Brazil to comply with the requirements of the Convention on the Civil Aspects of International Child Abduction and to assist in the safe return of Sean Goldman to his father, David Goldman.

S. RES. 82

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 82, a resolution recognizing the 188th anniversary of the independence of Greece and celebrating Greek and American democracy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 673. A bill to allow certain newspapers to be treated as described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; to the Committee on Finance.

Mr. CARDIN. Mr. President, Thomas Jefferson, a man who was vilified by newspapers daily, once said ''If I had to choose between government without newspapers, and newspapers without government, I wouldn't hesitate to choose the latter.'' Like Jefferson, I believe that a well-informed public is a core foundation of our democracy. Watergate. AIDS. Tobacco. ENRON. AIG. News stories, uncovered by journalists, bring the most important stories of our nation's history to the front page, and thus into public debate.

I rise today to introduce the Newspaper Revitalization Act, to help our disappearing community and metropolitan papers by allowing them to become non-profit organizations. Newspapers across the country are closing their doors, slashing their staff, and shuttering bureaus in the United States and around the world. The Philadelphia Inquirer, The Seattle Post-Intelligencer, The Rocky Mountain News, the Philadelphia Daily News, the San Francisco Chronicle, and my own Baltimore Sun are either in bankruptcy, or facing bankruptcy and closure. The Los Angeles Times has reduced its newsroom by one-half, the Miami Herald and twenty-eight other dailies have laid off at least one-quarter of their workforces in the past year. At the largest daily newspaper in New Jersey, The Star-Ledger, 45 percent of the editorial staff took buyouts when the owner threatened to sell the newspaper. Increasing numbers of metropolitan regions may soon have no local daily newspapers.

The economy has caused an immediate problem, but the business model for newspapers, based on circulation and advertising revenue, has been weakening for years. At the end of 2008, advertising revenue was down by about 25 percent and according to a December forecast by Barclays Capital, advertising revenue will drop another 17 percent in 2009. Circulation is also down because of the many other sources for news. Today we have the internet, television, radio and blogs around the clock. Now, some might say these are all reasons why we may not need daily print newspapers anymore. But they are wrong.

While Americans have quick access to the news, there remains one clear fact, when it comes to original in-depth reporting that records and exposes actions, issues, and opportunities in our communities, nothing has replaced a newspaper. Most, if not all sources of journalistic information, from Google to broadcast news or punditry, gain their original news from the laborious and expensive work of experienced newspaper reporters diligently working their beats over the course of years, not hours. According to the Pew Research Center's Project for Excellence in Journalism, a typical metropolitan paper ran 70 stories a day, counting the national, local and business sections, whereas a half-hour of television news included only ten to twelve. Research further shows that broadcast news follows the agenda set by newspapers, often repeating the same items with less detail. Newspaper reporters forge relationships with people; they build a network, which creates avenues to information.

These relationships and the information that follows are essential in a free, democratic society. Without it, accountability is lost. In a 2003 study published in the Journal of Law, Economics, and Organization, the relationship between corruption and ''free circulation of daily newspapers per person'' was examined. The study found that the lower the circulation of newspapers in a country, the higher it stands on the corruption index. In another study, published in 2006, it is suggested that the growth of a more information-oriented press may have been a factor in reducing government corruption in the United States between the Gilded Age and the Progressive Era. Newspapers provide a form of accountability. They provide a ''check'' on local governments, State governments, the Federal Government, elected officials, corporations, school districts, businesses, individuals and more. We need to save community newspapers.

The Newspaper Revitalization Act provides help. It will allow newspapers to operate as non-profit organizations, if they choose, under 501(c)(3) status for educational purposes, much like public broadcasting. These newspapers would not be allowed to make political endorsements, but would be allowed to freely report on all issues, including political races. Advertising and subscription revenue would be tax exempt and contributions to support coverage or operations could be tax deductible.

While this may not be an optimal choice for some major newspapers or corporate media chains interested in profit, it should be an option for many local newspapers fast disappearing in our States, cities and towns. This option should cause minimal revenue loss to the Federal Government as most newspaper profits have been falling for years. In this economic climate, and with the real possibility of losing community newspapers, this would be a voluntary option for owners to save their paper. It is also a model that could enable local citizens or foundations to step in and preserve their local papers. I want to urge my colleagues to support this legislation and take action to save newspapers.

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. 673

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

SECTION 1. TREATMENT OF CERTAIN NEWSPAPERS AS EXEMPT FROM TAX UNDER SECTION 501.

(a) IN GENERAL.—Paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 is amended by inserting ''(including a qualified newspaper corporation)'' after ''educational purposes''.

(b) QUALIFIED NEWSPAPER CORPORATION.—Section 501 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (r) as subsection (s), and

(2) by inserting after subsection (q) the following new subsection:

''(r) QUALIFIED NEWSPAPER CORPORATION.—For purposes of this title, a corporation or organization shall be treated as a qualified newspaper corporation if—

''(1) the trade or business of such corporation or organization consists of publishing on a regular basis a newspaper for general circulation,

''(2) the newspaper published by such corporation or organization contains local, national, and international news stories of interest to the general public and the distribution of such newspaper is necessary or valuable in achieving an educational purpose, and

''(3) the preparation of the material contained in such newspaper follows methods generally accepted as educational in character.''.

(c) UNRELATED BUSINESS INCOME OF A QUALIFIED NEWSPAPER CORPORATION.—Section 513 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(k) ADVERTISING INCOME OF QUALIFIED NEWSPAPER CORPORATIONS.—The term 'unrelated trade or business' does not include the sale by a qualified newspaper corporation (as defined in section 501(r)) of any space for commercial advertisement to be published in a newspaper, to the extent that the space allotted to all such advertisements in such newspaper does not exceed the space allotted to fulfilling the educational purpose of such qualified newspaper corporation.''.

(d) DEDUCTION FOR CHARITABLE CONTRIBUTIONS.—Subparagraph (B) of section 170(c) of the Internal Revenue Code of 1986 is amended by inserting ''(including a qualified newspaper corporation as defined in section 501(r))'' after ''educational purposes''.

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

By Mr. AKAKA:

S. 674. A bill to amend chapter 41 of title 5, United States Code, to provide

for the establishment and authorization of funding for certain training programs for supervisors of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to reintroduce the Federal Supervisor Training Act to enhance Federal employee and manager performance.

Performance is essential to the success of our Federal Government. However, we cannot expect employees and managers to perform well if we do not invest in them through training and professional development. In particular, Federal employees deserve the support and guidance of well-trained managers who empower them to perform effectively, and managers deserve tools to successfully motivate and supervise employees.

For managers and supervisors in the Federal Government, few things are more important than training. Supervisor trading programs improve communication, promote stronger manager-employee relationships, reduce conflict, and cultivate efficiency in the federal workforce. While the federal government encourages management and supervisory training, the development and implementation of training programs is left to the discretion of individual agencies. This leads to inconsistent guidance on training and sometimes inadequate training due to an agency's other priorities and limited resources.

According to the 2002 report Making Public Service Work: Recommendations for Change, the Merit Systems Protection Board reported that poor supervisors or managers are the most common reason employees leave a position. The U.S. Office of Personnel Management 2008 Federal Human Capital Survey also shows the need for improvement: only 40 percent of Federal employees believed that their organization's leaders generate high levels of motivation and commitment to the workforce; only 42 percent said they are satisfied with their leaders' policies and practices; and only 48 percent of Federal employees said they were satisfied with the information they get from management.

Given the growing number of Federal managers who are eligible to retire, it is increasingly important to train new supervisors to manage effectively. Good leadership begins with strong management training. It is time to ensure that Federal managers receive appropriate training to supervise Federal employees.

The Federal Supervisor Training Act has three major training components. First, the bill will require that new supervisors receive training in the initial 12 months on the job, with mandatory retraining every three years on how to work with employees to develop performance expectations and evaluate employees. Current managers will have three years to obtain their initial training. Second, the bill requires mentoring for new supervisors and training on how to mentor employees. Third, the measure requires training on the laws governing and the procedures for enforcing whistleblower and anti-discrimination rights.

In addition, my bill will: set standards that supervisors should meet in order to manage employees effectively; assess a manager's ability to meet these standards; and provide training to improve areas identified in personnel assessments.

I am delighted that my bill has received support from the Government Managers Coalition, which represents members of the Senior Executives Association, the Federal Managers Association, the Professional Managers Association, the Federal Aviation Administration Managers Association, and the National Council of Social Security Management Associations; the American Federation of Government Employees; the National Treasury Employees Union; the International Federation of Professional and Technical Engineers; the AFL–CIO, Metal Trades Department; as well as the Partnership for Public Service. I believe this broad support, from employee unions to management associations to outside good government groups, demonstrates the need for this bill.

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

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

S. 674

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 ''Federal Supervisor Training Act of 2009''.

SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPERVISORS.

(a) IN GENERAL.—Section 4121 of title 5, United States Code, is amended—

(1) by inserting before ''In consultation with'' the following:

''(a) In this section, the term 'supervisor' means—

''(1) a supervisor as defined under section 7103(a)(10);

''(2) a management official as defined under section 7103(a)(11); and

''(3) any other employee as the Director of the Office of Personnel Management may by regulation prescribe.'';

(2) by striking ''In consultation with'' and inserting ''(b) Under operating competencies promulgated by, and in consultation with,''; and

(3) by striking paragraph (2) (of the matter redesignated as subsection (b) as a result of the amendment under paragraph (2) of this subsection) and inserting the following:

''(2)(A) a program to provide training to supervisors on actions, options, and strategies a supervisor may use in—

''(i) developing and discussing relevant goals and objectives together with the employee, communicating and discussing progress relative to performance goals and objectives and conducting performance appraisals;

''(ii) mentoring and motivating employees and improving employee performance and productivity;

''(iii) fostering a work environment characterized by fairness, respect, equal opportunity, and attention paid to the merit of the work of employees;

''(iv) effectively managing employees with unacceptable performance;

''(v) addressing reports of a hostile work environment, reprisal, or harassment of, or by, another supervisor or employee; and

''(vi) otherwise carrying out the duties or responsibilities of a supervisor;

''(B) a program to provide training to supervisors on the prohibited personnel practices under section 2302 (particularly with respect to such practices described under subsection (b) (1) and (8) of that section), employee collective bargaining and union participation rights, and the procedures and processes used to enforce employee rights; and

''(C) a program under which experienced supervisors mentor new supervisors by—

''(i) transferring knowledge and advice in areas such as communication, critical thinking, responsibility, flexibility, motivating employees, teamwork, leadership, and professional development; and

''(ii) pointing out strengths and areas for development.

''(c) Training in programs established under subsection (b)(2)(A) and (B) shall be interactive instructor-based for managers in their first year as a supervisor.

''(d)(1) Not later than 1 year after the date on which an individual is appointed to the position of supervisor, that individual shall be required to have completed each program established under subsection (b)(2).

''(2) After completion of a program under subsection (b)(2) (A) and (B), each supervisor shall be required to complete a program under subsection (b)(2) (A) and (B) at least once every 3 years.

''(3) Each program established under subsection (b)(2) shall include provisions under which credit shall be given for periods of similar training previously completed.

''(e) Notwithstanding section 4118(c), the Director of the Office of Personnel Management shall prescribe regulations to carry out this section, including the monitoring of agency compliance with this section. Regulations prescribed under this subsection shall include measures by which to assess the effectiveness of agency supervisor training programs.''.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations in accordance with subsection (e) of section 4121 of title 5, United States Code, as added by subsection (a) of this section.

(c) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act and apply to—

(A) each individual appointed to the position of a supervisor, as defined under section 4121(a) of title 5, United States Code, (as added by subsection (a) of this section) on or after that effective date; and

(B) each individual who is employed in the position of a supervisor on that effective date as provided under paragraph (2).

(2) SUPERVISORS ON EFFECTIVE DATE.—Each individual who is employed in the position of a supervisor on the effective date of this section shall be required to—

(A) complete each program established under section 4121(b)(2) of title 5, United States Code (as added by subsection (a) of this section), not later than 3 years after the effective date of this section; and

(B) complete programs every 3 years thereafter in accordance with section 4121(d) (2) and (3) of such title.

SEC. 3. MANAGEMENT COMPETENCIES.

(a) IN GENERAL.—Chapter 43 of title 5, United States Code, is amended—

(1) by redesignating section 4305 as section 4306; and

(2) inserting after section 4304 the following:

''§ 4305. Management competencies

''(a) In this section, the term 'supervisor' means—

''(1) a supervisor as defined under section 7103(a)(10);

''(2) a management official as defined under section 7103(a)(11); and

''(3) any other employee as the Director of the Office of Personnel Management may by regulation prescribe.

''(b) The Director of the Office of Personnel Management shall issue guidance to agencies on competencies supervisors are expected to meet in order to effectively manage, and be accountable for managing, the performance of employees.

''(c) Each agency shall—

''(1) develop competencies to assess the performance of each supervisor and in developing such competencies shall consider the guidance developed by the Director of the Office of Personnel Management under subsection (b) and any other qualifications or factors determined by the agency;

''(2) assess the overall capacity of the supervisors in the agency to meet the guidance developed by the Director of theOffice of Personnel Management issued under subsection (b);

''(3) develop and implement a supervisor training program to strengthen issues identified during such assessment; and

''(4) measure the effectiveness of the supervisor training program established under paragraph (3) in improving supervisor competence.

''(d) Every year, or on any basis requested by the Director of the Office of Personnel Management, each agency shall submit a report to the Office on the progress of the agency in implementing this section, including measures used to assess program effectiveness.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 43 of title 5, United States Code, is amended by striking the item relating to section 4305 and inserting the following:

''4305. Management competencies.
''4306. Regulations.''.

(2) REFERENCE.—Section 4304(b)(3) of title 5, United States Code, is amended by striking ''section 4305'' and inserting ''section 4306''.

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

S. 678. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am introducing today important legislation designed to protect our communities and particularly our most precious asset, our children. I am pleased to be joined by Senator SPECTER and Senator KOHL, who have been leaders in this area of the law for decades, and Senator DURBIN, who is the new Chairman of the Crime and Drugs Subcommittee. Our legislation is intended to keep children safe and out of trouble and also to help ensure they have the opportunity to become productive adult members of society.

The Senate Judiciary Committee reported this important bill last July. I was disappointed that Republican objections prevented this vital bipartisan legislation from passing the Senate in the last Congress, but we will redouble our efforts to pass this bill this year.

The Juvenile Justice and Delinquency Prevention Act sets out Federal policy and standards for the administration of juvenile justice. 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. We are recommitting ourselves to these important goals with this proposed reauthorization. We 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, advancing 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 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 Centers for Disease Control and Prevention has concluded 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 send more and more young people 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 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 status offenses, like truancy, without having committed any crime. In a Judiciary Committee hearing last year on the reauthorization of the Runaway and Homeless Youth Act, we were reminded of the plight of this vulnerable population, even in the wealthiest country in the world, and inspired by the ability of so many children in this desperate situation to rise above that adversity.

This reauthorization of the Juvenile Justice Act takes strong and significant steps to move away from detaining children from at-risk populations for status offenses, and requires states to phase out the practice entirely in three years, but with a safety valve for those states that are unable to move quite so quickly due to limited resources.

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 reoffending. Mental disorders are two to three times more common among children in the juvenile justice system than in the general population, and 80 percent of young people in the juvenile justice system have been found by some studies to have a connection to substance abuse. 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. The bill also creates incentives for the use of programs that research and testing have shown 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, AZ, said during our December 2007 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 last year on young people and violent crime in Rutland, Vermont. When seasoned police officers from Rutland, Vermont, to Tucson, Arizona, tell us that prevention programs are pivotal, I pay attention.

Just as the last administration gutted programs that support state and local law enforcement, so they consistently cut and narrowed effective prevention programs. It would have been even worse had it not been for Senator KOHL's efforts. We must work with the

Obama administration to reverse this trend and help our communities implement programs proven to help kids turn their lives around.

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 Judiciary Committee members have heard from passionate leaders on this issue in their own states.

I have long supported a strong Federal commitment to preventing youth violence, with full respect for the discretion due to law enforcement and judges, with deference to states, and with a regard for difficult fiscal realities. 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 hope all Senators will join us in supporting this important legislation.

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

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

S. 678

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 2009''.

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) in paragraph (8), by amending subparagraph (C) to read as follows:

''(C) an Indian tribe; or'';

(2) 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);'';

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

(4) in paragraph (25), by striking ''contact'' and inserting ''sight and sound contact'';

(5) 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;'';

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

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

(8) 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 during regularly scheduled sleeping hours, or for not more than 1 hour during any 24-hour period 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, confinement that is requested by the youth, or the separation of the youth from a group in a non-locked 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 control studies or comparison group 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, as documented in writing to the Administrator;

''(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;

''(37) the term 'screening' means a brief process—

''(A) designed to identify youth who may have mental health or substance abuse needs requiring immediate attention, intervention, and further evaluation; and

''(B) the purpose of which is to quickly identify a youth with a possible mental health or substance abuse need in need of further assessment;

''(38) the term 'assessment' includes, at a minimum, an interview and review of available records and other pertinent information—

''(A) by a mental health or substance abuse professional who meets the criteria of the applicable State for licensing and education in the mental health or substance abuse field; and

''(B) which is designed to identify significant mental health or substance abuse treatment needs to be addressed during a youth's confinement; and

''(39) the term 'contact' means the point at which a youth interacts with the juvenile justice system or criminal justice system, including interaction with a juvenile justice, juvenile court, or law enforcement official, and including brief, sustained, or repeated interaction.''.

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)—

(i) in the matter preceding subparagraph (A), by inserting '', on an annual basis'' after ''collectively'';

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

(iii) in subparagraph (B),

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

(II) by striking ''Committee on Education and the Workforce'' and inserting ''Committee on Education and Labor''; and

(III) by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) not later than 120 days after the completion of the last meeting in any fiscal year, submit to Congress a report regarding the recommendations described in subparagraph (A), which shall—

''(i) include a detailed account of the activities conducted by the Council during the fiscal year, including a complete detailed accounting of expenses incurred by the Coordinating Council to conduct operations in accordance with this section;

''(ii) be published on the websites of the Department of Justice and the Coordinating Council; and

''(iii) be in addition to the annual report required by section 207.''.

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;

''(I) the number of status offense cases petitioned to court (including a breakdown by type of offense and disposition), 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

''(J) the number of pregnant juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government.''; 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.

''(7) An analysis and evaluation of the internal controls at Office of Juvenile Justice and Delinquency Prevention to determine if grantees are following the requirements of Office of Juvenile Justice and Delinquency Prevention grant programs and what remedial action Office of Juvenile Justice and Delinquency Prevention has taken to recover any grant funds that are expended in violation of the grant programs, including instances where supporting documentation was not provided for cost reports, where unauthorized expenditures occurred, and where subreceipients of grant funds were not compliant with program requirements.

''(8) An analysis and evaluation of the total amount of payments made to grantees that were recouped by the Office of Juvenile Justice and Delinquency Prevention from grantees that were found to be in violation of policies and procedures of the Office of Juvenile Justice and Delinquency Prevention grant programs. This analysis shall include the full name and location of the grantee, the violation of the program found, the amount of funds sought to be recouped by the Office of Juvenile Justice and Delinquency Prevention, and the actual amount recouped by the Office of Juvenile Justice and Delinquency Prevention.''.

SEC. 204. ALLOCATION OF FUNDS.

(a) TECHNICAL ASSISTANCE.—Section 221(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631(b)(1)) is amended by striking ''2 percent'' and inserting ''5 percent''.

(b) OTHER ALLOCATIONS.—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 of the minimum'' and inserting ''not more than 5 percent of the''.

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 needs 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 that are culturally and linguistically competent 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) in paragraph (12)(A), by striking ''contact'' and inserting ''sight and sound contact'';

(I) in paragraph (13), by striking ''contact'' each place it appears and inserting ''sight and sound contact'';

(J) by striking paragraph (22);

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

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

(M) 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 2009, 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 sight and sound contact with adult inmates; and

''(ii) except as provided in paragraph (13), 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 sight and sound 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 sight and sound contact with adult inmates—

''(i) the court shall hold a hearing not less 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 sight and sound contact; and

''(ii) the juvenile shall not be held in any jail or lockup for adults, or permitted to have sight and sound 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);''

(N) 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,'';

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

(P) 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—

''(I) the court shall issue a written order that—

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

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

''(cc) 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;

''(dd) 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

''(ee) may not be renewed or extended; and

''(II) the court may not issue a second or subsequent order described in subclause (I) relating to a juvenile, unless the juvenile violates a valid court order after the date on which the court issues an order described in subclause (I);''; 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, which ever is shorter; and

''(E) not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009 with a 1 year extension for each additional year that the State can demonstrate hardship as determined by the Administrator, the State will eliminate the use of valid court orders to provide secure lockup of status offenders;'';

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

(R) 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;'';

(S) 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;

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

(U) 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 to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques;

''(32) describe—

''(A) how the State will ensure that mental health and substance abuse screening, assessment, referral, and treatment for juveniles in the juvenile justice system includes efforts to implement an evidence-based mental health and substance abuse disorder screening and assessment program for all juveniles held in a secure facility for a period of more than 24 hours that provides for 1 or more initial screenings and, if an initial screening of a juvenile demonstrates a need, further assessment;

''(B) the method to be used by the State to provide screening and, where needed, assessment, referral, and treatment for youth who request or show signs of needing mental health or substance abuse screening, assessment, referral, or treatment during the period after the initial screening that the youth is incarcerated;

''(C) the method to be used by the State to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment; and

''(D) the policies of the State designed to develop and implement comprehensive collaborative State or local plans to meet the service needs of juveniles with mental health or substance abuse needs who come into contact with the justice system and the families of the juveniles;

''(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 ''2009'';

(B) in paragraph (1)—

(i) by striking ''the subsequent fiscal year'' and inserting ''that fiscal year''; and

(ii) 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.—

''(1) IN GENERAL.—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 determine whether the State is in compliance with the core requirements.

