

commerce, including by computer" and inserting "or a facility or means of interstate or foreign commerce".

(e) **OBSCENE VISUAL REPRESENTATIONS OF THE SEXUAL ABUSE OF CHILDREN.**—Subsection (d)(4) of section 1466A of title 18, United States Code, is amended by striking "has been shipped transported in interstate or foreign commerce by any means, including by computer" and inserting "has been shipped or transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce".

(f) **RULE OF CONSTRUCTION.**—Nothing in this title, or any amendment by this title, shall be construed to foreclose any argument or ruling with respect to any Federal law that, for the purposes of Federal jurisdiction, the use of a facility or means of interstate or foreign commerce affects interstate or foreign commerce.

SEC. 302. PROHIBIT THE BROADCAST OF LIVE IMAGES OF CHILD ABUSE.

Section 2251 of title 18, United States Code is amended—

(1) in subsection (a), by—

(A) inserting "or for the purpose of transmitting a live visual depiction of such conduct" after "for the purpose of producing any visual depiction of such conduct";

(B) inserting "or transmitted" after "if such person knows or has reason to know that such visual depiction will be transported";

(C) inserting "or transmitted" after "if that visual depiction was produced"; and

(D) inserting "or transmitted" after "has actually been transported"; and

(2) in subsection (b), by—

(A) inserting "or for the purpose of transmitting a live visual depiction of such conduct" after "for the purpose of producing any visual depiction of such conduct";

(B) inserting "or transmitted" after "person knows or has reason to know that such visual depiction will be transported";

(C) inserting "or transmitted" after "if that visual depiction was produced"; and

(D) inserting "or transmitted" after "has actually been transported".

SEC. 303. AMENDMENT TO SECTION 2256 OF TITLE 18, UNITED STATES CODE.

Section 2256(5) of title 18, United States Code is amended by—

(1) striking "and" before "data";

(2) after "visual image" by inserting ", and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format".

SEC. 304. AMENDMENT TO SECTION 2260 OF TITLE 18, UNITED STATES CODE.

Section 2260(a) of title 18, United States Code, is amended by—

(1) inserting "or for the purpose of transmitting a live visual depiction of such conduct" after "for the purpose of producing any visual depiction of such conduct"; and

(2) inserting "or transmitted" after "imported".

SEC. 305. PROHIBITING THE ALTERATION OF AN IMAGE OF A REAL CHILD TO CREATE AN IMAGE OF SEXUALLY EXPLICIT CONDUCT.

(a) **IN GENERAL.**—Subsection (a) of section 2252A of title 18, United States Code, is amended—

(1) in paragraph (5) by striking "; or" and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting "; or"; and

(3) by inserting at the end the following:

"(7) knowingly creates, alters, adapts, or modifies a visual depiction of an identifiable minor, as defined in section 2256(9), so that it depicts child pornography as defined in section 2256(8), and intends to distribute or actually distributes that visual depiction by any means, where such person knows or has reason to know that such visual depiction will be transported in

or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce or mailed, where such visual depiction has actually been transported in or affecting interstate or foreign commerce or using a facility or means of interstate or foreign commerce or mailed, or where the visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer,".

(b) **PENALTY.**—Section 2252A(b) of title 18, United States Code, is amended by striking "(4), or (6)" and inserting "(4), (6), or (7)".

SEC. 306. REFERRALS TO AUTHORIZED FOREIGN LAW ENFORCEMENT AGENCIES.

(a) **VOLUNTARY REPORTS.**—A provider of electronic communication services or remote computing services may voluntarily make a report, as defined at section 227(b)(1) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032(b)(1)), directly to a representative of a foreign law enforcement agency—

(1) of a foreign state that is a signatory to a Mutual Legal Assistance Treaty with the United States that has been ratified by the United States Senate and has come into force; and

(2) that has certified in writing that the request is made for the purpose of investigating, or engaging in enforcement proceedings related to, possible violations of foreign laws related to child pornography and child exploitation similar to practices prohibited by sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 of title 18, United States Code, involving child pornography (as defined in section 2256 of that title), or 1466A of that title.

