(viii) by inserting after subparagraph (G), as so redesignated, the following:

''(H) programs to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency;

''(I) expanding access to publicly supported, court-appointed legal counsel and enhancing capacity for the competent representation of every child;'';

(ix) in subparagraph (O), as so redesignated—

(I) in clause (i), by striking ''restraints'' and inserting ''alternatives''; and

(II) in clause (ii), by striking ''by the provision''; and

(x) in subparagraph (V), as so redesignated, by striking the period at the end and inserting a semicolon;

(G) in paragraph (11)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(C) encourage the use of community-based alternatives to secure detention, including programs of public and nonprofit entities receiving a grant under part A of title III;'';

(H) by striking paragraph (22);

(I) by redesignating paragraphs (23) through (28) as paragraphs (24) through (29), respectively;

(J) by redesignating paragraphs (14) through (21) as paragraphs (16) through (23), respectively;

(K) by inserting after paragraph (13) the following:

''(14) require that—

''(A) not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—

''(i) shall not have contact with adult inmates; and

''(ii) may not be held in any jail or lockup for adults;

''(B) in determining under subparagraph (A) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have contact with adult inmates, a court shall consider—

''(i) the age of the juvenile;

''(ii) the physical and mental maturity of the juvenile;

''(iii) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;

''(iv) the nature and circumstances of the alleged offense;

''(v) the juvenile's history of prior delinquent acts;

''(vi) the relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile and to protect the public;

''(vii) whether placement in a juvenile facility will better serve the long-term interests of the juvenile and be more likely to prevent recidivism;

''(viii) the availability of programs designed to treat the juvenile's behavioral problems; and

''(ix) any other relevant factor; and

''(C) if a court determines under subparagraph (A) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have contact with adult inmates—

''(i) the court shall hold a hearing not less than frequently than once every 30 days to review whether it is still in the interest of justice to permit the juvenile to be so held or have such contact; and

''(ii) the juvenile shall not be held in any jail or lockup for adults, or permitted to have contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation;

''(15) implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by—

''(A) establishing coordinating bodies, composed of juvenile justice stakeholders at the State, local, or tribal levels, to oversee and monitor efforts by States, units of local government, and Indian tribes to reduce racial and ethnic disparities;

''(B) identifying and analyzing key decision points in State, local, or tribal juvenile justice systems to determine which points create racial and ethnic disparities among youth who come into contact with the juvenile justice system;

''(C) developing and implementing data collection and analysis systems to identify where racial and ethnic disparities exist in the juvenile justice system and to track and analyze such disparities;

''(D) developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraphs (B) and (C); and

''(E) publicly reporting, on an annual basis, the efforts made in accordance with subparagraphs (B), (C), and (D);''

(L) in paragraph (16), as so redesignated—

(i) by striking ''adequate system'' and inserting ''effective system'';

(ii) by striking ''requirements of paragraph (11),'' and all that follows through ''monitoring to the Administrator'' and inserting ''the core requirements are met, and for annual reporting to the Administrator of such plan, including the results of such monitoring and all related enforcement and educational activities''; and

(iii) by striking '', in the opinion of the Administrator,'';

(M) in paragraph (17), as so redesignated, by inserting ''ethnicity,'' after ''race,'';

(N) in paragraph (24), as so redesignated—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''and'' at the end;

(II) in clause (ii), by adding ''and'' at the end; and

(III) by adding at the end the following:

''(iii) if such court determines the juvenile should be placed in a secure detention facility or correctional facility for violating such order, the court shall issue a written order that—

''(I) identifies the valid court order that has been violated;

''(II) specifies the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order;

''(III) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile; and

''(IV) specifies the length of time, not to exceed 7 days, that the juvenile may remain in a secure detention facility or correctional facility, and includes a plan for the juvenile's release from such facility; and''; and

(iii) by adding at the end the following:

''(D) there are procedures in place to ensure that any juvenile held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter;'';

(O) in paragraph (26), as so redesignated, by striking ''section 222(d)'' and inserting ''section 222(e)'';

(P) in paragraph (27), as so redesignated—

(i) by inserting ''and in accordance with confidentiality concerns,'' after ''maximum extent practicable,''; and

(ii) by striking the semicolon at the end and inserting the following: '', so as to provide for—

''(A) a compilation of data reflecting information on juveniles entering the juvenile justice system with a prior reported history as victims of child abuse or neglect through arrest, court intake, probation and parole, juvenile detention, and corrections; and