''(2) REPORTING.—The Administrator shall—

''(A) issue an annual public report—

''(i) describing any determination described in paragraph (1) made during the previous year, 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

''(ii) for any such determination that a State is out of compliance with any of the core requirements, describing the basis for the determination; and

''(B) make the report described in subparagraph (A) 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. GRANTS TO INDIAN TRIBES.

(a) IN GENERAL.—Section 246(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656(a)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and

(3) in subparagraph (B)(ii), as so redesignated, by striking ''subparagraph (B)'' and inserting ''subparagraph (A)''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 223(a)(7)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(7)(A)) is amended by striking ''(including any geographical area in which an Indian tribe performs law enforcement functions)'' and inserting ''(including any geographical area of which an Indian tribe has jurisdiction)''.

SEC. 208. 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 2009'' 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, in consultation with experts in the field of juvenile justice research, recidivism, and date collection, 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) 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 youth under 18 years of age 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).

(2) 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.

(3) DISABILITIES.—Not later than 2 years after the date of enactment of this Act, the Administrator shall conduct a study that addresses the prevalence of disability and various types of disabilities in the juvenile justice population.

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

SEC. 209. 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 2009; 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—

''(1) promote methods for improving conditions of juvenile confinement, including those that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation; and

''(2) encourage alternative behavior management techniques.

''(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 about the appropriate services and placement for youth with mental health or substance abuse needs, 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. 210. 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 or support 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 by—

''(i) carrying out programs that divert from incarceration juveniles who come into contact with the justice system (including facilities contracted for operation by State or local juvenile authorities) and have mental health or substance abuse needs—

''(I) when such juveniles are at imminent risk of being taken into custody;

''(II) at the time such juveniles are initially taken into custody;

''(III) after such juveniles are charged with an offense or act of juvenile delinquency;

''(IV) after such juveniles are adjudicated delinquent and before case disposition; and

''(V) after such juveniles are committed to secure placement; or

''(ii) improving treatment of juveniles with mental health needs by working to ensure—

''(I) that—

''(aa) initial mental health screening is—

''(AA) completed for a juvenile immediately upon entering the juvenile justice system or a juvenile facility; and

''(BB) conducted by qualified health and mental health professionals or by staff who have been trained by qualified health, mental health, and substance abuse professionals; and

''(bb) in the case of screening, results that indicate possible need for mental health or substance abuse services are reviewed by qualified mental health or substance abuse treatment professionals not later than 24 hours after the screening;

''(II) that a juvenile who suffers from an acute mental disorder, is suicidal, or is in need of medical attention due to intoxication is—

''(aa) placed in or immediately transferred to an appropriate medical or mental health facility; and

''(bb) only admitted to a secure correctional facility with written medical clearance;

''(III) that—

''(aa) for a juvenile identified by a screening as needing a mental health assessment, the mental health assessment and any indicated comprehensive evaluation or individualized treatment plan are written and implemented—

''(AA) not later than 2 weeks after the date on which the juvenile enters the juvenile justice system; or

''(BB) if a juvenile is entering a secure facility, not later than 1 week after the date on which the juvenile enters the juvenile justice system; and

''(bb) the assessments described in item (aa) are completed by qualified health, mental health, and substance abuse professionals;

''(IV) that—

''(aa) if the need for treatment is indicated by the assessment of a juvenile, the juvenile is referred to or treated by a qualified professional;

''(bb) a juvenile who is receiving treatment for a mental health or substance abuse need on the date of the assessment continues to receive treatment;

''(cc) treatment of a juvenile continues until a qualified mental health professional determines that the juvenile is no longer in need of treatment; and

''(dd) treatment plans for juveniles are reevaluated at least every 30 days;

''(V) that—

''(aa) discharge plans are prepared for an incarcerated juvenile when the juvenile enters the correctional facility in order to integrate the juvenile back into the family and the community;

''(bb) discharge plans for an incarcerated juvenile are updated, in consultation with the family or guardian of a juvenile, before the juvenile leaves the facility; and

''(cc) discharge plans address the provision of aftercare services;

''(VI) that any juvenile in the juvenile justice system receiving psychotropic medications is—

''(aa) under the care of a licensed psychiatrist; and

''(bb) monitored regularly by trained staff to evaluate the efficacy and side effects of the psychotropic medications; and

''(VII) that specialized treatment and services are continually available to a juvenile in the juvenile justice system who has—

''(aa) a history of mental health needs or treatment;

''(bb) a documented history of sexual offenses or sexual abuse, as a victim or perpetrator;

''(cc) substance abuse needs or a health problem, learning disability, or history of family abuse or violence; or

''(dd) developmental disabilities;

''(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) develop comprehensive collaborative plans to address the service needs of juveniles with mental health or substance abuse disorders who are at risk of coming into contact with the juvenile justice system that—

''(i) revise and improve the delivery of intensive home-based and community-based services to juveniles who have been in contact with or who are at risk of coming into contact with the justice system;

''(ii) determine how the service needs of juveniles with mental health or substance abuse disorders who come into contact with the juvenile justice system will be furnished from the initial detention stage until after discharge in order for these juveniles to avoid further contact with the justice system;

''(iii) demonstrate that the State or unit of local government has entered into appropriate agreements with all entities responsible for providing services under the plan, such as the agency of the State or unit of local government charged with administering juvenile justice programs, the agency of the State or unit of local government charged with providing mental health services, the agency of the State or unit of local government charged with providing substance abuse treatment services, the educational agency of the State or unit of local government, the child welfare system of the State or local government, and private nonprofit community-based organizations;

''(iv) ensure that the State or unit of local government has in effect any laws necessary for services to be delivered in accordance with the plan;

''(v) establish a network of individuals (or incorporates an existing network) to provide coordination between mental health service providers, substance abuse service providers, probation and parole officers, judges, corrections personnel, law enforcement personnel, State and local educational agency personnel, parents and families, and other appropriate parties regarding effective treatment of juveniles with mental health or substance abuse disorders;

''(vi) provide for cross-system training among law enforcement personnel, corrections personnel, State and local educational agency personnel, mental health service providers, and substance abuse service providers to enhance collaboration among systems;

''(vii) provide for coordinated and effective aftercare programs for juveniles who have been diagnosed with a mental health or substance abuse disorder and who are discharged from home-based care, community-based care, any other treatment program, secure detention facilities, secure correctional facilities, or jail;

''(viii) provide for the purchase of technical assistance to support the implementation of the plan;

''(ix) estimate the costs of implementing the plan and proposes funding sources sufficient to meet the non-Federal funding requirements for implementation of the plan under subsection (c)(2)(E);

''(x) describe the methodology to be used to identify juveniles at risk of coming into contact with the juvenile justice system;

''(xi) provide a written plan to ensure that all training and services provided under the plan will be culturally and linguistically competent; and

''(xii) describe the outcome measures and benchmarks that will be used to evaluate the progress and effectiveness of the plan.

''(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;

''(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;

''(D) if the funds provided under the grant will be used for an activity described in subsection (b)(1)(D), include a certification that the State or unit of local government—

''(i) will work with public or private entities in the area to administer the training funded under subsection (b)(1)(D), to ensure that such training is comprehensive, constructive, linguistically and culturally competent, and of a high quality;

''(ii) is committed to a goal of increasing the diversion of juveniles coming under its jurisdiction into appropriate home-based or community-based care when the interest of the juvenile and public safety allow;

''(iii) intends to use amounts provided under a grant under this section for an activity described in subsection (b)(1)(D) to further such goal; and

''(iv) has a plan to demonstrate, using appropriate benchmarks, the progress of the agency in meeting such goal; and

''(E) if the funds provided under the grant will be used for an activity described in subsection (b)(1)(D), include a certification that not less than 25 percent of the total cost of the training described in subsection (b)(1)(D) that is conducted with the grant under this section will be contributed by non-Federal sources.

''(d) REQUIREMENTS FOR GRANTS TO ESTABLISH PARTNERSHIPS.—

''(1) MANDATORY REPORTING.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall keep records of the incidence and types of mental health and substance abuse disorders in their juvenile justice populations, the range and scope of services provided, and barriers to service. The State or unit of local government shall submit an analysis of this information yearly to the Administrator.

''(2) STAFF RATIOS FOR CORRECTIONAL FACILITIES.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that a secure correctional facility operated by or on behalf of that State or unit of local government—

''(A) has a minimum ratio of not fewer than 1 mental health and substance abuse counselor for every 50 juveniles, who shall be professionally trained and certified or licensed;

''(B) has a minimum ratio of not fewer than 1 clinical psychologist for every 100 juveniles; and

''(C) has a minimum ratio of not fewer than 1 licensed psychiatrist for every 100 juveniles receiving psychiatric care.

''(3) LIMITATION ON ISOLATION.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that—

''(A) isolation is used only for immediate and short-term security or safety reasons;

''(B) no juvenile is placed in isolation without approval of the facility superintendent or chief medical officer or their official staff designee;

''(C) all instances in which a juvenile is placed in isolation are documented in the file of a juvenile along with the justification;

''(D) a juvenile is in isolation only the amount of time necessary to achieve security and safety of the juvenile and staff;

''(E) staff monitor each juvenile in isolation once every 15 minutes and conduct a professional review of the need for isolation at least every 4 hours; and

''(F) any juvenile held in isolation for 24 hours is examined by a physician or licensed psychologist.

''(4) MEDICAL AND MENTAL HEALTH EMERGENCIES.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that a correctional facility operated by or on behalf of that State or unit of local government has written policies and procedures on suicide prevention. All staff working in a correctional facility operated by or on behalf of a State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall be trained and certified annually in suicide prevention. A correctional facility operated by or on behalf of a State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall have a written arrangement with a hospital or other facility for providing emergency medical and mental health care. Physical and mental health services shall be available to an incarcerated juvenile 24 hours per day, 7 days per week.

''(5) IDEA AND REHABILITATION ACT.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that all juvenile facilities operated by or on behalf of the State or unit of local government abide by all mandatory requirements and timelines set forth under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

''(6) FISCAL RESPONSIBILITY.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section that are used for an activity described in subsection (b)(1)(C).''.

SEC. 211. 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) $245,900,000 for fiscal year 2010;

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

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

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

''(E) $442,700,000 for fiscal year 2014.''; 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 2010, 2011, 2012, 2013, and 2014'';

(3) in subsection (c), by striking ''fiscal years 2003, 2004, 2005, 2006, and 2007'' and inserting ''fiscal years 2010, 2011, 2012, 2013, and 2014'';

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

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

''(d) AUTHORIZATION OF APPROPRIATIONS FOR PART F.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out part F, and authorized to remain available until expended, $80,000,000 for each of fiscal years 2010, 2011, 2012, 2013, and 2014.

''(2) ALLOCATION.—Of the sums that are appropriated for a fiscal year to carry out part F—

''(A) not less than 40 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); and

''(B) not less than 50 percent shall be used to fund programs that are carrying out an activity described in subparagraph (A) of that section.''.

SEC. 212. 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. 213. 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) $322,800,000 for fiscal year 2010;

''(2) $373,400,000 for fiscal year 2011;

''(3) $424,000,000 for fiscal year 2012;

''(4) $474,600,000 for fiscal year 2013; and

''(5) $525,200,000 for fiscal year 2014.''.

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 are 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 8 years. Just 6 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. Last year, the Bush 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. We look forward to working with President Obama to ensure that these vital programs once again receive the adequate funding they deserve.

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. 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.

By Ms. COLLINS (for herself, Mrs. FEINSTEIN, and Mr. KOHL):

S. 679. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. COLLINS. Mr. President, today I am introducing the Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act, along with my colleagues from California and Wisconsin, Senator FEINSTEIN and Senator KOHL. This bill will accelerate research of plug-in hybrid technologies for heavy duty trucks.

The Federal Government, through the 21st Century Truck Partnership, has for some years provided funding to conduct research and development for the modernization of this industry, in association with a collection of private industry partners. Despite the significant potential benefits of hybrid trucks, however, research in this area was eliminated recently to emphasize a focus on passenger vehicles. This decision was shortsighted.

In 2008, truck operators in Maine and around the country were hard hit by increases in the price of diesel fuel. While fortunately there has been some relief in 2009, it is likely that as our Nation recovers from the current economic downturn, the demand for and prices of diesel fuel will increase again in the future. Given that our Nation relies upon the trucking industry to keep our economy running by providing timely delivery of food, industrial products, and raw materials, we must develop alternatives that make the industry less susceptible to dramatic changes in oil prices. Hybrid power technologies offer tremendous promise of reducing this critical industry's dependence on oil.

Trucks consume large amounts of our imported fuels. Successfully transitioning trucks to hybrid power technology will reduce our Nation's oil consumption and improve our energy security. The Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act directs the Department of Energy to expand its research in advanced energy storage technologies to include hybrid trucks as well as passenger vehicles. Current hybrid technology works well for cars that can be made with lightweight materials and travel short distances. Trucks need to be constructed with heavy materials commensurate with the heavy loads they carry and, if they are going to be plug-in hybrids, travel relatively long distances between charges. Thus advances in battery and other technologies are needed to make plug-in trucks commercially viable and may require more advanced technology than is required for passenger cars.

Grant recipients will be required to complete two phases. In phase one, recipients must build one plug-in hybrid truck, collect data, and make performance comparisons with traditional trucks. Recipients who show promise in phase one will be invited to enter into phase two where they must produce 50 plug-in hybrid trucks and report on the technological and market obstacles to widespread production. The bill will also sponsor two smaller programs to deal with drive-train issues and the impact of the wide use of plug-in hybrid technology on the electrical grid. In total, the bill authorizes the expenditure of $16,000,000 for each of fiscal years 2010, 2011, and 2012.

We need a comprehensive approach to modernize commercial transportation in the 21st century. The Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act is one vital piece of that approach. I urge my colleagues to 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 of the bill was ordered to be printed in the RECORD, as follows:

S. 679

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 ''Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act of 2009''.

SEC. 2. ADVANCED HEAVY DUTY HYBRID VEHICLE TECHNOLOGY RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED HEAVY DUTY HYBRID VEHICLE.—The term ''advanced heavy duty hybrid vehicle'' means a vehicle with a gross weight between 14,000 pounds and 33,000 pounds that is fueled, in part, by a rechargeable energy storage system.

(2) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; or

(F) sulfur hexafluoride.

(3) PLUG-IN HYBRID VEHICLE.—The term ''plug-in hybrid'' means a vehicle fueled, in part, by electrical power that can be recharged by connecting the vehicle to an electric power source.

(4) PROGRAM.—The term ''program'' means the competitive research, development, demonstration, and commercial application program established under this section.

(5) RETROFIT.—The term ''retrofit'' means the process of creating an advanced heavy duty hybrid vehicle by converting an existing, fuel-powered vehicle.

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

(b) ESTABLISHMENT.—The Secretary shall establish a competitive research, development, demonstration, and commercial application program under which the Secretary shall provide grants to applicants to carry out projects to advance research and development, and to demonstrate technologies, for advanced heavy duty hybrid vehicles.

(c) APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall issue requirements for applying for grants under the program.

(2) SELECTION CRITERIA.—

(A) IN GENERAL.—The Secretary shall establish selection criteria for awarding grants under the program.

(B) FACTORS.—In evaluating applications, the Secretary shall—

(i) consider the ability of applicants to successfully complete both phases described in subsection (d); and

(ii) give priority to applicants who are best able to—

(I) fill existing research gaps and achieve the greatest advances beyond the state of current technology; and

(II) achieve the greatest reduction in fuel consumption and emissions.

(3) PARTNERS.—An applicant for a grant under this section may carry out a project in partnership with other entities.

(4) SCHEDULE.—

(A) APPLICATION REQUEST.—

(i) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register, and elsewhere as appropriate, a request for applications to undertake projects under the program.

(ii) APPLICATION DEADLINE.—The applications shall be due not later than 90 days after the date of the publication.

(B) APPLICATION SELECTION.—Not later than 90 days after the date on which applications for grants under the program are due, the Secretary shall select, through a competitive process, all applicants to be awarded a grant under the program.

(5) NUMBER OF GRANTS.—

(A) IN GENERAL.—The Secretary shall determine the number of grants to be awarded under the program based on the technical merits of the applications received.

(B) MINIMUM AND MAXIMUM NUMBER.—The number of grants awarded under the program shall be not less than 3 and not more than 7 grants.

(C) PLUG-IN HYBRID VEHICLE TECHNOLOGY.—At least half of the grants awarded under this section shall be for plug-in hybrid technology.

(6) AWARD AMOUNTS.—The Secretary shall award not more than $3,000,000 to a recipient per year for each of the 3 years of the project.

(d) PROGRAM REQUIREMENTS; 2 PHASES.—

(1) IN GENERAL.—As a condition of the receipt of a grant under this section, each grant recipient shall be required to complete 2 phases in accordance with this subsection.

(2) PHASE 1.—

(A) IN GENERAL.—In phase 1, the recipient shall conduct research and demonstrate advanced hybrid technology by producing or retrofitting 1 or more advanced heavy duty hybrid vehicles.

(B) REPORT.—Not later than 60 days after the completion of phase 1, the recipient shall submit to the Secretary a report containing data and analysis of—

(i) the performance of each vehicle in carrying out the testing procedures developed by the Secretary under subparagraph (E);

(ii) the performance during the testing of the components of each vehicle, including the battery, energy management system, charging system, and power controls;

(iii) the projected cost of each vehicle, including acquisition, operating, and maintenance costs; and

(iv) the emission levels of each vehicle, including greenhouse gas levels.

(C) TERMINATION.—The Secretary may terminate the grant program with respect to the project of a recipient at the conclusion of phase 1 if the Secretary determines that the recipient cannot successfully complete the requirements of phase 2.

(D) TIMING.—Phase 1 shall—

(i) begin on the date of receipt of a grant under the program; and

(ii) have a duration of 1 year.

(E) TESTING PROCEDURES.—

(i) IN GENERAL.—The Secretary shall develop standard testing procedures to be used by recipients in testing each vehicle.

(ii) VEHICLE PERFORMANCE.—The procedures shall include testing the performance of a vehicle under typical operating conditions.

(3) PHASE 2.—

(A) IN GENERAL.—In phase 2, the recipient shall demonstrate advanced manufacturing processes and technologies by producing or retrofitting 50 advanced heavy duty hybrid vehicles.

(B) REPORT.—Not later than 60 days after the completion of phase 2, the recipient shall submit to the Secretary a report containing—

(i) an analysis of the technological challenges encountered by the recipient in the development of the vehicles;

(ii) an analysis of the technological challenges involved in mass producing the vehicles; and

(iii) the manufacturing cost of each vehicle, the estimated sale price of each vehicle, and the cost of a comparable non-hybrid vehicle.

(C) TIMING.—Phase 2 shall—

(i) begins on the conclusion of phase 1; and

(ii) have a duration of 2 years.

(e) RESEARCH ON VEHICLE USAGE AND ALTERNATIVE DRIVE TRAINS.—

(1) IN GENERAL.—The Secretary shall conduct research into alternative power train designs for use in advanced heavy duty hybrid vehicles.

(2) COMPARISON.—The research shall compare the estimated cost (including operating and maintenance costs, the cost of emission reductions, and fuel savings) of each design with similar nonhybrid power train designs under the conditions in which those vehicles are typically used, including (for each vehicle type)—

(A) the number of miles driven;

(B) time spent with the engine at idle;

(C) horsepower requirements;

(D) the length of time the maximum or near maximum power output of the vehicle is needed; and

(E) any other factors that the Secretary considers appropriate.

(f) REPORT TO CONGRESS.—Not later than 60 days after the date the Secretary receives the reports from grant recipients under subsection (d)(3)(B), the Secretary shall submit to Congress a report containing—

(1) an identification of the grant recipients and the projects funded;

(2) an identification of all applicants who submitted applications for the program;

(3) all data contained in reports submitted by grant recipients under subsection (d);

(4) a description of the vehicles produced or retrofitted by recipients in phases 1 and 2 of the program, including an analysis of the fuel efficiency of the vehicles; and

(5) the results of the research carried out under subsections (e) and (i).

(g) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall coordinate, and not duplicate, activities under this section with other programs and laboratories of the Department of Energy and other Federal research programs.

(h) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to the program.

(i) ELECTRICAL GRID RESEARCH PILOT PROGRAM.—The Secretary, acting through the National Laboratories and Technology Centers of the Department of Energy, shall establish a pilot program to research and test the effects on the domestic electric power grid of the widespread use of plug-in hybrid vehicles, including plug-in hybrid vehicles that are advanced heavy duty hybrid vehicles.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section $16,000,000 for each of fiscal years 2010 through 2012.

(2) LIMITATIONS.—Of the funds authorized under paragraph (1), not more than $1,000,000 of the amount made available for a fiscal year may be used—

(A) to carry out the research required under subsection (e);

(B) to carry out the pilot program required under subsection (i); and

(C) to administer the program.

SEC. 3. EXPANDING RESEARCH IN HYBRID TECHNOLOGY FOR LARGE VEHICLES.

Subsection (g)(1) of the United States Energy Storage Competitiveness Act of 2007 (42 U.S.C. 17231(g)(1)) is amended by inserting ''vehicles with a gross weight over 16,000 pounds,'' before ''stationary applications,''.

By Mr. INHOFE:

S. 680. A bill to limit Federal emergency economic assistance payments to certain recipients; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INHOFE. Mr. President, last week Congress was consumed in expressing its justified outrage over the bonuses for AIG executives. The House passed a bill that would tax those bonuses at 90 percent to get the money back. The Senate may consider something similar this week, and I think it is the Senate's job to proceed carefully as we do so. Though I think all of us would support taking back the payments, we need to give due consideration to the means by which we do this. The constitutionality of the House version is certainly questionable at best.