(b) **REPORTS TO FOREIGN LAW ENFORCEMENT.**—Reports to foreign law enforcement may only be transmitted to the Central Authority designated in the foreign country's Mutual Legal Assistance Treaty with the United States and may only be transmitted via mail or fax, or via electronic mail to a government-owned e-mail domain.

(c) **REPORTS TO NCMEC.**—Nothing in this section shall be construed to relieve providers of electronic communication services or remote computing services of their obligations under section 227(b)(1) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032(b)(1)) to make reports to the National Center for Missing and Exploited Children.

(d) **LIMITATION ON LIABILITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), a provider of electronic communication services or remote computing services, or any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of the reporting activities described in subsection (a).

(2) **INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.**—Paragraph (1) does not apply in an action in which a party proves that the provider of electronic communication services or remote computing services, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted with actual malice, or with reckless disregard to a substantial risk of causing injury without legal justification.

TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS

SEC. 401. NIJ STUDY OF RISK FACTORS FOR ASSESSING DANGEROUSNESS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall prepare a report to identify investigative factors that reliably indicate whether a subject of an online child exploitation investigation poses a higher risk of harm to children. Such a report shall be prepared in consultation and coordination with Federal law enforcement agencies, the National Center for Missing and Exploited Children, Operation Fairplay at the Wyoming Attorney General's Office, the Internet Crimes Against Children Task Force, and other State and local law enforcement.

(b) **CONTENTS OF ANALYSIS.**—The report required by subsection (a) shall include a thorough analysis of potential investigative factors in on-line child exploitation cases and an appropriate examination of investigative data from prior prosecutions and case files of identified child victims.

(c) **REPORT TO CONGRESS.**—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall submit a report to the House and Senate Judiciary Committees that includes the findings of the study required by this section and makes recommendations on technological tools and law enforcement procedures to help investigators prioritize scarce resources to those cases where there is actual hands-on abuse by the suspect.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$1,000,000 to the National Institute of Justice to conduct the study required under this section.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee substitute be withdrawn; a Biden substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the title amendment be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 5650) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 1738), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment (No. 5651) was agreed to, as follows:

Amend the title so as to read: "To require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators."

RUNAWAY AND HOMELESS PROTECTION ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 751, S. 2982.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2982) to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Runaway and Homeless Youth Protection Act".

SEC. 2. FINDINGS.

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

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

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

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

“(A) safety and structure;

“(B) belonging and membership;

“(C) self-worth and social contribution;

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

“(E) closeness in interpersonal relationships.”.

SEC. 3. BASIC CENTER PROGRAM.

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

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

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

(2) in subsection (b)(2)—

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

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

(C) by adding at the end the following:

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

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

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

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

(3) by adding at the end the following:

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

SEC. 4. TRANSITIONAL LIVING GRANT PROGRAM.

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

(1) in paragraph (1)—

(A) by striking “indirectly” and inserting “by contract”; and

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

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

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

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

(5) by adding at the end the following:

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

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

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

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “special consideration” and inserting “priority”;;

(B) in paragraph (8)—

(i) by striking “to health” and inserting “to quality health”;;

(ii) by striking “mental health care” and inserting “behavioral health care”; and

(iii) by striking “and” at the end;

(C) in paragraph (9), by striking the period at the end and inserting “, including access to educational and workforce programs to achieve outcomes such as decreasing high school dropout rates, increasing rates of attaining a secondary school diploma or its recognized equivalent, or increasing placement and retention in postsecondary education or advanced workforce training programs; and”; and

(D) by adding at the end the following:

“(10) providing programs, which shall include innovative programs, that assist youth in obtaining and maintaining safe and stable housing, and which may include programs with supportive services that continue after the youth complete the remainder of the programs.”; and

(2) by striking subsection (c) and inserting the following:

“(c) In selecting among applicants for grants under subsection (a), the Secretary shall—

“(1) give priority to applicants who have experience working with runaway or homeless youth in high-quality programs; and

“(2) ensure that the applicants selected—

“(A) represent diverse geographic regions of the United States; and

“(B) carry out projects that serve diverse populations of runaway or homeless youth.”.