''(B) a plan to use the data described in subparagraph (A) to provide necessary services for the treatment of victims of child abuse and neglect who have entered, or are at risk of entering, the juvenile justice system;'';

(Q) in paragraph (28), as so redesignated—

(i) by striking ''establish policies'' and inserting ''establish protocols, policies, procedures,''; and

(ii) by striking ''and'' at the end;

(R) in paragraph (29), as so redesignated, by striking the period at the end and inserting a semicolon; and

(S) by adding at the end the following:

''(30) provide for the coordinated use of funds provided under this Act with other Federal and State funds directed at juvenile delinquency prevention and intervention programs;

''(31) develop policies and procedures, and provide training for facility staff, on evidence based and promising techniques for effective behavior management that are designed to eliminate the use of dangerous practices, unreasonable restraints, and isolation;

''(32) provide mental health and substance abuse screening, assessment, referral, and treatment for juveniles in the juvenile justice system;

''(33) provide procedural safeguards to adjudicated juveniles, including—

''(A) a written case plan for each juvenile, based on an assessment of the needs of the juvenile and developed and updated in consultation with the juvenile, the family of the juvenile, and, if appropriate, counsel for the juvenile, that—

''(i) describes the pre-release and post-release programs and reentry services that will be provided to the juvenile;

''(ii) describes the living arrangement to which the juvenile is to be discharged; and

''(iii) establishes a plan for the enrollment of the juvenile in post-release health care, behavioral health care, educational, vocational, training, family support, public assistance, and legal services programs, as appropriate;

''(B) as appropriate, a hearing that—

''(i) shall take place in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not earlier than 30 days before the date on which the juvenile is scheduled to be released, and at which the juvenile would be represented by counsel; and

''(ii) shall determine the discharge plan for the juvenile, including a determination of whether a safe, appropriate, and permanent living arrangement has been secured for the juvenile and whether enrollment in health care, behavioral health care, educational, vocational, training, family support, public assistance and legal services, as appropriate, has been arranged for the juvenile; and

''(C) policies to ensure that discharge planning and procedures—

''(i) are accomplished in a timely fashion prior to the release from custody of each adjudicated juvenile; and

''(ii) do not delay the release from custody of the juvenile; and

''(34) provide a description of the use by the State of funds for reentry and aftercare services for juveniles released from the juvenile justice system.'';

(2) in subsection (c)—

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

(i) by striking ''applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a)'' and inserting ''core requirements''; and

(ii) by striking ''2001, then'' and inserting ''2008'';

(B) in paragraph (1), by striking '', and'' at the end and inserting a semicolon;

(C) in paragraph (2)(B)(ii)—

(i) by inserting '', administrative,'' after ''appropriate executive''; and

(ii) by striking the period at the end and inserting '', as specified in section 222(c); and''; and

(D) by adding at the end the following:

''(3) the State shall submit to the Administrator a report detailing the reasons for noncompliance with the core requirements, including the plan of the State to regain full compliance, and the State shall make publicly available such report, not later than 30 days after the date on which the Administrator approves the report, by posting the report on a publicly available website.'';

(3) in subsection (d)—

(A) by striking ''section 222(d)'' and inserting ''section 222(e)'';

(B) by striking ''described in paragraphs (11), (12), (13) and (22) of subsection (a)'' and inserting ''described in the core requirements''; and

(C) by striking ''the requirements under paragraphs (11), (12), (13) and (22) of subsection (a)'' and inserting ''the core requirements''; and

(4) by striking subsection (f) and inserting the following:

''(f) COMPLIANCE DETERMINATION.—Not later than 60 days after the date of receipt of information indicating that a State may be out of compliance with any of the core requirements, the Administrator shall—

''(1) determine whether the State is in compliance with the core requirements;

''(2) issue a public report describing the determination described in paragraph (1), including a summary of the information on which the determination is based and the actions to be taken by the Administrator (including a description of any reduction imposed under subsection (c)); and

''(3) make the report described in paragraph (2) available on a publicly available website.

''(g) TECHNICAL ASSISTANCE.—

''(1) ORGANIZATION OF STATE ADVISORY GROUP MEMBER REPRESENTATIVES.—The Administrator shall provide technical and financial assistance to an agency, institution, or organization to assist in carrying out the activities described in paragraph (3). The functions and activities of an agency, institution, or organization under this subsection shall not be subject to the Federal Advisory Committee Act.