Now, the reason many are seeking expedited consideration of the AIG bonus bill is clear enough—to cover up the past mistakes of the majority party and the Treasury Secretary. We should recall the process that created the stimulus bill: No time to review the final bill before passage, a photo op masquerading as a conference committee, hasty consideration, no bipartisan input, and huge decisions about billions and billions of dollars being made behind closed doors by the majority. It was this process that allowed the provision to give out the AIG bonuses to find its way into law. There was a provision very deep in the Democratic stimulus bill that allowed these bonuses to be paid, and it was inserted at the behest of Treasury Secretary Tim Geithner.

This gets us to the root of the problem: The bailout approach that Secretary Geithner epitomizes. The American people object to the midnight rescue packages, the ad hoc approach, the ''say one thing, do another'' programs. There is a complete lack of any policy framework, explanation of principles or coherent approach in dealing with our financial situation. I believe there is a lack of any transparency whatsoever and a seeming indifference to the taxpayers' interests.

Now, the $700 billion bailout bill last October was congressional ratification of Tim Geithner's approach to big banks: to bail them out. I objected to that at that time and I was in shock that 75 Members of the Senate voted to give an unelected bureaucrat, without any constraints, $700 billion to do with as he wished. Now, that was bad enough. It all started with Bear Stearns a year ago. The initiator of the Bear Stearns deal was not Secretary Paulson, it was not Chairman Bernanke, it was the—they signed off on it, but it was Timothy Geithner. After the deal was announced, Robert Novak reported in his column that an unnamed Federal official confided in him at the time: ''We may have crossed

a line'' in bailing out Bear Stearns. Mr. Novak wrote that was an understatement and that we wouldn't know the ramifications of this decision for a long time.

Well, I think we better understand those ramifications today. We are now trillions of dollars past that line and we are beginning to comprehend the course on which that decision has set us. I, personally, believe that trillions of dollars past that line, we are no better off. That is enough. Tim Geithner's bailout approach has taken us too far. Instead of Congress using the AIG bonus issue to cover up Tim Geithner's mistakes in allowing those bonuses, we should take it as an opportunity to fundamentally reevaluate the bailouts thus far and put an end to any more bailouts. Now, with the revelations of how AIG is being used to funnel money to foreign banks to make them whole on bad investments at the expense of the U.S. taxpayers, we need to put an end to the Geithner approach on bailouts. The taxpayers deserve no less.

The debate over the AIG bonuses, though extremely important, only scratches the surface of some much deeper issues. First, the furor over AIG bonuses obscured some other, perhaps more important, news about the AIG bailout regarding counterparties—or creditors—counterparties, to some of AIG's more exotic transactions. Second, the AIG bonus issue reveals a significant problem with Treasury Secretary Tim Geithner's bailout approach to failing financial institutions.

Under Tim Geithner, the $150 billion in taxpayer money AIG has received is being used to funnel money to AIG's counterparties, mostly big investment banks and foreign banks. Taxpayers are right to be angry about the bonuses, but they should be even angrier about how their taxpayer dollars used to bail out AIG are being distributed by them. Under the contracts AIG entered into with other big banks and foreign banks, AIG needs to come up with billions and billions of dollars when their investments are downgraded. Now, that is where all the AIG bailout money is going. AIG is basically being used as a front to funnel taxpayer moneys into large foreign banks that are taking no loss—no loss—on their investments. It is the taxpayer who is bearing the loss that these banks should have been able to take. Treasury Secretary Geithner needs to explain to the American people why foreign banks are getting 100 percent on their investment while the American people are taking the loss. Why can't any of these banks take a haircut on their AIG investments?

Now, I guess it is hard to explain to people because it doesn't sound believable, but what is happening is we have foreign banks—and I will name a few of them in a second—that have put their money into an investment into AIG. They planned to make a profit. If they had made a profit, I dare say they wouldn't have come back to say to our United States of America: We will write you a check for the profit we made. Instead of that, they wait until they take a loss, and then the American taxpayers have to come in.

I think the American people are getting completely fleeced on their $150 billion AIG investment. Secretary Geithner needs to explain to us why relatively healthy firms such as Goldman Sachs aren't taking any loss on a clearly bad investment in AIG. Why are all these foreign banks getting 100 percent of their investment at the expense of the U.S. taxpayer?

Here is a sample of the banks that are getting made whole by U.S. taxpayers—that is our taxpayers—people who elect us to office: The Bank of Montreal, Canada, $1.1 billion; the Societe Generale, France, $11.9 billion; investments made by a French bank. This is a French bank that bought an interest in AIG, they lost their money, they come back to us, and we pay them back for their loss. The BNP Paribas, $4.9 billion; the Deutsche Bank in Germany, $11.8 billion; the ING, Netherlands, $1.5 billion; Barclays, of the UK, $8.5 billion. This is just a sampling of the over $50 billion that foreign banks have gotten from AIG. In other words, $50 billion in taxpayers' money has gone to foreign banks. I don't think many people have caught on to that yet. The taxpayers are picking up the tab. Meanwhile, some U.S. banks are getting the same treatment. Goldman Sachs has received $12.9 billion. These are all investments in AIG. Merrill Lynch, $6.8 billion; Bank of America, $5.2 billion; Citigroup, $2.3 billion. All told, the U.S. banks have gotten around $45 billion through AIG from the U.S. taxpayer. What is interesting, as bad as it is that U.S. banks are getting back $45 billion for bad investments, the foreign banks are actually getting back more than the U.S. banks are. Not one of these banks I have mentioned has taken a dime of loss in their AIG investments—not one. AIG's counterparties have been made whole across the board by the U.S. taxpayer. Why is that? Why can't any of these banks take any of the loss on their AIG investment? Why is the taxpayer being asked to bear the full cost of all these bad investments? The American taxpayers have a right to know and Secretary Geithner needs to explain this.

I say this because I know people are outraged in my State of Oklahoma about the fact that there have been bonuses that have been made, but this is even far worse than that was. The American people are getting completely fleeced on their $150 billion AIG investment, $700 billion bailout of Wall Street, and billions in ad hoc bailouts, of which we have still not seen the end. Only this week, Secretary Geithner has announced that the Government will work with private investors to purchase between $500 billion and $1 trillion of toxic assets.

Now, at this point I would say, remember back when we were being sold a bill of goods, I voted against it, but 75 percent of the Senate voted for it—$700 billion to be given to an unelected bureaucrat to do with as they wished. We all remember that. What was that supposed to be used for? The bad part of the bill was not just the amount of money; there were no guidelines, no accountability. That was supposed to be used to buy toxic assets. I could quote right now things they said at that time: This money has to be spent for toxic assets, and if you don't do that, the whole country is going to go down and we are going to have another depression again. So the President's budget includes a placeholder for billions in additional banking bailouts. The American people have said enough a long time ago. We have to put an end to the Geithner approach on bailouts.

Looking back since last fall, more and more I feel I may have been overly critical of Secretary Paulson, at least when compared to Secretary Geithner. Geithner's handling of the $700 billion Wall Street bailout has been worse than Paulson's. Whether it is Paulson or Geithner, handing $700 billion over to an unelected bureaucrat to do with what he pleases is bad enough when three-fourths of the Senate voted to do it last October, and it is an even worse idea with Tim Geithner at the helm. What has happened with the taxpayers' investment in AIG is clear evidence of that. No matter how you look at it, it has been a bad deal for the U.S. taxpayers.

Now, in light of all of this, I have introduced legislation to do more than deal with the bonuses. This is S. 680, just introduced. S. 680 gets to the root of this problem. Of the $150 billion we have already given to AIG, it is my understanding that there is $30 billion more for AIG from TARP that has been agreed to by the Treasury Secretary but has not yet been drawn down. My legislation would prevent that from going forward. The taxpayers have given AIG about $150 billion so far. I think it is completely reasonable to say that once a single company gets $150 billion from the taxpayers, it should be cut off from getting more. There has to be a point beyond which Government cannot go, and there has to be an end to the road that is fleecing American taxpayers. This provides that end.

There is no other vehicle out there to do it. I can tell my colleagues right now, if this isn't brought up and voted on, the taxpayers of America are going to put another $30 billion into AIG to be used to pay off foreign banks. This is the only way we can stop it is with this legislation, so I encourage the leadership to help us bring this up for a vote. I can assure my colleagues it would pass with an overwhelming majority. That is S. 680, the only vehicle out there that would keep AIG from using taxpayer money to pay off other foreign banks.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mr.

LEVIN, Mr. SCHUMER, and Ms. STABENOW):

S. 682. A bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Colleges and universities take many steps to support their students and ensure that they succeed. Financial aid offices find ways for students to afford tuition and textbooks, housing offices provide safe places for students to live, and tutoring centers provide academic supports for students who are struggling to keep up in class. But there is another critical service that many students require to succeed, and it is much less frequently discussed. I am talking about mental health services and outreach provided by college counseling centers.

For a long time, we have overlooked the mental health needs of students on college campuses. We know now that many mental illnesses start to manifest in this period when young people leave the security of home and regular medical care. The responsibility for the students' well-being often shifts from parents to students, and the students aren't always completely prepared. It is easier for a young person's problems to go unnoticed when he or she is away at college than when they are at home, in the company of parents, old friends, and high school teachers. College also provides a new opportunity for young people to experiment with drugs or alcohol.

The consequences of not detecting or addressing mental health needs among students are real. Forty-five percent of college students report having felt so depressed that it was difficult to function. Ten percent have contemplated suicide. We have even seen tragedies on the scale of shootings at Northern Illinois University in February 2008 and at Virginia Tech in April 2007. These heartbreaking and traumatic incidents demonstrated the tragic consequences of mental instability and helped us recognize we need to do more to support students during what can be very tough years.

Fortunately, many students can succeed in college if they have appropriate counseling services and access to needed medications. These services make a real impact. Students who seek help are 6 times less likely to kill themselves. Colleges are welcoming students today who 10 or 20 years ago would not have been able to attend school due to mental illness, but who can today because of advances in treatment.

But while the needs for mental health services on campus are rising, colleges are facing financial pressures and having trouble meeting this demand. As I have travelled around my State, I have learned just how thin colleges and universities are stretched when it comes to providing. counseling and other support services to students.

Take Southern Illinois University in Carbondale. SIUC has 8 full-time counselors for 21,000 students. That is one counselor for every 2,500 students. The recommended ratio is one counselor for every 1,500 students. And there is another problem. Like many rural communities, Carbondale only has one community mental health agency. That agency is overwhelmed by the mental health needs of the community and refuses to serve students from SIUC. The campus counseling center is the only mental health option for students. The eight hard-working counselors at SIUC do their best under impossible conditions. They triage students who come in seeking help so that the ones who might be a threat to themselves or others are seen first. The waitlist of students seeking services has reached 45 students.

The story is the same across the country. Colleges are trying to fill in the gaps, but because of the shortage of counselors, students' needs are overlooked. A recent survey of college counseling centers indicates that the average ratio of professional-staff-to-students is 1 to 1,952, and at 4-year public universities it is 1 to 2,607 students. Although interest in mental-health services is high, the recession has put pressure on administrators to cut budgets wherever they can. At times, counseling centers are in the cross hairs. Ten percent of survey respondents said their budgets were cut during the 2007–8 academic year, half said their budgets stayed the same, and nearly a quarter reported that their funds increased by 3 percent or less.

With so many students looking for help and so few counselors to see them, counseling centers have to cut back on outreach. Without outreach, the chances of finding students who need help but do not ask for it go down. This is a serious problem. We know that some students exhibit warning signs of a tortured mental state. But faculty and students do not always know how or where to express their concerns. Outreach efforts by campus counseling centers can help educate the community about warning signs to look for as well as how to intervene. Of the students who committed suicide across the country in 2007, only 22 percent had received counseling on campus. That means that of the 1,000 college students who took their own lives, 800 may never have looked for help. How many of those young lives could have been saved if our college counseling centers had the resources they needed to identify those students and help them? Our students deserve better.

We need to help schools meet the needs of their students, and that's why I'm introducing the Mental Health on Campus Improvement Act today. This bill would create a grant program to provide funding for colleges and universities to improve their mental health services. Colleges could use the funding to hire personnel, increase outreach, and educate the campus community about mental health. The bill also would direct the Department of Health and Human Services to develop a public, nation-wide campaign to educate campus communities about mental health.

Reflecting on the loss of his own son, the well-known minister Rev. William Sloan Coffin once said, ''When parents die, they take with them a portion of the past. But when children die, they take away the future as well.'' I hope the bill I am introducing today will help prevent the unnecessary loss of more young lives and bright futures.

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. 682

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 ''Mental Health on Campus Improvement Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The 2007 National Survey of Counseling Center Directors found that the average ratio of counselors to students on campus is nearly 1 to 2,000 and is often far higher on large campuses. The International Association of Counseling Services accreditation standards recommend 1 counselor per 1,000 to 1,500 students.

(2) College counselors report that 8.5 percent of enrolled students sought counseling in the past year, totaling an estimated 1,600,000 students.

(3) Over 90 percent of counseling directors believe there is an increase in the number of students coming to campus with severe psychological problems. The majority of counseling directors report concerns that the demand for services is growing without an increase in resources.

(4) A 2008 American College Health Association survey revealed that 43 percent of students at colleges and universities report having felt so depressed it was difficult to function, and one out of every 11 students seriously considered suicide within the past year.

(5) Research conducted between 1989 and 2002 found that students seen for anxiety disorders doubled, for depression tripled, and for serious suicidal intention tripled.

(6) Many students who need help never receive it. Counseling directors report that, of the students who committed suicide on their campuses, only 22 percent were current or former counseling center clients. Directors did not know the previous psychiatric history of 60 percent of those students.

(7) A survey conducted by the University of Idaho Student Counseling Center in 2000 found that 77 percent of students who responded reported that they were more likely to stay in school because of counseling and that their school performance would have declined without counseling.

(8) A 6-year longitudinal study of college students found that personal and emotional adjustment was an important factor in retention and predicted attrition as well as, or better than, academic adjustment (Gerdes & Mallinckrodt, 1994).

SEC. 3. IMPROVING MENTAL AND BEHAVIORAL HEALTH ON COLLEGE CAMPUSES.

Title V of the Public Health Service Act is amended by inserting after section 520E–2 (42 U.S.C. 290bb–36b) the following:

''SEC. 520E–3. GRANTS TO IMPROVE MENTAL AND BEHAVIORAL HEALTH ON COLLEGE CAMPUSES.

''(a) PURPOSE.—It is the purpose of this section, with respect to college and university settings, to—

''(1) increase access to mental and behavioral health services;

''(2) foster and improve the prevention of mental and behavioral health disorders, and the promotion of mental health;

''(3) improve the identification and treatment for students at risk;

''(4) improve collaboration and the development of appropriate levels of mental and behavioral health care;

''(5) reduce the stigma for students with mental health disorders and enhance their access to mental health services; and

''(6) improve the efficacy of outreach efforts.

''(b) GRANTS.—The Secretary, acting through the Administrator and in consultation with the Secretary of Education, shall award competitive grants to eligible entities to improve mental and behavioral health services and outreach on college and university campuses.

''(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an entity shall—

''(1) be an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the information required under subsection (d).

''(d) APPLICATION.—An application for a grant under this section shall include—

''(1) a description of the population to be targeted by the program carried out under the grant, the particular mental and behavioral health needs of the students involved, and the Federal, State, local, private, and institutional resources available for meeting the needs of such students at the time the application is submitted;

''(2) an outline of the objectives of the program carried out under the grant;

''(3) a description of activities, services, and training to be provided under the program, including planned outreach strategies to reach students not currently seeking services;

''(4) a plan to seek input from community mental health providers, when available, community groups, and other public and private entities in carrying out the program;

''(5) a plan, when applicable, to meet the specific mental and behavioral health needs of veterans attending institutions of higher education;

''(6) a description of the methods to be used to evaluate the outcomes and effectiveness of the program; and

''(7) an assurance that grant funds will be used to supplement, and not supplant, any other Federal, State, or local funds available to carry out activities of the type carried out under the grant.

''(e) SPECIAL CONSIDERATIONS.—In awarding grants under this section, the Secretary shall give special consideration to applications that describe programs to be carried out under the grant that—

''(1) demonstrate the greatest need for new or additional mental and behavioral health services, in part by providing information on current ratios of students to mental and behavioral health professionals;

''(2) propose effective approaches for initiating or expanding campus services and supports using evidence-based practices;

''(3) target traditionally underserved populations and populations most at risk;

''(4) where possible, demonstrate an awareness of, and a willingness to, coordinate with a community mental health center or other mental health resource in the community, to support screening and referral of students requiring intensive services;

''(5) identify how the college or university will address psychiatric emergencies, including how information will be communicated with families or other appropriate parties; and

''(6) demonstrate the greatest potential for replication and dissemination.

''(f) USE OF FUNDS.—Amounts received under a grant under this section may be used to—

''(1) provide mental and behavioral health services to students, including prevention, promotion of mental health, screening, early intervention, assessment, treatment, management, and education services relating to the mental and behavioral health of students;

''(2) provide outreach services to notify students about the existence of mental and behavioral health services;

''(3) educate families, peers, faculty, staff, and communities to increase awareness of mental health issues;

''(4) support student groups on campus that engage in activities to educate students, reduce stigma surrounding mental and behavioral disorders, and promote mental health wellness;

''(5) employ appropriately trained staff;

''(6) expand mental health training through internship, post-doctorate, and residency programs;

''(7) develop and support evidence-based and emerging best practices, including a focus on culturally- and linguistically-appropriate best practices; and

''(8) evaluate and disseminate best practices to other colleges and universities.

''(g) DURATION OF GRANTS.—A grant under this section shall be awarded for a period not to exceed 3 years.

''(h) EVALUATION AND REPORTING.—

''(1) EVALUATION.—Not later than 18 months after the date on which a grant is received under this section, the eligible entity involved shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant and plans for the sustainability of such efforts.

''(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

''(A) the evaluations conducted under paragraph (1); and

''(B) an evaluation conducted by the Secretary to analyze the effectiveness and efficacy of the activities conducted with grants under this section.

''(i) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to grantees in carrying out this section.

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

''SEC. 520E–4. MENTAL AND BEHAVIORAL HEALTH OUTREACH AND EDUCATION ON COLLEGE CAMPUSES.

''(a) PURPOSE.—It is the purpose of this section to increase access to, and reduce the stigma associated with, mental health services so as to ensure that college students have the support necessary to successfully complete their studies.

''(b) NATIONAL PUBLIC EDUCATION CAMPAIGN.—The Secretary, acting through the Administrator and in collaboration with the Director of the Centers for Disease Control and Prevention, shall convene an interagency, public-private sector working group to plan, establish, and begin coordinating and evaluating a targeted public education campaign that is designed to focus on mental and behavioral health on college campuses. Such campaign shall be designed to—

''(1) improve the general understanding of mental health and mental health disorders;

''(2) encourage help-seeking behaviors relating to the promotion of mental health, prevention of mental health disorders, and treatment of such disorders;

''(3) make the connection between mental and behavioral health and academic success; and

''(4) assist the general public in identifying the early warning signs and reducing the stigma of mental illness.

''(c) COMPOSITION.—The working group under subsection (b) shall include—

''(1) mental health consumers, including students and family members;

''(2) representatives of colleges and universities;

''(3) representatives of national mental and behavioral health and college associations;

''(4) representatives of college health promotion and prevention organizations;

''(5) representatives of mental health providers, including community mental health centers; and

''(6) representatives of private- and public-sector groups with experience in the development of effective public health education campaigns.

''(d) PLAN.—The working group under subsection (b) shall develop a plan that shall—

''(1) target promotional and educational efforts to the college age population and individuals who are employed in college and university settings, including the use of roundtables;

''(2) develop and propose the implementation of research-based public health messages and activities;

''(3) provide support for local efforts to reduce stigma by using the National Mental Health Information Center as a primary point of contact for information, publications, and service program referrals; and

''(4) develop and propose the implementation of a social marketing campaign that is targeted at the college population and individuals who are employed in college and university settings.

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

SEC. 4. INTERAGENCY WORKING GROUP ON COLLEGE MENTAL HEALTH.

(a) PURPOSE.—It is the purpose of this section, pursuant to Executive Order 13263 (and the recommendations issued under section 6(b) of such Order), to provide for the establishment of a College Campus Task Force under the Federal Executive Steering Committee on Mental Health, to discuss mental and behavioral health concerns on college and university campuses.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a College Campus Task Force (referred to in this section as the ''Task Force''), under the Federal Executive Steering Committee on Mental Health, to discuss mental and behavioral health concerns on college and university campuses.

(c) MEMBERSHIP.—The Task Force shall be composed of a representative from each Federal agency (as appointed by the head of the agency) that has jurisdiction over, or is affected by, mental health and education policies and projects, including—

(1) the Department of Education;

(2) the Department of Health and Human Services;

(3) the Department of Veterans Affairs; and

(4) such other Federal agencies as the Administrator of the Substance Abuse and Mental Health Services Administration and the Secretary jointly determine to be appropriate.

(d) DUTIES.—The Task Force shall—

(1) serve as a centralized mechanism to coordinate a national effort—

(A) to discuss and evaluate evidence and knowledge on mental and behavioral health services available to, and the prevalence of mental health illness among, the college age population of the United States;

(B) to determine the range of effective, feasible, and comprehensive actions to improve mental and behavioral health on college and university campuses;

(C) to examine and better address the needs of the college age population dealing with mental illness;

(D) to survey Federal agencies to determine which policies are effective in encouraging, and how best to facilitate outreach without duplicating, efforts relating to mental and behavioral health promotion;

(E) to establish specific goals within and across Federal agencies for mental health promotion, including determinations of accountability for reaching those goals;

(F) to develop a strategy for allocating responsibilities and ensuring participation in mental and behavioral health promotions, particularly in the case of competing agency priorities;

(G) to coordinate plans to communicate research results relating to mental and behavioral health amongst the college age population to enable reporting and outreach activities to produce more useful and timely information;

(H) to provide a description of evidence-based best practices, model programs, effective guidelines, and other strategies for promoting mental and behavioral health on college and university campuses;

(I) to make recommendations to improve Federal efforts relating to mental and behavioral health promotion on college campuses and to ensure Federal efforts are consistent with available standards and evidence and other programs in existence as of the date of enactment of this Act; and

(J) to monitor Federal progress in meeting specific mental and behavioral health promotion goals as they relate to college and university settings;

(2) consult with national organizations with expertise in mental and behavioral health, especially those organizations working with the college age population; and

(3) consult with and seek input from mental health professionals working on college and university campuses as appropriate.