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

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

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

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

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

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

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

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

“(A) socioeconomic characteristics of such individuals; and

“(B) barriers to such individuals obtaining—

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

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

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

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

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

SEC. 7. SEXUAL ABUSE PREVENTION PROGRAM.

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

SEC. 8. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

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

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

(2) by inserting after part E the following:

“PART F—NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN

“SEC. 361. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(1) audits and examinations of records, relating to the costs of the national awareness campaign, pursuant to section 304C of the Federal

Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

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

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

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

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

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

SEC. 9. CONFORMING AMENDMENTS.

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

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

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

SEC. 10. PERFORMANCE STANDARDS.

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

“SEC. 386A. PERFORMANCE STANDARDS.

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

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

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

SEC. 11. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study, including making findings and recommendations, relating to the processes for making grants under parts A, B, and E of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq., 5714–1 et seq., 5714–41).

(2) **SUBJECTS.**—In particular, the Comptroller General shall study—

(A) the Secretary's written responses to and other communications with applicants who do not receive grants under part A, B, or E of such Act, to determine if the information provided in the responses and communications is conveyed clearly;

(B) the content of the grant applications for the grants, and of other associated documents (including grant announcements), to determine if the applications and other associated documents are presented in a way that gives an applicant a clear understanding of the information that the applicant must provide in each portion

of an application to successfully complete it, and a clear understanding of the terminology used throughout the application and other associated documents;

(C) the peer review process for applications for the grants, including the selection of peer reviewers, the oversight of the process by staff of the Department of Health and Human Services, and the extent to which such staff make funding determinations based on the comments and scores of the peer reviewers;

(D) the typical timeframe, and the process and responsibilities of such staff, for responding to applicants for the grants, and the efforts made by such staff to communicate with the applicants when funding decisions or funding for the grants is delayed, such as when funding is delayed due to funding of a program through appropriations made under a continuing resolution; and

(E) the plans for implementation of, and the implementation of, where practicable, the technical assistance and training programs carried out under section 342 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–22), and the effect of such programs on the application process for the grants.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report containing the findings and recommendations resulting from the study.

SEC. 12. DEFINITIONS.

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

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

(2) in subparagraph (A)(ii), by striking “not less than 16 years of age” and inserting “not less than 16 years of age and not more than 21 years of age, except that nothing in this clause shall prevent a participant who enters the program carried out under part B prior to reaching 22 years of age from being eligible for the 635-day length of stay authorized by section 322(a)(2); and”.

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

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

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

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

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

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

(1) in paragraph (1)—

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

(B) by striking “part E” \$105,000,000 for fiscal year 2004” and inserting “section 345 and parts E and F” \$150,000,000 for fiscal year 2009”; and

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

(2) in paragraph (3)—

(A) by striking “In” and inserting the following:

“(A) **IN GENERAL.**—In”;

(B) by inserting “(other than section 345)” before the period; and

(C) by adding at the end the following:

“(B) **PERIODIC ESTIMATE.**—There are authorized to be appropriated to carry out section 345 such sums as may be necessary for fiscal years 2009, 2010, 2011, 2012, and 2013.”;

(3) in paragraph (4)—

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

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

(4) by adding at the end the following:

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

Mr. LEAHY. Mr. President, this spring, I was proud to introduce the bipartisan Runaway and Homeless Youth Protection Act of 2008 along with Senator SPECTER, the ranking Republican on the Judiciary Committee. I am pleased that finally, after four months of delay due to an objection, the Senate has acted to pass this important bill.