''(2) COMPOSITION.—To be eligible to receive assistance under this subsection, an agency, institution, or organization shall—

''(A) be governed by individuals who—

''(i) have been appointed by a chief executive of a State to serve as a member of a State advisory group established under subsection (a)(3); and

''(ii) are elected to serve as a governing officer of such an agency, institution, or organization by a majority of the member Chairs (or the designees of the member Chairs) of all State advisory groups established under subsection (a)(3);

''(B) include member representatives—

''(i) from a majority of the State advisory groups established under subsection (a)(3); and

''(ii) who are representative of regionally and demographically diverse State jurisdictions; and

''(C) annually seek advice from the Chairs (or the designees of the member Chairs) of each State advisory group established under subsection (a)(3) to implement the advisory functions specified in subparagraphs (D) and (E) of paragraph (3) of this subsection.

''(3) ACTIVITIES.—To be eligible to receive assistance under this subsection, an agency, institution, or organization shall agree to—

''(A) conduct an annual conference of the member representatives of the State advisory groups established under subsection (a)(3) for purposes relating to the activities of such State advisory groups;

''(B) disseminate information, data, standards, advanced techniques, and program models;

''(C) review Federal policies regarding juvenile justice and delinquency prevention;

''(D) advise the Administrator regarding particular functions or aspects of the work of the Office; and

''(E) advise the President and Congress regarding State perspectives on the operation of the Office and Federal legislation relating to juvenile justice and delinquency prevention.''.

**SEC. 206. AUTHORITY TO MAKE GRANTS.**

Section 241(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(a)) is amended—

(1) in paragraph (1), by inserting ''status offenders,'' before ''juvenile offenders, and juveniles'';

(2) in paragraph (5), by striking ''juvenile offenders and juveniles'' and inserting ''status offenders, juvenile offenders, and juveniles'';

(3) in paragraph (10), by inserting '', including juveniles with disabilities'' before the semicolon;

(4) in paragraph (17), by inserting ''truancy prevention and reduction,'' after ''mentoring,'';

(5) in paragraph (24), by striking ''and'' at the end;

(6) by redesignating paragraph (25) as paragraph (26); and

(7) by inserting after paragraph (24) the following:

''(25) projects that support the establishment of partnerships between a State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency; and''.

**SEC. 207. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.**

(a) IN GENERAL.—Section 251 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter proceeding subparagraph (A), by striking ''may'' and inserting ''shall'';

(ii) in subparagraph (A), by striking ''plan and identify'' and inserting ''annually provide a written and publicly available plan to identify''; and

(iii) in subparagraph (B)—

(I) by amending clause (iii) to read as follows:

''(iii) successful efforts to prevent status offenders and first-time minor offenders from subsequent involvement with the criminal justice system;'';

(II) by amending clause (vii) to read as follows:

''(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement when held in the custody of secure detention and corrections facilities, including an examination of the effects of confinement;'';

(III) by redesignating clauses (ix), (x), and (xi) as clauses (xi), (xii), and (xiii), respectively; and

(IV) by inserting after clause (viii) the following:

''(ix) training efforts and reforms that have produced reductions in or elimination of the use of dangerous practices;

''(x) methods to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency;''; and

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting ''and not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008'' after ''date of enactment of this paragraph'';

(ii) in subparagraph (F), by striking ''and'' at the end;

(iii) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(H) a description of the best practices in discharge planning; and

''(I) an assessment of living arrangements for juveniles who cannot return to the homes of the juveniles.'';

(2) in subsection (b), in the matter preceding paragraph (a), by striking ''may'' and inserting ''shall''; and

(3) by adding at the end the following:

''(f) NATIONAL RECIDIVISM MEASURE.—The Administrator shall—

''(1) establish a uniform method of data collection and technology that States shall use to evaluate data on juvenile recidivism on an annual basis;

''(2) establish a common national juvenile recidivism measurement system; and

''(3) make cumulative juvenile recidivism data that is collected from States available to the public.''.

(b) STUDIES.—

(1) IN GENERAL.—The Administrator shall conduct a study and publish a report on the differences between male and female juvenile offenders that includes analyses of—

(A) risk factors specific to the development of delinquent behavior in girls;

(B) the mental health needs of delinquent girls and girls at risk of delinquency;

(C) delinquency prevention and intervention programs that are effective among girls; and

(D) how prevention and intervention programs for delinquent girls and girls at-risk of delinquency can be made more effective.