(e) MEETINGS.—

(1) IN GENERAL.—The Task Force shall meet at least 3 times each year.

(2) ANNUAL CONFERENCE.—The Secretary shall sponsor an annual conference on mental and behavioral health in college and university settings to enhance coordination, build partnerships, and share best practices in mental and behavioral health promotion, data collection, analysis, and services.

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

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. DURBIN, Mr. KERRY, Mr. SCHUMER, Ms. STABENOW, Mr. DODD, Mr. BROWN, Mr. SANDERS, Mr. CASEY, Mr. TESTER, Mrs. GILLIBRAND, and Mr. BENNET):

S. 683. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Mr. President, today, I am joining with Senator SPECTER and others to introduce the Community Choice Act. This legislation is needed to truly bring people with disabilities into the mainstream of society and provide equal opportunity for employment and full involvement in community activities.

The individuals affected by the Community Choice Act are those persons who require an institutional level of care to manage their disabilities. The question is whether they will receive these services only in an institutional setting—typically, a nursing home—or whether they will also have the choice to receive these services in their communities, where they can be part of community life and close to family and friends.

Under the U.S. Supreme Court's decision in Olmstead v. L.C., 1999, individuals with disabilities have the right to choose to receive their long-term services and supports in the community, rather than in an institutional setting. This year marks the 10–year anniversary of the Olmstead decision.

Unfortunately, under current Medicaid policy, and despite much effort to ''rebalance'' the system, the deck is still stacked in favor of living in an institutional setting. The reason for this is simple. Despite the Olmstead decision, Federal law only requires that States cover nursing home care in their Medicaid programs. There is no similar requirement for providing individuals the choice of receiving their services and supports in a community-based setting.

Overall about 60 percent of Medicaid long-term care dollars are still spent on institutional services, with about 40 percent going to home and community-based services. In 2007, only 11 States spent 50 percent or more of their Medicaid long-term care funds on home and community-based care.

The statistics are even more disproportionate for adults with physical disabilities. In 2007, 69 percent of Medicaid long-term care spending for older people and adults with physical disabilities paid for institutional services. Only 6 States spent 50 percent or more of their Medicaid long-term care dollars on home and community-based services for older people and adults with physical disabilities, while half of the States spent less than 25 percent. This disparity continues even though, on average, it is estimated that Medicaid dollars can support nearly three older people and adults with physical disabilities in home and community-based services for every person in a nursing home.

Although 30 States have already recognized the benefits of community-based services, and are providing the personal care optional benefit through their Medicaid program, these programs are unevenly distributed and only reach a small percentage of eligible individuals. Many of these programs serve only persons with certain disabilities. They have long waiting lists. They have financial caps. None of them allow the recipients to retain their benefits if they move to other States. Individuals with the most significant disabilities are usually afforded the least amount of choice, despite advances in medical and assistive technologies and related areas.

This current imbalance means that individuals with disabilities do not have equal access to community-based care throughout this country. An individual with a disability should not have to move to another State in order to avoid needless segregation. Nor should that individual have to move away from family and friends because the only choice is an institution.

The right to live in the community is too important a right to be left to State discretion. Instead, it should be left to the individual to decide, as the Supreme Court has recognized.

The majority of individuals who use Medicaid long-term services and supports prefer to live in the community, rather than in institutional settings.

I think of my nephew Kelly, who became a paraplegic after an accident while serving in the U.S. Navy. The Veterans Administration pays for his attendant services. This allows Kelly to get up in the morning, go to work, operate his own small business, pay taxes, and be a fully contributing member of our economy and society. This country is rich enough to provide these same opportunities to every American who needs attendant services.

We in Congress have a responsibility to help States meet their obligations under Olmstead, to level the playing field, and to give eligible individuals equal access to the community-based services and supports they need.

The Community Choice Act is designed to do just that, and to make the promise of the Americans with Disabilities Act a reality. It will help rebalance the current Medicaid long-term care system, which spends a disproportionate amount on institutional services.

Federal Medicaid policy should reflect the goals of the Americans with Disabilities Act that Americans with disabilities should have equal opportunity, and the right to fully participate in their communities. No one should have to sacrifice their ability to participate because they need help getting out of the house in the morning or assistance with personal care or some other basic service.

The Community Choice Act can substantially reform long-term services in this country, consistent with the Olmstead decision, by allowing people with disabilities who need an institutional level of care the choice of receiving their services and supports in their

own communities, rather than in an institution. With appropriate community-based services and supports, we can transform the lives of people with disabilities. They can live with family and friends, not strangers. They can be the neighbor down the street, not the person warehoused down the hall. This is not asking too much. This is the bare minimum that we should demand for every human being.

Community-based services and supports allow people with disabilities to lead independent lives, have jobs, and participate in their communities. Some will become taxpayers, some will get an education, and some will participate in recreational and civic activities. But all will be given a chance to make their own choices and to govern their own lives.

The Community Choice Act will open the door to full participation by people with disabilities in our workplaces and economy. It will give them better access to the American Dream.

As has been true with all major disability-rights legislation going back to the ADA, this is a strictly bipartisan bill. I urge all my colleagues to come together on this important measure. I especially want to thank Senator SPECTER for his leadership on this issue and his commitment to improving access to home and community-based services for people with disabilities. I also thank Senators KENNEDY, DURBIN, KERRY, SCHUMER, STABENOW, DODD, BROWN, SANDERS, CASEY, TESTER, BENNET, and GILLIBRAND for joining me in this important initiative.

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. 683

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Community Choice Act of 2009''.

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

SEC. 2. FINDINGS AND PURPOSES.

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

(1) Long-term services and supports provided under the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) must meet the abilities and life choices of individuals with disabilities and older Americans, including the choice to live in one's own home or with one's own family and to become a productive member of the community.

(2) Similarly, under the United States Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), individuals with disabilities have the right to choose to receive their long term services and supports in the community, rather than in an institutional setting.

(3) Nevertheless, research on the provision of long-term services and supports under the Medicaid program (conducted by and on behalf of the Department of Health and Human Services) continues to show a significant funding and programmatic bias toward institutional care. In 2007, only 42 percent of long-term care funds expended under the Medicaid program, and only about 13.6 percent of all funds expended under that program, pay for services and supports in home and community-based settings.

(4) While much effort has been dedicated to ''rebalancing'' the current system, overall about 60 percent of Medicaid long-term care dollars are still spent on institutional services, with about 40 percent going to home and community based services. In 2007, only 11 States spent 50 percent or more of their Medicaid long-term care funds on home and community-based care.

(5) The statistics are even more disproportionate for adults with physical disabilities. In 2007, 69 percent of Medicaid long term care spending for older people and adults with physical disabilities paid for institutional services. Only 6 states spent 50 percent or more of their Medicaid long term care dollars on home and community based services for older people and adults with physical disabilities while ½ of the States spent less than 25 percent. This disparity continues even though, on average, it is estimated that Medicaid dollars can support nearly 3 older people and adults with physical disabilities in home and community-based services for every person in a nursing home.

(6) For Medicaid beneficiaries who need long term care, services provided in an institutional setting represent the only guaranteed benefit. Only 30 States have adopted the benefit option of providing personal care, or attendant, services under their Medicaid programs.

(7) Although every State has chosen to provide certain services under home and community-based waivers, these services are unevenly available within and across States, and reach a small percentage of eligible individuals. Individuals with the most significant disabilities are usually afforded the least amount of choice, despite advances in medical and assistive technologies and related areas.

(8) Despite the more limited funding for home and community-based services, the majority of individuals who use Medicaid long-term services and supports prefer to live in the community, rather than in institutional settings.

(9) The goals of the Nation properly include providing families of children with disabilities, working-age adults with disabilities, and older Americans with—

(A) a meaningful choice of receiving long-term services and supports in the most integrated setting appropriate to the individual's needs;

(B) the greatest possible control over the services received and, therefore, their own lives and futures; and

(C) quality services that maximize independence in the home and community.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To reform the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to provide services in the most integrated setting appropriate to the individual's needs, and to provide equal access to community-based attendant services and supports in order to assist individuals in achieving equal opportunity, full participation, independent living, and economic self-sufficiency.

(2) To provide financial assistance to States as they reform their long-term care systems to provide comprehensive statewide long-term services and supports, including community-based attendant services and supports that provide consumer choice and direction, in the most integrated setting appropriate.

(3) To assist States in meeting the growing demand for community-based attendant services and supports, as the Nation's population ages and individuals with disabilities live longer.

(4) To assist States in complying with the U.S. Supreme Court decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), and implementing the integration mandate of the Americans with Disabilities Act.

TITLE I—ESTABLISHMENT OF MEDICAID PLAN BENEFIT

SEC. 101. COVERAGE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS UNDER THE MEDICAID PROGRAM.

(a) MANDATORY COVERAGE.—Section 1902(a)(10)(D) of the Social Security Act (42 U.S.C. 1396a(a)(10)(D)) is amended—

(1) by inserting ''(i)'' after ''(D)'';

(2) by adding ''and'' after the semicolon; and

(3) by adding at the end the following new clause:

''(ii) subject to section 1943, for the inclusion of community-based attendant services and supports for any individual who—

''(I) is eligible for medical assistance under the State plan;

''(II) with respect to whom there has been a determination that the individual requires the level of care provided in a nursing facility, institution for mental diseases, or an intermediate care facility for the mentally retarded (whether or not coverage of such institution or intermediate care facility is provided under the State plan); and

''(III) chooses to receive such services and supports;''.

(b) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

''COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS

''SEC. 1943. (a) REQUIRED COVERAGE.—

''(1) IN GENERAL.—Not later than October 1, 2014, a State shall provide through a plan amendment for the inclusion of community-based attendant services and supports (as defined in subsection (g)(1)) for individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

''(2) ENHANCED FMAP AND ADDITIONAL FEDERAL FINANCIAL SUPPORT FOR EARLIER COVERAGE.—Notwithstanding section 1905(b), during the period that begins on October 1, 2009, and ends on September 30, 2014, in the case of a State with an approved plan amendment under this section during that period that also satisfies the requirements of subsection (c) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance in the form of

community-based attendant services and supports provided to individuals described in section 1902(a)(10)(D)(ii) in accordance with this section on or after the date of the approval of such plan amendment.

''(b) DEVELOPMENT AND IMPLEMENTATION OF BENEFIT.—In order for a State plan amendment to be approved under this section, a State shall provide the Secretary with the following assurances:

''(1) ASSURANCE OF DEVELOPMENT AND IMPLEMENTATION COLLABORATION.—

''(A) IN GENERAL.—That State plan amendment—

''(i) has been developed in collaboration with, and with the approval of, a Development and Implementation Council established by the State that satisfies the requirements of subparagraph (B); and

''(ii) will be implemented in collaboration with such Council and on the basis of public input solicited by the State and the Council.

''(B) DEVELOPMENT AND IMPLEMENTATION COUNCIL REQUIREMENTS.—For purposes of subparagraph (A), the requirements of this subparagraph are that—

''(i) the majority of the members of the Development and Implementation Council are individuals with disabilities, elderly individuals, and their representatives; and

''(ii) in carrying out its responsibilities, the Council actively collaborates with—

''(I) individuals with disabilities;

''(II) elderly individuals;

''(III) representatives of such individuals; and

''(IV) providers of, and advocates for, services and supports for such individuals.

''(2) ASSURANCE OF PROVISION ON A STATEWIDE BASIS AND IN MOST INTEGRATED SETTING.—That consumer controlled community-based attendant services and supports will be provided under the State plan to individuals described in section 1902(a)(10)(D)(ii) on a statewide basis and in a manner that provides such services and supports in the most integrated setting appropriate to the individual's needs.

''(3) ASSURANCE OF NONDISCRIMINATION.—That the State will provide community-based attendant services and supports to an individual described in section 1902(a)(10)(D)(ii) without regard to the individual's age, type or nature of disability, severity of disability, or the form of community-based attendant services and supports that the individual requires in order to lead an independent life.

''(4) ASSURANCE OF MAINTENANCE OF EFFORT.—That the level of State expenditures for medical assistance that is provided under section 1905(a), section 1915, section 1115, or otherwise to individuals with disabilities or elderly individuals for a fiscal year shall not be less than the level of such expenditures for the fiscal year preceding the first full fiscal year in which the State plan amendment to provide community-based attendant services and supports in accordance with this section is implemented.

''(c) REQUIREMENTS FOR ENHANCED FMAP FOR EARLY COVERAGE.—In addition to satisfying the other requirements for an approved plan amendment under this section, in order for a State to be eligible under subsection (a)(2) during the period described in that subsection for the enhanced FMAP for early coverage under subsection (a)(2), the State shall satisfy the following requirements:

''(1) SPECIFICATIONS.—With respect to a fiscal year, the State shall provide the Secretary with the following specifications regarding the provision of community-based attendant services and supports under the plan for that fiscal year:

''(A)(i) The number of individuals who are estimated to receive community-based attendant services and supports under the plan during the fiscal year.

''(ii) The number of individuals that received such services and supports during the preceding fiscal year.

''(B) The maximum number of individuals who will receive such services and supports under the plan during that fiscal year.

''(C) The procedures the State will implement to ensure that the models for delivery of such services and supports are consumer controlled (as defined in subsection (g)(2)(B)).

''(D) The procedures the State will implement to inform all potentially eligible individuals and relevant other individuals of the availability of such services and supports under this title, and of other items and services that may be provided to the individual under this title or title XVIII and other Federal or State long-term service and support programs.

''(E) The procedures the State will implement to ensure that such services and supports are provided in accordance with the requirements of subsection (b)(1).

''(F) The procedures the State will implement to actively involve in a systematic, comprehensive, and ongoing basis, the Development and Implementation Council established in accordance with subsection (b)(1)(A)(ii), individuals with disabilities, elderly individuals, and representatives of such individuals in the design, delivery, administration, implementation, and evaluation of the provision of such services and supports under this title.

''(2) PARTICIPATION IN EVALUATIONS.—The State shall provide the Secretary with such substantive input into, and participation in, the design and conduct of data collection, analyses, and other qualitative or quantitative evaluations of the provision of community-based attendant services and supports under this section as the Secretary deems necessary in order to determine the effectiveness of the provision of such services and supports in allowing the individuals receiving such services and supports to lead an independent life to the maximum extent possible.

''(d) QUALITY ASSURANCE.—

''(1) STATE RESPONSIBILITIES.—In order for a State plan amendment to be approved under this section, a State shall establish and maintain a comprehensive, continuous quality assurance system with respect to community-based attendant services and supports that provides for the following:

''(A) The State shall establish requirements, as appropriate, for agency-based and other delivery models that include—

''(i) minimum qualifications and training requirements for agency-based and other models;

''(ii) financial operating standards; and

''(iii) an appeals procedure for eligibility denials and a procedure for resolving disagreements over the terms of an individualized plan.

''(B) The State shall modify the quality assurance system, as appropriate, to maximize consumer independence and consumer control in both agency-provided and other delivery models.

''(C) The State shall provide a system that allows for the external monitoring of the quality of services and supports by entities consisting of consumers and their representatives, disability organizations, providers, families of disabled or elderly individuals, members of the community, and others.

''(D) The State shall provide for ongoing monitoring of the health and well-being of each individual who receives community-based attendant services and supports.

''(E) The State shall require that quality assurance mechanisms pertaining to the individual be included in the individual's written plan.

''(F) The State shall establish a process for the mandatory reporting, investigation, and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of such services and supports.

''(G) The State shall obtain meaningful consumer input, including consumer surveys, that measure the extent to which an individual receives the services and supports described in the individual's plan and the individual's satisfaction with such services and supports.

''(H) The State shall make available to the public the findings of the quality assurance system.

''(I) The State shall establish an ongoing public process for the development, implementation, and review of the State's quality assurance system.

''(J) The State shall develop and implement a program of sanctions for providers of community-based services and supports that violate the terms or conditions for the provision of such services and supports.

''(2) FEDERAL RESPONSIBILITIES.—

''(A) PERIODIC EVALUATIONS.—The Secretary shall conduct a periodic sample review of outcomes for individuals who receive community-based attendant services and supports under this title.

''(B) INVESTIGATIONS.—The Secretary may conduct targeted reviews and investigations upon receipt of an allegation of neglect, abuse, or exploitation of an individual receiving community-based attendant services and supports under this section.

''(C) DEVELOPMENT OF PROVIDER SANCTION GUIDELINES.—The Secretary shall develop guidelines for States to use in developing the sanctions required under paragraph (1)(J).

''(e) REPORTS.—The Secretary shall submit to Congress periodic reports on the provision of community-based attendant services and supports under this section, particularly with respect to the impact of the provision of such services and supports on—

''(1) individuals eligible for medical assistance under this title;

''(2) States; and

''(3) the Federal Government.

''(f) NO EFFECT ON ABILITY TO PROVIDE COVERAGE.—

''(1) IN GENERAL.—Nothing in this section shall be construed as affecting the ability of a State to provide coverage under the State plan for community-based attendant services and supports (or similar coverage) under section 1905(a), section 1915, section 1115, or otherwise.

''(2) ELIGIBILITY FOR ENHANCED MATCH.—In the case of a State that provides coverage for such services and supports under a waiver, the State shall not be eligible under subsection (a)(2) for the enhanced FMAP for the early provision of such coverage unless the State submits a plan amendment to the Secretary that meets the requirements of this section and demonstrates that the State is able to fully comply with and implement the requirements of this section.

''(g) DEFINITIONS.—In this title:

''(1) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

''(A) IN GENERAL.—The term 'community-based attendant services and supports' means attendant services and supports furnished to an individual, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health-related tasks through hands-on assistance, supervision, or cueing—

''(i) under a plan of services and supports that is based on an assessment of functional need and that is agreed to in writing by the individual or, as appropriate, the individual's representative;

''(ii) in a home or community setting, which shall include but not be limited to a school, workplace, or recreation or religious facility, but does not include a nursing facility, institution for mental diseases, or an intermediate care facility for the mentally retarded;

''(iii) under an agency-provider model or other model (as defined in paragraph (2)(C));

''(iv) the furnishing of which—

''(I) is selected, managed, and dismissed by the individual, or, as appropriate, with assistance from the individual's representative; and

''(II) provided by an individual who is qualified to provide such services, including family members (as defined by the Secretary).

''(B) INCLUDED SERVICES AND SUPPORTS.—Such term includes—

''(i) tasks necessary to assist an individual in accomplishing activities of daily living, instrumental activities of daily living, and health-related tasks;

''(ii) the acquisition, maintenance, and enhancement of skills necessary for the individual to accomplish activities of daily living, instrumental activities of daily living, and health-related tasks;

''(iii) backup systems or mechanisms (such as the use of beepers) to ensure continuity of services and supports; and

''(iv) voluntary training on how to select, manage, and dismiss attendants.

''(C) EXCLUDED SERVICES AND SUPPORTS.—Subject to subparagraph (D), such term does not include—

''(i) the provision of room and board for the individual;

''(ii) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

''(iii) assistive technology devices and assistive technology services;

''(iv) durable medical equipment; or

''(v) home modifications.

''(D) FLEXIBILITY IN TRANSITION TO COMMUNITY-BASED HOME SETTING.—Such term may include expenditures for transitional costs, such as rent and utility deposits, first month's rent and utilities, bedding, basic kitchen supplies, and other necessities required for an individual to make the transition from a nursing facility, institution for mental diseases, or intermediate care facility for the mentally retarded to a community-based home setting where the individual resides.

''(2) ADDITIONAL DEFINITIONS.—

''(A) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' includes eating, toileting, grooming, dressing, bathing, and transferring.

''(B) CONSUMER CONTROLLED.—The term 'consumer controlled' means a method of selecting and providing services and supports that allow the individual, or where appropriate, the individual's representative, maximum control of the community-based attendant services and supports, regardless of who acts as the employer of record.

''(C) DELIVERY MODELS.—

''(i) AGENCY-PROVIDER MODEL.—The term 'agency-provider model' means, with respect to the provision of community-based attendant services and supports for an individual, subject to clause (iii), a method of providing consumer controlled services and supports under which entities contract for the provision of such services and supports.

''(ii) OTHER MODELS.—The term 'other models' means, subject to clause (iii), methods, other than an agency-provider model, for the provision of consumer controlled services and supports. Such models may include the provision of vouchers, direct cash payments, or use of a fiscal agent to assist in obtaining services.

''(iii) COMPLIANCE WITH CERTAIN LAWS.—A State shall ensure that, regardless of whether the State uses an agency-provider model or other models to provide services and supports under a State plan amendment under this section, such services and supports are provided in accordance with the requirements of the Fair Labor Standards Act of 1938 and applicable Federal and State laws regarding—

''(I) withholding and payment of Federal and State income and payroll taxes;

''(II) the provision of unemployment and workers compensation insurance;

''(III) maintenance of general liability insurance; and

''(IV) occupational health and safety.

''(D) HEALTH-RELATED TASKS.—The term 'health-related tasks' means specific tasks that can be delegated or assigned by licensed health-care professionals under State law to be performed by an attendant.

''(E) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term 'instrumental activities of daily living' includes, but is not limited to, meal planning and preparation, managing finances, shopping for food, clothing, and other essential items, performing essential household chores, communicating by phone and other media, and traveling around and participating in the community.

''(F) INDIVIDUALS REPRESENTATIVE.—The term 'individual's representative' means a parent, a family member, a guardian, an advocate, or other authorized representative of an individual.''.

