congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 921

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 921 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 784. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill to allow five Southeast Alaska communities to finally be allowed to form urban corporations under the terms of 1971's Alaska Native Claims Settlement Act, the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act.

At the very beginning of the Alaska Native Claims Settlement Act of 1971 there are a series of findings and declarations of congressional policy that explain the underpinnings of this landmark legislation.

The first clause reads, ''There is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims.'' The second clause states, ''The settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives.''

Mr. President, 37, going on 38, years have passed since the Alaska Native Claims Settlement Act became law and still the Native peoples of five communities in Southeast Alaska—Ketchikan, Wrangell, Petersburg, Tenakee and Haines—the five ''landless communities'' are still waiting for their fair and just settlement.

The Alaska Native Claims Settlement Act awarded $966 million and 44 million acres of land to Alaska Natives and provided for the establishment of Native Corporations to receive and manage such funds and lands. The beneficiaries of the settlement were issued stock in one of 13 regional Alaska Native corporations—12 based in Alaska. Most beneficiaries also had the option to enroll and receive stock in a village, group or urban corporation.

For reasons that still defy clear explanation the Native peoples of the ''landless communities,'' were not permitted by the Alaska Native Claims Settlement Act to form village or urban corporations. These communities were excluded from this benefit even though they did not differ significantly from other communities in Southeast Alaska that were permitted to form village or urban corporations under the Alaska Native Claims Settlement Act. For example, Ketchikan had more Native residents in 1970, the year of a member census, than Juneau, which was permitted to form the Goldbelt urban corporation. This finding was confirmed in a February 1994 report submitted by the Secretary of the Interior at the direction of the Congress. That study was conducted by the Institute of Social and Economic Research at the University of Alaska.

The Native people of Southeast Alaska have recognized the injustice of this oversight for more than 34 years. An independent study issued more than 12 years ago confirms that the grievance of the landless communities is legitimate. Legislation has been introduced in the past sessions of Congress to remedy this injustice. Hearings have been held and reports written. Yet legislation to right the wrong has inevitably stalled out. This December marks the 38th anniversary of Congress' promise to the Native peoples of Alaska, the promise of a rapid and certain settlement. And still the landless communities of Southeast Alaska are landless.

I am convinced that this cause is just, it is right, and it is about time that the Native peoples of the five landless communities receive what has been denied them for so long.

The legislation that I am introducing today would enable the Native peoples of the five ''landless communities'' to organize five ''urban corporations,'' one for each unrecognized community. These newly formed corporations would be offered and could accept the surface estate to 23,040 acres of land—one township as granted all other village corporations. Sealaska Corporation, the regional Alaska Native Corporation for Southeast Alaska, would receive title to the subsurface estate to the designated lands. The urban corporations would each receive a lump sum payment to be used as start-up funds for the newly established corporation. The Secretary of the Interior would determine other appropriate compensation to redress the inequities faced by the unrecognized communities.

It is long past time that we return to the Native peoples of Southeast Alaska a small slice of the aboriginal lands that were once theirs alone. It is time that we open our minds and open our hearts to correcting this injustice that has gone on far too long and finally give the Native peoples of Southeast Alaska the rapid and certain settlement for which they have been waiting.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 785. A bill to establish a grant program to encourage retooling of entities in the timber industry in Alaska, and for other purposes; to the Committee on Environment and Public Works.

Ms. MURKOWSKI. Mr. President, I rise to speak about a bill that I have introduced, the Southeast Alaska Timber Industry Retooling and Restructuring Act, which is intended to stimulate employment in Southeast Alaska, by helping firms that have focused on the region's timber industry to modernize or branch out into new industries.

In 1954, the US Department of Agriculture encouraged the development of a sawmill and pulp mill timber industry in the Tongass National Forest in Southeast Alaska, which at 16.98 million acres is the largest national forest in America. From the startup of the pulp mills in Ketchikan and in Sitka in 1961 to passage of the Alaska National Interest Lands Conservation Act in 1980, the Tongass was producing about 600 million board feet of timber a year, generating 3,500 direct and 2,500 indirect jobs and providing the largest number of year-round jobs in the region.

But following passage of ANILCA that created 14 wilderness areas covering about 4.9 million acres and the follow up Tongass Timber Reform Act of 1990 that placed another 727,762 acres into protected non-roaded status and created another 12 wilderness areas containing 300,000 acres, the timber harvest and thus timber industry-related employment plummeted in the region—an area nearly the size of Maine. While the two pulp mills closed in the mid 1990's, sawmills have tried to survive on the then anticipated 268 mmbf of allowable timber harvest. But a litany of Federal forest policy changes from the Clinton-era roadless policy, to changes in Forest Service sale and road policies, to sale delays caused by litigation have resulted in harvest levels falling to 28 million board feet from Federal lands and less than 50 million from private lands in 2008. That harvest level is far below the 192 mmbf reached in 2006 and about half of the 144 mmbf of 2007. Recent years have been drastically down from the 495 million board feet harvested from all lands as recently as 1997.

Year round timber employment, according to U.S. Forest Service in 2007, the last year of current full data, was 402 jobs, just 13 percent of the employment of a decade earlier. The impacts on the region's economy have been clearly documented. According to a report by The McDowell Group consultants, total timber-related payroll in 2007 hit just $17 million, compared to $300 million in 1990. Currently, according to the State of Alaska, unemployment in December 2008 has reached 16.5 percent on Prince of Wales Island, the resource base for traditional southern timber operations, and 24.6 percent in the Hoonah and Angoon area, the former resource base for central timber

operations—three times the rising national average.

This bill is a measure that calls on the Federal Government to finally acknowledge its role in the reduction of economic activity in the region. By the act, the Government would on a one-time basis, allow the Secretary of Agriculture to provide grants to allow existing timber facilities to retool either to adopt new timber production practices that can operate profitably on far smaller harvests or to convert timber plants to totally new types of manufacturing/business operations, leaving timber-dependent work. Firms—sawmills, logging companies and road construction companies involved in timber work for at least a decade—that seek funding for ''retooling projects'' must submit business plans and demonstrate the likelihood of success. More importantly they must commit to the ''extent practicable'' to continue to employ substantially the same number of employees for a ''reasonable'' period after completion of a retooling project. To limit the impact of the aid, grants may only go to businesses hat operated in the Tongass for not less than 10 years prior to Jan. 1, 2009. The program sunsets within 2 years with the maximum authorization of aid being $40 million subject to appropriation.

The bill would allow companies that used to build Forest Service timber roads, for example, to buy more appropriate equipment to bid on Federal highway work and water and sewer line work. It could help firms move into sand and gravel operations. It could allow sawmills with water access to be converted to marine repair facilities or into wood treatment plants. And it might allow some mills to convert to higher value-added products requiring less raw materials, like door and window sash manufacturing.

The changes would ease environmental pressures on timber stands, while aiding the economy by helping to replace the former year-round jobs in a region now nearly solely dependent on fishing and tourism income, besides government-sector spending, for employment. In a region where non-government jobs are precious, it could stimulate job retention and help create new employment. At a time when Congress is contemplating spending nearly $1 trillion to stimulate employment, this measure is a reasonable expenditure to help potentially transition employees to 21st century jobs. The Federal Government was the leading advocate for the establishment of a pulp-timber industry in the region following World War II. It is more than fitting that it provide more assistance to help the region transition to a new era of reduced timber harvests—an era prompted by major environmental legislation that this Congress passed in 1980 and 1990 that is largely responsible for the sharp drop in timber harvests. I hope this body will give fair and swift consideration to this measure.

By Mr. AKAKA (for himself, Mr. SCHUMER, Mr. INOUYE, and Mr. LIEBERMAN):

S. 786. A bill to authorize a grant program to provide for expanded access to mainstream financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. AKAKA. Mr. President, today I am reintroducing the Improving Access to Mainstream Financial Institutions Act of 2009. This bill provides economic empowerment and educational opportunities for working families by helping bank the unbanked and increasing access to financial literacy opportunities. It will also encourage the use of mainstream financial institutions for working families that need small loans. I thank my cosponsors, Senators SCHUMER, INOUYE, and LIEBERMAN.

Too many Americans lack basic financial literacy. Americans of all ages and backgrounds face increasingly complex financial decisions as members of the nation's workforce, managers of their families' resources, and voting citizens. Many find these decisions confusing and frustrating because they lack the tools necessary that would enable them to make wise, personal choices about their finances.

Without a sufficient understanding of economics and personal finance, individuals will not be able to appropriately manage their finances, effectively evaluate credit opportunities, successfully invest for long-term financial goals in an increasingly complex marketplace, or be able to cope with difficult financial situations. Unfortunately, today too many working families are struggling as they are confronted with increases in energy and food costs or the loss of a job.

We must work toward improving education, consumer protections, and empowering individuals and families through economic and financial literacy in order to build stronger families, businesses, and communities. The bill that I am introducing today would help to educate, empower and protect consumers.

Millions of working families do not have a bank or credit union account. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, and send remittances. Many of the unbanked are low- and moderate-income families that can ill afford to have their earnings diminished by reliance on these high-cost and often predatory financial services. Among those families who make up the bottom 20 percent of earners, one in four does not have a transaction account according to the Federal Reserve's Survey of Consumer Finances. Indeed, the unbanked are often among the most vulnerable. More than 15 percent of families headed by a single parent are unbanked. The unbanked are unable to save securely to prepare for the loss of a job, a family illness, a down payment on a first home, or education expenses making it difficult for these individuals to better their finances.

My bill authorizes grants intended to help low- and moderate-income unbanked individuals establish bank or credit union accounts. Providing access to a bank or credit union account can empower families with tremendous financial opportunities. An account at a bank or credit union provides consumers with alternatives to rapid refund loans, check cashing services, and high cost remittances. In addition, bank and credit union accounts provide access to saving and borrowing services.

Low- and moderate-income individuals are often challenged with a number of barriers that limit their ability to open and maintain accounts. Regular checking accounts may be too costly for some consumers unable to maintain minimum balances or unable to afford monthly fees. Poor credit histories may also hinder their ability to open accounts. By providing Federal resources for product development, administration, outreach, and financial education, banks and credit unions will be better able to reach out and bank the unbanked.

The second grant program authorized by my legislation provides consumers with a lower cost, short term alternative to payday loans. More needs to be done to encourage mainstream financial service providers to develop affordable small loan products. My legislation will help support the development of affordable credit products at bank and credit unions. Working families would be better off by going to their credit unions and banks, mainstream financial services providers, than payday loan shops. Payday loans are cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Payday loans often have triple digit interest rates that range from 390 percent to 780 percent when expressed as an annual percentage rate. Loan flipping, which is a common practice, is the renewing of loans at maturity by paying additional fees without any principal reduction. Loan flipping often leads to instances where the fees paid for a payday loan well exceed the principal borrowed. This situation often creates a cycle of debt that is hard to break.

There is a great need for working families to have access to affordable small loans. My legislation would encourage banks and credit unions to develop payday loan alternatives. Consumers who apply for these loans would be provided with financial literacy and educational opportunities. Loans extended to consumers under the grant would be subject to the annual percentage rate promulgated by the National Credit Union Administration's, Loan Interest Rates. Several credit unions have developed similar products.

I will work to enact this legislation so vital to empowering our citizens. In our current, modern, complex economy, not having a bank or credit union

account severely hinders the ability of families to improve their financial condition or help them navigate difficult financial circumstances. Instead of borrowing money from payday lenders at outrageous fees, we need to encourage people to utilize their credit unions and banks for affordable small loans. Banks and credit unions have the ability to make the lives of working families better by helping them save,

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. 786

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 ''Improving Access to Mainstream Financial Institutions Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the same meaning as the term ''Native Corporation'' under section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(2) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' has the same meaning as in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)).

(3) FEDERALLY INSURED DEPOSITORY INSTITUTION.—The term ''federally insured depository institution'' means any insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(4) LABOR ORGANIZATION.—The term ''labor organization'' means an organization—

(A) in which employees participate;

(B) which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work; and

(C) which is described in section 501(c)(5) of the Internal Revenue Code of 1986.

(5) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' means any organization that—

(A) serves and represents the interests of Native Hawaiians; and

(B) has as a primary and stated purpose, the provision of services to Native Hawaiians.

(6) PAYDAY LOAN.—The term ''payday loan'' means any transaction in which a small cash advance is made to a consumer in exchange for—

(A) the personal check or share draft of the consumer, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

(B) the authorization of the consumer to debit the transaction account or share draft account of the consumer, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(8) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 3. EXPANDED ACCESS TO MAINSTREAM FINANCIAL INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary is authorized to award grants, including multi-year grants, to eligible entities to establish an account in a federally insured depository institution for low- and moderate-income individuals that currently do not have such an account.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section, if such an entity is—

(1) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, and is exempt from taxation under section 501(a) of such Code;

(2) a federally insured depository institution;

(3) an agency of a State or local government;

(4) a community development financial institution;

(5) an Indian tribal organization;

(6) an Alaska Native Corporation;

(7) a Native Hawaiian organization;

(8) a labor organization; or

(9) a partnership comprised of 1 or more of the entities described in the preceding subparagraphs.

(c) EVALUATION AND REPORTS TO CONGRESS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

SEC. 4. LOW COST ALTERNATIVES TO PAYDAY LOANS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary is authorized to award demonstration project grants (including multi-year grants) to eligible entities to provide low-cost, small loans to consumers that will provide alternatives to more costly, predatory payday loans.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such an entity is—

(1) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(2) a federally insured depository institution;

(3) a community development financial institution; or

(4) a partnership comprised of 1 or more of the entities described in paragraphs (1) through (3).

(c) TERMS AND CONDITIONS.—

(1) PERCENTAGE RATE.—For purposes of this section, an eligible entity that is a federally insured depository institution shall be subject to the annual percentage rate promulgated by the National Credit Union Administration's Loan Interest Rates under part 701 of title 12, Code of Federal Regulations (or any successor thereto), in connection with a loan provided to a consumer pursuant to this section.

(2) FINANCIAL LITERACY AND EDUCATION OPPORTUNITIES.—Each eligible entity awarded a grant under this section shall offer financial literacy and education opportunities, such as relevant counseling services or educational courses, to each consumer provided with a loan pursuant to this section.

(d) EVALUATION AND REPORTS TO CONGRESS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

SEC. 5. PROCEDURAL PROVISIONS.

(a) APPLICATIONS.—A person desiring a grant under section 3 or 4 shall submit an application to the Secretary, in such form and containing such information as the Secretary may require.

(b) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under section 3 or 4 may use not more than 6 percent of the total amount of such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out the grant programs authorized by this Act, to remain available until expended.

SEC. 7. REGULATIONS.

The Secretary is authorized to promulgate regulations to implement and administer the grant programs authorized by this Act.

By Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. CARDIN, Mr. BROWN, Ms. CANTWELL. Mr. CARPER, Mr. DODD, Mr. DURBIN, Mrs. GILLIBRAND, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. MERKLEY, Mr. REED, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 787. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to restore Clean Water Act protections for the same waters that were covered by the Act prior to two recent divisive U.S. Supreme Court decisions. I want to thank Senators BOXER, CARDIN, BROWN, CANTWELL, CARPER, DODD, DURBIN, GILLIBRAND, KERRY, KOHL, LAUTENBERG, LEAHY, LEVIN, LIEBERMAN, MENENDEZ, MERKLEY, REED, SANDERS, SCHUMER, SHAHEEN, STABENOW, WHITEHOUSE, and WYDEN for joining me in introducing this important legislation.

For 35 years, the American people have relied upon the Clean Water Act to protect and restore the health of the Nation's waters. The primary goal of the act to make rivers, streams, wetlands, lakes, and coastal waters safe for fishing, swimming and other recreation, suitable for our drinking water supply and agricultural and industrial uses, and available for wildlife and fish habitat has broad public support not only as a worthy endeavor but also as a fundamental expectation of Government providing for its citizens. It is our responsibility to ensure that our freshwater resources are able to enhance human health, contribute to the economy, and help the environment.

We must remain committed to the Clean Water Act of 1972, and to that end, Congress must enact legislation. Every day that Congress fails to act, more and more rivers, streams, wetlands and other waters that have long

been protected by the Clean Water Act are being stripped of their Clean Water Act protections and being polluted or destroyed altogether. According to the Environmental Protection Agency, over 20,000 determinations have been made since the court decisions on whether specific water bodies are covered by the act. Congress should not delay action until protections are stripped from more water bodies throughout the country. The EPA estimates that the court decisions could ultimately impact over half the stream miles and 20 percent of wetlands in the lower 48 States. Lost protections for these waters means the drinking water sources for over 110 million Americans are in jeopardy of pollution.

The Clean Water Restoration Act must be enacted to restore historical protections, using a surgical fix that reaffirms protections for the same categories of waters identified in the over three-decade-old EPA regulatory definition of ''waters of the United States.''

This is a serious problem, demanding serious debate and action. If we do not act, we will be allowing the Clean Water Act to be rolled back. That would mean increased uncertainty, confusion, litigation, and permitting delays resulting from the court decisions and subsequent agency guidelines. It also would pose a very real threat to Clean Water Act protections for public water supplies, industrial and agriculture uses, fish and wildlife, and recreation.

I am pleased to lead the effort to protect the Clean Water Act in the Senate, and to have support from a range of interested parties, including former EPA Administrators from both Republican and Democratic administrations; governors; attorneys general; State agencies; professional societies and associations; labor and business professionals and unions; farming organizations; and over 400 hunting, fishing, recreational, and conservation organizations.

In response to suggestions I received last Congress, I made several revisions to the bill to make Congressional intent very clear.

My bill, the Clean Water Restoration Act, would continue to protect only those waters historically protected by the Clean Water Act prior to the Supreme Court decisions. This is the crux of my bill, Section 4. In 1972, Congress granted Clean Water Act protections to ''navigable waters'' and broadly defined those as ''the waters of the United States, including the territorial seas'', in stark contrast to the 1899 Rivers and Harbors Act, which had only provided protections for the commercially navigable waters. Since the 1970s, EPA and Corps regulations, 40 CFR 122.2 and 33 CFR 328.3, have properly established the scope of ''waters of the United States'' to be protected, including all intrastate and interstate rivers, streams, lakes, and wetlands. My bill simply takes the longstanding, existing regulatory definition for ''waters of the United States'' and puts it into law, in lieu of defining ''navigable waters'' as ''waters of the United States,'' as the Act does now. This surgical fix is necessary because the Supreme Court used the word ''navigable'' to create a more narrow definition for ''waters of the United States'' than the definition used for over 30 years. The Court did not, however, limit protections more drastically to only ''navigable-in-fact'' and continuously flowing waters as some interests have called for. This might have been the law in 1899 when the Rivers and Harbors Act focused on commercial navigation, but it would be entirely inappropriate for the modern day clean water protections provided by the Clean Water Act of 1972.

My bill also asserts appropriate constitutional authority to protect the Nation's waters. Despite claims to the contrary, Congress has broad constitutional authority, including under the Commerce Clause, Property Clause, Treaty Clause, and Necessary and Proper Clause, to enact laws protecting our nation's water quality. To prevent future courts from narrowly applying Congress's constitutional authority, my bill includes the phrase ''activities affecting those waters.''

My bill also maintains existing exemptions for farming, silviculture, ranching, and other activities, and leaves unchanged the activities that require a permit. The bill only ensures that the same types of waters covered before the Supreme Court decisions continue to be protected and does not affect the activities that require permits. In short, if you have not needed a permit for the last thirty-five years for an activity, you will not need one when this bill is enacted.