(2) ASSESSMENT OF TREATING JUVENILES AS ADULTS.—The Administrator shall—

(A) not later than 3 years after the date of enactment of this Act, assess the effectiveness of the practice of treating juveniles as adults for purposes of prosecution in criminal court; and

(B) not later than 42 months after the date of enactment of this Act, submit to Congress and the President, and make publicly available, a report on the findings and conclusions of the assessment under subparagraph (A) and any recommended changes in law identified as a result of the assessment under subparagraph (A).

(3) OUTCOME STUDY OF FORMER JUVENILE OFFENDERS.—The Administrator shall conduct a study of adjudicated juveniles and publish a report on the outcomes for juveniles who have reintegrated into the community, which shall include information on the outcomes relating to family reunification, housing, education, employment, health care, behavioral health care, and repeat offending.

(4) DEFINITION OF ADMINISTRATOR.—In this subsection, the term ''Administrator'' means the head of the Office of Juvenile Justice and Delinquency Prevention.

**SEC. 208. TRAINING AND TECHNICAL ASSISTANCE.**

Section 252 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''may'';

(B) in paragraph (1), by inserting ''shall'' before ''develop and carry out projects''; and

(C) in paragraph (2), by inserting ''may'' before ''make grants to and contracts with'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''may'';

(B) in paragraph (1)—

(i) by inserting ''shall'' before ''develop and implement projects''; and

(ii) by striking ''and'' at the end;

(C) in paragraph (2)—

(i) by inserting ''may'' before ''make grants to and contracts with''; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(3) shall provide technical assistance to States and units of local government on achieving compliance with the amendments made by the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008; and

''(4) shall provide technical assistance to States in support of efforts to establish partnerships between the State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency.''; and

(3) by adding at the end the following:

''(d) TECHNICAL ASSISTANCE TO STATES REGARDING LEGAL REPRESENTATION OF CHILDREN.—The Administrator shall develop and issue standards of practice for attorneys representing children, and ensure that the standards are adapted for use in States.

''(e) TRAINING AND TECHNICAL ASSISTANCE FOR LOCAL AND STATE JUVENILE DETENTION AND CORRECTIONS PERSONNEL.—The Administrator shall coordinate training and technical assistance programs with juvenile detention and corrections personnel of States and units of local government to promote evidence based and promising methods for improving conditions of juvenile confinement, including those that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation.

''(f) TRAINING AND TECHNICAL ASSISTANCE TO SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT INCLUDING HOME-BASED OR COMMUNITY-BASED CARE.—The Administrator shall provide training and technical assistance, in conjunction with the appropriate public agencies, to individuals involved in making decisions regarding the disposition of cases for youth who enter the juvenile justice system, including—

''(1) juvenile justice intake personnel;

''(2) probation officers;

''(3) juvenile court judges and court services personnel;

''(4) prosecutors and court-appointed counsel; and

''(5) family members of juveniles and family advocates.''.

**SEC. 209. INCENTIVE GRANTS FOR STATE AND LOCAL PROGRAMS.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

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

(2) by inserting after part E the following:

**''PART F—INCENTIVE GRANTS FOR STATE AND LOCAL PROGRAMS**

**''SEC. 271. INCENTIVE GRANTS.**

''(a) INCENTIVE GRANT FUNDS.—The Administrator may make incentive grants to a State, unit of local government, or combination of States and local governments to assist a State, unit of local government, or combination thereof in carrying out an activity identified in subsection (b)(1).

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—An incentive grant made by the Administrator under this section may be used to—

''(A) increase the use of evidence based or promising prevention and intervention programs;

''(B) improve the recruitment, selection, training, and retention of professional personnel (including in the fields of medicine, law enforcement, judiciary, juvenile justice, social work, and child prevention) who are engaged in, or intend to work in, the field of prevention, intervention, and treatment of juveniles to reduce delinquency;

''(C) establish a partnership between juvenile justice agencies of a State or unit of local government and mental health authorities of State or unit of local government to establish and implement programs to ensure there are adequate mental health and substance abuse screening, assessment, referral, treatment, and after-care services for juveniles who come into contact with the justice system;

''(D) provide training, in conjunction with the public or private agency that provides mental health services, to individuals involved in making decisions involving youth who enter the juvenile justice system (including intake personnel, law enforcement, prosecutors, juvenile court judges, public defenders, mental health and substance abuse service providers and administrators, probation officers, and parents) that focuses on—

''(i) the availability of screening and assessment tools and the effective use of such tools;

''(ii) the purpose, benefits, and need to increase availability of mental health or substance abuse treatment programs (including home-based and community-based programs) available to juveniles within the jurisdiction of the recipient;

''(iii) the availability of public and private services available to juveniles to pay for mental health or substance abuse treatment programs; or

''(iv) the appropriate use of effective home-based and community-based alternatives to juvenile justice or mental health system institutional placement; and

''(E) provide services to juveniles with mental health or substance abuse disorders who are at risk of coming into contact with the justice system.