(c) CONFORMING AMENDMENTS.—

(1) MANDATORY BENEFIT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended, in the matter preceding clause (i), by striking ''(17) and (21)'' and inserting ''(17), (21), and (28)''.

(2) DEFINITION OF MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) by striking ''and'' at the end of paragraph (27);

(B) by redesignating paragraph (28) as paragraph (29); and

(C) by inserting after paragraph (27) the following:

''(28) community-based attendant services and supports (to the extent allowed and as defined in section 1943); and''.

(3) IMD/ICFMR REQUIREMENTS.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting ''and (28)'' after ''(24)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section (other than the amendment made by subsection (c)(1)) take effect on October 1, 2009, and apply to medical assistance provided for community-based attendant services and supports described in section 1943 of the Social Security Act furnished on or after that date.

(2) MANDATORY BENEFIT.—The amendment made by subsection (c)(1) takes effect on October 1, 2014.

SEC. 102. ENHANCED FMAP FOR ONGOING ACTIVITIES OF EARLY COVERAGE STATES THAT ENHANCE AND PROMOTE THE USE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.

(a) IN GENERAL.—Section 1943 of the Social Security Act, as added by section 101(b), is amended—

(1) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(2) in subsection (a)(1), by striking ''subsection (g)(1)'' and inserting ''subsection (i)(1)'';

(3) in subsection (a)(2), by inserting '', and with respect to expenditures described in subsection (d), the Secretary shall pay the State the amount described in subsection (d)(1)'' before the period;

(4) in subsection (c)(1)(C), by striking ''subsection (g)(2)(B)'' and inserting ''subsection (i)(2)(B)''; and

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

''(d) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR EARLY COVERAGE STATES THAT MEET CERTAIN BENCHMARKS.—

''(1) IN GENERAL.—Subject to paragraph (2), for purposes of subsection (a)(2), the amount and expenditures described in this subsection are an amount equal to the Federal medical assistance percentage, increased by 10 percentage points, of the expenditures incurred by the State for the provision or conduct of the services or activities described in paragraph (3).

''(2) EXPENDITURE CRITERIA.—A State shall—

''(A) develop criteria for determining the expenditures described in paragraph (1) in collaboration with the individuals and representatives described in subsection (b)(1); and

''(B) submit such criteria for approval by the Secretary.

''(3) SERVICES, SUPPORTS AND ACTIVITIES DESCRIBED.—For purposes of paragraph (1), the services, supports and activities described in this subparagraph are the following:

''(A) 1-stop intake, referral, and institutional diversion services.

''(B) Identifying and remedying gaps and inequities in the State's current provision of long-term services and supports, particularly those services and supports that are provided based on such factors as age, severity of disability, type of disability, ethnicity, income, institutional bias, or other similar factors.

''(C) Establishment of consumer participation and consumer governance mechanisms, such as cooperatives and regional service authorities, that are managed and controlled by individuals with significant disabilities who use community-based services and supports or their representatives.

''(D) Activities designed to enhance the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports.

''(E) Continuous, comprehensive quality improvement activities that are designed to ensure and enhance the health and well-being of individuals who rely on community-based attendant services and supports, particularly activities involving or initiated by consumers of such services and supports or their representatives.

''(F) Family support services to augment the efforts of families and friends to enable individuals with disabilities of all ages to live in their own homes and communities.

''(G) Health promotion and wellness services and activities.

''(H) Provider recruitment and enhancement activities, particularly such activities that encourage the development and maintenance of consumer controlled cooperatives or other small businesses or micro-enterprises that provide community-based attendant services and supports or related services.

''(I) Activities designed to ensure service and systems coordination.

''(J) Any other services or activities that the Secretary deems appropriate.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2009.

SEC. 103. INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.

(a) IN GENERAL.—Section 1943 of the Social Security Act, as added by section 101(b) and amended by section 102, is amended by inserting after subsection (d) the following:

''(e) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.—

''(1) ELIGIBILITY FOR PAYMENT.—

''(A) IN GENERAL.—In the case of a State that the Secretary determines satisfies the requirements of subparagraph (B), the Secretary shall pay the State the amounts described in paragraph (2) in addition to any other payments provided for under section 1903 or this section for the provision of community-based attendant services and supports.

''(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

''(i) The State has an approved plan amendment under this section.

''(ii) The State has incurred expenditures described in paragraph (2).

''(iii) The State develops and submits to the Secretary criteria to identify and select such expenditures in accordance with the requirements of paragraph (3).

''(iv) The Secretary determines that payment of the applicable percentage of such expenditures (as determined under paragraph (2)(B)) would enable the State to provide a meaningful choice of receiving community-based services and supports to individuals with disabilities and elderly individuals who would otherwise only have the option of receiving institutional care.

''(2) AMOUNTS AND EXPENDITURES DESCRIBED.—

''(A) EXPENDITURES IN EXCESS OF 150 PERCENT OF BASELINE AMOUNT.—The amounts and expenditures described in this paragraph are an amount equal to the applicable percentage, as determined by the Secretary in accordance with subparagraph (B), of the expenditures incurred by the State for the provision of community-based attendant services and supports to an individual that exceed 150 percent of the average cost of providing nursing facility services to an individual who resides in the State and is eligible for such services under this title, as determined in accordance with criteria established by the Secretary.

''(B) APPLICABLE PERCENTAGE.—The Secretary shall establish a payment scale for the expenditures described in subparagraph (A) so that the Federal financial participation for such expenditures gradually increases from 70 percent to 90 percent as such expenditures increase.

''(3) SPECIFICATION OF ORDER OF SELECTION FOR EXPENDITURES.—In order to receive the amounts described in paragraph (2), a State shall—

''(A) develop, in collaboration with the individuals and representatives described in subsection (b)(1) and pursuant to guidelines established by the Secretary, criteria to identify and select the expenditures submitted under that paragraph; and

''(B) submit such criteria to the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2009.

TITLE II—PROMOTION OF SYSTEMS CHANGE AND CAPACITY BUILDING

SEC. 201. GRANTS TO PROMOTE SYSTEMS CHANGE AND CAPACITY BUILDING.

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall award grants to eligible States to carry out the activities described in subsection (b).

(2) APPLICATION.—In order to be eligible for a grant under this section, a State shall submit to the Secretary an application in such form and manner, and that contains such information, as the Secretary may require.

(b) PERMISSIBLE ACTIVITIES.—A State that receives a grant under this section may use funds provided under the grant for any of the following activities, focusing on areas of need identified by the State and the Consumer Task Force established under subsection (c):

(1) The development and implementation of the provision of community-based attendant services and supports under section 1943 of the Social Security Act (as added by section 101(b) and amended by sections 102 and 103) through active collaboration with—

(A) individuals with disabilities;

(B) elderly individuals;

(C) representatives of such individuals; and

(D) providers of, and advocates for, services and supports for such individuals.

(2) Substantially involving individuals with significant disabilities and representatives of such individuals in jointly developing, implementing, and continually improving a mutually acceptable comprehensive, effectively working statewide plan for preventing and alleviating unnecessary institutionalization of such individuals.

(3) Engaging in system change and other activities deemed necessary to achieve any or all of the goals of such statewide plan.

(4) Identifying and remedying disparities and gaps in services to classes of individuals with disabilities and elderly individuals who are currently experiencing or who face substantial risk of unnecessary institutionalization.

(5) Building and expanding system capacity to offer quality consumer controlled community-based services and supports to individuals with disabilities and elderly individuals, including by—

(A) seeding the development and effective use of community-based attendant services and supports cooperatives, Independent Living Centers, small businesses, micro-enterprises, micro-boards, and similar joint ventures owned and controlled by individuals with disabilities or representatives of such individuals and community-based attendant services and supports workers;

(B) enhancing the choice and control individuals with disabilities and elderly individuals exercise, including through their representatives, with respect to the personal assistance and supports they rely upon to lead independent, self-directed lives;

(C) enhancing the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports;

(D) engaging in a variety of needs assessment and data gathering;

(E) developing strategies for modifying policies, practices, and procedures that result in unnecessary institutional bias or the over-medicalization of long-term services and supports;

(F) engaging in interagency coordination and single point of entry activities;

(G) providing training and technical assistance with respect to the provision of community-based attendant services and supports;

(H) engaging in—

(i) public awareness campaigns;

(ii) facility-to-community transitional activities; and

(iii) demonstrations of new approaches; and

(I) engaging in other systems change activities necessary for developing, implementing, or evaluating a comprehensive statewide system of community-based attendant services and supports.

(6) Ensuring that the activities funded by the grant are coordinated with other efforts to increase personal attendant services and supports, including—

(A) programs funded under or amended by the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1860);

(B) grants funded under the Families of Children With Disabilities Support Act of 2000 (42 U.S.C. 15091 et seq.); and

(C) other initiatives designed to enhance the delivery of community-based services and supports to individuals with disabilities and elderly individuals.

(7) Engaging in transition partnership activities with nursing facilities and intermediate care facilities for the mentally retarded that utilize and build upon items and services provided to individuals with disabilities or elderly individuals under the Medicaid program under title XIX of the Social Security Act, or by Federal, State, or local housing agencies, Independent Living Centers, and other organizations controlled by consumers or their representatives.

(c) CONSUMER TASK FORCE.—

(1) ESTABLISHMENT AND DUTIES.—To be eligible to receive a grant under this section, each State shall establish a Consumer Task Force (referred to in this subsection as the ''Task Force'') to assist the State in the development, implementation, and evaluation of real choice systems change initiatives.

(2) APPOINTMENT.—Members of the Task Force shall be appointed by the Chief Executive Officer of the State in accordance with the requirements of paragraph (3), after the solicitation of recommendations from representatives of organizations representing a broad range of individuals with disabilities, elderly individuals, representatives of such individuals, and organizations interested in individuals with disabilities and elderly individuals.

(3) COMPOSITION.—

(A) IN GENERAL.—The Task Force shall represent a broad range of individuals with disabilities from diverse backgrounds and shall include representatives from Developmental Disabilities Councils, Mental Health Councils, State Independent Living Centers and Councils, Commissions on Aging, organizations that provide services to individuals with disabilities and consumers of long-term services and supports.

(B) INDIVIDUALS WITH DISABILITIES.—A majority of the members of the Task Force shall be individuals with disabilities or representatives of such individuals.

(C) LIMITATION.—The Task Force shall not include employees of any State agency providing services to individuals with disabilities other than employees of entities described in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.).

(d) ANNUAL REPORT.—

(1) STATES.—A State that receives a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant in such form and manner as the Secretary may require.

(2) SECRETARY.—The Secretary shall submit to Congress an annual report on the grants made under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for each of fiscal years 2010 through 2012.

(2) AVAILABILITY.—Amounts appropriated to carry out this section shall remain available without fiscal year limitation.

SEC. 202. DEMONSTRATION PROJECT TO ENHANCE COORDINATION OF CARE UNDER THE MEDICARE AND MEDICAID PROGRAMS FOR DUAL ELIGIBLE INDIVIDUALS.

(a) DEFINITIONS.—In this section:

(1) DUALLY ELIGIBLE INDIVIDUAL.—The term ''dually eligible individual'' means an individual who is enrolled in the Medicare and Medicaid programs established under Titles XVIII and XIX, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).

(2) PROJECT.—The term ''project'' means the demonstration project authorized to be conducted under this section.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) AUTHORITY TO CONDUCT PROJECT.—The Secretary shall conduct a project under this section for the purpose of evaluating service coordination and cost-sharing approaches with respect to the provision of community-based services and supports to dually eligible individuals.

(c) REQUIREMENTS.—

(1) NUMBER OF PARTICIPANTS.—Not more than 5 States may participate in the project.

(2) APPLICATION.—A State that desires to participate in the project shall submit an application to the Secretary, at such time and in such form and manner as the Secretary shall specify.

(3) DURATION.—The project shall be conducted for at least 5, but not more than 10 years.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—Not later than 1 year prior to the termination date of the project, the Secretary, in consultation with States participating in the project, representatives of dually eligible individuals, and others, shall evaluate the impact and effectiveness of the project.

(2) REPORT.—The Secretary shall submit a report to Congress that contains the findings of the evaluation conducted under paragraph (1) along with recommendations regarding whether the project should be extended or expanded, and any other legislative or administrative actions that the Secretary considers appropriate as a result of the project.

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

By Ms. CANTWELL (for herself and Mr. KERRY):

S. 684. A bill to provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, 20 years ago today, the tanker *Exxon Valdez*, en route from Valdez, Alaska to Los Angeles, failed to turn back into the shipping lane after detouring to avoid ice. At 12:04 am, it ran aground on Bligh Reef in Prince William Sound.

Within 6 hours, the *Exxon Valdez* spilled 11 million gallons of crude oil into the Sound's pristine waters and wrote itself into the history books as the worst oil spill ever in U.S. waters. Eventually, oil covered 11,000 square miles of ocean.

The environmental and economic damage is impossible to both fathom and assess; countless seabirds, marine mammals, and fish were killed. As a result, companies like the Chugach Alaska Corporation went bankrupt. There were huge losses to recreational sports, fisheries, and tourism. Today, 20 years later, there is still oil in the area.

But most of all, *Exxon Valdez* showed us just how unprepared we were. Today, this disaster serves as a constant reminder that we cannot allow complacency to drive the ship when it comes to protecting our oceans from oil spills.

This is why I rise today—on the anniversary of this catastrophe—to introduce the Oil Pollution Prevention and Response Act of 2009.

This legislation is designed to address some of the events that perfectly aligned to make the *Exxon Valdez* disaster possible. It will put mechanisms in place that will work to protect our Nation's environment and economy from this kind of devastation, and add another layer to our oil spill safety net.

Because while our oil spill safety net has come a long way since 1989, it could still be stronger.

In response to the *Exxon Valdez* oil spill, Congress passed the Oil Pollution Act of 1990 to say once and for all that complacency has no place in this country's oil shipping industry. It revolutionized oil spill risk management, and demonstrated that prevention, preparedness, and response were the key to filling some of the gaps.

The probability of a major spill has been greatly reduced.

In my home State of Washington, the Coast Guard's District 13 leads the Nation in oil spill prevention and works closely with the State of Washington, tribal governments, and industry.

But while the probability of a spill has decreased, the potential impacts are greater than ever, and just one spill could catastrophically damage our pristine waterways, ecosystems, and economy.

This is especially true in places like Washington State's Puget Sound, where every year, 600 oil tankers and 3,000 oil barges travel through the Sound, carrying about 15 billion gallons of oil. Or in a place like the Port of Seattle, where port facilities and activities support more than 190,000 jobs in the region and generate more than $17 billion in revenue for businesses.

Alarmingly, in 2005, the Seattle Post-Intelligencer identified 650 near-miss incidents, including traffic violations, collisions, and groundings that occurred in the Sound between 1985 and 2004.

Unfortunately, these close calls are not all we have to worry about.

According to Coast Guard data, although the number of oil spills from vessels has decreased enormously since passage of OPA 90, the volume of oil spilled nationwide is still significant.

In 1992, vessels spilled more than 665,000 gallons of oil.

In 2004, the total was higher, at almost 723,000 gallons.

In 2004, there were 36 spills from tank ships, 141 spills from barges, and 1,562 spills from other vessels, including cargo ships.

I know that many of my colleagues have examples of their own, as there have been recent spills involving significant amounts of oil off the coasts of Alaska, Maine, Massachusetts, Oregon, Virginia, Hawaii, and Washington.

In the last 2 years, we have seen oil on the beaches of San Francisco and the shores of the Mississippi River in Louisiana.

We must learn from these incidents, from *Exxon Valdez*, from every close call. We must pass iron-clad policies that show there is no room for complacency.

The Oil Pollution and Prevention and Response Act of 2009 is designed to do just that.

It builds on previous efforts, like the Commerce Committee Subcommittee on Fisheries and Coast Guard field hearing I chaired in Seattle in 2005. This hearing focused on improving our oil pollution prevention and response capabilities, and as a result of the testimony from many people during that hearing and conversations with the Coast Guard and other stakeholders, I introduced the Oil Pollution Prevention and Response Act in March of 2006.

This bill updates that effort and includes additional provisions to reinvigorate our commitment to oil spill prevention and strengthen our oil spill safety net.

This bill will strengthen navigational measures in sensitive areas by requiring the identification of natural resources of particular ecological or economic importance—such as fisheries, marine sanctuaries, and important estuaries. Because if we know where the critically important resources are, we can re-route ships away from them.

It will improve the Coast Guard's coordination with State Oil Spill Prevention and Response.

The bill will mandate the Coast Guard to further reduce the risks of oil spills from activities that have been put on a back burner in the past; such as the potential for a spill when oil is transferred between vessels.

The bill will augment the Coast Guard's vessel inspection manpower.

It will require the Coast Guard to track and report on instances of human error, the most frequent cause of accidental spills.

This is an important step in the right direction for our Nation's oil spill safety net.

It is a proclamation that we are not going to allow complacency back at the wheel, nor are we going to allow politics to get in the way of doing what's right.

Twenty years ago we saw exactly what can happen. Today it is up to us to ensure that this country's environment, economy, and people never have to witness the aftermath of another *Exxon Valdez*.

The truth is, until we move this country away from its dangerous dependence on oil and toward a cleaner,

more affordable, sustainable energy future, oil spills will be inevitable. So while we must continue to fight for a new energy future, we must also take responsibility and precautions for the symptoms of our actions today.

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. 684

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 ''Oil Pollution Prevention and Response Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. FINDINGS.

The Congress finds the following:

(1) Oil released into the Nation's marine waters can cause substantial, and in some cases irreparable, harm to the marine environment.

(2) The economic impact of oil spills is substantial. Billions of dollars have been spent in the United States for cleanup of, and damages due to, oil spills; while many social, cultural, economic, and environmental damages remain uncompensated.

(3) The Oil Pollution Act of 1990, enacted in response to the worst vessel oil spill in United States history, substantially reduced the amount of oil spills from vessels. However, significant volumes of oil continue to be released, and the potential for a major spill remains unacceptably high.

(4) Although the total number of oil spills from vessels has decreased since passage of the Oil Pollution Act of 1990, more oil was spilled in 2004 from vessels nationwide than was spilled from vessels in 1992.

(5) Waterborne transportation of oil in the United States continues to increase.

(6) Although the number of oil spills from tankers declined from 193 in 1992 to 36 in 2004, spills from oil tankers tend to be large with devastating impacts.

(7) While the number of oil spills from tank barges has declined since 1992 (322 spills to 141 spills in 2004), the volume of oil spilled from tank barges has remained constant at approximately 200,000 gallons spilled each year.

(8) Oil spills from non-tank vessels averaged between 125,000 gallons and 400,000 gallons per year from 1992 through 2004 and accounted for over half of the total number of spills from all sources, including vessels and non-vessel sources.

(9) Recent spills involving significant quantities of oil have occurred off the coasts of Alaska, Maine, Massachusetts, Oregon, Virginia, and Washington, and involved barges, tank vessels, and non-tank vessels. The value of waterfront property, sport, commercial and tribal treaty fisheries, recreation, tourism, and threatened and endangered species continue to increase.

(10) It is more cost-effective to prevent oil spills than it is to clean-up oil once it is released into the environment.

(11) Of the 20 major vessel oil spill incidents since 1990 where liability limits have been exceeded, 10 involved tank barges, 8 involved non-tank vessels, 2 involved tankers, and only 1 involved a vessel that was double-hulled.

(12) Although recent technological improvements in oil tanker design, such as double hulls and redundant steering, increase tanker safety, these technologies are not a panacea and cannot ensure against oil spills, the leading cause of which is human error.

(13) The Federal government has a responsibility to protect the Nation's natural resources, public health, and environment by improving Federal measures to prevent and respond to oil spills.

(14) Environmentally fragile coastal areas are vitally important to local economies and the way of life in coastal States and federally recognized tribal governments. These areas are particularly vulnerable to the threat of oil spills. Coastal waters contribute approximately 75 percent of all commercial shellfish and finfish catches, and over 81 percent of all recreational fishing catches in the United States, outside of Alaska and Hawaii.

(15) The northern coast of Washington State and entrance to Puget Sound is the principal corridor conveying Pacific Rim commerce into the State, to Canada's largest port, and to the United States' third largest naval complex. The area contains a National Marine Sanctuary, a National Park, and many National Wildlife Refuges contiguous with marine waters.

(16) State, local, and tribal governments have important human resources and spill response capabilities which can contribute to response efforts in the event of a significant oil spill. State, local, and tribal governments may have unique local knowledge of natural resources which can improve the quality of spill response. For these reasons, State, local and tribal governments need appropriate information to have knowledge of spills, as well as incidents and activities that may result in a spill, which can impact State waters.

SEC. 4. DEFINITIONS.

In this Act:

(1) AREA TO BE AVOIDED.—The term ''area to be avoided'' means a routing measure established by the International Maritime Organization as an area to be avoided.

(2) COASTAL STATE.—The term ''coastal State'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(3) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(4) NON-TANK VESSEL.—The term ''non-tank vessel'' means a self-propelled vessel other than a tank vessel.

(5) OIL.—The term ''oil'' has the meaning given that term by section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating except where otherwise explicitly stated.

(7) TANK VESSEL.—The term ''tank vessel'' has the meaning given that term by section 1001(34) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(34)).

(8) WATERS SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term ''waters subject to the jurisdiction of the United States'' means navigable waters (as defined in section 1001(21) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(21)) as well as—

(A) the territorial sea of the United States as defined in Presidential Proclamation Number 5928 of December 27, 1988; and

(B) the Exclusive Economic Zone of the United States established by Presidential Proclamation Number 5030 of March 10, 1983.

(9) OTHER TERMS.—The terms ''facility'', ''gross ton'', ''exclusive economic zone'', ''incident'', ''oil'', ''tank vessel'', ''territorial seas'', and ''vessel'' have the meaning given those terms in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

TITLE I—PREVENTION OF OIL SPILLS

Subtitle A—Coast Guard Provisions

SEC. 101. RULEMAKINGS.