Importantly, in 1977, when the Act was modified, a significant compromise was reached to exempt farming, silviculture, and forestry activities from the Act. I stand by this understanding, and just to be sure, the Clean Water Restoration Act explicitly states that the Act's existing exemptions are maintained. As stated in the Act and left unchanged by my bill, agricultural activities are largely exempt from the Clean Water Act [the main permitting programs affecting agriculture address point-source discharge, Section 402, not non-point, and the dredging and filling of waters, Section 404. The following agricultural activities are exempt: normal farming activities (which casts a wide net for plowing, cultivating, harvesting, conservation practices, etc.), agriculture run-off/stormwater discharges, return flows from irrigation, maintenance and construction of farm roads, farm and stock ponds, and irrigation ditches, and maintenance of drainage ditches. There are additional EPA regulatory exemptions for prior converted cropland, and wastewater treatment systems, including treatment lagoons and ponds. Again, my bill does not affect these exemptions and the findings make Congressional intent very clear in this regard.

In short, my bill will allow those waters always protected by the Clean Water Act to continue to receive basic protections. I appreciate the depth and breadth of support for reaffirming the Clean Water Act of 1972 and importantly, rejecting efforts to roll back the law.

Mr. WYDEN. Mr. President, If there is one environmental issue that divides us more than unites us, it's water, especially in the West.

Farmers, ranchers, cities, towns, all compete for limited supplies. Salmon and other economically and culturally important fish depend on its flow. If it is not water quantity, then it is water quality that makes what gets passed on to the next water user the source of contention.

The Clean Water Act has been enormously successful at making water users clean up the water that they use before it is discharged back into lakes, rivers, and streams, and, before it's used by the next person downstream. It has also helped ensure the survival of fish and wildlife.

Over the past 8 years, the U.S. Supreme Court has rendered two major decisions that have restricted the scope of the Act. As it is now being interpreted by the U.S. Environmental Protection Agency and the Corps of Engineers, the Act no longer prevents the discharge of pollution or fill into many wetlands or intermittent streams, lakes and ponds. By some estimates, more than half the streams in Oregon could be classified as intermittent streams and no longer protected. Another estimate concludes that over one million Oregonians get their drinking water from sources that would no longer be fully protected by the Clean Water Act. I think this is the wrong thing to do.

Last year, I cosponsored S. 1870—the Clean Water Restoration Act—legislation which was intended to return the protections of the Clean Water Act to the way they were before these two Supreme Court decisions occurred. No more, and no less.

In my town hall meetings around Oregon, I have received questions and complaints about this legislation. The biggest concern that many people had was that this new bill was actually going to expand the reach of the Federal Government over water regulation in ways that would literally threaten the ability of farmers to farm and ranchers to ranch. People were also concerned that this legislation would not only regulate discharges into rivers and streams, but it would also regulate the quantity of water they use.

I am no supporter of Federal water grabs. I would not have cosponsored this legislation in the last Congress if it would threaten Oregon farmers' ability to farm or our ranchers' ability to ranch. I would have opposed it.

Ranchers and farmers and forest owners know how to be stewards of the land they ranch and farm and manage because their livelihoods depend on it,

and if they are not careful about how they manage that land there will be nothing to pass on to the next generation. The same is true for how we must treat our rivers, streams and wetlands.

So over the past few months, my staff and I have worked with Senator FEINGOLD, the primary sponsor of the bill, to clarify that intent of this legislation is to simply restore the interpretation of the Clean Water Act to what it had been before these Supreme Court decisions. No more, and no less.

Earlier this year, in response to my concerns about how the bill would impact rural Oregon, Senator FEINGOLD reiterated in a letter to me his intent that the Clean Water Restoration Act not expand the scope of the law. Sen. FEINGOLD also revised the text of the bill in a way that I believe makes it even clearer that the goal is not to expand the scope of the Clean Water Act beyond what it was in 2001 before the Supreme Court decisions.

First of all, the bill again includes a savings clause that clearly continues the existing exemption for irrigation return flows from Clean Water Act regulation. It continues the exemption for dredged or fill materials from normal farming, silviculture and ranching activities. It continues the exemption for construction and maintenance of farm or stock ponds or irrigation ditches and drainage ditches. It continues the exemption for construction and maintenance of farm roads or forest roads.

Second, the bill now contains a much more detailed set of findings that make it absolutely clear that the intent of Congress with enactment of the bill is to restore the regulatory system for the Clean Water Act to what it was before these two Supreme Court decisions. These findings also make it clear that the bill is not regulating ground water, only surface water, just as the Clean Water Act has always done. The findings make it clear that exclusions for prior converted cropland and manmade impoundments remain in place. They make it clear that the intent is to regulate water quality, not quantity or ownership.

If more changes are needed to ensure that the bill does what Sen. FEINGOLD and I say it does, than I am certainly open to making more changes to make sure the Senate gets this crucial issue right.

Some people do not like the pre-2001 Clean Water Act regulatory system. Some believe that the Supreme Court did the right thing by removing many wetlands and intermittent streams and lakes from the protections of the Clean Water Act. I disagree. I think those protections are needed to protect our water supplies and our environment and wildlife habitat. Farmers and ranchers need those protections for their livelihoods. But I want to be absolutely clear, that I will not support expanding Federal authority in this area beyond what it was before 2001.

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

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

U.S. SENATE,
Washington, DC, January 8, 2009.

Hon. RON WYDEN,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR WYDEN: Thank you for your commitment to reinstating longstanding Clean Water Act protections, which have been unquestionably reduced and blurred by recent Supreme Court decisions. I appreciate you contacting me on behalf of your constituents with some important questions about the intent and effect of my bill, the Clean Water Restoration Act.

Like you, I am committed to restoring the scope of the Clean Water Act of 1972 and strongly oppose efforts to roll back the Act—which is happening and will continue to happen until Congress acts. A recent investigation by the House Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure found that the 2006 Rapanos case and subsequent agency guidance are directly responsible for ''a drastic deterioration of [the Environmental Protection Agency's] Clean Water Act enforcement program . . . hundreds of violations have not been pursued.'' The investigation revealed that top EPA officials warned that ''the difficulty in interpreting and applying the Rapanos decision and the Inter-Agency guidance has created a drain on [EPA] resources, caused delays and uncertainty in compliance determinations. . . .'' According to the EPA, over 50 percent of U.S. streams, 20 million acres of wetlands, and the drinking water for 110 million Americans remain in jeopardy of being polluted or destroyed as a result of the Supreme Court decisions.

Since Congress is the only branch of government that can reinstate protections and prevent a significant roll-back of the Act. I introduced the Clean Water Restoration Act to do just that, and only that.

The bill will not increase permitting and does not change the requirements for what activities need a permit. The Clean Water Restoration Act would only modify one term in the Act and does not alter any other sections of law, including those identifying what activities need a permit. Nevertheless, when the bill was reintroduced in the 110th Congress, we added a savings clause to make it explicitly clear that the exemptions for agriculture, ranching, and forestry are maintained. The Act was amended in 1977 to add these permitting exemptions and my bill will not change those exemptions, or existing exemptions in the regulations that do not require permits for agricultural activities affecting prior converted cropland or for wastewater treatment systems.

As you know, the Clean Water Act protects ''navigable waters,'' which the Act broadly defines as ''waters of the United States, including the territorial seas'' (though often a source of confusion, the term ''navigable waters'' has a very different meaning in the Clean Water Act than it does in the Rivers and Harbors Act of 1899, which extends only very narrow protections to commercially navigable waters). ''Navigable waters'' and ''waters of the United States'' are broadly defined, for purposes of the Clean Water Act, in the Environmental Protection Agency and U.S. Army Corps of Engineers' regulations to cover all waters necessary to achieve the Act's water quality purposes. This includes such so-called isolated wetlands as prairie potholes and playa lakes, which have been jeopardized since the 2001 SWAIVCC case, as well as intermittent streams, which remain jeopardized by the 2006 Rapanos case and subsequent agency guidance. In order to meet the intent and purpose of the Clean Water Act of 1972, we must ensure all these waters continue to be protected—which is why the Clean Water Restoration Act defines ''waters of the United States'' using the same list of waters.

In your letter, you asked about an exchange at a hearing on the bill in 2008 where the former Administrator of the EPA, Carol Browner, responded to a question about whether a ''puddle'' is a ''wetland.'' Though the question was likely intended in jest, there is a longstanding, scientific process for determining and delineating a wetland. Professional determinations are made, for purposes of Section 404 of the Clean Water Act, using the Corps regulatory definition of a wetland. Wetlands generally include swamps, marshes, bogs, and similar areas (33 CFR 328.3(b)).

Lastly, the Clean Water Act does not regulate water quantity, only water quality. Its purpose is to ''restore and maintain the chemical, physical, and biological integrity of the nation's waters'' (33 U.S.C. 1251 et seq.). I am pleased to lead the effort to protect the Clean Water Act in the Senate, and to have your support, as well as that of a range of interested parties, including former EPA Administrators from both Republican and Democratic administrations; governors; attorneys general; state agencies; professional societies and associations; labor and business professionals and unions; farming organizations; and over 400 hunting. fishing, recreational, and conservation organizations.

Thanks for your efforts to educate others about the importance of this legislation and the true purpose of the Clean Water Restoration Act. As always. I am committed to working with you and others to restore historical protections to the waters of the United States.

Sincerely,

RUSSELL D. FEINGOLD.

By Ms. SNOWE (for herself and Mr. NELSON, of Florida):

S. 788. A bill to prohibit unsolicited mobile text message spam; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator BILL NELSON, to introduce legislation that would curb a growing nuisance that millions of wireless customers experience on a daily basis—unsolicited text messages or mobile spam.

Spam has long been loathed by email users around the world. It is for good reason—percent of all email sent worldwide is considered spam, which means close to 200 billion spam messages are sent every day. The vast majority of the spam sent on the Internet is done so illegally through the use of botnets, which are ''networks'' of hijacked or compromised computers. One botnet, Srizbi, which consists of more than 450,000 compromised PCs is able to send on average more than 60 billion spam messages per day. Many of these spam messages include viruses, malicious spyware, or are phishing attacks.

With more data functionality and improved user interfaces with wireless devices, it is expected that mobile spam will grow over the next several years. Those viruses and malware that are so prevalent on a user's computer could

and most likely will show up on their cell phones through m-spam. So a very significant threat to wireless users looms.

While the FCC and the FTC have adopted rules to prohibit sending unwanted commercial e-mail messages to wireless devices without prior permission, text messages are not covered by their rules so it is not having the desired effect of deterring distribution of mobile spam, let alone email spam. The m-SPAM Act would provide more government attention to this growing problem and makes modifications to existing law in order to improve efforts to restrain mobile spam—before it becomes more than an annoyance.

More text and voice spam are steadily invading handsets. Wireless users in the U.S. received more than 1.1 million spam text messages in 2007, up 38 percent from 2006. Mobile spam not only clutters a wireless user's inbox, but it also unduly increases the monthly wireless bill—wireless subscribers typically are charged for sending and receiving text messages—sometimes as much as 20 cents per message.

Some telephone companies have been proactive in preventing spam—wireless carriers already block up to 200 million unsolicited text messages per month, but many times the senders cannot be located and brought to justice without Government help. In May 2007, Verizon Wireless sued telemarketers that had inundated the company with more than 12 million mobile spam messages. The carrier was able to block most of them but the inundation still hit consumers with unwanted charges and the carrier with a congested network. So more can be done to prevent this aggravating practice and relieve consumers of having to resolve these charges on their bills. Even the wireless industry recently has urged government to do more to catch and prosecute spammers.

That is why I sincerely hope that my colleagues will join Senator BILL NELSON and me in supporting this critical legislation.

By Mr. BINGAMAN (for himself, Mr. CASEY, Mr. KOHL, and Mr. UDALL, of New Mexico):

S. 790. A bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senators ROBERT CASEY, HERB KOHL, and TOM UDALL to introduce the Health Access and Health Professions Supply Act of 2009.

Health care reform is a national priority—far too many Americans do not have access to meaningful, affordable health insurance. But even if every person in the U.S. had health insurance, we do not have a cohesive or coordinated strategy to address health workforce emergencies and shortages, and problems with reliable access to quality, affordable care. Over 20 percent of Americans are living in health professions shortage areas without access to adequate medical, dental, and mental and behavioral health services. This workforce deficiency will worsen as the population ages and grows by an estimated 25 million individuals per decade and, could be severely exacerbated by epidemics and disasters. It is estimated that without intervention, the United States will experience shortages of as many as 200,000 physicians and one million nurses by 2020. It takes many years to create a pipeline of health professionals. I am introducing the Health Access and Health Professions Supply Act of 2009 to coordinate our health workforce strategy, to build and maintain this pipeline, so that health and safety of every American is protected. The legislation is based on the most recent recommendations developed by Council on Graduate Medical Education and other health workforce experts.

This legislation addresses these issues in an unprecedented and comprehensive manner. It creates a Permanent National Health Workforce Commission to assure that the Federal investment in the education of health professionals is a public good that address the needs of the American people. The Commission is tasked to design, revise, implement and evaluate programs, grants, and regulations related to the nation's health workforce.

The Health Access and Health Professions Supply Act of 2009 expands the Medicare medical home demonstration project. This pilot program would include 1,000 medical home primary care providers working in interdisciplinary teams. These clinicians will provide the highest quality medical care using the best health information technology, and personalized, coordinated, and accessible care.

But new models are not enough. We have allowed our primary care educational infrastructure to crumble. Without intervention, the decline will likely continue, and access to care in underserved areas will rapidly deteriorate. Family physicians represent 58 percent of the rural physician workforce, 70 percent of non-federal physicians in whole-county health professional shortage areas, and 78 percent of primary care physician full-time equivalents in the National Health Service Corps. Yet, the number of graduates from medical school in the U.S. who choose to practice family medicine has plummeted 50 percent in less than 10 years. Currently, less than 5 percent of graduates from medical school specialize in primary care. This is despite the fact that one of the most significant measures of the effectiveness and efficiency of a healthcare system is the degree to which the population has access to meaningful and coordinated primary care.

Experts tell us that the dearth of primary care providers may be attributed to many factors including low reimbursement levels and a lack of federal incentives to teaching institutions to promote primary care. My legislation would allow the National Health Workforce Commission to analyze these issues and recommend solutions including changes in Federal reimbursement systems. For example, this bill calls for improved transparency and accountability for Federal dollars spent for medical education through direct Graduate Medical Education, GME, and Indirect Medical Education, IME, and money paid in Disproportionate Share, DSH, support for safety net services provided under the Medicare and Medicaid programs.

This legislation also substantially increases funding for the National Health Service Corps. This will help provide healthcare access to the areas of our country that are in most desperate need. Also, included are expanded loan forgiveness and grant programs to develop new training programs in rural and other underserved communities to help us train health professionals in areas where they are needed.

The Health Access and Health Professions Supply Act of 2009 establishes a U.S. Public Health Sciences Track to train physicians, dentists, nurses, physician assistants, mental and behavior health specialists, pharmacists, and public health professionals emphasizing team-based service, public health, epidemiology, and emergency preparedness and response in affiliated institutions. Students in this program are accepted as Commission Corps officers in the U.S. Public Health Service and will receive tuition remission and a stipend with a two year service commitment for each year of school covered. This group will form an elite cadre of healthcare professionals that can be deployed when epidemics, natural or other disasters strike.

I am introducing the Health Access and Health Professions Supply Act of 2009 with the understanding that our health workforce shortfall cannot be solved using a piecemeal approach. We must address health workforce issues in health care reform to guarantee access to quality care for all Americans but we must also ensure that taxpayer dollars used to support health professions education are spent wisely.

This legislation has received widespread support and is endorsement by the: National Association of Community Health Centers, National Rural Health Association, American Medical Students Association, Trust for America's Health, American Psychological Association, American Association of Colleges of Pharmacy, American Academy of Physician Assistants, Commissioned Officers Association of the U.S. Public Health Service, National Rural Recruitment and Retention Network, American Academy of Child and Adolescent Psychiatry, New Mexico Health Resources, New Mexico Medical Society, New Mexico Chapter of the American College of Physicians, and the Santa Fe Project Access.

I urge my colleagues in the Senate to join us in support of the Health Access and Health Professions Supply Act of 2009.

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. 790

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 ''Health Access and Health Professions Supply Act of 2009'' or ''HAHPSA 2009''.

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

SEC. 2. FINDINGS.

(a) FINDINGS RELATED TO HEALTH CARE ACCESS IN RURAL, FRONTIER, AND URBAN UNDERSERVED AREAS OF THE UNITED STATES.—Congress finds the following:

(1) The United States does not have a cohesive or coordinated approach to addressing health workforce shortages and problems with reliable access to quality, affordable health care.

(2) There are 50,000,000 citizens of the United States living in areas that are designated under section 332(a)(1)(A) of the Public Health Service Act as health professional shortage areas.

(3) The population of the United States will grow by 25,000,000 each decade.

(4) The number of individuals over 65 years of age in the United States will double between 2000 and 2030, with such individuals accounting for 20 percent of the total population of the United States in 2030.

(5) Individuals over 65 years of age have twice as many doctor visits as those individuals under 65 years of age, resulting in an increase in the demand for physicians, physician assistants, pharmacists behavioral and mental health professionals, nurses, and dentists.

(6) The rates of chronic diseases (such as diabetes) are increasing in the population of the United States.

(7) There are 47,000,000 citizens of the United States who do not have health insurance, and over 130,000,000 individuals within the United States who do not have dental insurance. Those individuals who are uninsured have limited access to health care.

(8) Academic health centers, Federal medical facilities, and teaching hospitals provide a substantial percentage of safety net services in the United States to uninsured and underinsured populations and to those individuals who have 1 or more chronic diseases. Such centers, facilities, and teaching hospitals provide those safety net services while concurrently providing for the training of health professionals.

(9) The pipeline for the education of health professionals—

(A) begins and often ends in urban areas;

(B) does not reliably include Federal support for nonphysician training;

(C) does not incorporate modern training venues and techniques, including community-based ambulatory sites; and

(D) discourages interdisciplinary, team, and care coordination models as a result of restrictive regulations.

(10) Health reform must include measures to transform the health delivery system to assure access, quality, and efficiency by utilizing contemporary models and venues of care.

(11) Reform of the health delivery system will require modernization of the training of health professionals to ensure that health professionals—

(A) practice in integrated teams in a variety of delivery venues (including inpatient and ambulatory settings and long-term care facilities) to utilize decision support and health information systems;

(B) deliver patient-centered care;

(C) practice evidence-based health care;

(D) learn performance-based compensation systems, comparative effectiveness, and costs of care across the spectrum; and

(E) deliver culturally appropriate, personalized care.

(b) FINDINGS RELATED TO ACCESS TO ORAL HEALTH.—Congress finds the following:

(1) Dental care is the number 1 unmet health care need in children, and is 1 of the top 5 unmet health care needs in adults.

(2) Over 130,000,000 citizens of the United States are without dental insurance.

(3) Over 45,000,000 citizens of the United States live in areas that are designated under section 332(a)(1)(A) of the Public Health Service Act as dental health professional shortage areas.

(4) Rural counties have less than half the number of dentists per capita compared to large metropolitan areas (29 versus 62 for population of 100,000).

(5) In 2006, over 9,000 dentists were needed in such dental health professional shortage areas.

(6) Between 27 and 29 percent of children and adults in the United States have untreated cavities.

(7) The number of dental school graduates in the United States decreased by 20 percent between 1982 and 2003 and the average age of practicing dentists in the United States is 49.

(8) There were over 400 dental faculty vacancies in the school year beginning in 2006.

(9) In 2007, the average debt of a dental student at graduation was $172,627.