''(2) COORDINATION AND ADMINISTRATION.—A State or unit of local government receiving a grant under this section shall ensure that—

''(A) the use of the grant under this section is developed as part of the State plan required under section 223(a); and

''(B) not more than 5 percent of the amount received under this section is used for administration of the grant under this section.

''(c) APPLICATION.—

''(1) IN GENERAL.—A State or unit of local government desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

''(2) CONTENTS.—In accordance with guidelines that shall be established by the Administrator, each application for incentive grant funding under this section shall—

''(A) describe any activity or program the funding would be used for and how the activity or program is designed to carry out 1 or more of the activities described in subsection (b);

''(B) if any of the funds provided under the grant would be used for evidence based or promising prevention or intervention programs, include a detailed description of the studies, findings, or practice knowledge that support the assertion that such programs qualify as evidence based or promising; and

''(C) for any program for which funds provided under the grant would be used that is not evidence based or promising, include a detailed description of any studies, findings, or practice knowledge which support the effectiveness of the program.''.

**SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''PARTS C AND E'' and inserting ''PARTS C, E, AND F'';

(B) in paragraph (1), by striking ''this title'' and all that follows and inserting the following: ''this title—

''(A) $196,700,000 for fiscal year 2009.;

''(B) $245,900,000 for fiscal year 2010;

''(C) $295,100,000 for fiscal year 2011;

''(D) $344,300,000 for fiscal year 2012; and

''(E) $393,500,000 for fiscal year 2013.''; and

(C) in paragraph (2), in the matter preceding subparagraph (A), by striking ''parts C and E'' and inserting ''parts C, E, and F'';

(2) in subsection (b), by striking ''fiscal years 2003, 2004, 2005, 2006, and 2007'' and inserting ''fiscal years 2009, 2010, 2011, 2012, and 2013'';

(3) in subsection (c), by striking ''fiscal years 2003, 2004, 2005, 2006, and 2007'' and inserting ''fiscal years 2009, 2010, 2011, 2012, and 2013'';

(4) by redesignating subsection (d) as subsection (e); and

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

''(d) AUTHORIZATION OF APPROPRIATIONS FOR PART F.—There are authorized to be appropriated to carry out part F, and authorized to remain available until expended, $60,000,000 for each of fiscal years 2009, 2010, 2011, 2012, and 2013. Of the sums that are appropriated for a fiscal year to carry out part F, not less than 50 percent shall be used to fund programs that are carrying out an activity described in subparagraph (C), (D), or (E) of section 271(b)(1).''.

**SEC. 211. ADMINISTRATIVE AUTHORITY.**

Section 299A(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672(e)) is amended by striking ''requirements described in paragraphs (11), (12), and (13) of section 223(a)'' and inserting ''core requirements''.

**SEC. 212. TECHNICAL AND CONFORMING AMENDMENTS.**

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 204(b)(6), by striking ''section 223(a)(15)'' and inserting ''section 223(a)(16)'';

(2) in section 246(a)(2)(D), by striking ''section 222(c)'' and inserting ''section 222(d)''; and

(3) in section 299D(b), of by striking ''section 222(c)'' and inserting ''section 222(d)''.

**TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS**

**SEC. 301. DEFINITIONS.**

Section 502 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5781) is amended—

(1) in the section heading, by striking ''**DEFINITION**'' and inserting ''**DEFINITIONS**''; and

(2) by striking ''this title, the term'' and inserting the following: ''this title—

''(1) the term 'mentoring' means matching 1 adult with 1 or more youths (not to exceed 4 youths) for the purpose of providing guidance, support, and encouragement aimed at developing the character of the youths, where the adult and youths meet regularly for not less than 4 hours each month for not less than a 9-month period; and

''(2) the term''.

**SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PROGRAMS.**

Section 504(a) of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5783(a)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) mentoring programs.''.

**SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

Section 505 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5784) is amended to read as follows:

**''SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this title—

''(1) $272,200,000 for fiscal year 2009;

''(2) $322,800,000 for fiscal year 2010;

''(3) $373,400,000 for fiscal year 2011;

''(4) $424,000,000 for fiscal year 2012; and

''(5) $474,600,000 for fiscal year 2013.''.

**SEC. 304. TECHNICAL AND CONFORMING AMENDMENT.**

The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking title V, as added by the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415; 88 Stat. 1133) (relating to miscellaneous and conforming amendments).

Mr. KOHL. Mr. President, I rise today with Senator LEAHY and Senator SPECTER to introduce the Juvenile Justice and Delinquency Prevention Reauthorization Act. The Juvenile Justice and Delinquency Prevention Act, JJDPA, has played a key role in successful state and local efforts to reduce juvenile crime and get kids back on track after they have had run-ins with the law. This legislation will reauthorize and make significant improvements to these important programs.

A successful strategy to combat juvenile crime consists of a large dose of prevention and intervention programs. Juvenile justice programs have proven time and time again that they help prevent crime, strengthen communities, and rehabilitate juvenile offenders. The JJDPA has always had a dual focus: prevention and rehabilitation.

The JJDPA has successfully focused on intervening in a positive manner to work with those teens that have fallen through the cracks and have had a few scrapes with the law. Many of the juveniles who come into contact with the justice system are not violent offenders or gang members. Rather, they are young people who have made mistakes and deserve a second chance to succeed and lead healthy lives. In fact, seventy percent of youth in detention are held for nonviolent charges. Research has shown that youth who come into contact with the justice system can be rehabilitated, and we have an obligation to support successful programs that do just that.

While putting young people on the right path after they have had run-ins with the law is tremendously important, we would all prefer to keep them from getting into trouble in the first place. Title V, of course, is the only federal program that is dedicated exclusively to juvenile crime prevention. Evidence-based prevention programs are proven to reduce crime. Because each child prevented from engaging in repeat criminal offenses can save the community $1.7 to $3.4 million, reducing crime actually saves money. Research has shown that every dollar spent on effective, evidence based programs can yield up to $13 in cost savings.

Since the last reauthorization in 2002, research and experience have revealed that there is still room for improvement. That is why we are proposing a number of changes to the Act.

Under Title II, the existing JJDPA requires states to comply with certain core requirements that are designed to protect and assist in the rehabilitation of juvenile offenders. This legislation makes improvements to four of the core requirements—removal of juveniles from adult jails, preventing contact between juvenile offenders and adult inmates, the deinstitutionalization of status offenders, and disproportionate minority contact, DMC.

The legislation would amend the jail removal and sight and sound requirements to ensure that juveniles charged as adults are not placed in an adult facility or allowed to have contact with adult inmates unless a court finds that it is in the interest of justice to do so. Research has shown that juveniles who spend time in adult jails am more likely to reoffend. Therefore, it is critical that we get judges more involved in this process to ensure that it is in everyone's best interest, but particularly the juvenile's best interest, to place that young person in an adult facility.

This measure would also place important limitations on the valid court order exception to the deinstitutionalization of status offenders. Under the current JJDPA, courts can order status offenders to be placed in secure detention with minimal process and no limit on duration. We seek to change both of these. This bill would place a 7 day limit on the amount of time a status offender can spend in a secure facility, and ensure that juvenile status offenders have significant procedural protections.

In addition, the legislation will push states to take concrete steps to identify the causes of disproportionate minority contact and take meaningful steps to achieve concrete reductions.

The bill also focuses a great deal of attention on improving cooperation between the states and the Federal Government in the area of juvenile justice.

It directs the administrator of the Office of Juvenile Justice to conduct additional research. It seeks to strengthen the amount of training and technical assistance provided by the Federal Government, particularly workforce training for those people who work directly with juveniles at every stage of the juvenile justice system.

The Juvenile Justice and Delinquency Prevention Reauthorization Act would improve treatment of juveniles in two important respects. It seeks to end the use of improper isolation and dangerous practices, and it encourages the use of best practices and alternatives to detention.

This measure also places a greater focus on mental health and substance abuse treatment for juveniles who come into contact, or are at risk of coming into contact, with the juvenile justice system. Research has shown that the prevalence of mental disorders among youth in juvenile justice systems is two to three times higher than among youth who have not had run-ins with the law. Taking meaningful steps to provide adequate mental health screening and treatment for these juveniles is a critical part of getting them on the right track, and needs to be a part of Federal, State and local efforts to rehabilitate juvenile offenders.