(a) STATUS REPORT.—

(1) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of all Coast Guard rulemakings required (but for which no final rule has been issued as of the date of enactment of this Act)—

(A) under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(B) under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) as amended by section 701 of the Coast guard and Maritime Transportation Act of 2004 (Public Law 108–293); and

(C) for—

(i) automatic identification systems required under section 70114 of title 46, United States Code; and

(ii) inspection requirements for towing vessels required under section 3306(j) of that title.

(2) INFORMATION REQUIRED.—The Secretary shall include in the report required by paragraph (1)—

(A) a detailed explanation with respect to each such rulemaking as to—

(i) what steps have been completed;

(ii) what areas remain to be addressed; and

(iii) the cause of any delays; and

(B) the date by which a final rule may reasonably be expected to be issued.

(b) FINAL RULES.—The Secretary shall issue a final rule in each pending rulemaking under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) as amended by section 701 of the Coast guard and Maritime Transportation Act of 2004 (Public Law 108–293) as soon as practicable, but in no event later than 18 months after the date of enactment of this Act.

SEC. 102. OIL SPILL RESPONSE CAPABILITY.

(a) SAFETY STANDARDS FOR TOWING VESSELS.—In promulgating regulations for towing vessels under chapter 33 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall—

(1) give priority to completing such regulations for towing operations involving tank vessels; and

(2) consider the possible application of standards that, as of the date of enactment of this Act, apply to self-propelled tank vessels, and any modifications that may be necessary for application to towing vessels due to ship design, safety, and other relevant factors.

(b) REDUCTION OF OIL SPILL RISK IN BUZZARDS BAY.—Section 8502(g) of title 46, United States Code, is amended by adding at the end thereof the following:

''(3) In any area of Buzzards Bay, Massachusetts, where a single-hull tank vessel carrying 5,000 or more barrels of oil or other hazardous material is required to be under the direction and control of a pilot licensed under section 7101 of this title, the pilot may not be a member of the crew of that vessel and shall be a pilot licensed by the Commonwealth of Massachusetts who is operating under a Federal license.''.

(c) REPORTING.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the extent to which tank vessels in Buzzards Bay, Massachusetts, are using routes recommended by the Coast Guard.

SEC. 103. INSPECTIONS BY COAST GUARD.

(a) IN GENERAL.—The Secretary shall ensure that the inspection schedule for all United States and foreign-flag tank vessels that enter a United States port or place increases the frequency and comprehensiveness of Coast Guard safety inspections based on such factors as vessel age, hull configuration, past violations of any applicable discharge and safety regulations under United States and international law, indications that the class societies inspecting such vessels may be substandard, and other factors relevant to the potential risk of an oil spill.

(b) ENHANCED VERIFICATION OF STRUCTURAL CONDITION.—The Coast Guard shall adopt, as part of its inspection requirements for tank vessels, additional procedures for enhancing the verification of the reported structural condition of such vessels, taking into account the Condition Assessment Scheme adopted by the International Maritime Organization by Resolution 94(46) on April 27, 2001.

SEC. 104. OIL TRANSFERS FROM VESSELS.

(a) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to reduce the risks of oil spills in operations involving the transfer of oil from or to a tank vessel. The regulations—

(1) shall focus on operations that have the highest risks of discharge, including operations at night and in inclement weather;

(2) shall consider—

(A) requirements for use of equipment, such as putting booms in place for transfers, safety, and environmental impacts;

(B) operational procedures such as manning standards, communications protocols, and restrictions on operations in high-risk areas; or

(C) both such requirements and operational procedures; and

(3) shall take into account the safety of personnel and effectiveness of available procedures and equipment for preventing or mitigating transfer spills.

(b) APPLICATION WITH STATE LAWS.—The regulations promulgated under subsection (a) do not preclude the enforcement of any State law or regulation the requirements of which are at least as stringent as requirements under the regulations (as determined by the Secretary) that—

(1) applies in State waters;

(2) does not conflict with, or interfere with the enforcement of, requirements and operational procedures under the regulations; and

(3) has been enacted or promulgated before the date of enactment of this Act.

SEC. 105. IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.

(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure that, using available data—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oil spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years;

(3) describes the extent to which there are gaps in the data with respect to the information required under paragraphs (1) and (2) and explains the reason for those gaps; and

(4) includes recommendations by the Secretary to address the identified types of errors and incidents and to address any such gaps in the data.

(b) MEASURES.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action, both domestically and at the International Maritime Organization, to reduce the risk of oil spills from human errors.

SEC. 106. NAVIGATIONAL MEASURES FOR PROTECTION OF NATURAL RESOURCES.

(a) DESIGNATION OF AT-RISK AREAS.—The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere shall jointly identify areas where routing or other navigational measures are warranted in waters subject to the jurisdiction of the United States to reduce the risk of oil spills and potential damage to natural resources. In identifying those areas, the Secretary and the Under Secretary shall give priority consideration to natural resources of particular ecological importance or economic importance, including commercial fisheries, aquaculture facilities, marine sanctuaries designated by the Secretary of Commerce pursuant to the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), estuaries of national significance designated under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1330), critical habitats (as defined in section 3(5) of the Endangered Species Act of 1973 (16 U.S.C. 1532(5)), estuarine research reserves within the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management Act of 1972, and national parks and national seashores administered by the National Park Service under the National Park Service Organic Act (16 U.S.C. 1 et seq.).

(b) FACTORS CONSIDERED.—In determining whether navigational measures are warranted, the Secretary and the Under Secretary shall consider, at a minimum—

(1) the frequency of transits of vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j));

(2) the type and quantity of oil transported as cargo or fuel;

(3) the expected benefits of routing measures in reducing risks of spills;

(4) the costs of such measures;

(5) the safety implications of such measures; and

(6) the nature and value of the resources to be protected by such measures.

(c) ESTABLISHMENT OF ROUTING AND OTHER NAVIGATIONAL MEASURES.—The Secretary shall establish such routing or other navigational measures for areas identified under subsection (a).

(d) ESTABLISHMENT OF AVOIDANCE AREAS.—To the extent that the Secretary and the Under Secretary conclude that the establishment of areas to be avoided is warranted under this section, they shall seek to establish such areas through the International Maritime Organization or establish comparable areas pursuant to regulations and in a manner that is consistent with international law.

(e) OIL SHIPMENT DATA AND REPORT.—

(1) DATA COLLECTION.—The Secretary, through the Commandant and in consultation with the Army Corps of Engineers, shall analyze data on oil transported as cargo on vessels in the navigable waters of the United States, including information on—

(A) the quantity and type of oil being transported;

(B) the vessels used for such transportation;

(C) the frequency with which each type of oil is being transported; and

(D) the point of origin, transit route, and destination of each such shipment of oil.

(2) REPORT.—The Secretary shall transmit a report, not less frequently than quarterly, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, on the data collected and analyzed under paragraph (1) in a format that does not disclose information exempted from disclosure under section 552b(e) of title 5, United States Code.

SEC. 107. OLYMPIC COAST NATIONAL MARINE SANCTUARY.

(a) OLYMPIC COAST NATIONAL MARINE SANCTUARY AREA TO BE AVOIDED.—The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere shall revise the area to be avoided off the coast of the State of Washington so that restrictions apply to all vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) (other than fishing or research vessels while engaged in fishing or research within the area to be avoided).

(b) EMERGENCY OIL SPILL DRILL.—

(1) IN GENERAL.—In cooperation with the Secretary, the Under Secretary of Commerce

for Oceans and Atmosphere shall conduct a Safe Seas oil spill drill in the Olympic Coast National Marine Sanctuary in fiscal year 2010. The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere jointly shall coordinate with other Federal agencies, State, local, and tribal governmental entities, and other appropriate entities, in conducting this drill.

(2) OTHER REQUIRED DRILLS.—Nothing in this subsection supersedes any Coast Guard requirement for conducting emergency oil spill drills in the Olympic Coast National Marine Sanctuary. The Secretary shall consider conducting regular field exercises, such as National Preparedness for Response Exercise Program (PREP) in other national marine sanctuaries as well as areas identified in section 106(a) of this bill.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere for fiscal year 2010 $700,000 to carry out this subsection.

SEC. 108. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.

(a) IN GENERAL.—Within 30 days after the date of enactment of this Act, notwithstanding subchapter 5 of title 5, United States Code, the Commandant shall modify the definition of the term ''higher volume port area'' in section 155.1020 of the Coast Guard regulations (33 C.F.R. 155.1020) by striking ''Port Angeles, WA'' in paragraph (13) of that section and inserting ''Cape Flattery, WA'' without initiating a rulemaking proceeding.

(b) EMERGENCY RESPONSE PLAN REVIEWS.—Within 5 years after the date of enactment of this Act, the Coast Guard shall complete its review of any changes to emergency response plans pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) resulting from the modification of the higher volume port area definition required by subsection (a).

SEC. 109. PREVENTION OF SMALL OIL SPILLS.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with other appropriate agencies, shall establish an oil spill prevention and education program for small vessels. The program shall provide for assessment, outreach, and training and voluntary compliance activities to prevent and improve the effective response to oil spills from vessels and facilities not required to prepare a vessel response plan under the Federal Water Pollution Control Act, including recreational vessels, commercial fishing vessels, marinas, and aquaculture facilities. The Under Secretary may provide grants to sea grant colleges and institutes designated under section 207 of the National Sea Grant College Program Act (33 U.S.C. 1126) and to State agencies, tribal governments, and other appropriate entities to carry out—

(1) regional assessments to quantify the source, incidence and volume of small oil spills, focusing initially on regions in the country where, in the past 10 years, the incidence of such spills is estimated to be the highest;

(2) voluntary, incentive-based clean marina programs that encourage marina operators, recreational boaters and small commercial vessel operators to engage in environmentally sound operating and maintenance procedures and best management practices to prevent or reduce pollution from oil spills and other sources;

(3) cooperative oil spill prevention education programs that promote public understanding of the impacts of spilled oil and provide useful information and techniques to minimize pollution including methods to remove oil and reduce oil contamination of bilge water, prevent accidental spills during maintenance and refueling and properly cleanup and dispose of oil and hazardous substances; and

(4) support for programs, including outreach and education to address derelict vessels and the threat of such vessels sinking and discharging oil and other hazardous substances, including outreach and education to involve efforts to the owners of such vessels.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere to carry out this section, $10,000,000 annually for each of fiscal years 2010 through 2014.

SEC. 110. IMPROVED COORDINATION WITH TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Secretary shall complete the development of a tribal consultation policy, which recognizes and protects to the maximum extent practicable tribal treaty rights and trust assets in order to improve the Coast Guard's consultation and coordination with the tribal governments of federally recognized Indian tribes with respect to oil spill prevention, preparedness, response and natural resource damage assessment.

(b) INCLUSION OF TRIBAL GOVERNMENT.—The Secretary shall ensure that, as soon as practicable after identifying an oil spill that is likely to have a significant impact on natural or cultural resources owned or directly utilized by a federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the affected tribes are included as part of the incident command system established by the Coast Guard to respond to the spill;

(2) share information about the oil spill with the tribal government of the affected tribe; and

(3) to the extent practicable, involve tribal governments in deciding how to respond to such spill.

(c) COOPERATIVE ARRANGEMENTS.—The Coast Guard may enter into memoranda of agreement and associated protocols with Indian tribal governments in order to establish cooperative arrangements for oil pollution prevention, preparedness, and response. Such memoranda may be entered into prior to the development of the tribal consultation and coordination policy to provide Indian tribes grant and contract assistance. Such memoranda of agreement and associated protocols with Indian tribal governments may include—

(1) arrangements for the assistance of the tribal government to participate in the development of the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources;

(2) arrangements for the assistance of the tribal government to develop the capacity to implement the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources;

(3) provisions on coordination in the event of a spill, including agreements that representatives of the tribal government will be included as part of the regional response team co-chaired by the Coast Guard and the Environmental Protection Agency to establish policies for responding to oil spills;

(4) arrangements for the Coast Guard to provide training of tribal incident commanders and spill responders for oil spill preparedness and response;

(5) demonstration projects to assist tribal governments in building the capacity to protect tribal treaty rights and trust assets from oil spills; and

(6) such additional measures the Coast Guard determines to be necessary for oil pollution prevention, preparedness, and response.

(d) FUNDING FOR TRIBAL PARTICIPATION.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall provide assistance to participating tribal governments in order to facilitate the implementation of cooperative arrangements under subsection (c) and ensure the participation of tribal governments in such arrangements. There are authorized to be appropriated to the Commandant $500,000 for each of fiscal years 2010 through 2014 to be used to carry out this section.

SEC. 111 NOTIFICATION REQUIREMENTS.

(a) MARINE CASUALTIES.—Section 6101 of title 46, United States Code, is amended by adding at the end the following:

''(j) NOTICE TO STATES AND TRIBAL GOVERNMENTS.—Within 1 hour after receiving a report under this section, the Secretary shall forward the report to each State and federally recognized Indian tribal government that has jurisdiction concurrent with the United States or adjacent to waters in which the casualty occurred. Each State shall identify for the Secretary the agency to which such reports shall be forwarded and shall be responsible for forwarding appropriate information to local and tribal governments within its jurisdiction.''.

(b) STATE-REQUIRED NOTICE OF BULK OIL TRANSFERS.—Notwithstanding any other provision of law, a coastal State may, by law, require a person to provide notice of 24 hours or more to the State and to the United States Coast Guard before transferring oil in bulk in an amount equivalent to 250 barrels or more to, from, or within a vessel in State waters. The Commandant may assist coastal States in developing appropriate methodologies for joint Federal and State notification of any such transfers to minimize any potential burden to vessels.

SEC. 112. COOPERATIVE STATE INSPECTION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized to execute a joint enforcement agreement with the Governor of a coastal state that meets the requirements of subsection (b) under which—

(1) State law enforcement officers with marine law enforcement responsibilities may be authorized to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary; and

(2) State inspectors are authorized to conduct inspections of United States and foreign-flag vessels in United States ports under the supervision of the Coast Guard and report and refer any documented deficiencies or violations to the Coast Guard for action.

(b) STATE QUALIFICATIONS.—To be eligible to participate in a joint enforcement agreement under subsection (a), a coastal state shall—

(1) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require; and

(2) demonstrate to the satisfaction of the Secretary that—

(A) its State inspectors possess, or qualify for, a merchant mariner officer or engineer license for at least a 1600 gross-ton vessel under subchapter B of title 46, Code of Federal Regulations;

(B) it has established support for its inspection program to track, schedule, and monitor shipping traffic within its waters; and

(C) it has a funding mechanism to maintain an inspection program for at least 5 years.

(c) TECHNICAL SUPPORT AND TRAINING.—The Secretary may provide technical support and training for State inspectors who participate in a joint enforcement agreement under this section.

SEC. 113. TUG ESCORTS FOR LADEN OIL TANKERS.

Within 1 year after the date of enactment of this Act, the Secretary of State, in consultation with the Commandant, shall enter into negotiations with the Government of Canada to ensure that tugboat escorts are required for all tank ships with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca, Strait of Georgia, and in Haro Strait. The Commandant shall consult with the State of Washington and affected tribal governments during negotiations with the Government of Canada.

SEC. 114. TANK AND NON-TANK VESSEL RESPONSE PLANS.

Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations authorizing owners and operators of tank and non-tank vessel to form non-profit cooperatives for the purpose of complying with section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

SEC. 115. REPORT ON THE AVAILABILITY OF TECHNOLOGY TO DETECT THE LOSS OF OIL.

Within 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the availability, feasibility, and potential cost of technology to detect the loss of oil carried as cargo or as fuel on tank and non-tank vessels greater than 400 gross tons.

Subtitle B—National Oceanic and Atmospheric Administration Provisions

SEC. 151. HYDROGRAPHIC SURVEYS.

(a) REDUCTION OF BACKLOG.—The Under Secretary of Commerce for Oceans and Atmosphere shall continue survey operations to reduce the survey backlog in navigationally significant waters outlined in its National Survey Plan, concentrating on areas where oil and other hazardous materials are transported.

(b) NEW SURVEYS.—By no later than January 1, 2012, the Under Secretary shall complete new surveys, together with necessary data processing, analysis, and dissemination, for all areas in United States coastal areas determined by the Under Secretary to be critical areas.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary for the purpose of carrying out the new surveys required by subsection (b) such sums as may be necessary for each of fiscal years 2010 through 2012.

SEC. 152. ELECTRONIC NAVIGATIONAL CHARTS.

(a) IN GENERAL.—By no later than September 1, 2010, the Under Secretary of Commerce for Oceans and Atmosphere shall complete the electronic navigation chart suite for all coastal waters of the United States.

(b) PRIORITIES.—In completing the suite, the Under Secretary shall give priority to producing and maintaining the electronic navigation charts of the entrances to major ports and the coastal transportation routes for oil and hazardous materials, and for estuaries of national significance designated under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary for the purpose of completing the electronic navigation chart suite $6,200,000 for fiscal year 2010.

TITLE II—RESPONSE

SEC. 201. RAPID RESPONSE SYSTEM.

The Under Secretary of Commerce for Oceans and Atmosphere shall develop and implement a rapid response system to collect and predict in situ information about oil spill behavior, trajectory and impacts, and a mechanism to provide such information rapidly to Federal, State, tribal, and other entities involved in a response to an oil spill.

SEC. 202. COAST GUARD OIL SPILL DATABASE.

The Secretary shall modify the Coast Guard's oil spill database as necessary to ensure that it—

(1) includes information on the cause of oil spills maintained in the database;

(2) is capable of facilitating the analysis of trends and the comparison of accidents involving oil spills; and

(3) makes the data available to the public.

SEC. 203. USE OF OIL SPILL LIABILITY TRUST FUND.

(a) IN GENERAL.—Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B) not more than $15,000,000 in each fiscal year shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred by, and activities related to, response and damage assessment capabilities of the National Oceanic and Atmospheric Administration;''.

(b) USE OF FUND IN NATIONAL EMERGENCIES.—Notwithstanding any provision of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) to the contrary, no amount may be made available from the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 for claims described in section 1012(a)(4) of that Act (33 U.S.C. 2712(a)(4)) attributable to any national emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 204. EXTENSION OF FINANCIAL RESPONSIBILITY.

Section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) is amended—

(1) by striking ''or'' after the semicolon in paragraph (1);

(2) by inserting ''or'' after the semicolon in paragraph (2); and

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

''(3) any tank vessel over 100 gross tons (except a non-self-propelled vessel that does not carry oil as cargo) using any place subject to the jurisdiction of the United States;''.

SEC. 205. LIABILITY FOR USE OF UNSAFE SINGLE-HULL VESSELS.

Section 1001(32) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(d)) is amended by striking subparagraph (A) and inserting the following:

''(A) VESSELS.—In the case of a vessel—

''(i) any person owning, operating, or demise chartering the vessel; and

''(ii) the owner of oil being transported in a tank vessel with a single hull after December 31, 2010, if the owner of the oil knew, or should have known, from publicly available information that the vessel had a poor safety or operational record.''.

SEC. 206. INTERNATIONAL EFFORTS ON ENFORCEMENT.

The Secretary, in consultation with the heads of other appropriate Federal agencies, shall ensure that the Coast Guard pursues stronger enforcement in the International Maritime Organization of agreements related to oil discharges, including joint enforcement operations, training, and stronger compliance mechanisms.

SEC. 207. INVESTMENT OF AMOUNTS IN DAMAGE ASSESSMENT AND RESTORATION REVOLVING FUND.

The Secretary of the Treasury shall invest such portion of the damage assessment and restoration revolving fund described in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (33 U.S.C. 2706 note) as is not, in the Secretary's judgment, required to meet current withdrawals in interest-bearing obligations of the United States in accordance with section 9602 of the Internal Revenue Code of 1986.

TITLE III—RESEARCH AND MISCELLANEOUS REPORTS

SEC. 301. FEDERAL OIL SPILL RESEARCH COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee to be known as the Federal Oil Spill Research Committee.

(b) MEMBERSHIP.—The members of the Committee shall be designated by the Under Secretary of Commerce for Oceans and Atmosphere and shall include representatives from the National Oceanic and Atmospheric Administration, the United States Coast Guard, the Environmental Protection Agency, and such other Federal agencies as the President may designate. A representative of the National Oceanic and Atmospheric Administration, designated by the Under Secretary, shall serve as Chairman.

(c) DUTIES.—The Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, universities, research institutions, State governments, tribal governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

(d) REPORTS TO CONGRESS.—

(1) Not later than 180 days after the date of enactment of this Act, the Committee shall submit to Congress a report on the current state of oil spill prevention and response capabilities that—

(A) identifies current research programs conducted by governments, universities, and corporate entities;

(B) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies;

(C) establishes national research priorities and goals for oil pollution technology development related to prevention, response, mitigation, and environmental effects;

(D) identifies regional oil pollution research needs and priorities for a coordinated program of research at the regional level developed in consultation with the State and local governments, tribes;

(E) assesses the current state of spill response equipment, and determines areas in need of improvement including amount, age, quality, effectiveness, or necessary technological improvements;

(F) assesses the current state of real time data available to mariners, including water level, currents and weather information and predictions, and assesses whether lack of timely information increases the risk of oil spills; and

(G) includes such recommendations as the Committee deems appropriate.

(2) QUINQUENNIAL UPDATES.—The Committee shall submit a report every fifth year after its first report under paragraph (1) updating the information contained in its previous report under this subsection.

(e) ADVICE AND GUIDANCE.—The Committee shall accept comments and input from State and local governments, Indian tribes, industry representatives, and other stakeholders.

(f) NATIONAL ACADEMY OF SCIENCE PARTICIPATION.—The Chairman, through the National Oceanic and Atmospheric Administration, shall contract with the National Academy of Sciences to—

(1) provide advice and guidance in the preparation and development of the research plan; and

(2) assess the adequacy of the plan as submitted, and submit a report to Congress on the conclusions of such assessment.