(c) FINDINGS RELATED TO PHYSICIAN SHORTAGES, EDUCATION, AND DISTRIBUTION.—Congress finds the following:

(1) By 2020, physician shortages are forecasted to be in the range of 55,000 to 200,000.

(2) Although 21 percent of the population of the United States lives in rural areas, only 10 percent of physicians work in rural areas and, for every 1 physician who goes into practice in regions with a low supply of physicians, 4 physicians go into practice in regions with a high supply of physicians.

(3) According to a 2004 report by Green et al. for the Robert Graham Center of the American Academy of Family Physicians, the number of applicants from rural areas accepted to medical school has decreased by 40 percent in the last 20 years while the number of such applications has remained the same.

(4) In order to respond to forecasted shortages, experts have recommended an increase between 15 and 30 percent in class size at medical schools over the next 10 years.

(5) There are 55,000,000 citizens of the United States who lack adequate access to primary health care because of shortages of primary care providers in their communities.

(6) The number of graduates from medical school in the United States who choose to practice family medicine has plummeted 50 percent in less than 10 years. Without congressional intervention, such decline will likely continue, and access to care in underserved areas will rapidly deteriorate. Family physicians represent 58 percent of the rural physician workforce, 70 percent of non-Federal physicians in whole-county health professional shortage areas, and 78 percent of primary care physician full-time equivalents in the National Health Service Corps.

(7) Current trends indicate that fewer resident trainees from pediatric and internal medicine residencies pursue generalist practice at graduation.

(8) Funding for medical education which is provided through direct Graduate Medical Education (GME) and Indirect Medical Education (IME) under the Medicare program is not transparent or accountable, nor is it aligned to the types of health professionals most needed or to the areas in which health professionals are most needed.

(9) Physician supply varies 200 percent across regions and there is no relationship between regional physician supply and health needs.

(10) The Council on Graduate Medical Education's 18th Report (issued in 2007), entitled ''New Paradigms for Physician Training for Improving Access to Health Care'', and 19th Report (issued in 2007), entitled ''Enhancing Flexibility in Graduate Medical Education'', each call for changes to address the healthcare needs of the United States by removing barriers to expanding and more appropriately training the physician workforce.

(d) FINDINGS RELATED TO NURSING SHORTAGES, EDUCATION, AND DISTRIBUTION.—Congress finds the following:

(1) By 2020, nursing shortages are forecast to be in the range of 300,000 to 1,000,000 and the Bureau of Labor Statistics of the Department of Labor estimates that more than 1,200,000 new and replacement registered nurses will be needed by 2014.

(2) Nurse vacancy rates are currently 8 percent or greater in hospitals and community health centers receiving assistance under

section 330 of the Public Health Service Act, and for nursing faculty positions.

(3) Surveys indicate that 40 percent of nurses in hospitals are dissatisfied with their work and, of nurses who graduate and go into nursing, 50 percent leave their first employer within 2 years.

(4) Nursing baccalaureate and graduate programs rejected more than 40,000 qualified nursing school applicants in 2006, with faculty shortages identified by such programs as a major reason for turning away qualified applicants.

(5) More than 70 percent of nursing schools cited faculty shortages as the primary reason for not accepting all qualified applicants into entry-level nursing programs.

(6) The nursing faculty workforce is aging and retiring and, by 2019, approximately 75 percent of the nursing faculty workforce is expected to retire.

(7) The average age of nurses in the United States is 49 and the average age of an associate professor nurse faculty member in the United States is 56.

(8) Geriatric patients receiving care from nurses trained in geriatrics are less frequently readmitted to hospitals or transferred from skilled nursing facilities and nursing facilities to hospitals.

(e) FINDINGS RELATED TO PUBLIC HEALTH WORKFORCE SHORTAGES.—Congress finds the following:

(1) The United States has an estimated 50,000 fewer public health workers than it did 20 years ago while the population has grown by approximately 22 percent.

(2) Government public health departments are facing significant workforce shortages that could be exacerbated through retirements.

(3) Twenty percent of the average State health agency's workforce will be eligible to retire within 3 years, and by 2012, over 50 percent of some State health agency workforces will be eligible to retire.

(4) Approximately 20 percent of local health department employees will be eligible for retirement by 2010.

(5) The average age of new hires in State health agencies is 40.

(6) 4 out of 5 current public health workers have not had formal training for their specific job functions.

(f) FINDINGS RELATED TO PHYSICIAN ASSISTANT SHORTAGES.—Congress finds the following:

(1) The purpose of the physician assistant profession is to extend the ability of physicians to provide primary care services, particularly in rural and other medically underserved communities.

(2) Physician assistants always practice medicine as a team with their supervising physicians, however, supervising physicians need not be physically present when physician assistants provide medical care.

(3) Physician assistants are legally regulated in all States, the District of Columbia, and Guam. All States, the District of Columbia, and Guam authorize physicians to delegate prescriptive authority to physician assistants.

(4) In 2007, physician assistants made approximately 245,000,000 patient visits and prescribed or recommended approximately 303,000,000 medications.

(5) The National Association of Community Health Centers, the George Washington University, and the Robert Graham Center for Policy Studies in Family Medicine and Primary Care found that while the number of patients who seek care at community health centers has increased, the number of primary care providers, including physician assistants, has not. The report estimates a need for 15,500 primary health care providers to provide care at community health centers.

(g) FINDINGS RELATED TO MENTAL HEALTH PROFESSIONAL SHORTAGES.—Congress finds the following:

(1) The National Institute of Mental Health estimates that 26.2 percent of citizens of the United States ages 18 and older suffer from a diagnosable mental disorder. Approximately 20 percent of children in the United States have diagnosable mental disorders with at least mild functional impairment.

(2) The Health Resources and Services Administration reports that there are 3,059 mental health professional shortage areas within the United States with 77,000,000 people living in those areas. More than 5,000 additional mental health professionals are needed to meet demand.

(3) According to the Department of Health and Human Services, minority representation is lacking in the mental health workforce. Although 12 percent of the population of the United States is African-American, only 2 percent of psychologists, 2 percent of psychiatrists, and 4 percent of social workers are African-American. Moreover, there are only 29 mental health professionals who are Hispanic for every 100,000 individuals who are Hispanic in the United States, compared with 173 non-Hispanic White providers for every 100,000 individuals who are non-Hispanic White in the United States.

(h) FINDINGS RELATED TO HEALTH PROFESSIONAL SHORTAGE AREAS.—

(1) In 2006, the National Health Service Corps had a total of 4,200 vacant positions in health professional shortage areas, but only 1,200 of those positions were funded. For each National Health Service Corps award, there are 7 applicants.

(2) Community health centers receiving assistance under section 330 of the Public Health Service Act have expanded to serve 16,000,000 individuals in over 1,000 sites. Such community health centers have high vacancy rates for family physicians (13 percent), obstetricians and gynecologists (21 percent), dentists, nurses, and other health professionals.

(3) The Institute of Medicine of the National Academies has recommended that medical education and public health issues be more closely aligned, especially in relation to preparedness for natural disasters, pandemic, bioterrorism, and other threats to public health.

(4) The education of health professionals must be more closely aligned with health care needs in the United States, with special attention to underserved populations and areas, health disparities, the aging population, and individuals with 1 or more chronic diseases.

(5) There is some duplication, and little coordination, between the Council on Graduate Medical Education (related to the physician workforce), the National Advisory Committee on Nursing Programs (related to the nursing workforce), the Advisory Committee on Training in Primary Care Medicine and Dentistry, and other advisory committees and councils.

(6) The Association of Academic Health Centers calls for making the health workforce of the United States a priority domestic policy issue and creating a national health workforce planning body that engages Federal, State, public, and private stakeholders.

TITLE I—AMENDMENTS TO THE SOCIAL SECURITY ACT

SEC. 101. PERMANENT NATIONAL HEALTH WORKFORCE COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Permanent National Health Workforce Commission (in this section referred to as the ''Commission'').

(b) DUTIES.—

(1) REVIEW OF FEDERAL POLICIES AND ANNUAL REPORTS.—

(A) REVIEW.—The Commission shall review Federal policies with respect to the training, financing, and distribution of the health professional workforce, particularly with respect to such workforce in rural, frontier, and urban underserved areas, including the specific topics described in paragraph (2). Such review shall include a comprehensive analysis and reporting of—

(i) the most recent COHPPERDDUST Annual Report;

(ii) the number of medical students and residents, physician assistant students, pharmacy students and residents, behavioral and mental health students and residents, dental students and residents, nursing students and advance practice nursing trainees, and other health professionals in need of training, the rates of payment for such training; and the methodologies for funding such training;

(iii) how to align payments for direct graduate medical education costs under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) and payments for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) with other Federal and State subsidies and payments for health professions education with desired outcomes for the health professional workforce;

(iv) whether Federal medical facilities should be permitted to train health professionals with support paid directly by the entity sponsoring the health professional;

(v) whether the establishment of transparent, accountable Federal payment policies for training health professionals would ensure that the types of health professionals trained and the distribution of such health professionals would meet the health care needs of the population of the United States;

(vi) the feasibility of establishing a National Health Professions Education Trust Fund to ensure an open and fair system of Federal, State, and private support for providing education for health professionals; and

(vii) any other issues related to such Federal policies as the Commission determines appropriate.

(B) COHPPERDDUST ANNUAL REPORTS.—Not later than each of January 1 of each year (beginning with 2012) the Commission shall submit to the Secretary and to Congress a report containing—

(i) the results of the review conducted under subparagraph (A); and

(ii) recommendations—

(I) with respect to the Health Professions Pipeline, Education, Research, Diversity & Distribution to Underserved Areas Utilizing Service/Training Models; and

(II) for such legislation or administrative action, including regulations, as the Commission determines appropriate.

(2) SPECIFIC TOPICS DESCRIBED.—

(A) PAYMENTS FOR HEALTH PROFESSIONS EDUCATION.—Specifically, the Commission shall review, with respect to the training, financing, and distribution of the health professional workforce, the following:

(i) The regular update, revision, and standardization of hospital-specific and sponsoring institution-specific base-period per resident amounts and cost reporting periods for payments for direct graduate medical education costs under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) and payments for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)).

(ii) The feasibility of the Secretary, subject to review by the Commission, granting a waiver under the Medicare program, such as

the waiver granted to the Utah Medical Education Commission, which would allow States flexibility to utilize funding under titles XVIII, XIX, and XXI of the Social Security Act for direct graduate medical education and indirect graduate medical education to support coordinated and comprehensive health workforce training innovations.

(iii) Replacement of the current methodology for making payments for such direct graduate medical education costs and such indirect costs of medical education with a workforce adjustment payment, based on a Sustainable Growth Rate formula or a prospective payment system, under which—

(I) payments would be made directly to the sponsoring institution where such education is provided; and

(II) payments would be separated to reflect the costs to the professional and facility components of such education.

(iv) The establishment of standards for the financing of education for health professionals who are not physicians.

(v) The expansion of the definition, for purposes of making payments for health professions education (including such direct graduate medical education costs and such indirect costs of medical education), of the term ''sponsoring institution'', which traditionally has been a teaching hospital or medical school, to include nonteaching hospital-based entities (such as managed care organizations and public and private healthcare consortia) that are capable of assembling all of the resources necessary for effectively providing the training and education required to address healthcare access, quality, and costs and to meet workforce needs.

(vi) The provision of health professions education by nonteaching hospital-based entities (including rural health clinics (as defined in subsection (aa)(2) of section 1861 of the Social Security Act (42 U.S.C. 1395x)), community health centers (as defined in section 330 of the Public Health Service Act (42 U.S.C. 254b)), and Federally qualified health centers (as defined in subsection (aa)(4) of such section 1861) that are not sponsoring institutions (as defined under clause (v)) as affiliates of the sponsoring institution for purposes of providing more limited, but highly valuable clinical training.

(vii) The establishment of incentives to promote interdisciplinary, team-based, and care coordination-based education of health professionals, including incentives to encourage the development of health information technology (such as a repository of consumer health status information in computer processable form) which can be used for diagnosis, management, and treatment and includes price and cost information.

(viii) Adjustment to the Medicare caps on graduate medical education positions to increase the number of primary care residents, general dentistry residents, geriatric fellowship trainees, and other health professionals trained in Federal medical facilities.

(ix) The development of pay-for-performance methodologies for payments for health professions education (including such direct graduate medical education costs, payments for such indirect costs of medical education, and disproportionate share payments under section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F))) to—

(I) increase payments to sponsoring institutions and the affiliates of such institutions that achieve desired outcomes; and

(II) reduce payments to such institutions and such affiliates that do not perform.

(x) The correlation between Federal policies with respect to the training, financing, and distribution of the health professional workforce and specific evidence-based, measurable, and comparative outcomes across sponsoring institutions and the affiliates of such institutions.

(xi) Disproportionate share payments under section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)) made to service and training institutions that provide safety net access, community-based outreach programs, measurable and transparent community benefit, and planned financial assistance to low-income patients, Medicare beneficiaries, and underinsured (including uninsured) individuals in rural, frontier, and urban underserved areas.

(xii) The establishment of a workforce adjustment payment under the Medicare program under title XVIII of the Social Security Act, the Medicaid program under title XIX of such Act, the State Children's Health Insurance Program under title XXI of such Act, and other publicly funded health insurance programs to support training programs for health professionals in Federal medical facilities, under which such workforce adjustment payment would be made directly to the sponsoring institution. Such payment would, as the Secretary determines appropriate, in consultation with the Commission, replace or supplement the provisions under clause (iii).

(B) DATA COLLECTION AND REVIEW.—Specifically, the Commission shall review, with respect to the adequacy, supply, and distribution of undergraduate and graduate education programs for health professionals, the following:

(i) Available data on the adequacy, supply, and distribution of such education programs for physicians, physician assistants, nurses, dentists, psychologists, pharmacists, behavioral and mental health professionals (as defined in section 331(a)(3)(E)(i) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(E)(i)), public health professionals, and other health professionals, including data collected under the State Health Workforce Centers Program established under section 102.

(ii) Processes for improving the collection of data on health professionals, including the collection of more consistent, independent, and comprehensive data from entities (such as State licensure boards) to inform health professions workforce issues. In conducting such review, the Commission shall determine the costs of implementing such data collection.

(3) CONDUCT OF HEARINGS.—

(A) IN GENERAL.—The Commission shall conduct hearings on health professions education to assess performance, identify barriers, speed approval of innovative programs, improve flexibility, and reduce bureaucratic obstacles balancing hospital training while emphasizing sustained affiliation agreements with community-based, interdisciplinary, team, and care management methodologies and education designed to improve quality and efficiency of patient care across the care delivery system.

(B) TESTIMONY.—In conducting hearings under subparagraph (A), the Commission shall solicit testimony from the Accreditation Council for Graduate Medical Education, Residency Review Committees, and other appropriate organizations that accredit education programs for health professionals.

(C) INFORMATION FROM FEDERAL AGENCIES.—

(i) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(ii) PROVISION OF INFORMATION.—The head of the agency shall provide the information to the Commission at the request of the Chairperson of the Commission.

(4) REDUCING HEALTH PROFESSIONAL ISOLATION AND BUILDING COMMUNITY HEALTH PROFESSIONAL TRAINING INFRASTRUCTURE.—

(A) IDENTIFICATION OF PROGRAMS.—The Commission shall identify programs to reduce health professional isolation and build community health professional training infrastructure in rural, frontier, and urban underserved areas through continuing education (including continuing education utilizing information technology, such as telehealth and health information technology), mentoring, and precepting activities.

(B) ANALYSIS.—The Commission shall examine—

(i) whether the establishment of regional or statewide Health Advice Lines would reduce after-hours calls responsibilities for overworked health professionals in remote sites with few health professionals available to fulfill such responsibilities; and

(ii) what support should be given to health professionals fulfilling such responsibilities—

(I) in hospitals and emergency departments in areas designated under section 332 of the Public Health Service Act as health professional shortage areas;

(II) under practice relief programs that allow health professionals practicing in such areas to have their practice and calls covered when they are ill, pursuing continuing education, or taking a vacation;

(III) with respect to field faculty development to become supervisors, mentors, and preceptors for health professional students and trainees;

(iii) support structures (such as Area Health Education Centers) for health professionals; and

(iv) whether the establishment of Rural Health Education Offices, based on the model of agricultural extension offices, would—

(I) help build community health professional service and training capacity; and

(II) spur local economic development.

(5) DEVELOPMENT OF GUIDING PRINCIPLES AND ACCOUNTABILITY STANDARDS.—The Commission shall develop guiding principles and accountability standards for Federal, State, and private sector education of health professionals. Such guidelines shall be crafted to assure that the Federal investment in the education of health professionals is a public good, regardless of whether a portion of such education is funded by other sources.

(6) IDENTIFICATION OF STATE AND REGIONAL HEALTH PROFESSIONS EDUCATION COMMISSIONS.—The Commission shall identify State and regional Health Professions Education Centers. The Commission shall enter into agreements with such Centers under which the Centers shall provide data and reports to the Commission to provide a balanced and adequate assessment of the entire Nation's healthcare workforce.

(c) SECRETARIAL RESPONSIBILITIES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, in consultation with the Commission, and through negotiated rulemaking, promulgate regulations to address the matters reviewed under clauses (i) through (vii) of subsection (b)(1)(A), as the Secretary determines appropriate to address access and health professional shortages and needs identified by the Commission with respect to titles XVIII, XIX, and XXI of the Social Security Act.

(d) MEMBERSHIP.—

(1) NUMBER OF APPOINTMENT.—The Commission shall be composed of 20 members appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS.—The membership of the Commission shall include representatives of—

(A) dentists and dental hygienists who practice in urban underserved and rural areas;

(B) primary care providers who practice in urban underserved and rural areas;

(C) nurses and physician assistants who practice in urban underserved and rural areas;

(D) psychologists and other behavioral and mental health professionals (as defined in section 331(a)(3)(E)(i) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(E)(i)) who practice in urban underserved and rural areas;

(E) public health professionals;

(F) clinical pharmacists who practice in a Federal market or are sole-community providers;

(G) national and specialty physician and nursing organizations;

(H) schools of medicine, osteopathy, and nursing, educational programs for public health professionals, behavioral and mental health professionals (as so defined), and physician assistants, public and private teaching hospitals, and ambulatory health facilities, including Federal medical facilities;

(I) health insurers;

(J) business;

(K) labor; and

(L) any other health professional organization or practice site the Comptroller General determines appropriate.

(e) STAFF.—

(1) IN GENERAL.—The Comptroller General of the United States shall provide for the appointment of an executive director, deputy director, and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Comptroller General of the United States may fix the compensation of the executive director, deputy director, and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director, deputy director, and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) STATUS AS PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) DEFINITIONS.—In this section:

(1) COHPPERDDUST ANNUAL REPORT.—The term ''COHPPERDDUST Annual Report'' means the annual report submitted by the Commission under subsection (b)(1)(B).

(2) FEDERAL MEDICAL FACILITY.—The term ''Federal medical facility'' means a facility for the delivery of health services, and includes—

(A) a Federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4)), a public health center, an outpatient medical facility, or a community mental health center;

(B) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility;

(C) a migrant health center or an Indian Health Service facility;

(D) a facility for the delivery of health services to inmates in a penal or correctional institution (under section 323 of such Act (42 U.S.C. 250)) or a State correctional institution;

(E) a Public Health Service medical facility (used in connection with the delivery of health services under section 320, 321, 322, 324, 325, or 326 of such Act (42 U.S.C. 247e, 248, 249, 251, 252, or 253));

(F) a nurse-managed health center; or

(G) any other Federal medical facility.

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

SEC. 102. STATE HEALTH WORKFORCE CENTERS PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a demonstration program (in this section referred to as the ''program'') under which the Secretary makes grants to participating States for the operation of State Health Workforce Centers to carry out the activities described in subsection (c).