Finally, and possibly most importantly, the key to success is adequate support. Funding for juvenile justice programs has been on a downward spiral for the last seven years. Just five years ago, these programs received approximately $556 million, with more than $94 million for the Title V Local Delinquency Prevention Program and nearly $250 million for the Juvenile Accountability Block Grant program. This year, the Administration requested just $250 million for all juvenile justice programs, which represents more than a 50 percent cut from Fiscal Year 2002. Local communities do a great job of leveraging this funding to accomplish great things, but we cannot say with a straight face that this level is sufficient.

Therefore, we are seeking to authorize increased funding for the Juvenile Justice and Delinquency Prevention Act. The bill will authorize more than $272 million for Title V and nearly $200 million for Title II in Fiscal Year 2009. Then, funding for each title will increase by $50 million each subsequent fiscal year. These programs are in desperate need of adequate funding. It is money well spent, and this increase in authorized funding will demonstrate Congressional support for these critical programs.

In addition to increased funding for traditional JJDPA programs, we have created a new incentive grant program under the Act. This program authorizes another $60 million per year to help local communities to supplement efforts under the Act, and in some cases go above and beyond what is required of them. Specifically, this funding will support evidence based and promising prevention and intervention programs. It will enhance workforce training, which will improve the treatment and rehabilitation of juveniles who come into contact with the system. Lastly, a significant portion of this funding will be dedicated to mental health screening and treatment of juveniles who have come into contact, or are at risk of coming into contact, with the justice system.

The Juvenile Justice and Delinquency Prevention Act is an incredibly successful program. The fact that it is cost efficient is important. But the most important thing is that it is effective. It is effective in reaching the kids it is designed to help. The evidence based prevention programs it funds are able to touch the lives of at-risk youth and steer them away from a life of crime. And for those who have unfortunately already had run-ins with law enforcement, its intervention and treatment programs have successfully helped countless kids get their lives back on the right track and become productive members of society.

It is beyond dispute that these proven programs improve and strengthen young people, as well as their families and their communities. For that reason, we urge our colleagues to support this important measure to reauthorize and improve these programs.

## SUBMITTED RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 91—HONORING ARMY SPECIALIST MONICA L. BROWN, OF LAKE JACKSON, TEXAS, EXTENDING GRATITUDE TO HER AND HER FAMILY, AND PLEDGING CONTINUING SUPPORT FOR THE MEN AND WOMEN OF THE UNITED STATES ARMED FORCES

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 91

Whereas Monica Brown, a medic serving in the 782nd Brigade Support Battalion, 4th Brigade Combat Team, was deployed to Afghanistan in support of Operation Enduring Freedom;

Whereas members of the United States Armed Forces were attacked by a roadside bomb in the eastern Paktia province in Afghanistan on April 25, 2007;

Whereas Specialist Monica L. Brown, at age 19, ran through insurgent gunfire to save the lives of fellow wounded soldiers injured after the roadside bomb tore through their convoy of humvees;

Whereas Monica Brown is 1 of 25,109 women currently serving in the Armed Forces in Afghanistan and Iraq, and 1 of 350,000 women serving in the United States Army;

Whereas Monica Brown is the first woman in Afghanistan and only the second female member of the Armed Forces since World War II to receive the Silver Star, the Nation's third-highest medal for valor; and

Whereas the thoughts and prayers of Congress and the people of the United States remain with the families of all the members of the Armed Forces who are fighting to ensure the Nation's freedom and safety: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress—

(1) honors Monica L. Brown, a Specialist in the United States Army, who risked her life to save the lives of her fellow wounded soldiers while serving in the Global War on Terror in Afghanistan, and recognizes her for her bravery and heroism;

(2) extends its deepest gratitude to Monica L. Brown and her family in Lake Jackson, Texas; and

(3) pledges its continued support for the men and women of the United States Armed Forces.

## NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled. The hearing will be held on Wednesday, June 25, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the challenges to meeting future energy needs and to developing the technologies for meeting increased global energy demand in the context of the need to address global climate change.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Alicia Jackson at (202) 224–3607 or Rosemarie Calabro at (202) 224–5039.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 18, 2008, at 12:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 18, 2008, at 2 p.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to