(g) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Committee shall establish a program for conducting oil pollution research and development. Within 180 days after submitting its report to the Congress under subsection (d), the Committee shall submit to Congress a plan for the implementation of the program.

(2) PROGRAM ELEMENTS.—The program established under paragraph (1) shall provide for research, development, and demonstration of new or improved technologies which are effective in preventing, detecting, or mitigating oil discharges and which protect the environment, and include—

(A) high priority research areas described in the report;

(B) environmental effects of acute and chronic oil spills;

(C) long-term effects of major spills and the long-term cumulative effects of smaller endemic spills;

(D) new technologies to detect accidental or intentional overboard discharges;

(E) response capabilities, such as improved booms, oil skimmers, and storage capacity;

(F) methods to restore and rehabilitate natural resources damaged by oil discharges; and

(G) research and training, in consultation with the National Response Team, to improve industry's and Government's ability to remove an oil discharge quickly and effectively.

(h) GRANT PROGRAM.—

(1) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall manage a program of competitive grants to universities or other research institutions, or groups of universities or research institutions, for the purposes of conducting the program established under subsection (g).

(2) APPLICATIONS AND CONDITIONS.—In conducting the program, the Under Secretary—

(A) shall establish a notification and application procedure;

(B) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program; and

(C) may make grants under the program on a matching or nonmatching basis.

(i) FACILITATION.—The Committee may develop memoranda of agreement or memoranda of understanding with universities, States, or other entities to facilitate the research program.

(j) ANNUAL REPORTS.—The chairman of the Committee shall submit an annual report to Congress on the activities carried out under this section in the preceding fiscal year, and on activities proposed to be carried out under this section in the current fiscal year.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce to carry out this section—

(1) $200,000 for fiscal year 2010, to remain available until expended, for contracting with the National Academy of Sciences and other expenses associated with developing the report and research program; and

(2) $2,000,000 for each of fiscal years 2010, 2011, and 2012, to remain available until expended, to fund grants under subsection (h).

(l) COMMITTEE REPLACES EXISTING AUTHORITY.—The authority provided by this section supersedes the authority provided by section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) for the establishment of the Interagency Committee on Oil Pollution Research under subsection (a) of that section, and that Committee shall cease operations and terminate on the date of enactment of this Act.

SEC. 302. GRANT PROJECT FOR DEVELOPMENT OF COST-EFFECTIVE DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall establish a competitively awarded grant program for the development of cost-effective technologies, such as infrared, pressure sensors, and remote sensing, for detecting discharges of oil from vessels as well as methods and technologies for improving detection and recovery of submerged and sinking oils.

(b) MATCHING REQUIREMENT.—The Federal share of any project funded under subsection (a) may not exceed 50 percent of the total cost of the project.

(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure on the results of the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant to carry out this section $2,000,000 for each of fiscal years 2010, 2011, and 2012, to remain available until expended.

(e) TRANSFER PROHIBITED.—Administration of the program established under subsection (a) may not be transferred within the Department of Homeland Security or to another department or Federal agency.

SEC. 303. STATUS OF IMPLEMENTATION OF RECOMMENDATIONS BY THE NATIONAL RESEARCH COUNCIL.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on whether the Coast Guard has implemented each of the recommendations directed at the Coast Guard, or at the Coast Guard and other entities, in the following National Research Council reports:

(1) ''Double-Hull Tanker Legislation, An Assessment of the Oil Pollution Act of 1990'', dated 1998.

(2) ''Oil in the Sea III, Inputs, Fates and Effects'', dated 2003.

(b) CONTENT.—The report shall contained a detailed explanation of the actions taken by the Coast Guard pursuant to the National Research Council reports. If the Secretary determines that the Coast Guard has not fully implemented the recommendations, the Secretary shall include a detailed explanation of the reasons any such recommendation has not been fully implemented, together with any recommendations the Secretary deems appropriate for implementing any such non-implemented recommendation.

SEC. 304. GAO REPORT.

Within 1 year after the date of enactment of this Act, the Comptroller General shall provide a written report with recommendations for reducing the risks and frequency of releases of oil from vessels (both intentional and accidental) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that includes the following:

(1) CONTINUING OIL RELEASES.—A summary of continuing sources of oil pollution from vessels, the major causes of such pollution, the extent to which the Coast Guard or other Federal or State entities regulate such sources and enforce such regulations, possible measures that could reduce such releases of oil.

(2) DOUBLE HULLS.—

(A) A description of the various types of double hulls, including designs, construction, and materials, authorized by the Coast Guard for United States flag vessels, and by foreign flag vessels pursuant to international law, and any changes with respect to what is now authorized compared to the what was authorized in the past.

(B) A comparison of the potential structural and design safety risks of the various types of double hulls described in subparagraph (A) that have been observed or identified by the Coast Guard, or in public documents readily available to the Coast Guard, including susceptibility to corrosion and other structural concerns, unsafe temperatures within the hulls, the build-up of gases within the hulls, ease of inspection, and any other factors affecting reliability and safety.

(3) ALTERNATIVE DESIGNS FOR NON-TANK VESSELS.—A description of the various types of alternative designs for non-tank vessels to reduce risk of an oil spill, known effectiveness in reducing oil spills, and a summary of how extensively such designs are being used in the United States and elsewhere.

(4) RESPONSE EQUIPMENT.—An assessment of the sufficiency of oil pollution response and salvage equipment, the quality of existing equipment, new developments in the United States and elsewhere, and whether new technologies are being used in the United States.

SEC. 305. OIL TRANSPORTATION INFRASTRUCTURE ANALYSIS.

The Secretary of the Department of Homeland Security shall, in conjunction with the Secretary of Commerce, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies, contract with the National Research Council to conduct an analysis of the condition and safety of all aspects of oil transportation infrastructure in the United States, and provide recommendations to improve such safety, including an assessment of the adequacy of contingency and emergency plans in the event of a natural disaster or emergency.

SEC. 306. OIL SPILLS IN ICY AND ARCTIC CONDITIONS.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant, shall contract with the National Research Council to conduct an analysis of oil spill risks and response capabilities in the Arctic and other icy conditions, including spills under pack ice or in waters with broken ice.

(b) CONTENT.—At a minimum, the analysis shall include a description of oil spill scenarios that could occur in icy environments, an assessment of the challenges unique to oil spill response operations in icy conditions, an examination of the effectiveness of traditional oil spill response methods in icy conditions, an assessment of techniques for detecting, mapping, and tracking spills in icy environments, and the identification of promising new technologies, concepts, and research needs.

By Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. BOXER, and Mr. BEGICH):

S. 685. A bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, this is a very significant day in environmental history in our world, particularly in our country. While the debate goes on about what corporate America has done and what they have not done and how we should treat them in trying to get our economy back on track, we have heard questions raised about corporate behavior.

I came out of the corporate world when I came to the Senate. It seems to me that things were different years ago.

Over the last few days, we have heard many in these Chambers, here and in the House of Representatives, call on companies to be better corporate citizens.

Today I rise to point out what may be the greatest abandonment of corporate citizenship in our Nation's history, and that was displayed by the Exxon Corporation, one of the most profitable companies in American history. Twenty years ago this day, one of their ships ran aground in Alaska. Still Exxon refuses to live up to the obligations it obtained when that ship ran aground, and it damaged the environment substantially.

It was 20 years ago today the Exxon Valdez crashed into the Bligh Reef in Alaska's Prince William Sound. That ship spilled 11 million gallons of crude oil, damaging 1,300 miles of shoreline, and ruining the lives of thousands of Americans.

Now, as chairman of a subcommittee with appropriations jurisdiction over the Coast Guard, I was taken to Alaska by the Coast Guard and arrived there 3 days after the Exxon Valdez ran aground. To see the damage was horrific. But also during those days there, during that first day, I saw so many of the people who worked for the Government.

This is a discussion we often have about Government servants and their obligations—and I would say, having come from the corporate world, there are few who are more mindful of their obligations than those who work for Government. That day I saw from the helicopter in which I was flying so many of our people committed to their responsibilities, dealing with the problem, brave people traveling to tiny islands by helicopter and small boats. Their mission was to save the wildlife.

I saw many of them fairly close up taking birds, and mammals—the young mammals, particularly—and fish into their hands and wiping the oil off to try to save the lives of these victims. One by one, wherever they could, they were saving animal lives. It was devastating to see.

It was obvious, as one looked at the waters of Prince William Sound, a beautiful place, surrounded by glaciers, that this lure, this almost seductive lure of color and cover that came from the oil was at the same time doling out poisons.

There are many portions of Prince William Sound today that remain contaminated. The cannery workers, fishermen, and people whose lives depended on Prince William Sound are still paying a price. The local economy is still reeling. Think about it. So much time has passed since this spill that as many as 6,000 people injured by that disaster have already passed away. These people were never ever fully compensated for their loss.

Exxon was responsible for this mess. But the company fought at every step to shirk its responsibilities. And ever since the disaster, Exxon has defaulted on its obligations as a corporate citizen and refused to repair whole communities and innocent lives that have been damaged.

Instead, during all of this period, Exxon has fought tooth and nail to deprive the victims of proper compensation, spending as much as $400 million to retain lawyers and keep things bottled up in court.

Exxon took its fight all the way to the Supreme Court, and last year, 19 years after the tragedy, the Justices confirmed that Exxon owes punitive damages to the victims, although they and their skillful hordes of lawyers succeeded in a constant effort to reduce the amount of compensation.

Still, even today, 20 years later, the company continues to stonewall the victims by trying to avoid paying the interest that fell on these charges. Exxon's actions are the height of corporate irresponsibility. As a former CEO of a major corporation, I understand the drive to succeed. But there is nothing more reprehensible than a company evading its obligations to our country's people just to make a quick buck and to avoid the legitimate responsibility that is a giant factor in our economy and social well being. They have that responsibility.

Exxon had record profits last year of $45 billion. Even last quarter, when companies across the country were suffering, this company, Exxon, posted a profit of nearly $8 billion in a single quarter—$8 billion.

Now, it would have been a drop in the bucket for this corporation to have fully compensated the victims who were so severely hurt. All the money, energy, and time that Exxon has wasted should have been spent making local communities whole again and helping to fix the environmental and economic damage done to Alaska's Prince William Sound.

The truth is, Exxon needs to change its ways, and today, the 20th anniversary of the Exxon Valdez disaster, is a perfect opportunity.

On this anniversary, we are also reminded how dangerous transporting oil can be. That is why I have introduced a bill this day that will accelerate the use of double-hulled vessels by shippers.

Oil spills are absolutely catastrophic to the environment and seaside communities and influence wide geographic areas beyond those communities. After examining the costs of past spills, we have written a bill to substantially reduce the possibilities of future spills. So I look forward to seeing this bill passed by this Chamber and to working with colleagues to make sure that disasters like the one we saw 20 years ago this day will never happen again.

By Ms. MIKULSKI:

S. 686. A bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. President, I rise today to introduce two important social work bills; the Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act and the Clinical Social Work Medicare Equity Act of 2009. I am proud to sponsor these pieces of legislation that will improve the shortage of social workers and properly reimburse social workers for the services they provide.

Social workers play a critical role combating the social problems facing our nation and are an integral part of our healthcare system. As we move into an era of unprecedented healthcare and social service needs, we must have the workforce in place to make sure that our returning soldiers have access to mental health services, our elderly maintain their independence in the communities they live in, and abused children are placed in safe homes. Social workers support physical, psychological and social needs. They provide mental health therapy, caregiver and family counseling, health education, program coordination, and case management. In these tough economic times social workers play a more important role than ever to keep communities together and help individuals and families cope with the new stresses they are facing.

The Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act reinvests in social workers by providing grants to social workers, reviewing the current social workforce challenges, and determining how this shortage will affect the communities social workers serve. I am honored to introduce this bill named after two social visionaries, Dorothy I. Height and Whitney M. Young. Dorothy Height, a pioneer of the civil rights movement, like me began her career as a case worker and continued to fight for social justice. I am particularly honored to introduce this bill today, on Dorothy Height's birthday. Whitney Young, another trailblazer of the civil rights movement, also began his career transforming our social landscape as a social worker. He helped create President Johnson's War on Poverty and has served as President of the National Association of Social Workers.

This bill is about reinvesting in social work. It provides grants that invest in social work education, research, and training. These grants will fund community based programs of excellence and provide scholarships to train the next generation of social workers. The bill also addresses how to recruit and retain new social workers, research the impact of social services, and foster ways to improve social workplace safety. This bill establishes a national coordination center that will allow social work education, advocacy and research institutions to collaborate and work together. It will facilitate gathering and distributing social work research to make the most effective use of the information we have on how social work service can improve our social fabric. This bill also gives social work the attention it deserves. It creates a media campaign that will promote social work, and recognizes March as Social Work Awareness Month.

Today 30,000 social workers specialize in gerontology, but we will need 70,000 of these social workers by 2010. I want to make sure that when the aging tsunami hits us, we have the workforce in place to care for our aging family members, the Alzheimer patients, and the disabled.

The Clinical Social Work Medicare Equity Act of 2009 ensures that clinical social workers receive Medicare reimbursements for the mental health services they provide in skilled nursing facilities. Under the current system, social workers are not paid for the services they provide. Psychologists and psychiatrists, who provide similar counseling, are able to separately bill Medicare for their services.

Since my first days in Congress, I have been fighting to protect and strengthen the safety of our nation's seniors. Making sure that seniors have access to quality, affordable mental health care is an important part of this fight. I know that millions of seniors do not have access to, or are not receiving, the mental health services they urgently need. Nearly 6 million seniors are affected by depression, but only one-tenth ever receive treatment. According to the American Psychiatric Association, up to 25 percent of the elderly population in the United States suffers from significant symptoms of mental illness and among nursing home residents the prevalence is as high as 80 percent. These mental disorders, which include severe depression and debilitating anxiety, interfere with the person's ability to carry out activities of daily living and adversely affect their quality of life. Furthermore, older people have a 20 percent suicide rate, the highest of any age group. Every year nearly 6,000 older Americans kill themselves. This is unacceptable and must be addressed.

This bill protects patients across the country and ensures that seniors living in underserved urban and rural areas, where clinical social workers are often the only available option for mental health care, continue to receive the treatment they need. Clinical social workers, much like psychologists and psychiatrists, treat and diagnose mental illnesses. In fact, clinical social workers are the primary mental health providers for nursing home residents and seniors residing in rural environments. Unlike other mental health providers, clinical social workers cannot bill Medicare directly for the important services they provide to their patients. Protecting seniors' access to clinical social workers ensures that our most vulnerable citizens get the quality, affordable mental health care they need. This bill will correct this inequity and make sure clinical social workers get the payments and respect they deserve.

Before the Balanced Budget Act of 1997, clinical social workers billed Medicare Part B directly for mental health services they provided in nursing facilities for each patient they served. Under the Prospective Payment System, services provided by clinical social workers are lumped, or ''bundled,'' along with the services of other health care providers for the purposes of billing and payments. Psychologists and psychiatrists, who provide similar counseling, were exempted from this system and continue to bill Medicare directly. This bill would exempt clinical social workers, like their mental health colleagues, from the Prospective Payment System, and would make sure that clinical social workers are paid for the services they provide to patients in skilled nursing facilities.

This bill is about more than paperwork and payment procedures. This bill is about equal access to Medicare payments for the equal and important work done by clinical social workers. It is about making sure our nation's most vulnerable citizens have access to quality, affordable mental health care. The overarching goal we should be striving to achieve for our seniors is an overall improved quality of life. Without clinical social workers, many nursing home residents may never get the counseling they need when faced with a life-threatening illness or the loss of a loved one. I think we can do better by our nation's seniors. I am fighting to make sure we do.

As a social worker, I have been on the frontlines of helping people cope with issues in their everyday lives. I started off fighting for abused children, making sure they were placed in safe homes. Today I am a social worker with power. I am proud to continue to fight every day for the long range needs of the nation on the floor of the U.S. Senate and as Chairwoman of the Aging Subcommittee of the Health, Education, Labor and Pensions Committee.

The Clinical Social Work Medicare Equity Act of 2009 and the Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act is strongly supported by the National Association of Social Workers. I also want to thank Senator STABENOW and Senator MURRAY for their cosponsorship of the Clinical Social Work Medicare Equity Act of 2009. I look forward to working with my colleagues to enact these two important pieces of legislation.

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. 686

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Bureau of Labor Statistics states that employment of social workers is expected to increase. The increase is expected to be greater than the average increase in employment (estimated to be 22 percent) during the period of 2006 through 2016, demonstrating a substantial need for social workers. The need is even greater for social workers in the area of aging. The National Association of Social Workers Center for Workforce Studies estimates that 9 percent of, or 30,000, licensed social workers specialize in gerontology. By 2010, as more people reach the age of 65, the National Institute on Aging projects that 60,000 to 70,000 social workers will be needed.

(2) Social work salaries are among the lowest for professionals in general and for those with master's level educations in particular. A survey conducted by the John A. Hartford Foundation found that between 1992 and 1999 the annual rate of wage growth for degree-holding social workers was 0.8 percent. According to the National Association of Social Workers Center for Workforce Studies, 60 percent of full-time social workers earn between $35,000 and $59,999 per year, with 25 percent earning between $40,000 and $49,999 per year. Social workers who earn lower salaries are more likely to work in challenging agency environments and to serve more vulnerable clients. They are also more likely to leave the profession.

(3) According to one study by the Council on Social Work Education, 68 percent of individuals surveyed who held a master's degree in social work graduated with an average

debt of $26,777. Additionally, the United States Public Interest Research Group states that 37 percent of public 4-year graduates have too much debt to manage as a starting social worker. While social workers may be in positions that are personally fulfilling, due to their high loan debt and low income, many struggle financially.

(4) Social work can be a dangerous profession. According to the American Federation of State, County, and Municipal Employees, 70 percent of caseworkers report that front line staff in their agency have been victims of violence or have received threats of violence. Social workers are considerably safer when measures such as use of global positioning systems, self-defense training, and conflict prevention are implemented.

(5) According to a study by the University of Michigan, approximately 1 in 7 adults over the age of 70 have some form of dementia, and 9.7 percent (or 2,400,000) of those found with dementia were also found to have Alzheimer's disease. Social workers in gerontology settings work with older adults, including those with dementia, to support their physiological, psychological, and social needs through mental health therapy, caregiver and family counseling, health education, program coordination, and case management. Those professionals also assist the hundreds of thousands of older persons who are abused, neglected, frail, or vulnerable. Between 2000 and 2004, there was a 19.7 percent increase in the total number of reports of elder and vulnerable adult abuse and neglect.

(6) The Children's Defense Fund states that every 36 seconds a child is confirmed as abused or neglected. The Administration for Children and Families states that 510,000 children were in the United States foster care system in 2006. Most of the children in foster care are placed in foster care due to parental abuse or neglect. Research shows that social workers in child welfare agencies are more likely to find permanent homes for children who were in foster care for 2 or more years. Unfortunately, fewer than 40 percent of child welfare workers are social workers.

(7) The Department of Health and Human Services estimates that 26.2 percent of (or 1 in 4) individuals in the United States age 18 or older experiences a diagnosable mental health disorder. Additionally, 1 in 5 children and adolescents experiences a mental health disorder. At least 1 in 10, or about 6,000,000, young people have a serious emotional disturbance. Social workers provide the majority of mental health counseling services in the United States, and are often the only providers of such services in rural areas.

(8) The Department of Veterans Affairs estimates that there are 23,977,000 veterans in the United States. More than 1,100,000 members of the Armed Forces have been deployed to Iraq or Afghanistan since 2001. A once declining veteran population is now surging and is in dire need of mental health treatment to address issues such as post traumatic stress disorder, depression, drug and alcohol addiction, and suicidal tendencies. Veterans make up 25 percent of homeless people in the United States, even though veterans comprise only 11 percent of the general population. Social workers working with veterans and their families provide case management, crisis intervention, mental health interventions, housing and financial counseling, high risk screening, and advocacy among other services. The Department employs over 5,000 social workers and is the single largest employer of social workers in the Nation. Social workers in the Department also coordinate the Community Residential Care Program, the oldest and most cost effective of the Department's extended care programs.

(9) The American Cancer Society estimates that there were 1,437,180 new cases of cancer and 565,650 cancer deaths in 2008 alone. The incidence of cancer will increase dramatically as the population grows older. The Centers for Disease Control and Prevention report that at the end of 2003 there were 1,039,000 to 1,285,000 people living with HIV or AIDS in the United States. In 2006, 1,300,000 people received care from hospice providers in the United States. Health care and medical social workers practice in areas related to all of those circumstances and provide outreach for prevention of health issues, help individuals and their families adapt to their circumstances, provide grief counseling, and act as a liaison between individuals and their medical team, helping patients make informed decisions about their care.

(10) The National Center for Education Statistics states that in 2005 the national dropout rate for high school students was 9.3 percent. White students dropped out at a rate of 5.8 percent. African-American students dropped out at a rate of 10.7 percent. Hispanic students dropped out at a rate of 22.1 percent. Some vulnerable communities have dropout rates of 50 percent or higher. Social workers in school settings help students avoid dropping out through early identification, prevention, intervention, counseling, and support services.

(11) According to the Department of Justice, every year more than 650,000 ex-offenders are released from Federal and State prisons. Social workers employed in the corrections system address disproportionate minority incarceration rates, provide treatment for mental health problems and drug and alcohol addiction, and work within as well as outside of the prison to reduce recidivism and increase positive community reentry.

SEC. 3. DEFINITIONS.

In this Act:

(1) CLINICAL SOCIAL WORKER.—The term ''clinical social worker'' has the meaning given the term in section 1861(hh)(1) of the Social Security Act (42 U.S.C. 1395x(hh)(1)).

(2) COMMISSION.—The term ''Commission'' means the Social Work Reinvestment Commission.