(b) PARTICIPATING STATES.—A State seeking to participate in the program shall submit an application to the Secretary containing such information and at such time as the Secretary may specify. The Secretary may only consider under the preceding sentence 1 application submitted by each State which has been certified by the Governor or the chief executive officer of the State.

(c) USE OF FUNDS.—Grants awarded under subsection (a) may be used to support activities designed to improve the training, deployment, and retention of critical health professionals in underserved areas and for underserved populations, including the following:

(1) Conducting assessments of key health professional capacity and needs. Such assessments shall be conducted in a coordinated manner that provides for the nationwide collection of health professional data.

(2) Convening State health professional policymakers to review education, education financing, regulations, and taxation and compensation policies which affect the training, deployment, and retention of health professionals. A participating State may, taking into consideration the results of such reviews, develop short-term and long-term recommendations for improving the supply, deployment, and retention of critical health professionals in underserved areas and for underserved populations.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $13,750,000 to carry out this section.

(2) MATCHING REQUIREMENT.—The Secretary may require a State, in order to be eligible to receive a grant under this section, to agree that, with respect to the costs incurred by the State in carrying out the activities for which the grant was awarded, the State will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to a percent of Federal funds provided under the grant (as determined appropriate by the Secretary).

(e) DEFINITIONS.—In this section:

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

(2) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 103. MEDICARE MEDICAL HOME SERVICE AND TRAINING PILOT PROGRAM.

(a) EXPANSION OF MEDICARE MEDICAL HOME DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall expand the Medicare medical home demonstration project under section 204 of Division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2987) by adding a Medicare medical home service and training pilot program (in this section referred to as the ''pilot program'') to redesign the methodologies for payments to primary care providers for coordinating the care of applicable Medicare beneficiaries. Such pilot program shall be in addition to, and run concurrently with, the Medicare medical home demonstration program. Except for any modifications under this section, the Secretary shall carry out the pilot program under similar terms and conditions as the Medicare medical home demonstration program.

(2) APPLICABLE MEDICARE BENEFICIARIES DEFINED.—In this section, the term ''applicable Medicare beneficiary'' means an individual who—

(A) is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act, or is enrolled under part B of such title;

(B) has 1 or more chronic illnesses (such as diabetes, hypertension, chronic obstructive pulmonary disease, asthma, congestive heart failure, end stage liver disease, and end stage renal disease); and

(C) is in the top 2 quartiles of cost under the Medicare program under such title (as determined based on Medicare claims data for the most recent 2 years for which data is available).

(b) DETAILS.—

(1) DURATION; SCOPE.—The pilot program shall operate during the period beginning on January 1, 2011 and ending on December 31, 2014 and shall include not more than 1,000 medical home primary care providers.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary may implement the pilot program—

(i) under title XVIII of the Social Security Act; or

(ii) subject to subparagraph (B), under a combination of such title and other public or private programs or organizations.

(B) SPECIAL RULE.—In the case where the Secretary implements the pilot program under a combination of title XVIII of the Social Security Act and other public or private programs or organizations, the Secretary shall establish procedures to ensure that any funding made available under such title for

the pilot program is only used to furnish items and services to Medicare beneficiaries.

(3) PARTICIPATION OF PRIMARY CARE PROVIDERS.—

(A) IN GENERAL.—In no case shall participation in the pilot program be limited to primary care providers in those States participating in the Medicare medical home demonstration project under section 204 of Division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2987). Any primary care provider in the United States that meets the requirements and definitions under this section and, if applicable, such section 204, shall be eligible to participate in the pilot program. In selecting primary care providers to participate in the pilot program, the Secretary shall give preference to sites where clinical services and health professional education are provided concurrently, taking into consideration priorities of the Permanent National Health Workforce Commission established under section 101 of the Health Access and Health Professions Supply Act of 2009.

(B) DEFINITION OF PRIMARY CARE PROVIDERS.—In this section, the term ''primary care provider'' means—

(i) a personal physician (as defined in subsection (c)(1) of section 204 of Division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2987), except that, in applying such definition under this section, the requirements described in subsection (c)(2)(B) of such section 204 shall specify that the staff and resources of the physician may include a team of health professionals (such as nurse practitioners, clinical nurse specialists, certified nurse midwives, psychologists and other behavioral and mental health professionals (as defined in section 331(a)(3)(E)(i) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(E)(i)), physician assistants, and other primary care providers that meet requirements established by the Secretary)); and

(ii) any other primary care provider (such as a nurse practitioner or a physician assistant) that is subject to State licensure laws and the requirements of the Secretary.

(C) LIMITATION ON NUMBER OF PRIMARY CARE PROVIDERS PARTICIPATING IN THE PILOT PROGRAM WHO ARE NOT PERSONAL PHYSICIANS.—The Secretary shall ensure that the total number of independently practicing primary care providers who are not personal physicians participating in the pilot program reflects the percentage of such primary care providers in the United States (as determined by the Secretary), not to exceed 10 percent of the total number of primary care providers participating in the pilot program.

(4) SERVICES PERFORMED.—A primary care provider shall perform or provide for the performance of at least the services described in subsection (c)(3) of such section 204 under the pilot program.

(c) CARE COORDINATION FEE PAYMENT METHODOLOGY.—Under the pilot program, the Secretary shall provide for payment under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) of a per member per month care coordination fee to primary care providers for the care of eligible Medicare beneficiaries participating in the pilot program. The Secretary shall appoint a committee to make recommendations about the design and implementation of a methodology for payment of the per member per month care coordination fee.

(d) PROVISION OF DATA AND TECHNICAL ASSISTANCE.—The Secretary shall provide—

(1) data to primary care providers participating in the pilot program; and

(2) technical assistance to such primary care providers that do not meet the criteria for the highest tier of the pilot program (as defined by the Secretary).

(e) REPORTS BY THE SECRETARY.—

(1) INTERIM REPORT.—Not later than January 1, 2013, the Secretary shall submit to Congress an interim report on the pilot program.

(2) FINAL REPORT.—Not later than January 1, 2014, the Secretary shall submit to Congress a final report on the pilot program. Such report shall include outcome measures reported by the Secretary under the pilot program, including at least the following:

(A) The total costs to the Medicare program per eligible Medicare beneficiary participating in the pilot program.

(B) The performance of primary care providers participating in the pilot program with regard to—

(i) quality measures developed by the Secretary; and

(ii) patient safety indicators developed by the Secretary.

(C) The experience of eligible Medicare beneficiaries and primary care providers participating in the pilot program.

(D) An assessment of savings to the Medicare program per eligible Medicare beneficiary participating in the pilot program that are a result of such participation, as compared to traditional Medicare fee-for-service payment methodologies.

(f) GAO ASSESSMENT AND REPORT.—

(1) ASSESSMENT.—The Comptroller General of the United States shall, at the completion of the pilot program, provide for an overall assessment of the efficacy of the pilot program.

(2) REPORT.—Not later than January 1, 2014, the Comptroller General shall submit to Congress a report containing the results of the assessment under paragraph (1).

SEC. 104. IMPROVEMENTS TO PAYMENTS FOR GRADUATE MEDICAL EDUCATION UNDER MEDICARE.

(a) INCREASING THE MEDICARE CAPS ON GRADUATE MEDICAL EDUCATION POSITIONS.—

(1) DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended—

(A) in clause (i), by inserting ''clause (iii) and'' after ''subject to''; and

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

''(iii) INCREASE IN CAPS ON GRADUATE MEDICAL EDUCATION POSITIONS FOR STATES WITH A SHORTAGE OF RESIDENTS.—

''(I) IN GENERAL.—For cost reporting periods beginning on or after January 1, 2011, the Secretary shall increase the otherwise applicable limit on the total number of full-time equivalent residents in the field of allopathic or osteopathic medicine determined under clause (i) with respect to a qualifying hospital by an amount equal to 15 percent of the amount of the otherwise applicable limit (determined without regard to this clause). Such increase shall be phased-in equally over a period of 3 cost reporting periods beginning with the first cost reporting period in which the increase is applied under the previous sentence to the hospital.

''(II) QUALIFYING HOSPITAL.—In this clause, the term 'qualifying hospital' means a hospital that agrees to use the increase in the number of full-time equivalent residents under subclause (I) to support community-based training which emphasizes underserved areas and innovative training models which address community needs and reflect emerging, evolving, and contemporary models of health care delivery. A qualifying hospital shall give priority to providing such training and training models to health professionals in specialties which the Secretary, in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009, determines are in high-need (including family medicine, general surgery, geriatrics, general internal medicine, general surgery, and obstetrics and gynecology).

''(III) INCREASE IN PAYMENTS.—Notwithstanding any other provision of law, in the case of full-time equivalent residents added to a hospital's training program as a result of such increase, the Secretary shall provide for an increase in the amounts otherwise payable under this subsection with respect to direct graduate medical education costs that would otherwise apply with respect to such residents by 10 percent. Such increased payments shall be made to the facility in which the training is provided to such residents.''.

(2) INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

''(x) Clause (iii) of subsection (h)(4)(F) shall apply to clause (v) in the same manner and for the same period as such clause (iii) applies to clause (i) of such subsection.''.

(b) APPLICATION OF MEDICARE GME PAYMENTS TO ADDITIONAL TRAINING SITE VENUES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall, by regulation, provide for the use of payments for direct graduate medical education costs under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) and payments for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) to support the implementation of community-based training and innovative training models under subsections (h)(4)(F)(iii)(II) and (d)(5)(B)(x) of section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(2) USE OF MODEL OF CARE DELIVERY.—In promulgating regulations under paragraph (1), the Secretary shall consider the model of care delivery of the Institute of Medicine of the National Academies.

(3) CONSULTATION.—In promulgating such regulations, the Secretary shall consult with the Permanent National Health Workforce Commission established under section 101(a).

(c) DETERMINATION OF HOSPITAL-SPECIFIC APPROVED FTE RESIDENT AMOUNTS.—Section 1886(h)(2) of the Social Security Act (42 U.S.C. 1395ww(h)(2)) is amended by adding at the end the following new subparagraph:

''(G) FLEXIBILITY IN DETERMINATION.—

''(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, the approved FTE resident amount for each cost reporting period beginning on or after January 1, 2011, with respect to an applicable resident shall be determined using a methodology established by the Secretary that allows flexibility for payments to be made for costs in addition to the costs of hospital-sponsored education. Such methodology shall provide that nonteaching hospital-based entities (such as managed care organizations and public and private healthcare consortia) that are capable of assembling all of the resources necessary for effectively providing graduate medical education may receive payments for providing graduate medical education, either as the sponsor of such graduate medical education program or as an affiliate of such a sponsor.

''(ii) APPLICABLE RESIDENT.—In this subparagraph, the term 'applicable resident' means a resident—

''(I) in a specialty which the Secretary, in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009, determines is in high-need;

''(II) in a health professional shortage area (as defined in section 332 of the Public Health Service Act);

''(III) in a medically underserved community (as defined in section 799B of the Public Health Service Act), or with respect to a medically underserved population (as defined in section 330(b)(3) of the Public Health Service Act); and

''(IV) in a Federal medical facility.

''(iii) FEDERAL MEDICAL FACILITY.—In this subparagraph, the term 'Federal medical facility' means a facility for the delivery of health services, and includes—

''(I) a community health center (as defined in section 330 of the Public Health Service Act), a public health center, an outpatient medical facility, or a community mental health center;

''(II) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility;

''(III) a migrant health center or an Indian Health Service facility;

''(IV) a facility for the delivery of health services to inmates in a penal or correctional institution (under section 323 of such Act) or a State correctional institution;

''(V) a Public Health Service medical facility (used in connection with the delivery of health services under section 320, 321, 322, 324, 325, or 326 of such Act); or

''(VI) any other Federal medical facility.''.

SEC. 105. DISTRIBUTION OF RESIDENT TRAINEES IN AN EMERGENCY.

(a) EXCLUSION FROM 3-YEAR ROLLING AVERAGE.—Notwithstanding any other provision of law, in the case of a host hospital participating in an emergency Medicare GME affiliation agreement on or after the date of enactment of this Act and training residents in excess of its cap, consistent with the rolling average provisions applicable for closed programs as specified in section 413.79(d)(6) of title 42, Code of Federal Regulations, the Secretary of Health and Human Services shall exclude from the 3-year rolling average FTE residents associated with displaced residents during the period in which such agreement is in effect.

(b) ASSESSMENT AND REVISION OF GME POLICIES.—

(1) REVIEW.—The Secretary of Health and Human Services shall review policies with respect to payments for direct graduate medical education costs under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) and payments for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)).

(2) REVISION AND REPORT.—Not later than January 1, 2011, the Secretary shall—

(A) as appropriate, revise such policies that constrain the ability of the Secretary to respond to emergency situations and situations involving institutional and program closure; and

(B) in the case where the Secretary determines legislative action is necessary to make such revisions, submit to Congress a report containing recommendations for such legislative action.

SEC. 106. AUTHORITY TO INCLUDE COSTS OF TRAINING OF PSYCHOLOGISTS IN PAYMENTS TO HOSPITALS FOR APPROVED EDUCATIONAL ACTIVITIES UNDER MEDICARE.

Effective for cost reporting periods beginning on or after the date that is 18 months after the date of enactment of this Act, for purposes of payment to hospitals under the Medicare program under title XVIII of the Social Security Act for costs of approved educational activities (as defined in section 413.85 of title 42, Code of Federal Regulations), such approved educational activities shall include a 1-year doctoral clinical internship operated by the hospital as part of a clinical psychology training program that is provided upon completion of university course work.

TITLE II—AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 201. EXPANSION OF NATIONAL HEALTH SERVICE CORPS PROGRAMS.

(a) IN GENERAL.—Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended—

(1) in subsection (a), by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2009, $165,000,000;

''(2) for fiscal year 2010, $198,000,000;

''(3) for fiscal year 2011, $231,000,000;

''(4) for fiscal year 2012, $264,000,000;

''(5) for fiscal year 2013, $297,000,000; and

''(6) for fiscal year 2014, $330,000,000.''; and

(2) by adding at the end the following:

''(d) EXPANSION OF PROGRAMS.—The Secretary shall use amounts appropriated for each of fiscal years 2010 through 2014 under subsection (a), that are in excess of the amount appropriated under such subsection for fiscal year 2009, to address shortages of health professionals in rural, frontier, and urban underserved areas through an expansion of the number of scholarships and loan repayments under this subpart to address health workforce shortages in health professional shortage areas (as defined in section 332), in medically underserved communities (as defined in section 799B), or with respect to medically underserved populations (as defined in section 330(b)(3)).''.

(b) EXPANSION OF OTHER PROGRAMS.—The Director of the Indian Health Service, the Secretary of Defense, and the Secretary of Veterans Affairs, shall expand existing loan repayment programs to emphasize the provision of health professions services to facilities that have health professional shortages.

(c) NO TAX IMPLICATIONS.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, any amount received under a health-related Federal loan repayment program by a health professional providing health-related services in a Federal medical facility shall not be included in the gross income of such professional.

(2) DEFINITION.—In this subsection, the term ''Federal medical facility'' means a facility for the delivery of health services, and includes—

(A) a federally qualified health center (as defined in section 330A of the Public Health Service Act (42 U.S.C. 254c)), a public health center, an outpatient medical facility, or a community mental health center;

(B) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility;

(C) a migrant health center or an Indian Health Service facility;

(D) a facility for the delivery of health services to inmates in a penal or correctional institution (under section 323 of such Act (42 U.S.C. 250)) or a State correctional institution;

(E) a Public Health Service medical facility (used in connection with the delivery of health services under section 320, 321, 322, 324, 325, or 326 of such Act (42 U.S.C. 247e, 248, 249, 251, 252, or 253));

(F) a nurse-managed health center; or

(G) any other Federal medical facility.

(d) REDUCED LOAN SUPPORT FOR PART TIME PRACTITIONERS.—Section 338C of the Public Health Service Act (42 U.S.C. 254m) is amended by adding at the end the following:

''(e) Notwithstanding any other provision of this subpart, the Secretary shall develop procedures to permit periods of obligated services to be provided on a part-time basis (not less than 1,040 hours of such service per year). Such procedures shall prohibit an individual from holding other part-time employment while providing such part-time obligated services. The Secretary may provide for a reduction in the loan repayments provided to individuals who provide part-time obligated services under the authority provided under this subsection.''.

(e) LOAN SUPPORT FOR PARTICIPATING PRECEPTORS, MENTORS, AND ATTENDINGS TO SUPERVISE STUDENTS AND TRAINEES ON-SITE.—Section 338C of the Public Health Service Act (42 U.S.C. 254m), as amended by subsection (d), is further amended by adding at the end the following:

''(f) The Secretary shall develop procedures to permit up to 20 percent of the service obligation of an individual under this section to be provided by the individual through precepting or mentoring activities, or by preparing curriculum, for on-site students and trainees. The procedures developed under subsection (e) shall provide for the proportional application of this subsection with respect to individual providing obligated service on a part-time basis.''.

SEC. 202. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM FOR MEDICAL, DENTAL, PHYSICIAN ASSISTANT, PHARMACY, BEHAVIORAL AND MENTAL HEALTH, PUBLIC HEALTH, AND NURSING STUDENTS IN THE UNITED STATES PUBLIC HEALTH SCIENCES TRACK IN AFFILIATED SCHOOLS.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended—

(A) in the heading by inserting '', **Scholarship Program for Medical, Dental, Physician Assistant, Pharmacy, Behavioral and Mental Health, Public Health, and Nursing Students in the United States Public Health Sciences Track in Affiliated Schools,**'' after ''**Scholarship Program**''; and

(B) by inserting after section 338A the following:

''SEC. 338A-1. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM FOR MEDICAL, DENTAL, PHYSICIAN ASSISTANT, PHARMACY, BEHAVIORAL AND MENTAL HEALTH, PUBLIC HEALTH, AND NURSING STUDENTS IN THE UNITED STATES PUBLIC HEALTH SCIENCES TRACK IN AFFILIATED SCHOOLS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a program to be known as the National Health Service Corps Scholarship Program for Medical, Dental, Physician Assistant, Pharmacy, Behavioral and Mental Health, Public Health, and Nursing Students in the United States Public Health Sciences Track in Affiliated Schools (in this section referred to as the 'U.S. Public Health Sciences Track Scholarship Program) to ensure, with respect to the provision of high-needs health care services, including primary care, general dentistry, nursing, obstetrics, and geriatricians pursuant to section 331(a)(2), an adequate supply of physicians, physician assistants, pharmacists, behavioral and mental health professionals, public health professionals, dentists, and nurses. The purpose of this program is to train an additional 150 medical students, 100 dental students, 100 physician assistant students, 100 behavioral and mental health students, 100 public health students, and 250 nursing students during each year. Of the 150 scholarships awarded to the medical students as described under the preceding sentence, 10 shall be for training at the Uniformed Services University of the Health Sciences as members of the Commissioned Corps of the Public Health Service.

''(2) RELATIONSHIP TO NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.—

Scholarships provided under this section are intended to complement, and not take the place of, scholarships provided to students enrolled in courses of study leading to a degree in medicine, osteopathic medicine, dentistry, or nursing or completion of an accredited physician assistant, pharmacy, public health, or behavioral and mental health educational program under the National Health Service Corps Scholarship Program authorized by section 338A.