The Runaway and Homeless Youth Protection Act was included in the Advancing America's Priorities Act, a larger package of bills the Senate considered this summer. All of the bills contained in the Advancing America's Priorities Act should have passed by consent, but were stalled on the Senate floor by Republican objection. Like most of the measures in the bill, the Runaway and Homeless Youth Protection Act has bipartisan backing and passed the House with overwhelming support. This is legislation on which we should all agree, and I am glad the objection has been lifted. I hope the House will quickly consider this legislation and send it to the President to be signed into law.

Regrettably, the junior Senator from Oklahoma, who neither attended the Judiciary Committee hearing we had on this bill, nor objected when the legislation was reported out of the Judiciary Committee, has insisted on substantive changes to the bipartisan and bicameral consensus bill before he will lift his objection. He opposes including a public awareness campaign so that the youth who might benefit from these programs know about the services their community provides. We removed it at the request of the Senator. He has also objected to allowing youth to stay in the Transitional Living Program a few extra months in order to make sure they are able to leave the program safely. I have worked with the House to clarify language that the extended length of stay would only be used by programs in exceptional circumstances. He has also required that the authorized level of funding for these programs that help our Nation's youth be slashed. I intend to work with Senators HARKIN and SPECTER and others on the Appropriations Committee to ensure that these programs are funded at the appropriate level that should have been authorized into law. We have made further concessions on other legislation to accommodate him. I have made still more concessions to the junior Senator from Arizona, who made additional extraneous demands at the eleventh hour.

The Runaway and Homeless Youth Act is the way in which the Federal Government helps communities across the country protect some of our most vulnerable children. It was first passed the year I was elected to the Senate. We have reauthorized it several times since then, and working with Senator SPECTER and Senators on both sides of the aisle, I am glad the Senate has done so again this year. The programs authorized during the past 30 years by the RHYA have consistently proven critical to protecting and giving hope to our Nation's runaway and homeless youth.

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

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

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

Our witnesses demonstrated that young people can overcome harrowing obstacles and create new opportunities when given the chance. One witness went from living as a homeless youth

in his teens to earning two Oscar nominations as a distinguished actor. Another witness is working with homeless youth at the same Vermont organization that enabled him to stop living on the streets and is on his way to great things. Our witness panel gave useful and insightful suggestions on how to improve the Runaway and Homeless Youth Act to make it more effective. We have included many of these recommendations in our bill.

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

In my home State of Vermont, the Vermont Coalition for Runaway and Homeless Youth, the New England Network for Child, Youth, and Family Services, and Spectrum Youth and Family Services in Burlington all receive grants under these programs and have provided excellent services that provide assistance to thousands of youth.

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

These topics are difficult but deserve our attention. I am glad the Senate has taken an important step toward addressing these issues by passing the Runaway and Homeless Youth Protection Act today.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Leahy amendment at the desk be agreed to; the committee substitute amendment, as amended, be agreed to; the bill be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The amendment (No. 5652) was agreed to.

(The amendment is printed in today's RECORD under "Text of amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2982), as amended, was ordered to be engrossed for a third read-

ing, was read the third time, and passed.

EXTENDING WAIVER AUTHORITY FOR THE SECRETARY OF EDUCATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6890, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6890) to extend the waiver authority for the Secretary of Education under section 105 of subtitle A of Title IV of division B of Public Law 109-148, relating to elementary and secondary education hurricane recovery relief, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 6890) was ordered to a third reading, was read the third time, and passed.

DEFENSE PRODUCTION ACT EXTENSION AND REAUTHORIZATION OF 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6894, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6894) to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, today we are acting on House-passed legislation which contains a 1-year extension of the Defense Production Act, DPA, which I hope will be swiftly approved by the Senate. While I am delighted that this extension legislation was passed by the House Tuesday night, it is crucial to remember that many of this law's authorities, last renewed in 2003, expire on September 30. We have just a few legislative days to get this done. As the United States continues to fight two wars and respond to various natural disasters, it is important that we not allow key provisions to expire—provisions allowing our Government