(3) COMMUNITY-BASED PROGRAM.—The term ''community-based program'' means an agency, organization, or other entity, carrying out a program that provides direct social work services, or community development services, at a neighborhood, locality, or regional level, to address human service, health care, or psychosocial needs.

(4) HIGH NEED AND HIGH DEMAND POPULATION.—The term ''high need and high demand population'' means a group that lacks sufficient resources and, as a result, has a greater probability of being harmed by specific social, environmental, or health problems than the population as a whole. The group at issue may be a group residing in an area defined by the Health Resources and Services Administration as a ''health professional shortage area'', which has a shortage of primary medical care, dental, or mental health providers.

(5) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically black college or university'' means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(6) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an educational institution that serves a large percentage of minority students (as determined by the Secretary of Education), including Alaska Native-serving institutions, Native Hawaiian-serving institutions, Asian American and Native American Pacific Islander-serving institutions, Predominantly Black Institutions, historically black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, and Native American-serving, nontribal institutions (which shall have the meanings given the terms in section 241(1) of the Higher Education Act of 1965 (20 U.S.C. 1033(1))).

(7) RELATED PROFESSIONAL RESEARCHER.—The term ''related professional researcher'' means a person who is professionally engaged in research in a social, political, economic, health, or mental health field. The research referred to in this paragraph is primarily conducted by doctoral level researchers under university, government, research institute, or community agency auspices.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(9) SOCIAL WORK.—The term ''social work'' means—

(A) the professional activity of helping individuals, groups, or communities enhance or restore capacity for social and psychosocial functioning and creating societal conditions favorable to that enhancement or restoration;

(B) an activity, the practice of which consists of the professional application of values, principles, and techniques related to the professional activity described in subparagraph (A), including—

(i) diagnosis and treatment of mental and emotional disorders with individuals, families, and groups;

(ii) helping communities or groups provide or improve social and health services and participating in relevant legislative processes; and

(iii) helping people obtain tangible services; and

(C) an activity, the practice of which requires knowledge of—

(i) human development;

(ii) behavior of social, economic, and cultural institutions; and

(iii) the interaction of the factors described in clauses (i) and (ii).

(10) SOCIAL WORK RESEARCHER.—The term ''social work researcher'' means a person who studies social work at the individual, family, group, community, policy, or organizational level, focusing across the human life span on prevention of, intervention in, treatment of, aftercare of, and rehabilitation from acute and chronic social and psychosocial conditions, and includes a person examining the effect of policies on social work practice. The study referred to in this paragraph is primarily conducted by researchers with doctoral degrees who are social workers or faculty under university, government, research institute, or community agency auspices.

(11) SOCIAL WORKER.—The term ''social worker'' means a graduate of a school of social work with a baccalaureate, master's, or doctoral degree, who uses knowledge and skills to provide social work services for clients who may be individuals, families, groups, communities, organizations, or society in general.

TITLE I—SOCIAL WORK REINVESTMENT COMMISSION

SEC. 101. ESTABLISHMENT OF COMMISSION.

Not later than 3 months after the date of enactment of this Act, the Secretary shall establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary on policy issues associated with recruitment for, and retention, research, and reinvestment in, the profession of social work.

SEC. 102. APPOINTMENT OF COMMISSION MEMBERS.

(a) APPOINTMENT BY THE SECRETARY.—The Secretary shall appoint members to the Commission. The members shall include representatives of social workers and other members, including the following:

(1) 2 deans of schools of social work.

(2) 1 social work researcher.

(3) 1 related professional researcher.

(4) 1 Governor.

(5) 2 leaders of national social work organizations.

(6) 1 senior social work State official.

(7) 1 senior related State official.

(8) 2 directors of community-based organizations or nonprofit organizations.

(9) 1 labor economist.

(10) 1 social work consumer.

(11) 1 licensed clinical social worker.

(b) APPOINTMENT BY OTHER OFFICERS.—Four additional members shall be appointed to the Commission, with 1 member appointed by each of the following officers:

(1) The Speaker of the House of Representatives.

(2) The minority leader of the House of Representatives.

(3) The majority leader of the Senate.

(4) The minority leader of the Senate.

(c) ORGANIZATIONAL REPRESENTATION.—Members of the Commission shall, to the extent practicable, be appointed—

(1) in a manner that assures participation of individuals and representatives of groups from different racial, ethnic, cultural, geographic, religious, linguistic, and class backgrounds and different genders and sexual orientations; and

(2) from among persons who demonstrate knowledge and understanding of the concerns of the individuals and groups described in paragraph (1).

(d) SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON.—The Secretary shall select a chairperson and vice chairperson for the Commission from among the members of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission, and any vacancy in the Commission shall not affect the powers of the Commission. Any such vacancy shall be filled in the same manner as the original appointment.

(f) SCHEDULE OF MEETINGS.—The Commission shall hold its first meeting not later than 6 weeks after the date on which the final member of the Commission is appointed, and subsequent meetings at the call of the chair.

SEC. 103. PURPOSES AND DUTIES OF COMMISSION.

(a) STUDY.—The Commission shall conduct a comprehensive study to examine and assess—

(1) the professional capacity of the social work workforce to successfully serve and respond to the increasing biopsychosocial needs of individuals, groups, and communities, in—

(A) areas related to—

(i) aging;

(ii) child welfare;

(iii) military and veterans affairs;

(iv) mental and behavioral health and disability;

(v) criminal justice and correctional systems; and

(vi) health and issues affecting women and families; and

(B) other areas identified by the Commission;

(2)(A) the workforce challenges facing the profession of social work, such as high social work educational debt, lack of fair market compensation, the need to address social work workforce trends, translate social work research to practice, promote social work safety, or develop State-level social work licensure policies and reciprocity agreements for providing services across State lines, or the lack of diversity in the social work profession, or the need to address any other area determined by the Secretary to be appropriate; and

(B) the effect that such challenges have on the recruitment and retention of social workers;

(3) current workforce challenges and shortages relevant to the needs of clients served by social workers;

(4) the social work workforce challenges described in paragraph (2) and the effects that the challenges will have on the provision of social work related to the areas described in paragraph (1); and

(5) the advisability of establishing a social work enhancement account, to provide direct grant assistance to local governments to encourage the engagement of social workers in social service programs.

(b) REPORT.—Not later than 18 months after the date of its first meeting, the Commission shall submit a report to the Secretary and Congress containing specific findings and conclusions regarding the need for recruitment for, and retention, research, and reinvestment in, the profession of social work. The report shall include recommendations and strategies for corrective actions to ensure a robust social work workforce capable of keeping up with the demand for needed services. The Commission may provide to Congress any additional findings or recommendations considered by the Commission to be important.

SEC. 104. POWERS OF THE COMMISSION.

(a) POWERS.—The Commission shall have the power to—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers advisable to carry out the objectives of this title;

(2) delegate the Commission powers described in paragraph (1) to any Commission subcommittee or member of the Commission for the purpose of carrying out this Act;

(3) enter into contracts to enable the Commission to perform the Commission's work under this Act; and

(4) consult, to the extent that the Commission determines that such consultation is necessary or useful, with other agencies and organizations, including—

(A) agencies within the Department of Health and Human Services, including the Administration for Children and Families, the Administration on Aging, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, the Centers for Medicare & Medicaid Services, the Health Resources and Service Administration, the Indian Health Service, the National Institutes of Health, and the Substance Abuse and Mental Health Services Administration;

(B) the Social Security Administration;

(C) the Departments of Agriculture, Defense, Education, Homeland Security, Labor, Justice, State, and Veterans Affairs; and

(D) any other agency of the Federal Government, as determined by the Commission.

(b) COOPERATION WITH THE COMMISSION.—The agencies described in subsection (a)(4) shall cooperate with and provide counsel to the Commission to the greatest extent practicable.

SEC. 105. COMPENSATION FOR COMMISSION MEMBERS.

(a) TRAVEL EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Commission.

(b) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 106. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 103.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary such sums as may be necessary for use by the activities of the Commission.

TITLE II—REINVESTMENT GRANT PROGRAMS TO SUPPORT SOCIAL WORK PROFESSION

SEC. 201. WORKPLACE IMPROVEMENT GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to 4 eligible entities described in subsection (d) to address workplace concerns for the social work profession, including caseloads, compensation, social work safety, supervision, and working conditions.

(b) EQUAL AMOUNTS.—The Secretary shall award grants under this section in equal amounts to the 4 eligible entities. The Secretary shall award the grants annually over a 4-year period.

(c) LOCAL OR STATE GOVERNMENT ENTITIES REQUIREMENT.—At least 2 of the grant recipients shall be State or local government agencies.

(d) ELIGIBILITY REQUIREMENTS.—To be eligible for a grant under this section, an entity shall—

(1) work in a social work capacity that demonstrates a need regarding a workplace concern area described in subsection (a);

(2) demonstrate—

(A) participation in the entities' programs of individuals and groups from different racial, ethnic, cultural, geographic, religious, linguistic, and class backgrounds, and different genders and sexual orientations; and

(B) knowledge and understanding of the concerns of the individuals and groups described in subparagraph (A);

(3) demonstrate a record of active participation of social workers in the entities' programs; and

(4) provide services and represent the individuals employed by the entities as competent only within the boundaries of their education, training, licenses, certification, consultation received, supervised experience, or other relevant professional experience.

(e) PRIORITY.—In selecting the grant recipients under this section, the Secretary shall give priority to eligible entities that—

(1) are equipped with the capacity to oversee and monitor a workplace improvement program carried out under this section, including proven fiscal responsibility and administrative capability; and

(2) are knowledgeable about relevant workforce trends and have at least 2 years of experience relevant to the workplace improvement program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $16,000,000 to the Secretary to award grants under this section.

SEC. 202. RESEARCH GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to not less than 25 social

workers who hold a doctoral degree in social work, for post-doctoral research in social work—

(1) to further the knowledge base about effective social work interventions; and

(2) to promote usable strategies to translate research into practice across diverse community settings and service systems.

(b) AMOUNTS.—The Secretary shall award the grants annually over a 4-year period.

(c) ELIGIBILITY REQUIREMENTS.—To be eligible for a grant under this section, a social worker shall—

(1) demonstrate knowledge and understanding of the concerns of individuals and groups from different racial, ethnic, cultural, geographic, religious, linguistic, and class backgrounds, and different genders and sexual orientations; and

(2) provide services and represent themselves as competent only within the boundaries of their education, training, licenses, certification, consultation received, supervised experience, or other relevant professional experience.

(d) MINORITY REPRESENTATION.—At least 10 of the social workers awarded grants under subsection (a) shall be employed by a historically black college or university or minority-serving institution.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to the Secretary to award grants under this section.

SEC. 203. EDUCATION AND TRAINING GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary may award 20 grants to eligible institutions of higher education to support the recruitment of social work students for, and education of the students in, baccalaureate, master's, and doctoral degree programs, as well as the development of faculty in social work.

(b) EQUAL AMOUNTS.—The Secretary shall award grants under this section in equal amounts of not more than $100,000 to the 20 eligible institutions. The Secretary shall award the grants annually over a 4-year period.

(c) ELIGIBILITY REQUIREMENTS.—To be eligible for a grant under this section, an institution shall demonstrate—

(1) participation in the institutions' programs of individuals and groups from different racial, ethnic, cultural, geographic, religious, linguistic, and class backgrounds, and different genders and sexual orientations; and

(2) knowledge and understanding of the concerns of the individuals and groups described in paragraph (1).

(d) INSTITUTIONAL REQUIREMENT.—At least 4 of the grant recipients shall be historically black colleges or universities or other minority-serving institutions.

(e) PRIORITY.—In selecting the grant recipients under this section, the Secretary shall give priority to institutions of higher education that—

(1) are accredited by the Council on Social Work Education;

(2) have a graduation rate of not less than 80 percent for social work students; and

(3) exhibit an ability to recruit social workers from and place social workers in areas with a high need and high demand population.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $8,000,000 to the Secretary to award grants under this section.

SEC. 204. COMMUNITY-BASED PROGRAMS OF EXCELLENCE GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to 6 eligible covered entities, to further test and replicate effective social work interventions.

(b) COVERED ENTITY.—For purposes of this section, the term ''covered entity'' means—

(1) a public entity that is carrying out a community-based program of excellence; and

(2) a nonprofit organization that is carrying out a program of excellence.

(c) EQUAL AMOUNTS.—The Secretary shall award grants under this section in equal amounts of not more than $500,000 to eligible covered entities. The Secretary shall award the grants annually over a 3-year period.

(d) ELIGIBILITY REQUIREMENTS.—To be eligible for a grant under this section, a covered entity shall—

(1) carry out programs in the areas of aging, child welfare, military and veteran's issues, mental and behavioral health and disability, criminal justice and correction systems, and health and issues affecting women and families;

(2) demonstrate—

(A) participation in the covered entities' programs of individuals and groups from different racial, ethnic, cultural, geographic, religious, linguistic, and class backgrounds, and different genders and sexual orientations; and

(B) knowledge and understanding of the concerns of the individuals and groups described in subparagraph (A);

(3) demonstrate a record of active participation of social workers in the covered entities' programs; and

(4) provide services and represent the individuals employed by the covered entities as competent only within the boundaries of their education, training, licenses, certification, consultation received, supervised experience, or other relevant professional experience.

(e) PRIORITY.—In selecting the grant recipients under this section, the Secretary shall give priority to eligible covered entities that—

(1) have demonstrated successful and measurable outcomes that are worthy of replication;

(2) have been in operation for at least 2 years; and

(3) work with high need and high demand populations.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $9,000,000 to the Secretary to award grants under this section.

SEC. 205. NATIONAL COORDINATING CENTER.

(a) ESTABLISHMENT.—The Secretary shall enter into a contract with a national social work research entity that—

(1) has experience in coordinating the transfer of information and ideas among entities engaged in social work research, practice, education, and policymaking; and

(2) maintains relationships with Federal entities, social work degree-granting institutions of higher education and departments of social work within such institutions, and organizations and agencies that employ social workers.

(b) GENERAL DUTIES.—The contract recipient (referred to in this section as the ''coordinating center'') shall serve as a coordinating center and shall organize information and other data, collect and report data, serve as a clearinghouse, and coordinate activities with the entities, institutions, departments, organizations, and agencies described in subsection (a)(2).

(c) COLLABORATION.—The coordinating center shall work with institutions of higher education, research entities, and entities with social work practice settings to identify key research areas to be pursued, identify qualified research fellows, and organize appropriate mentorship and professional development efforts.

(d) SPECIFIC ACTIVITIES OF THE COORDINATING CENTER.—The coordinating center shall—

(1) collect, coordinate, monitor, and distribute data, information on best practices and findings regarding the activities funded under grants made to eligible entities and individuals under the grant programs described in sections 201 though 204;

(2) prepare and submit to the Secretary a report that includes recommendations regarding the need to recruit new social workers, retain current social workers, conduct social work research, and reinvestment into the profession of social work; and

(3) demonstrate cultural competency and promote the participation of diverse groups in the activities of the culture.

(e) SELECTION.—The Secretary, in collaboration with the coordinating center, shall—

(1) select topics to be researched under this section;

(2) select candidates and finalists for research fellow positions; and

(3) determine other activities to be carried out under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section for each of fiscal years 2010 to 2014.

SEC. 206. MULTIMEDIA OUTREACH CAMPAIGN.

(a) DEVELOPMENT AND ISSUANCE OF PUBLIC SERVICE ANNOUNCEMENTS.—The Secretary shall develop and issue public service announcements that advertise and promote the social work profession, highlight the advantages and rewards of social work, and encourage individuals to enter the social work profession.

(b) METHOD.—The public service announcements described in subsection (a) shall be broadcast through appropriate media outlets, including television or radio, in a manner intended to reach as wide and diverse an audience as possible.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2010 through 2013.

By Ms. MIKULSKI (for herself, Ms. STABENOW, and Mrs. MURRAY):

S. 687. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

Ms. MIKULSKI. 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 placed in the RECORD, as follows:

S. 687

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 ''Clinical Social Work Medicare Equity Act of 2009''.

SEC. 2. PERMITTING DIRECT PAYMENT UNDER THE MEDICARE PROGRAM FOR CLINICAL SOCIAL WORKER SERVICES PROVIDED TO RESIDENTS OF SKILLED NURSING FACILITIES.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting ''clinical social worker services,'' after ''qualified psychologist services,''.

(b) CONFORMING AMENDMENT.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking ''and other than services furnished to an inpatient of a skilled nursing facility which

the facility is required to provide as a requirement for participation''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the date that regulations relating to payment for physicians' services for calendar year 2010 take effect, but in no case later than the first day of the third month beginning after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 83—DESIGNATING MARCH 25, 2009, AS ''NATIONAL CEREBRAL PALSY AWARENESS DAY''

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 83

Whereas the term ''cerebral palsy'' refers to any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, which usually occurs during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children who have cerebral palsy are born with the disorder, although cerebral palsy may remain undetected for months or years;

Whereas 75 percent of people with cerebral palsy also have 1 or more developmental disabilities, including epilepsy, intellectual disability, autism, visual impairments, and blindness;

Whereas the Centers for Disease Control and Prevention recently released information indicating that cerebral palsy is increasingly prevalent and that about 1 in 278 children have cerebral palsy;

Whereas approximately 800,000 people in the United States are affected by cerebral palsy;

Whereas, although there is no cure for cerebral palsy, treatment often improves the capabilities of a child with cerebral palsy;

Whereas scientists and researchers are hopeful that breakthroughs in cerebral palsy research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2009, as ''National Cerebral Palsy Awareness Day'';

(2) encourages all people in the United States to become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

SENATE RESOLUTION 84—URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT

Mr. LEVIN (for himself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 84

Whereas the Government of Canada permits an annual commercial hunt for seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union of whitecoat and blueback seal skins and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of any seal products;

Whereas, in recent years, the Minister of Fisheries and Oceans of Canada has authorized historically high quotas for harp seals;

Whereas more than 1,000,000 seals have been killed during the past 4 years;

Whereas harp seal pups can legally be hunted in Canada as soon as they have begun to molt their white coats, at approximately 12 days of age;

Whereas 97 percent of the seals killed are pups between just 12 days and 12 weeks of age;

Whereas, in 2007, an international panel of experts in veterinary medicine and zoology was invited by the Humane Society of the United States to observe the commercial seal slaughter in Canada;

Whereas the report by the panel noted that sealers failed to comply with sealing regulations in Canada and that officials of the Government of Canada failed to enforce such regulations;

Whereas the report also concluded that the killing methods permitted during the commercial seal hunt in Canada are inherently inhumane and should be prohibited;

Whereas many seals are shot in the course of the hunt and escape beneath the ice where they die slowly and are never recovered;

Whereas such seals are not properly counted in official kill statistics, increasing the likelihood that the actual kill level is far higher than the level that is reported;

Whereas the few thousand fishermen who participate in the commercial seal hunt in Canada earn, on average, only a tiny fraction of their annual income from killing seals;

Whereas members of the fishing and sealing industries in Canada continue to justify the seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas the consensus in the international scientific community is that culling seals will not assist in the recovery of fish stocks and that seals are a vital part of the fragile marine ecosystem of the Northwest Atlantic;

Whereas polling consistently shows that the overwhelming majority of people in Canada oppose the commercial seal hunt;

Whereas the vast majority of seal products are exported from Canada, and the sealing industry relies on international markets for its products;

Whereas 10 countries have prohibited trade in seal products in recent years, and the European Union is now considering a prohibition on trade in seal products; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of Canada to prohibit the commercial hunting of seals; and

(2) strongly supports an unconditional prohibition by the European Union on trade in seal products.

Mr. LEVIN. Mr. President, on March 18th, 2009, just weeks before its hunting season was scheduled to begin, Russia announced that it would ban the hunting and killing of baby seals. Youri Trutnev, Russia's Minister of Natural Resources, who was quoted in the New York Times last week, graphically depicted the shameful practice, saying: ''The bloody sight of the hunting of seals, the slaughter of these defenseless animals, which you cannot even call a real hunt, is banned in our country, just as well as in most developed countries.''

In addition, the Internal Markets and Consumer Protection Committee (IMCO) of the European Parliament approved a prohibition on trade in seal products in the European Union. This measure may now be considered by the full European Parliament in the coming months.

Yet, in Canada, the largest commercial slaughter of marine mammals in the world continues. According to the Humane Society of the United States (HSUS), over one million seals have been killed over the past four years. In Canada, seal pups as young as 12 days old can legally be killed. The vast majority of seals killed in these hunts are between 12 days and 12 weeks of age.

Canada has officially opened another seal hunting season, paving the way for hundreds of thousands of baby seals to be killed for their fur in the coming weeks, when the harp seal hunt begins in earnest. So today I am pleased to be joined by Senator COLLINS in submitting a resolution that urges the Government of Canada to end this senseless and inhumane slaughter.

The U.S. Government has opposed this senseless slaughter, as noted in the January 19, 2005, letter from the U.S. Department of State, in response to a letter Senator COLLINS and I wrote to President Bush, urging him to raise this issue during his November 30, 2004, visit with Canadian Prime Minister Paul Martin.

Mr. President, I ask unanimous consent that support material be printed in the RECORD.

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

DEPARTMENT OF STATE,
Washington, DC, January 19, 2005.

DEAR SENATOR LEVIN: This is in response to your letter to the President of November 24, 2004, regarding Canadian commercial seal hunting. The White House has requested that the Department of State respond. We regret the delay in responding. Unfortunately, this letter was not received in the Department of State until mid-December, well after the referenced meeting between President Bush and Prime Minister Paul Martin of Canada.

We are aware of Canada's seal hunting activities and of the opposition to it expressed by many Americans. Furthermore, we can assure you that the United States has a longstanding policy opposing the hunting of seals and other marine mammals absent sufficient safeguards and information to ensure that the hunting will not adversely impact the affected marine mammal population or the ecosystem of which it is a part. The United States policy is reflected in the Marine Mammal Protection Act of 1972 (MMPA) which generally prohibits, with narrow and specific exceptions, the taking of marine