''(b) ELIGIBILITY.—To be eligible to participate in the U.S. Public Health Sciences Track Scholarship and Grants Program, an individual shall—

''(1) be accepted for enrollment as a full-time student—

''(A) in an accredited (as determined by the Secretary) educational institution in a State; and

''(B) in a course of study, or program, offered by such institution leading to a degree in medicine, osteopathic medicine, dentistry, physician assistant, pharmacy, behavioral and mental health, public health, or nursing;

''(2) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be eligible for selection for civilian service in the Corps;

''(3) submit an application to participate in the U.S. Public Health Sciences Track Scholarship and Grants Program; and

''(4) sign and submit to the Secretary, at the time of submittal of such application, a written contract to accept payment of a scholarship and to serve (in accordance with this subpart) for the applicable period of obligated service in an area in which the need for public health-related services may be demonstrated.''.

(2) NO TAX IMPLICATIONS.—For purposes of the Internal Revenue Code of 1986, any amount received under the National Health Service Corps Scholarship Program for Medical, Dental and Nursing Students in the United States Public Health Sciences Track in Affiliated Schools under section 338A–1 of the Public Health Service Act, as added by paragraph (1), by a medical student, dental student, or nursing student shall not be included in the gross income of such student.

(b) GRANTS TO INCREASE THE NUMBER OF AVAILABLE SLOTS FOR NEWLY ADMITTED MEDICAL, DENTAL, PHYSICIAN ASSISTANT, PHARMACY, BEHAVIORAL AND MENTAL HEALTH, PUBLIC HEALTH, AND NURSING STUDENTS AND TO INCREASE PARTICIPATION IN THE U.S. PUBLIC HEALTH SCIENCES TRACK SCHOLARSHIP PROGRAM.—Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by adding at the end the following:

''SEC. 749. GRANTS TO INCREASE THE NUMBER OF AVAILABLE SLOTS FOR NEWLY ADMITTED MEDICAL, DENTAL, PHYSICIAN ASSISTANT, PHARMACY, BEHAVIORAL AND MENTAL HEALTH, PUBLIC HEALTH, AND NURSING STUDENTS AND TO INCREASE PARTICIPATION IN THE U.S. PUBLIC HEALTH SCIENCES TRACK SCHOLARSHIP PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary may make grants to medical, dental, public health, and nursing schools and physician assistant, pharmacy, and behavioral and mental health programs for the following purposes:

''(1) To increase the capacity of the recipient medical, dental, public health, or nursing school or physician assistant, pharmacy, or behavioral and mental health program, to accept additional medical, dental, public health, nursing, physician assistant, pharmacy, or behavioral and mental health students each year.

''(2) To develop curriculum.

''(3) To acquire equipment.

''(4) To recruit, train, and retain faculty.

''(5) To provide assistance to students who have completed a course of study at the recipient medical, dental, public health, or nursing school or physician assistant, pharmacy, or behavioral and mental health program during the period in which such students are completing a residency or internship program affiliated with the recipient institution.

''(b) APPLICATION.—A medical, dental, public health, or nursing school or physician assistant, pharmacy, or behavioral and mental health program seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) DEFINITION OF MEDICAL SCHOOL.—In this section, the term 'medical school' means a school of medicine or a school of osteopathic medicine.''.

SEC. 203. FEDERAL MEDICAL FACILITY GRANT PROGRAM AND PROGRAM ASSESSMENTS.

(a) FEDERAL MEDICAL FACILITY GRANT PROGRAM.—Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended—

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

(2) by inserting after part E, the following:

''PART F—START-UP EXPENSES LOAN AND GRANT PROGRAMS FOR FEDERAL MEDICAL FACILITIES AND HOSPITALS STARTING HIGH NEEDS RESIDENCY PROGRAMS IN SHORTAGE AREAS

''SEC. 781. FEDERAL MEDICAL FACILITY GRANT PROGRAM.

''(a) IN GENERAL.—The Secretary shall award grants to eligible facilities to increase interdisciplinary, community-based health professions training in high-needs specialties for physicians, nurses, dentists, physician assistants, pharmacy, behavioral and mental health professionals, public health professionals, and other health professionals as determined appropriate by the Secretary, in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009.

''(b) ELIGIBLE FACILITIES; APPLICATION.—

''(1) DEFINITION OF ELIGIBLE FACILITY.—In this section, the term 'eligible facility'—

''(A) means a facility which—

''(i) is located in a health professional shortage area (as defined in section 332);

''(ii) is located in a medically underserved community (as defined in section 799B), or with respect to a medically underserved population (as defined in section 330(b)(3));

''(iii) is a Federal medical facility;

''(iv) is an area health education center, a health education and training center, or a participant in the Quentin N. Burdick program for rural interdisciplinary training, that meet the requirements established by the Secretary; or

''(v) is establishing new residency programs in a specialty which the Secretary, in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009, determines is in high-need; and

''(B) includes Medicare certified Federally Qualified Health Centers, community health centers, health care for the homeless centers, rural health centers, migrant health centers, Indian Health Service entities, urban Indian centers, health clinics and hospitals operated by the Indian Health Service, Indian tribes and tribal organizations, and urban Indian organizations (as defined in section 4 of the Indian Health Care Improvement Act), and other Federal medical facilities).

''(2) APPLICATION.—An eligible facility desiring a grant under subsection (a) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An eligible facility shall use amounts received under a grant under subsection (a) to promote—

''(1) the training of health professionals in interdisciplinary, community-based settings that are affiliated with hospitals and other health care facilities and teaching institutions;

''(2) community development programs that assure a diverse health professions workforce through emphasis on individuals from rural and frontier areas and underrepresented minority groups;

''(3) the development of a reliable health professions pipeline that provides an emphasis on health-related careers in schools (such as schools participating in the Health Careers Opportunities Program) and centers of excellence, and that encourage individuals in underrepresented minorities (including Hispanic, African American, American Indian, and Alaska Native individuals) to pursue health professions careers;

''(4) the reduction of health professional isolation in rural, frontier, and urban underserved areas through the provision of continuing education, mentoring, and precepting activities, field faculty development, and the utilization of technology such as telehealth and electronic health records;

''(5) the establishment and operation of regional or statewide health advice telephone lines to reduce after-hours call responsibilities for overworked health professionals who provide services in remote areas that have few health professionals taking such after-hours calls;

''(6) an increase in the number of professionals taking after-hours calls in hospitals and emergency departments in health professional shortage areas (as defined in section 332), in medically underserved communities (as defined in section 799B), or with respect to medically underserved populations (as defined in section 330(b)(3));

''(7) the establishment and operation of relief programs that provide health professionals practicing in health professional shortage areas (as defined in section 332) with patient and call coverage when such professionals are ill, are pursuing continuing education, or are taking a vacation; and

''(8) the exposure of health professions residents to systems of health care that represent the contemporary American healthcare delivery program (such as 'P4' Prepare the Personal Physician for Practice and the 'Health Commons' programs).

''(d) SUBGRANTS.—An eligible facility may use amounts received under a grant under this section to award subgrants to States and other entities determined appropriate by the Secretary to carry out the activities described in subsection (c).

''(e) SET ASIDE.—In awarding grants under this section, the Secretary shall ensure that a total of $500,000 is awarded annually for the activities of the National Rural Recruitment and Retention Network, or a similar entity.

''(f) DEFINITION OF FEDERAL MEDICAL FACILITY.—In this section, the term 'Federal medical facility' means a facility for the delivery of health services, and includes—

''(1) a federally qualified health center (as defined in section 330A), a public health center, an outpatient medical facility, or a community mental health center;

''(2) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility;

''(3) a migrant health center or an Indian Health Service facility;

''(4) a facility for the delivery of health services to inmates in a penal or correctional

institution (under section 323) or a State correctional institution;

''(5) a Public Health Service medical facility (used in connection with the delivery of health services under section 320, 321, 322, 324, 325, or 326)); or

''(6) any other Federal medical facility.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $623,000,000 for fiscal year 2009, $666,000,000 for fiscal year 2010, $675,000,000 for fiscal year 2011, $700,000,000 for fiscal year 2012, and $725,000,000 for fiscal year 2013.''.

(b) ASSESSMENTS.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish program assessment rating tools for each program funded through titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 and 296 et seq.).

(2) CRITERIA.—The Secretary, in consultation with the Administrator of the Health Resources and Services Administration and other appropriate public and private stakeholders, shall, through negotiated rulemaking, establish criteria for the conduct of the assessments under paragraph (2).

(3) ANNUAL ASSESSMENTS.—The Secretary shall annually enter into a contract with an independent nongovernmental entity for the conduct of an assessment, using the tools established under paragraph (1) and the criteria established under paragraph (2), of not less than 20 percent, nor more than 25 percent, of the programs carried out under titles VII and VIII of the Public Health Service Act, so that every program under such titles is assessed at least once during every 5-year period.

SEC. 204. HEALTH PROFESSIONS TRAINING LOAN PROGRAM.

Part F of title VII of the Public Health Service Act (as added by section 203) is amended by adding at the end the following

''SEC. 782. ESTABLISHMENT.

''(a) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall award interest-free loans to—

''(1) eligible hospitals to enable such hospitals to establish training programs in high-need specialties; and

''(2) eligible non-hospital community-based entities to enable such entities to establish health professions training programs.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a loan under subsection (a)—

''(A) a hospital shall—

''(i) be located in a health professional shortage area (as such term is defined in section 332);

''(ii) comply with the requirements of paragraph (2); and

''(iii) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; or

''(B) a non-hospital community-based entity shall—

''(i) comply with the requirements of paragraph (2); and

''(ii) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) REQUIREMENTS.—To be eligible to receive a loan under subsection (a), a hospital or non-hospital community-based entity shall—

''(A) on the date on which the entity submits the loan application, not operate a residency with respect to a high-needs specialty (as determined by the Secretary in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009) or provide a health professions training program, as the case may be;

''(B) have received appropriate preliminary accreditation from the relevant accrediting agency (American Council for Graduate Medical Education, American Osteopathic Association, or Dental, Physician Assistant, Pharmacy, Behavioral and Mental Health, Public Health, and Nursing accrediting agencies), as determined by the Secretary; and

''(C) execute a signed formal contract under which the hospital or entity agree to repay the loan.

''(c) USE OF LOAN FUNDS.—Amounts received under a loan under subsection (a) shall be used only for—

''(1) the salary and fringe benefit expenses of residents, students, trainees, and faculty, or other costs directly attributable to the residency, educational, or training program to be carried out under the loan, as specified by the Secretary; or

''(2) facility construction or renovation, including equipment purchase.

''(d) PRIORITY.—In awarding loans under subsection (a), the Secretary shall give priority to applicants that are located in health professional shortage areas (as defined in section 332) or in medically underserved communities (as defined in section 799B), or that serve medically underserved populations (as defined in section 330(b)(3)).

''(e) LOAN PROVISIONS.—

''(1) LOAN CONTRACT.—The loan contract entered into under subsection (b)(2) shall contain terms that provide for the repayment of the loan, including the number and amount of installment payments as described in such contract. Such repayment shall begin on the date that is 24 months after the date on which the loan contract is executed and shall be fully repaid not later than 36 months after the date of the first payment.

''(2) INTEREST.—Loans under this section shall be repaid without interest.

''(f) LIMITATION.—The amount of a loan under this section with respect to each of the uses described in subsection (c)(1) or (c)(2) shall not exceed $2,000,000.

''(g) FAILURE TO REPAY.—A hospital or non-hospital community-based entity that fails to comply with the terms of a contract entered into under subsection (b)(2) shall be liable to the United States for the amount which has been paid to such hospital or entity under the contract.

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

SEC. 205. UNITED STATES PUBLIC HEALTH SCIENCES TRACK.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

''PART D—UNITED STATES PUBLIC HEALTH SCIENCES TRACK

''SEC. 271. ESTABLISHMENT.

''(a) UNITED STATES PUBLIC HEALTH SERVICES TRACK.—

''(1) IN GENERAL.—There is hereby authorized to be established a United States Public Health Sciences Track (referred to in this part as the 'Track'), at sites to be selected by the Secretary, with authority to grant appropriate advanced degrees in a manner that uniquely emphasizes team-based service, public health, epidemiology, and emergency preparedness and response. It shall be so organized as to graduate not less than—

''(A) 150 medical students annually;

''(B) 100 dental students annually;

''(C) 250 nursing students annually;

''(D) 100 public health students annually;

''(E) 100 behavioral and mental health professional students annually;

''(F) 100 physician assistant or nurse practitioner students annually; and

''(G) 50 pharmacy students annually.

''(2) LOCATIONS.—The Track shall be located at existing and accredited, affiliated health professions education training programs at academic health centers located in regions of the United States determined appropriate by the Surgeon General, in consultation with the Permanent National Health Workforce Commission.

''(b) NUMBER OF GRADUATES.—Except as provided in subsection (a), the number of persons to be graduated from the Track shall be prescribed by the Secretary. In so prescribing the number of persons to be graduated from the Track, the Secretary shall institute actions necessary to ensure the maximum number of first-year enrollments in the Track consistent with the academic capacity of the affiliated sites and the needs of the United States for medical, dental, and nursing personnel.

''(c) DEVELOPMENT.—The development of the Track may be by such phases as the Secretary may prescribe subject to the requirements of subsection (a).

''(d) INTEGRATED LONGITUDINAL PLAN.—The Surgeon General shall develop an integrated longitudinal plan for health professions continuing education throughout the continuum of health-related education, training, and practice. Training under such plan shall emphasize patient-centered, interdisciplinary, and care coordination skills. Experience with deployment of emergency response teams shall be included during the clinical experiences.

''(e) FACULTY DEVELOPMENT.—The Surgeon General shall develop faculty development programs and curricula in decentralized venues of health care, to balance urban, tertiary, and inpatient venues.

''SEC. 272. ADMINISTRATION.

''(a) IN GENERAL.—The business of the Track shall be conducted by the Surgeon General with funds appropriated for and provided by the Department of Health and Human Services. The Permanent National Health Workforce Commission shall assist the Surgeon General in an advisory capacity.

''(b) FACULTY.—

''(1) IN GENERAL.—The Surgeon General, after considering the recommendations of the Permanent National Health Workforce Commission, shall obtain the services of such professors, instructors, and administrative and other employees as may be necessary to operate the Track, but utilize when possible, existing affiliated health professions training institutions. Members of the faculty and staff shall be employed under salary schedules and granted retirement and other related benefits prescribed by the Secretary so as to place the employees of the Track faculty on a comparable basis with the employees of fully accredited schools of the health professions within the United States.

''(2) TITLES.—The Surgeon General may confer academic titles, as appropriate, upon the members of the faculty.

''(3) NONAPPLICATION OF PROVISIONS.—The limitations in section 5373 of title 5, United States Code, shall not apply to the authority of the Surgeon General under paragraph (1) to prescribe salary schedules and other related benefits.

''(c) AGREEMENTS.—The Surgeon General may negotiate agreements with agencies of the Federal Government to utilize on a reimbursable basis appropriate existing Federal medical resources located in the United States (or locations selected in accordance with section 271(a)(2)). Under such agreements the facilities concerned will retain

their identities and basic missions. The Surgeon General may negotiate affiliation agreements with accredited universities and health professions training institutions in the United States. Such agreements may include provisions for payments for educational services provided students participating in Department of Health and Human Services educational programs.

''(d) PROGRAMS.—The Surgeon General may establish the following educational programs for Track students:

''(1) Postdoctoral, postgraduate, and technological institutes.

''(2) A graduate school of nursing.

''(3) Other schools or programs that the Surgeon General determines necessary in order to operate the Track in a cost-effective manner.

''(e) CONTINUING MEDICAL EDUCATION.—The Surgeon General shall establish programs in continuing medical education for members of the health professions to the end that high standards of health care may be maintained within the United States.

''(f) AUTHORITY OF THE SURGEON GENERAL.—

''(1) IN GENERAL.—The Surgeon General is authorized—

''(A) to enter into contracts with, accept grants from, and make grants to any nonprofit entity for the purpose of carrying out cooperative enterprises in medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing research, consultation, and education;

''(B) to enter into contracts with entities under which the Surgeon General may furnish the services of such professional, technical, or clerical personnel as may be necessary to fulfill cooperative enterprises undertaken by the Track;

''(C) to accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property made to the Track, including any gift, devise, or bequest for the support of an academic chair, teaching, research, or demonstration project;

''(D) to enter into agreements with entities that may be utilized by the Track for the purpose of enhancing the activities of the Track in education, research, and technological applications of knowledge; and

''(E) to accept the voluntary services of guest scholars and other persons.

''(2) LIMITATION.—The Surgeon General may not enter into any contract with an entity if the contract would obligate the Track to make outlays in advance of the enactment of budget authority for such outlays.

''(3) SCIENTISTS.—Scientists or other medical, dental, or nursing personnel utilized by the Track under an agreement described in paragraph (1) may be appointed to any position within the Track and may be permitted to perform such duties within the Track as the Surgeon General may approve.

''(4) VOLUNTEER SERVICES.—A person who provides voluntary services under the authority of subparagraph (E) of paragraph (1) shall be considered to be an employee of the Federal Government for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and to be an employee of the Federal Government for the purposes of chapter 171 of title 28, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such services.

''SEC. 273. STUDENTS; SELECTION; OBLIGATION.

''(a) STUDENT SELECTION.—

''(1) IN GENERAL.—Medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students at the Track shall be selected under procedures prescribed by the Surgeon General. In so prescribing, the Surgeon General shall consider the recommendations of the Permanent National Health Workforce Commission.

''(2) PRIORITY.—In developing admissions procedures under paragraph (1), the Surgeon General shall ensure that such procedures give priority to applicant medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students from rural communities and underrepresented minorities.

''(b) CONTRACT AND SERVICE OBLIGATION.—

''(1) CONTRACT.—Upon being admitted to the Track, a medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, or nursing student shall enter into a written contract with the Surgeon General that shall contain—

''(A) an agreement under which—

''(i) subject to subparagraph (B), the Surgeon General agrees to provide the student with tuition (or tuition remission) and a student stipend (described in paragraph (2)) in each school year for a period of years (not to exceed 4 school years) determined by the student, during which period the student is enrolled in the Track at an affiliated or other participating health professions institution pursuant to an agreement between the Track and such institution; and

''(ii) subject to subparagraph (B), the student agrees—

''(I) to accept the provision of such tuition and student stipend to the student;

''(II) to maintain enrollment at the Track until the student completes the course of study involved;

''(III) while enrolled in such course of study, to maintain an acceptable level of academic standing (as determined by the Surgeon General);

''(IV) if pursuing a degree from a school of medicine or osteopathic medicine, dental, public health, or nursing school or a physician assistant, pharmacy, or behavioral and mental health professional program, to complete a residency or internship in a specialty that the Surgeon General determines is appropriate; and

''(V) to serve for a period of time (referred to in this part as the 'period of obligated service') within the Commissioned Corps of the Public Health Service equal to 2 years for each school year during which such individual was enrolled at the College, reduced as provided for in paragraph (3);

''(B) a provision that any financial obligation of the United States arising out of a contract entered into under this part and any obligation of the student which is conditioned thereon, is contingent upon funds being appropriated to carry out this part;

''(C) a statement of the damages to which the United States is entitled for the student's breach of the contract; and

''(D) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with the provisions of this part.

''(2) TUITION AND STUDENT STIPEND.—

''(A) TUITION REMISSION RATES.—The Surgeon General, based on the recommendations of the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009, shall establish Federal tuition remission rates to be used by the Track to provide reimbursement to affiliated and other participating health professions institutions for the cost of educational services provided by such institutions to Track students. The agreement entered into by such participating institutions under paragraph (1)(A)(i) shall contain an agreement to accept as payment in full the established remission rate under this subparagraph.

''(B) STIPEND.—The Surgeon General, based on the recommendations of the Permanent National Health Workforce Commission, shall establish and update Federal stipend rates for payment to students under this part.

''(3) REDUCTIONS IN THE PERIOD OF OBLIGATED SERVICE.—The period of obligated service under paragraph (1)(A)(ii)(V) shall be reduced—

''(A) in the case of a student who elects to participate in a high-needs speciality residency (as determined by the Permanent National Health Workforce Commission), by 3 months for each year of such participation (not to exceed a total of 12 months); and

''(B) in the case of a student who, upon completion of their residency, elects to practice in a Federal medical facility (as defined in section 781(e)) that is located in a health professional shortage area (as defined in section 332), by 3 months for year of full-time practice in such a facility (not to exceed a total of 12 months).

''(c) SECOND 2 YEARS OF SERVICE.—During the third and fourth years in which a medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, or nursing student is enrolled in the Track, training should be designed to prioritize clinical rotations in Federal medical facilities in health professional shortage areas, and emphasize a balance of hospital and community-based experiences, and training within interdisciplinary teams.

''(d) DENTIST, PHYSICIAN ASSISTANT, PHARMACIST, BEHAVIORAL AND MENTAL HEALTH PROFESSIONAL, PUBLIC HEALTH PROFESSIONAL, AND NURSE TRAINING.—The Surgeon General shall establish provisions applicable with respect to dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students that are comparable to those for medical students under this section, including service obligations, tuition support, and stipend support. The Surgeon General shall give priority to health professions training institutions that train medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students for some significant period of time together, but at a minimum have a discrete and shared core curriculum.

''(e) ELITE FEDERAL DISASTER TEAMS.—The Surgeon General, in consultation with the Secretary, the Director of the Centers for Disease Control and Prevention, and other appropriate military and Federal government agencies, shall develop criteria for the appointment of highly qualified Track faculty, medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students, and graduates to elite Federal disaster preparedness teams to train and to respond to public health emergencies, natural disasters, bioterrorism events, and other emergencies.

''(f) STUDENT DROPPED FROM TRACK IN AFFILIATE SCHOOL.—A medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, or nursing student who, under regulations prescribed by the Surgeon General, is dropped from the Track in an affiliated school for deficiency in conduct or studies, or for other reasons, shall be liable to the United States for all tuition and stipend support provided to the student.

''SEC. 274. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part, section 338A-1, and section 749, such sums as may be necessary.''.

SEC. 206. MEDICAL EDUCATION DEBT REIMBURSEMENT FOR PHYSICIANS OF THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a program

under which eligible physicians described in subsection (b) are reimbursed for the education debt of such physicians as described in subsection (c).

(b) ELIGIBLE PHYSICIANS.—An eligible physician described in this subsection is any physician currently appointed to a physician position in the Veterans Health Administration under section 7402(b)(1) of title 38, United States Code, who enters into an agreement with the Secretary to continue serving as a physician in such position for such period of time as the Secretary shall specify in the agreement.

(c) COVERED EDUCATION DEBT.—The education debt for which an eligible physician may be reimbursed under this section is any amount paid by the physician for tuition, room and board, or expenses in obtaining the degree of doctor or medicine or of doctor of osteopathy, including any amounts of principal or interest paid by the physician under a loan, the proceeds of which were used by or on behalf of the physician for the costs of obtaining such degree.

(d) FREQUENCY OF REIMBURSEMENT.—Any reimbursement of an eligible physician under this section shall be made in a lump sum or in installments of such frequency as the Secretary shall specify the agreement of the physician as required under subsection (b).

(e) LIABILITY FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—Any eligible physician who fails to satisfactorily complete the period of service agreed to by the physician under subsection (b) shall be liable to the United States in an amount determined in accordance with the provisions of section 7617(c)(1) of title 38, United States Code.

(f) TREATMENT OF REIMBURSEMENT WITH OTHER PAY AND BENEFIT AUTHORITIES.—Any amount of reimbursement payable to an eligible physician under this section is in addition to any other pay, allowances, or benefits that may be provided the physician under law, including any educational assistance under the Department of Veterans Affairs Health Professional Educational Assistance Program under chapter 76 of title 38, United States Code.

TITLE III—HEALTH PROFESSIONAL TRAINING PIPELINE PARTNERSHIPS PROGRAM

SEC. 301. GRANTS TO PREPARE STUDENTS FOR CAREERS IN HEALTH CARE.

(a) PURPOSE.—The purpose of this section is to support the development and implementation of programs designed to prepare middle school and high school students for study and careers in the healthcare field, including success in postsecondary mathematics and science programs.

(b) DEFINITIONS.—In this section:

(1) CHILDREN FROM LOW-INCOME FAMILIES.—The term ''children from low-income families'' means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)).

(2) ELIGIBLE RECIPIENTS.—The term ''eligible recipient'' means—

(A) a nonprofit healthcare career pathway partnership organization; or

(B) a high-need local educational agency in partnership with—

(i) not less than 1 institution of higher education with an established health profession education program; and

(ii) not less than 1 community-based, private sector healthcare provider organization.

(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ''high-need local educational agency'' means a local educational agency or educational service agency—

(A) that serves not fewer than 10,000 children from low-income families;

(B) for which not less than 20 percent of the children served by the agency are children from low-income families;

(C) that meets the eligibility requirements for funding under the Small, Rural School Achievement Program under section 6211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345(b)); or

(D) that meets the eligibility requirements for funding under the Rural and Low-Income School Program under section 6221(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351(b)(1)).

(4) NONPROFIT HEALTHCARE CAREER PATHWAY PARTNERSHIP ORGANIZATION.—The term ''nonprofit healthcare career pathway partnership organization'' means a nonprofit organization focused on developing career and educational pathways to healthcare professions, that shall include representatives of—

(A) the local educational agencies;

(B) not less than 1 institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) with an established health profession education program; and

(C) not less than 1 community-based, private sector healthcare provider organization or other healthcare industry organization.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable the recipients to develop and implement programs of study to prepare middle school and high school students for postsecondary education leading to careers in the healthcare field.

(2) MINIMUM FUNDING LEVEL.—Grants shall be awarded at a minimum level of $500,000 per recipient, per year.

(3) RENEWABILITY.—Grants may be renewed, at the discretion of the Secretary, for not more than 5 years.

(d) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, which shall include an assurance that the recipient will meet the program requirements described in subsection (f)(2).

(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to—

(1) applicants that include a local educational agency that is located in an area that is designated under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A)) as a health professional shortage area;

(2) applicants that include an institution of higher education that emphasizes an interdisciplinary approach to health profession education; and

(3) applicants whose program involves the development of a uniquely innovative public-private partnership.

(f) AUTHORIZED ACTIVITIES/USE OF FUNDS.—

(1) IN GENERAL.—Each eligible recipient that receives a grant under this section shall use the grant funds to develop and implement programs of study to prepare middle school and high school students for careers in the healthcare field that—

(A) are aligned with State challenging academic content standards and State challenging student academic achievement standards; and

(B) lead to high school graduation with the skills and preparation—

(i) to enter postsecondary education programs of study in mathematics and science without remediation; and

(ii) necessary to enter healthcare jobs directly.

(2) PROGRAM REQUIREMENTS.—A program of study described in paragraph (1) shall—

(A) involve a review and identification of the content knowledge and skills students who enter institutions of higher education and the workforce need to have in order to succeed in the healthcare field;

(B) promote the alignment of mathematics and science curricula and assessments in middle school and high school and facilitate learning of the required knowledge and skills identified in subparagraph (A);

(C) include an outreach component to educate middle school and high school students and their parents about the full range of employment opportunities in the healthcare field, specifically in the local community;

(D) include specific opportunities for youth to interact with healthcare professionals or industry representatives in the classroom, school, or community locations and how these experiences will be integrated with coursework;

(E) include high-quality volunteer or internship experiences, integrated with coursework;

(F) provide high-quality mentoring, counseling, and career counseling support services to program participants;

(G) consider the inclusion of a distance-learning component or similar education technology that would expand opportunities for geographically isolated individuals;

(H) encourage the participation of individuals who are members of groups that are underrepresented in postsecondary education programs in mathematics and science;

(I) encourage participants to seek work in communities experiencing acute health professional shortages; and

(J) collect data, and analyze the data using measurable objectives and benchmarks, to evaluate the extent to which the program succeeded in—

(i) increasing student and parent awareness of occupational opportunities in the healthcare field;

(ii) improving student academic achievement in mathematics and science;

(iii) increasing the number of students entering health care professions upon graduation; and

(iv) increasing the number of students pursuing secondary education or training opportunities with the potential to lead to a career in the healthcare field.

(3) PLANNING GRANT SET ASIDE.—Each eligible recipient that receives a grant under this section shall set aside 10 percent of the grant funds for planning and program development purposes.

(g) MATCHING REQUIREMENT.—Each eligible recipient that receives a grant under this section shall provide, from the private sector, an amount equal to 40 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant.

(h) REPORTS.—

(1) ANNUAL EVALUATION.—Each eligible recipient that receives a grant under this section shall collect and report to the Secretary annually such information as the Secretary may reasonably require, including—

(A) the number of schools involved and student participants in the program;

(B) the race, gender, socio-economic status, and disability status of program participants;

(C) the number of program participants who successfully graduated from high school;

(D) the number of program participants who reported enrollment in some form of postsecondary education with the potential to lead to a career in the healthcare field;

(E) the number of program participants who entered a paid position, either part-time

or full-time, in the healthcare field following participation in the program; and

(F) the data and analysis required under subsection (f)(2)(J).

(2) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress an interim report on the results of the evaluations conducted under paragraph (1).

(i) AUTHORIZATION AND APPROPRIATION.—

(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2009 through 2013 to carry out this section.

(2) ADMINISTRATIVE COSTS.—For the costs of administering this section, including the costs of evaluating the results of grants and submitting reports to the Congress, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2009 through 2013.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. KOHL, and Ms. SNOWE):

S. 795. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, today, Senator BLANCHE LINCOLN, Senator HERB KOHL, Senator OLYMPIA SNOWE and I will be introducing the Elder Justice Act. The Elder Justice Act we are introducing today was reported by the Senate Finance Committee during the last Congress. In fact, this legislation has been introduced consistently since the 107th Congress. Additionally, it has been reported unanimously by the Finance Committee during the last three Congresses.

I want to express my gratitude to Senator BLANCHE LINCOLN, the other lead sponsor of the Elder Justice Act. Senator LINCOLN's strong commitment to reducing elder abuse has made a tremendous difference. It has been a pleasure to work with her on this important legislation.

In addition, I want to acknowledge the other original cosponsors of this bill, Senator HERB KOHL and Senator OLYMPIA SNOWE. Over the years, Senator KOHL has been strong supporter of this legislation and, as Chairman of the Select Committee on Aging, his support has been greatly appreciated by me. Senator SNOWE has been a strong supporter of the Elder Justice Act for many years.

The Elder Justice Coalition, headed by Bob Blancato, also has been a great ally of the Elder Justice Act. The coalition, which has close to 560 members, is dedicated to eliminating elder abuse, neglect, and exploitation in our country. Over the years, coalition members have worked hard to educate Congress about the Elder Justice Act.

I also must acknowledge the work of former Senator John Breaux on this important legislation. Senator Breaux was the original sponsor of the Elder Justice Act.

In fact, Senator Breaux and I first introduced this legislation in the 107th Congress.

Even though Senator Breaux is no longer in the Senate, he has still fought for passage of this legislation and currently serves as the Honorary Chairman of the Elder Justice Coalition.

As far as the Elder Justice Act is concerned, one of the most significant provisions of this bill is the creation of an Elder Justice Coordinating Council and an Advisory Board on elder abuse, neglect and exploitation.

The Coordinating Council, which would be chaired by the Secretary of Health and Human Services, would be made up of Federal agency representatives who would be responsible for overseeing programs related to elder abuse.

Advisory Board members would include citizens who have extensively studied issues surrounding elder abuse.

Together, the Council and Advisory Board would be responsible for coordinating public and private activities and programs related to elder abuse.

Today, that goal is unattainable because quite simply, the approach to addressing elder abuse is disjointed among Federal agencies.

Therefore, the major goal of the Elder Justice Act would be to encourage a comprehensive and coordinated response by these Federal agencies to elder abuse.

I also want to take a minute to address a concern that has been raised by some who believe that the Elder Justice Act is duplicative because federal programs already exist to address elder abuse.

I respectfully disagree with that assessment. In fact, last Congress, we spent a lot of time with agency officials to address some of the concerns raised about the bill. It is my hope that we will continue those discussions this year.

That being said, I truly believe that our government needs to do more when it comes to elder abuse. As more and more baby boomers retire over the next 3 decades, we can no longer ignore the reality that elder abuse is prevalent within our society and we must do something to address it. Enacting the Elder Justice Act is the first step.

Senior citizens cannot wait any longer for this legislation to pass. Getting this bill signed into law continues to be one of my top priorities. Therefore, I urge my colleagues to cosponsor the Elder Justice Act and support the passage of this legislation.

Our seniors deserve no less.

Mr. KOHL. Mr. President, I wish today to express my support for the Elder Justice Act of 2009. As in previous years, I am proud to be an original cosponsor. I wish to thank my colleague, Senators HATCH, LINCOLN, and SNOWE for their leadership to address the often-hidden scourge of elder abuse. For years, Congress has failed to take concrete action to address the consequences of elder abuse, and that must change.

The Elder Justice Act takes several important steps to help protect our vulnerable elders. First, it boosts funding for the long-term care ombudsman program, which is the chief source of advocacy for individuals who live in nursing homes and assisted living facilities. The bill would advance the understanding of how to prosecute and address elder abuse by providing funds to focus on and develop the forensics of elder abuse. In addition, it elevates the importance of elder justice issues by creating a coordinating council of Federal agencies that will make policy recommendations and submit reports to Congress every 2 years. The legislation provides funding for adult protective services programs and improves training and working conditions for long-term care professionals.

We must also act to prevent abuse of our elders whenever and wherever possible. The Patient Safety and Abuse Prevention Act, which I recently reintroduced with my colleague, Senator Collins, would do much to prevent physical, emotional and financial abuse by providing States with the resources they need to significantly improve background check screening processes for vulnerable populations, including frail elders and individuals with disabilities. We know from the results of a 3-year pilot program that thousands of predators can be eliminated from the long-term care workforce that serves elders simply by improving and tightening screening standards.

In closing, I urge my colleagues to support both the Elder Justice Act and the Patient Safety and Abuse Prevention Act. Thousands of individuals with a history of substantiated abuse or a criminal record are hired every year to work closely with exposed and defenseless seniors within our Nation's nursing homes and other long-term care facilities. Because the current system of State-based background checks is haphazard, inconsistent, and full of gaping holes, predators can evade detection throughout the hiring process, securing jobs that allow them to assault, abuse, and steal from defenseless elders.

I thank Senators HATCH, LINCOLN, and SNOWE for their commitment to the cause of elder justice. I look forward to working with my colleagues to enact the legislation we are introducing today.

By Mr. BINGAMAN:

S. 796. A bill to modify the requirements applicable to locatable minerals on public domain land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Hardrock Mining and Reclamation Act of 2009. This legislation would reform the antiquated Mining Law of 1872, a law that governs the mining of hardrock minerals, such as gold, silver, and copper, from our Federal lands.

When the Mining Law was enacted in 1872, in the aftermath of the California gold rush, Congress sought to encourage settlement of the West. Congress did this by offering free minerals and land to those who were willing to go West and mine. Congress put in place a system whereby miners could enter the public lands and locate claims for valuable mineral deposits, and mine the minerals with no further payment to the government. In the 1872 law, Congress also provided that the Federal Government would patent, or transfer title in fee simple, to the mining claims on the public domain for $2.50 or $5.00 an acre.

In 1920, Congress enacted the Mineral Leasing Act, and removed oil, gas, coal, and certain other minerals from the operation of the Mining Law. In so doing, Congress enacted a management regime that requires the leasing of these minerals. In addition, Congress required payment of per-acre rentals and ad valorem royalties based on the value of production of the oil, gas and coal, providing a return to the public for the production of publicly-owned resources.

However, as we all know, the Mining Law of 1872 continues to govern the disposition of hardrock minerals from Federal lands. While Congress has stepped in and prevented the patenting of lands through annual appropriations riders, patenting provisions allowing the transfer of mineralized Federal lands for $2.50 or $5.00 per acre are still on the books. In addition, to this day under the Mining Law, billions of dollars of hardrock minerals can be mined from Federal lands without payment of a royalty. General land management and environmental laws apply, but there are no specific statutory provisions under the Mining Law setting surface management or environmental standards.

Efforts to comprehensively reform the Mining Law have been ongoing literally for decades, but results have thus far been elusive. Congress came close to enacting comprehensive reform in 1994, and Congress has enacted moratoria on patent issuance and has imposed claim maintenance fees through the appropriations process. The House passed reform legislation last Congress and several of us in the Senate had discussions regarding how we could address this issue.

There is a growing number of people saying that finally this Congress may be the time to achieve this long-awaited reform. Chairman RAHALL, a champion of reform in the House of Representatives, has again introduced mining reform legislation. The bill that I introduce today differs in many significant ways from the House legislation, and builds on discussions in the Senate last Congress. My bill, like other reform proposals, reflects a view that the law needs to be amended to ensure that the public gets a fair return for its resources, that environmental and land use requirements are modernized, and that certainty is provided to the mining industry.

I note that my bill includes a range for both the royalty rate and the reclamation fee which will be set by the Secretary through a rulemaking process. This ensures that the Secretary will have the benefit of comments and information from interested parties and the public in setting the royalty and fee. We must look comprehensively at the subject of royalties and fees to ensure that we continue to maintain a healthy domestic hardrock mining industry with the benefits that the nation derives from that industry, including jobs and strategic minerals. At the same time, we want to ensure that the public gets the fair return on these resources that the American people deserve. I hope to receive additional input on this issue of royalties and fees during consideration of the bill.

Another part of this legislation warrants special attention—that is the provisions relating to abandoned hardrock mine reclamation. While estimates vary, a recent survey of States indicated that there are as many as 500,000 abandoned hardrock mine sites nationwide with most of these in the West. These abandoned mines pose serious public health and safety risks. They also degrade our environment and pose special threats to our most precious resource: water.

As we discuss the size and shape of legislation to reform the 1872 law, there appears to be substantial support for enacting a robust hardrock abandoned mine land program. My legislation would enact a reclamation fee to fund this effort. In 1977, Congress enacted a coal AML program as part of the Surface Mining Control and Reclamation Act to address the serious problem of abandoned coal mines. This program was funded by a fee levied on coal production. We are overdue to enact a similar program to deal with abandoned hardrock mines.

Mr. President, the bill I introduce today reforms the Mining Law of 1872 in important ways. The key provisions of this bill are outlined.

The bill eliminates patenting of Federal lands, but grandfathers patent applications filed and meeting all requirements by September 30, 1994.

The bill makes modest increases in the annual claim maintenance fee, from $125 to $150, and claim location fee, from $30 to $50. The legislation requires the mine operator to pay a fee in exchange for the use of Federal land that is included within the mine permit area. The bill provides that fees collected are to be used for the administration of hardrock mining on Federal lands. Any excess funds are deposited into the Hardrock Minerals Reclamation Fund.

The bill provides that the production of all locatable minerals is subject to a royalty to be determined by the Secretary by regulation of not less than 2 percent and not more than 5 percent of the value of production, not including reasonable transportation, beneficiation, and processing costs. The royalty may vary based on the particular mineral concerned. No royalty will be collected from lands under permit that are producing in commercial quantities on the date of enactment. Royalty revenues will be deposited into the Hardrock Minerals Reclamation Fund.

The bill includes a provision for royalty reductions for all or part of a mining operation where the person conducting the mineral activities shows by clear and convincing evidence that without the reduction, production would not occur.

The bill states that permits are required for all mineral activities on Federal land except for ''casual use'' that ordinarily results in no or negligible disturbance. Mining permits are for a term of 30 years and so long thereafter as production occurs in commercial quantities. The operator must provide evidence of approved financial assurances sufficient to ensure completion of reclamation if performed by the Secretary concerned.

Financial assurances attributable to the cost of water treatment will not be released until the discharge has ceased for at least 5 years or the operator has met all applicable water quality standards for at least 5 years. The operator may be required to establish a trust fund or other long-term funding mechanism to provide financial assurances for long-term treatment of water or other long-term post-mining maintenance or monitoring requirements.

The Secretary of Agriculture must take any action necessary to prevent unnecessary or undue degradation in administering mineral activities on National Forest System land. The bill directs the Secretaries of the Interior and Agriculture to jointly issue regulations.

The bill requires within 3 years a review of certain lands to determine whether they will be available for future mining claim location. The Governor of a state, Chairman of an Indian tribe, or appropriate local official may petition the Secretary to undertake a review of an area.

The bill establishes a program for the reclamation of abandoned hardrock mines in 14 western states. Creates a Hardrock Minerals Reclamation Fund comprised of hardrock royalties, fees, and donations. Each operator of a hardrock mining operation on Federal, state, tribal or private land, must pay a reclamation fee established by the Secretary of not less than 0.3 percent, and not more than 1.0 percent, of the value of the production of the hardrock minerals for deposit into the Fund. The bill provides grant programs for all states for hardrock reclamation projects and for public entities and nonprofit organizations for collaborative restoration projects to improve fish and wildlife habitat affected by past hardrock mining.

Reform of the Mining Law of 1872 is a matter that has come before the Congress repeatedly and that we simply must address. I ask that my colleagues

join me in cosponsoring this important legislation.

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

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

THE HARDROCK MINING AND RECLAMATION ACT OF 2009

Eliminates Patenting—Eliminates the practice of patenting Federal land (i.e., transferring title) while grandfathering patent applications filed and meeting all requirements by September 30, 1994.

Claim Maintenance and Location Fees—Increases the current annual claim maintenance fee to $150 (up from $125 under current law) which is paid in lieu of annual assessment work, with an exception for claim holders with 10 or fewer claims. Increases the current claim location fee to $50 per claim (up from $30 under current law). Provides that fees collected are to be used for the administration of hardrock mining on Federal lands. Any excess is deposited into the Hardrock Minerals Reclamation Fund. Provides for adjustment of the fees to reflect changes in the Consumer Price Index.

Royalties—Production of all locatable minerals is subject to a royalty to be determined by the Secretary by regulation of not less than 2 percent and not more than 5 percent of the value of production, not including reasonable transportation, beneficiation, and processing costs. The royalty may vary based on the particular mineral concerned. No royalty will be collected from existing mines that are producing in commercial quantities on the date of enactment. Royalty revenues will be deposited into the Hardrock Minerals Reclamation Fund. Provides for royalty reductions for all or part of a mining operation where the person conducting the mineral activities shows by clear and convincing evidence that without the reduction, production would not occur. Provides for enforcement for royalty and certain fee collections. Provides for a look-back report on the impacts of royalties and fees.

Permits—Permits are required for all mineral activities on Federal land except for ''casual use'' that ordinarily results in no or negligible disturbance. Mining permits are for a term of 30 years and so long thereafter as production occurs in commercial quantities.

Land Use Fees—With respect to new mines, requires the operator to pay a land use fee as determined by the Secretary by regulation equal to 4 times the claim maintenance fee imposed for each 20 acres of Federal land that is included within the mine permit area. Upon approval of the mining permit and payment of the fee, the operator may use and occupy the Federal land within the permit area, consistent with the mining permit and all applicable law.

Financial Assurances—The operator must provide evidence of approved financial assurances sufficient to ensure completion of reclamation if performed by the Secretary concerned.

Water Reclamation—Financial assurances attributable to the cost of water treatment will not be released until the discharge has ceased for at least 5 years or the operator has met all applicable water quality standards for at least 5 years. The operator may be required to establish a trust fund or other long-term funding mechanism to provide financial assurances for long-term treatment of water or other long-term post-mining maintenance or monitoring requirements.

Operation and Reclamation—Creates a uniform standard for operation and reclamation on both BLM and Forest Service lands by applying the ''unnecessary or undue degradation'' standard currently applicable to BLM land to National Forest System land. Directs the Secretaries of the Interior and Agriculture to jointly issue regulations.

Land Open to Location—Amends the Federal Land Policy and Management Act to require within 3 years that local Federal land managers review specified categories of lands for withdrawal from operation of the Mining Law, subject to valid existing rights. The categories to be reviewed are: designated wilderness study areas and National Forest System land identified as suitable for wilderness designation; areas of critical environmental concern; Federal land in which mineral activities pose a reasonable likelihood of substantial adverse impacts on National Conservation System units as defined in the bill; certain areas with potential for inclusion in the Wild and Scenic Rivers System as specified; and areas identified in the set of inventoried roadless area maps contained in the Forest Service Roadless Areas Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000). Based on the review and recommendation of the local Federal land manager, areas can be removed from operation of the Mining Law, subject to valid existing rights. The Governor of a state, head of an Indian tribe, or appropriate local official may petition the Secretary to direct the local Federal land manager to undertake a review of an area to determine whether land should be withdrawn, subject to valid existing rights.

Inspection and Monitoring—Requires the Secretary concerned to conduct inspections at least once each quarter. All operators must develop and maintain a monitoring and evaluation system.

Hardrock Minerals Reclamation Fund—Provides for the payment of royalties, fees, and donations into a Hardrock Minerals Reclamation Fund to be administered by the Secretary of the Interior through the Office of Surface Mining Reclamation and Enforcement.

Use of the Fund—The Secretary may use amounts in the Fund without further appropriation for the reclamation of land and water (Federal, State, tribal and private) affected by past hardrock mining and related activities in 14 western states when there is no continuing reclamation responsibility of the claim holder or operator, and for hardrock reclamation grant programs nationwide as specified in the bill.

Allocation of the Fund—Provides for allocation of the Fund: to states and tribes based on current hardrock production and on the quantity of hardrock minerals historically produced; to agencies for expenditure on Federal land; for grants to states other than the 14 designated western states for reclamation of abandoned hardrock mine sites; for grants to public entities and nonprofit organizations for collaborative restoration projects to improve fish and wildlife habitat affected by past hardrock mining; and for program administration.

Abandoned Mine Land Fee—Each operator of a hardrock mineral mining operation on Federal, state, tribal or private land, shall pay to the Secretary a reclamation fee established by the Secretary by regulation of not less than 0.3 percent, and not more than 1.0 percent, of the value of the production of the hardrock minerals mining operation for each calendar year for deposit into the Fund.

Transition—If a plan of operations is approved or a notice of operations is filed for mineral activities before the date of enactment, mineral activities will be subject to the approved plan of operations or the notice for 10 years after the date of enactment. All fees apply starting on the date of enactment of this Act, except that the land use fee applies only to mining permits or modifications after the date of enactment. No royalty is required on production from Federal land that is subject to an operations permit on the date of enactment of this Act and that produces valuable locatable minerals in commercial quantities on the date of enactment.

Enforcement—Provides for enforcement, including civil penalty authority for the Secretary.

Uncommon Varieties—Subject to valid existing rights, makes minerals classified as ''common varieties with distinct and special value'' subject to disposal under the Materials Act of 1947.

Review of Uranium Development on Federal Land—Provides for a National Academy of Sciences review of legal and related requirements applicable to the development of uranium on Federal lands.

By Mr. DORGAN (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. KYL, Mr. WYDEN, Mr. JOHNSON, Ms. CANTWELL, Ms. MURKOWSKI, Mr. THUNE, Mr. TESTER, Mr. BEGICH, and Mr. UDALL of New Mexico):

S. 797. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I rise today to introduce the Tribal Law and Order Act of 2009.

Last Congress, as Chairman of the Committee on Indian Affairs, I chaired eight hearings on the criminal justice system as it relates to American Indian and Alaska Native communities. Those hearings confirmed that a long-standing and life threatening public safety crisis exists on many of our Nation's American Indian reservations.

One of the primary causes for violent crime in Indian Country is the broken system of justice. The current system limits local tribal government authority to combat crime in their own communities, and requires reservation residents to rely on Federal officials to investigate and prosecute violent crimes in district courts that are often hundreds of miles away from the reservation.

The United States created this system. In so doing, our Government accepted the responsibility to police Indian lands, and incurred a legal obligation to provide for the public safety of tribal communities.

Unfortunately, we are not meeting that obligation.

The following is a partial listing of Indian Country criminal justice statistics. These statistics represent more than numbers. They represent the dark reality faced by hundreds of tribal communities on a daily basis.

The violent crime rate in Indian country is nearly twice the national average, and more than 20 times the national average on some reservations.

Thirty-four percent of Native women will be raped in their lifetimes; and 39 percent will be subject to domestic violence.

Fewer than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian lands—less than ½ of the law enforcement presence in comparable communities nationwide.

The lack of police presence has resulted in significant delays in responding to victims' calls for assistance, which in turn adversely affects the collection of evidence needed to prosecute domestic violence and sexual assaults.

In addition, Federal officials have seized business documents from organized crime operations citing the lack of police presence and jurisdictional confusion as reasons for targeting Indian reservations for the manufacture and distribution of drugs.

An Interior Department report found that 90 percent of existing Bureau of Indian Affairs and tribal detention facilities must be replaced. The lack of jail bed space has forced tribal courts to release a number of offenders.

Tribal communities rely solely on the U.S. to investigate and prosecute felony-level crimes occurring on the reservation. However, between 2004 and 2007, Federal prosecutors declined 62 percent of Indian country criminal cases, including 72 percent of child and adult sex crimes.

To address this crisis, I am introducing the Tribal Law and Order Act of 2009 with the support of my colleagues Committee Vice Chairman BARRASSO, and Senators BAUCUS, BINGAMAN, BEGICH, CANTWELL, JOHNSON, KYL, LIEBERMAN, MURKOWSKI, TESTER, THUNE, UDALL, and WYDEN.

This bill will take initial steps to mend this broken system by arming tribal justice officials with the needed tools to protect their communities. Importantly, the bill would enable tribal courts to sentence offenders up to 3 years in prison for violations of tribal law, an increase from the current limit of 1 year. It also arms tribal police with better access to national criminal databases, and improves their ability to makes arrests for reservation crimes.

In addition, the bill would provide for greater accountability on the part of Federal officials responsible for investigating and prosecuting reservation crimes. To increase coordination of prosecutions, the bill would require U.S. Attorneys to file declination reports and maintain data when refusing to pursue a case. Maintaining consistent data on declinations will enable Congress to direct funding where the additional resources are needed. It would also require greater consultation and coordination between federal law enforcement officials, tribal leaders, and community members.

To address the epidemic of domestic violence, the bill would require Federal health and law enforcement officials to establish consistent sexual assault protocols. It would require officials to testify to aid tribal court prosecutions. The bill would also require Federal officials to receive specialized training to properly interview victims of domestic and sexual violence, and improve evidence collection and preservation, which will help improve the prosecution of domestic violence and sexual assaults in Federal and tribal courts.

Improving the system will ensure that Federal dollars appropriated to fight reservation crime will be used in a more efficient manner. To that end, the bill also reauthorizes and amends several Federal programs designed to supplement tribal justice systems to enable them to better combat crime locally. These programs would provide funding for tribal courts, tribal police, Indian youth programs, and tribal jails construction.

This bill was developed in consultation with tribal, Federal and State law enforcement officials, judges, prosecutors, public defenders, victims, victims' advocates and many others.

I want to again thank the co-sponsors for their support. Many of the cosponsors sit on the Indian Affairs Committee with me, and have repeatedly heard from Federal and tribal officials about this longstanding problem. The residents of Indian Country deserve our timely consideration of this bill. I urge my colleagues to join me in supporting the passage of this 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. 797

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 ''Tribal Law and Order Act of 2009''.

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

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of tribal communities;

(2) several States have been delegated or have accepted responsibility to provide for the public safety of tribal communities within the borders of the States;

(3) Congress and the President have acknowledged that—

(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and

(B) tribal justice systems are ultimately the most appropriate institutions for maintaining law and order in tribal communities;

(4) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than ½ of the law enforcement presence in comparable rural communities nationwide;

(5) on many Indian reservations, law enforcement officers respond to distress or emergency calls without backup and travel to remote locations without adequate radio communication or access to national crime information database systems;

(6) the majority of tribal detention facilities were constructed decades before the date of enactment of this Act and must be or will soon need to be replaced, creating a multibillion-dollar backlog in facility needs;

(7) a number of Indian country offenders face no consequences for minor crimes, and many such offenders are released due to severe overcrowding in existing detention facilities;

(8) tribal courts—

(A) are the primary arbiters of criminal and civil justice for actions arising in Indian country; but

(B) have been historically underfunded;

(9) tribal courts have no criminal jurisdiction over non-Indian persons, and the sentencing authority of tribal courts is limited to sentences of not more than 1 year of imprisonment for Indian offenders, forcing tribal communities to rely solely on the Federal Government and certain State governments for the prosecution of—

(A) misdemeanors committed by non-Indian persons; and

(B) all felony crimes in Indian country;

(10) a significant percentage of cases referred to Federal agencies for prosecution of

crimes allegedly occurring in tribal communities are declined to be prosecuted;

(11) the complicated jurisdictional scheme that exists in Indian country—

(A) has a significant negative impact on the ability to provide public safety to Indian communities; and

(B) has been increasingly exploited by criminals;

(12) the violent crime rate in Indian country is—

(A) nearly twice the national average; and

(B) more than 20 times the national average on some Indian reservations;

(13)(A) domestic and sexual violence against Indian and Alaska Native women has reached epidemic proportions;

(B) 34 percent of Indian and Alaska Native women will be raped in their lifetimes; and

(C) 39 percent of Indian and Alaska Native women will be subject to domestic violence;

(14) the lack of police presence and resources in Indian country has resulted in significant delays in responding to victims' calls for assistance, which adversely affects the collection of evidence needed to prosecute crimes, particularly crimes of domestic and sexual violence;

(15) alcohol and drug abuse plays a role in more than 80 percent of crimes committed in tribal communities;

(16) the rate of methamphetamine addiction in tribal communities is 3 times the national average;

(17) the Department of Justice has reported that drug organizations have increasingly targeted Indian country to produce and distribute methamphetamine, citing the limited law enforcement presence and jurisdictional confusion as reasons for the increased activity;

(18) tribal communities face significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations;

(19)(A) criminal jurisdiction in Indian country is complex, and responsibility for Indian country law enforcement is shared among Federal, tribal, and State authorities; and

(B) that complexity requires a high degree of commitment and cooperation from Federal and State officials that can be difficult to establish;

(20) agreements for cooperation among certified tribal and State law enforcement officers have proven to improve law enforcement in tribal communities;

(21) consistent communication among tribal, Federal, and State law enforcement agencies has proven to increase public safety and justice in tribal and nearby communities; and

(22) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

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

(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in tribal communities;

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide for the safety of the public in tribal communities;

(4) to reduce the prevalence of violent crime in tribal communities and to combat violence against Indian and Alaska Native women;

(5) to address and prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and

(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in tribal communities.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given the term in section 1151 of title 18, United States Code.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

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

(4) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of an Indian tribe.

(b) INDIAN LAW ENFORCEMENT REFORM ACT.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended by adding at the end the following:

''(10) TRIBAL JUSTICE OFFICIAL.—The term 'tribal justice official' means—

''(A) a tribal prosecutor;

''(B) a tribal law enforcement officer; or

''(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.''.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBILITIES.

(a) DEFINITIONS.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(3) by redesignating paragraph (9) as paragraph (1) and moving the paragraphs so as to appear in numerical order; and

(4) in paragraph (1) (as redesignated by paragraph (3)), by striking ''Division of Law Enforcement Services'' and inserting ''Office of Justice Services''.

(b) ADDITIONAL RESPONSIBILITIES OF OFFICE.—Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended—

(1) in subsection (b), by striking ''(b) There is hereby established within the Bureau a Division of Law Enforcement Services which'' and inserting the following:

''(b) OFFICE OF JUSTICE SERVICES.—There is established in the Bureau an office, to be known as the 'Office of Justice Services', that'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''Division of Law Enforcement Services'' and inserting ''Office of Justice Services'';

(B) in paragraph (2), by inserting ''and, with the consent of the Indian tribe, tribal criminal laws, including testifying in tribal court'' before the semicolon at the end;

(C) in paragraph (8), by striking ''and'' at the end;

(D) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(10) the development and provision of dispatch and emergency and E–911 services;

''(11) communicating with tribal leaders, tribal community and victims' advocates, tribal justice officials, and residents of Indian land on a regular basis regarding public safety and justice concerns facing tribal communities;

''(12) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

''(13) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code;

''(14) in coordination with the Attorney General pursuant to subsection (g) of section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;

''(15) submitting to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

''(A)(i) the number of full-time employees of the Bureau and tribal government who serve as—

''(I) criminal investigators;

''(II) uniform police;

''(III) police and emergency dispatchers;

''(IV) detention officers;

''(V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; or

''(VI) tribal court judges, prosecutors, public defenders, or related staff; and

''(ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;

''(B) a list of amounts dedicated to law enforcement and corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, and related program costs;

''(C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel at tribal and Bureau of Indian Affairs justice agencies, the replacement and repair needs of tribal and Bureau corrections facilities, needs for tribal police and court facilities, and public safety and emergency communications and technology needs; and

''(D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs administered by the Office of Justice Services;

''(16) submitting to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Bureau of Indian Affairs; and

''(17) promulgating regulations to carry out this Act, and routinely reviewing and updating, as necessary, the regulations contained in subchapter B of title 25, Code of Federal Regulations (or successor regulations).'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''Division of Law Enforcement Services'' and inserting ''Office of Justice Services'';

(B) in paragraph (3)—

(i) by striking ''regulations which shall establish'' and inserting ''regulations, which shall—

''(A) establish'';

(ii) by striking ''reservation.'' and inserting ''reservation; but''; and

(iii) by adding at the end the following:

''(B) support the enforcement of tribal laws and investigation of offenses against tribal criminal laws.''; and

(C) in paragraph (4)(i), in the first sentence, by striking ''Division'' and inserting ''Office of Justice Services'';

(4) in subsection (e), by striking ''Division of Law Enforcement Services'' each place it appears and inserting ''Office of Justice Services''; and

(5) by adding at the end the following:

''(f) LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.—Not later than 1 year after the date of enactment of this subsection, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including a description of—

''(1) proposed activities for the construction of detention facilities (including regional facilities) on Indian land;

''(2) proposed activities for the construction of additional Federal detention facilities on Indian land;

''(3) proposed activities for contracting with State and local detention centers, upon approval of affected tribal governments;

''(4) proposed activities for alternatives to incarceration, developed in cooperation with tribal court systems; and

''(5) other such alternatives to incarceration as the Secretary, in coordination with the Bureau and in consultation with tribal representatives, determines to be necessary.

''(g) LAW ENFORCEMENT PERSONNEL OF BUREAU AND INDIAN TRIBES.—

''(1) REPORT.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report regarding vacancies in law enforcement personnel of Bureau and Indian tribes.

''(2) LONG-TERM PLAN.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a long-term plan to address law enforcement personnel needs in Indian country.''.

(c) LAW ENFORCEMENT AUTHORITY.—Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—

(1) in paragraph (2)(A), by striking ''), or'' and inserting ''or offenses committed on Federal property processed by the Central Violations Bureau); or''; and

(2) in paragraph (3), by striking subparagraphs (A) through (C) and inserting the following:

''(A) the offense is committed in the presence of the employee; or

''(B) the offense is a Federal crime and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing, the crime;''.

SEC. 102. DECLINATION REPORTS.

Section 10 of the Indian Law Enforcement Reform Act (25 U.S.C. 2809) is amended by striking subsections (a) through (d) and inserting the following:

''(a) REPORTS.—

''(1) LAW ENFORCEMENT OFFICIALS.—Subject to subsection (d), if a law enforcement officer or employee of any Federal department or agency declines to initiate an investigation of an alleged violation of Federal law in Indian country, or terminates such an investigation without referral for prosecution, the officer or employee shall—

''(A) submit to the appropriate tribal justice officials evidence, including related reports, relevant to the case that would advance prosecution of the case in a tribal court; and

''(B) submit to the Office of Indian Country Crime relevant information regarding all declinations of alleged violations of Federal law in Indian country, including—

''(i) the type of crime alleged;

''(ii) the status of the accused as an Indian or non-Indian;

''(iii) the status of the victim as an Indian; and

''(iv) the reason for declining to initiate, open, or terminate the investigation.

''(2) UNITED STATES ATTORNEYS.—Subject to subsection (d), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal law in Indian country, the United States Attorney shall—

''(A) submit to the appropriate tribal justice official, sufficiently in advance of the tribal statute of limitations, evidence relevant to the case to permit the tribal prosecutor to pursue the case in tribal court; and

''(B) submit to the Office of Indian Country Crime and the appropriate tribal justice official relevant information regarding all declinations of alleged violations of Federal law in Indian country, including—

''(i) the type of crime alleged;

''(ii) the status of the accused as an Indian or non-Indian;

''(iii) the status of the victim as an Indian; and

''(iv) the reason for the determination to decline or terminate the prosecution.

''(b) MAINTENANCE OF RECORDS.—

''(1) IN GENERAL.—The Director of the Office of Indian Country Crime shall establish and maintain a compilation of information received under paragraph (1) or (2) of subsection (a) relating to declinations.

''(2) AVAILABILITY TO CONGRESS.—Each compilation under paragraph (1) shall be made available to Congress on an annual basis.

''(c) INCLUSION OF CASE FILES.—A report submitted to the appropriate tribal justice officials under paragraph (1) or (2) of subsection (a) may include the case file, including evidence collected and statements taken that could support an investigation or prosecution by the appropriate tribal justice officials.

''(d) EFFECT OF SECTION.—

''(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential or privileged communication, information, or source to an official of any Indian tribe.

''(2) FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 6 of the Federal Rules of Criminal Procedure shall apply to this section.

''(3) REGULATIONS.—Each Federal agency required to submit a report pursuant to this section shall adopt, by regulation, standards for the protection of confidential or privileged communications, information, and sources under paragraph (1).''.

SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.

(a) APPOINTMENT OF SPECIAL PROSECUTORS.—Section 543 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: '', including the appointment of qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses committed in Indian country''; and

(2) by adding at the end the following:

''(c) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing attorneys under this section to serve as special prosecutors in Indian country, the Attorney General should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.''.

(b) TRIBAL LIAISONS.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 11. ASSISTANT UNITED STATES ATTORNEY TRIBAL LIAISONS.

''(a) APPOINTMENT.—Each United States Attorney the district of which includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

''(b) DUTIES.—A tribal liaison shall be responsible for the following activities in the district of the tribal liaison:

''(1) Coordinating the prosecution of Federal crimes that occur in Indian country.

''(2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.

''(3) Consulting and coordinating with tribal justice officials and victims' advocates to address any backlog in the prosecution of major crimes in Indian country in the district.

''(4) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims' advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

''(5) Coordinating with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.

''(6) Providing technical assistance and training regarding evidence gathering techniques to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

''(7) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

''(8) Coordinating with the Office of Indian Country Crime, as necessary.

''(9) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

''(c) SENSE OF CONGRESS REGARDING EVALUATIONS OF TRIBAL LIAISONS.—

''(1) FINDINGS.—Congress finds that—

''(A) many tribal communities rely solely on United States Attorneys offices to prosecute felony and misdemeanor crimes occurring on Indian land; and

''(B) tribal liaisons have dual obligations of—

''(i) coordinating prosecutions of Indian country crime; and

''(ii) developing relationships with tribal communities and serving as a link between tribal communities and the Federal justice process.

''(2) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should—

''(A) take all appropriate actions to encourage the aggressive prosecution of all crimes committed in Indian country; and

''(B) when appropriate, take into consideration the dual responsibilities of tribal liaisons described in paragraph (1)(B) in evaluating the performance of the tribal liaisons.

''(d) ENHANCED PROSECUTION OF MINOR CRIMES.—

''(1) IN GENERAL.—Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

''(A) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

''(i) the crime rate exceeds the national average crime rate; or

''(ii) the rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;

''(B) to coordinate with applicable United States magistrate and district courts—

''(i) to ensure the provision of docket time for prosecutions of Indian country crimes; and

''(ii) to hold trials and other proceedings in Indian country, as appropriate;

''(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

''(D) if an agreement is entered into with a Federal court pursuant to paragraph (2), to provide technical and other assistance to tribal governments and tribal court systems to ensure the success of the program under this subsection.

''(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing Special Assistant United States Attorneys under this subsection, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.''.

SEC. 104. ADMINISTRATION.

(a) OFFICE OF TRIBAL JUSTICE.—

(1) DEFINITIONS.—Section 4 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3653) is amended—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

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

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Tribal Justice.''.

(2) STATUS.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) by redesignating section 106 (25 U.S.C. 3666) as section 107; and

(B) by inserting after section 105 (25 U.S.C. 3665) the following:

''SEC. 106. OFFICE OF TRIBAL JUSTICE.

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Tribal Law and Order Act of 2009, the Attorney General shall modify the status of the Office of Tribal Justice as the Attorney General determines to be necessary to establish the Office of Tribal Justice as a permanent division of the Department.

''(b) PERSONNEL AND FUNDING.—The Attorney General shall provide to the Office of Tribal Justice such personnel and funds as are necessary to establish the Office of Tribal Justice as a division of the Department under subsection (a).

''(c) ADDITIONAL DUTIES.—In addition to the duties of the Office of Tribal Justice in effect on the day before the date of enactment of the Tribal Law and Order Act of 2009, the Office of Tribal Justice shall—

''(1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;

''(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

''(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions that affect—

''(A) the trust responsibility of the United States to Indian tribes;

''(B) any tribal treaty provision;

''(C) the status of Indian tribes as a sovereign governments; or

''(D) any other tribal interest.''.

(b) OFFICE OF INDIAN COUNTRY CRIME.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 103(b)) is amended by adding at the end the following:

''SEC. 12. OFFICE OF INDIAN COUNTRY CRIME.

''(a) ESTABLISHMENT.—There is established in the criminal division of the Department of Justice an office, to be known as the 'Office of Indian Country Crime'.

''(b) DUTIES.—The Office of Indian Country Crime shall—

''(1) develop, enforce, and administer the application of Federal criminal laws applicable in Indian country;

''(2) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

''(3) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

''(4) develop and implement criminal enforcement policies for United States Attorneys and investigators of Federal crimes regarding cases arising in Indian country; and

''(5) submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives annual reports describing the prosecution and declination rates of cases involving alleged crimes in Indian country referred to United States Attorneys.

''(c) DEPUTY ASSISTANT ATTORNEY GENERAL.—

''(1) APPOINTMENT.—The Attorney General shall appoint a Deputy Assistant Attorney General for Indian Country Crime.

''(2) DUTIES.—The Deputy Assistant Attorney General for Indian Country Crime shall—

''(A) serve as the head of the Office of Indian Country Crime;

''(B) serve as a point of contact to United State Attorneys serving districts including Indian country, tribal liaisons, tribal governments, and other Federal, State, and local law enforcement agencies regarding issues affecting the prosecution of crime in Indian country; and

''(C) carry out such other duties as the Attorney General may prescribe.''.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

SEC. 201. STATE CRIMINAL JURISDICTION AND RESOURCES.

(a) CONCURRENT AUTHORITY OF UNITED STATES.—Section 401(a) of Public Law 90–284 (25 U.S.C. 1321(a)) is amended—

(1) by striking the section designation and heading and all that follows through ''The consent of the United States'' and inserting the following:

''SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION.

''(a) CONSENT OF UNITED STATES.—

''(1) IN GENERAL.—The consent of the United States''; and

(2) by adding at the end the following:

''(2) CONCURRENT JURISDICTION.—At the request of an Indian tribe, and after consultation with the Attorney General, the United States shall maintain concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe.''.

(b) APPLICABLE LAW.—Section 1162 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) APPLICABLE LAW.—At the request of an Indian tribe, and after consultation with the Attorney General—

''(1) sections 1152 and 1153 of this title shall remain in effect in the areas of the Indian country of the Indian tribe; and

''(2) jurisdiction over those areas shall be concurrent among the Federal Government and State and tribal governments.''.

SEC. 202. INCENTIVES FOR STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT COOPERATION.

(a) ESTABLISHMENT OF COOPERATIVE ASSISTANCE PROGRAM.—The Attorney General may provide grants, technical assistance, and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

(1) improving law enforcement effectiveness; and

(2) reducing crime in Indian country and nearby communities.

(b) PROGRAM PLANS.—

(1) IN GENERAL.—To be eligible to receive assistance under this section, a group composed of not less than 1 of each of a tribal government and a State or local government shall jointly develop and submit to the Attorney General a plan for a program to achieve the purpose described in subsection (a).

(2) PLAN REQUIREMENTS.—A joint program plan under paragraph (1) shall include a description of—

(A) the proposed cooperative tribal and State or local law enforcement program for which funding is sought, including information on the population and each geographic area to be served by the program;

(B) the need of the proposed program for funding under this section, the amount of funding requested, and the proposed use of funds, subject to the requirements listed in subsection (c);

(C) the unit of government that will administer any assistance received under this section, and the method by which the assistance will be distributed;

(D) the types of law enforcement services to be performed on each applicable Indian reservation and the individuals and entities that will perform those services;

(E) the individual or group of individuals who will exercise daily supervision and control over law enforcement officers participating in the program;

(F) the method by which local and tribal government input with respect to the planning and implementation of the program will be ensured;

(G) the policies of the program regarding mutual aid, hot pursuit of suspects, deputization, training, and insurance of applicable law enforcement officers;

(H) the recordkeeping procedures and types of data to be collected pursuant to the program; and

(I) other information that the Attorney General determines to be relevant.

(c) PERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this section may use the grant, in accordance with the program plan described in subsection (b)—

(1) to hire and train new career tribal, State, or local law enforcement officers, or to make overtime payments for current law enforcement officers, that are or will be dedicated to—

(A) policing tribal land and nearby lands; and

(B) investigating alleged crimes on those lands;

(2) procure equipment, technology, or support systems to be used to investigate crimes and share information between tribal, State, and local law enforcement agencies; or

(3) for any other uses that the Attorney General determines will meet the purposes described in subsection (a).

(d) FACTORS FOR CONSIDERATION.—In determining whether to approve a joint program plan submitted under subsection (b) and, on approval, the amount of assistance to provide to the program, the Attorney General shall take into consideration the following factors:

(1) The size and population of each Indian reservation and nearby community proposed to be served by the program.

(2) The complexity of the law enforcement problems proposed to be addressed by the program.

(3) The range of services proposed to be provided by the program.

(4) The proposed improvements the program will make regarding law enforcement cooperation beyond existing levels of cooperation.

(5) The crime rates of the tribal and nearby communities.

(6) The available resources of each entity applying for a grant under this section for dedication to public safety in the respective jurisdictions of the entities.

(e) ANNUAL REPORTS.—To be eligible to renew or extend a grant under this section, a group described in subsection (b)(1) shall submit to the Attorney General, together with the joint program plan under subsection (b), a report describing the law enforcement activities carried out pursuant to the program during the preceding fiscal year, including the success of the activities, including any increase in arrests or prosecutions.

(f) REPORTS BY ATTORNEY GENERAL.—Not later than January 15 of each applicable fiscal year, the Attorney General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the law enforcement programs carried out using assistance provided under this section during the preceding fiscal year, including the success of the programs.

(g) TECHNICAL ASSISTANCE.—On receipt of a request from a group composed of not less than 1 tribal government and 1 State or local government, the Attorney General shall provide technical assistance to the group to develop successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2010 through 2014.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

SEC. 301. TRIBAL POLICE OFFICERS.

(a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(e)) (as amended by section 101(b)(4)) is amended—

(1) in paragraph (1)—

(A) by striking ''(e)(1) The Secretary'' and inserting the following:

''(e) STANDARDS OF EDUCATION AND EXPERIENCE AND CLASSIFICATION OF POSITIONS.—

''(1) STANDARDS OF EDUCATION AND EXPERIENCE.—

''(A) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(B) TRAINING.—The training standards established under subparagraph (A) shall permit law enforcement personnel of the Office of Justice Services or an Indian tribe to obtain training at a State or tribal police academy, a local or tribal community college, or another training academy that meets the relevant Peace Officer Standards and Training.'';

(2) in paragraph (3), by striking ''Agencies'' and inserting ''agencies''; and

(3) by adding at the end the following:

''(4) BACKGROUND CHECKS FOR OFFICERS.—The Office of Justice Services shall develop standards and deadlines for the provision of background checks for tribal law enforcement and corrections officials that ensure that a response to a request by an Indian tribe for such a background check shall be provided by not later than 60 days after the date of receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe.''.

(b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—Section 5(a) of the Indian Law Enforcement Reform Act (25 U.S.C. 2804(a)) is amended—

(1) by striking ''(a) The Secretary may enter into an agreement'' and inserting the following:

''(a) AGREEMENTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2009, the Secretary shall establish procedures to enter into memoranda of agreement'';

(2) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(2) CERTAIN ACTIVITIES.—The Secretary''; and

(3) by adding at the end the following:

''(3) PROGRAM ENHANCEMENT.—

''(A) TRAINING SESSIONS IN INDIAN COUNTRY.—

''(i) IN GENERAL.—The procedures described in paragraph (1) shall include the development of a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforcement officials, pursuant to this section.

''(ii) INCLUSIONS.—The plan under clause (i) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to educate and certify candidates for the special law enforcement commissions.

''(B) MEMORANDA OF AGREEMENT.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2009, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

''(ii) AGREEMENT.—Not later than 60 days after the date on which the Secretary determines that all applicable requirements under clause (i) are met, the Secretary shall offer to enter into a special law enforcement commission agreement with the applicable Indian tribe.''.

(c) INDIAN LAW ENFORCEMENT FOUNDATION.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

''TITLE VII—INDIAN LAW ENFORCEMENT FOUNDATION

''SEC. 701. INDIAN LAW ENFORCEMENT FOUNDATION.

''(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the 'Indian Law Enforcement Foundation' (referred to in this section as the 'Foundation').

''(b) DUTIES.—The Foundation shall—

''(1) encourage, accept, and administer, in accordance with the terms of each donation, private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, public safety and justice services in American Indian and Alaska Native communities; and

''(2) assist the Office of Justice Services of the Bureau of Indian Affairs and Indian tribal governments in funding and conducting activities and providing education to advance and support the provision of public safety and justice services in American Indian and Alaska Native communities.''.

(d) ACCEPTANCE AND ASSISTANCE.—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended by adding at the end the following:

''(g) ACCEPTANCE OF ASSISTANCE.—The Bureau may accept reimbursement, resources, assistance, or funding from—

''(1) a Federal, tribal, State, or other government agency; or

''(2) the Indian Law Enforcement Foundation established under section 701(a) of the Indian Self-Determination and Education Assistance Act.''.

SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.

(a) EDUCATION AND RESEARCH PROGRAMS.—Section 502 of the Controlled Substances Act (21 U.S.C. 872) is amended in subsections (a)(1) and (c), by inserting '' tribal,'' after ''State,'' each place it appears.

(b) PUBLIC-PRIVATE EDUCATION PROGRAM.—Section 503 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 872a) is amended—

(1) in subsection (a), by inserting ''tribal,'' after ''State,''; and

(2) in subsection (b)(2), by inserting '', tribal,'' after ''State''.

(c) COOPERATIVE ARRANGEMENTS.—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended—

(1) in subsection (a)—

(A) by inserting ''tribal,'' after ''State,'' each place it appears; and

(B) in paragraphs (6) and (7), by inserting '', tribal,'' after ''State'' each place it appears; and

(2) in subsection (d)(1), by inserting '', tribal,'' after ''State''.

(d) POWERS OF ENFORCEMENT PERSONNEL.—Section 508(a) of the Controlled Substances Act (21 U.S.C. 878(a)) is amended in the matter preceding paragraph (1) by inserting '', tribal,'' after ''State''.

SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.

(a) ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)(4), by inserting ''Indian tribes,'' after ''the States,'';

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

''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

''(1) to directly access and enter information into Federal criminal information databases; and

''(2) to directly obtain information from the databases.'';

(3) by redesignating the second subsection (e) as subsection (f); and

(4) in paragraph (2) of subsection (f) (as redesignated by paragraph (3)), in the matter preceding subparagraph (A), by inserting '', tribal,'' after ''Federal''.

(b) REQUIREMENT.—

(1) IN GENERAL.—The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State

requirements have access to national crime information databases.

(2) SANCTIONS.—For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

(3) NCIC.—Each tribal justice official serving an Indian tribe with criminal jurisdiction over Indian country shall be considered to be an authorized law enforcement official for purposes of access to the National Crime Information Center of the Federal Bureau of Investigation.

SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

(a) CONSTITUTIONAL RIGHTS.—Section 202 of Public Law 90–284 (25 U.S.C. 1302) is amended—

(1) in the matter preceding paragraph (1), by striking ''No Indian tribe'' and inserting the following:

''(a) IN GENERAL.—No Indian tribe'';

(2) in paragraph (7) of subsection (a) (as designated by paragraph (1)), by striking ''and a fine'' and inserting ''or a fine''; and

(3) by adding at the end the following:

''(b) TRIBAL COURTS AND PRISONERS.—

''(1) IN GENERAL.—Notwithstanding paragraph (7) of subsection (a) and in addition to the limitations described in the other paragraphs of that subsection, no Indian tribe, in exercising any power of self-government involving a criminal trial that subjects a defendant to more than 1 year imprisonment for any single offense, may—

''(A) deny any person in such a criminal proceeding the assistance of a defense attorney licensed to practice law in any jurisdiction in the United States;

''(B) require excessive bail, impose an excessive fine, inflict a cruel or unusual punishment, or impose for conviction of a single offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of $15,000, or both; or

''(C) deny any person in such a criminal proceeding the due process of law.

''(2) AUTHORITY.—An Indian tribe exercising authority pursuant to this subsection shall—

''(A) require that each judge presiding over an applicable criminal case is licensed to practice law in any jurisdiction in the United States; and

''(B) make publicly available the criminal laws (including regulations and interpretive documents) of the Indian tribe.

''(3) SENTENCES.—A tribal court acting pursuant to paragraph (1) may require a convicted offender—

''(A) to serve the sentence—

''(i) in a tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines developed by the Bureau of Indian Affairs, in consultation with Indian tribes;

''(ii) in the nearest appropriate Federal facility, at the expense of the United States pursuant to a memorandum of agreement with Bureau of Prisons in accordance with paragraph (4);

''(iii) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

''(iv) subject to paragraph (1), in an alternative rehabilitation center of an Indian tribe; or

''(B) to serve another alternative form of punishment, as determined by the tribal court judge pursuant to tribal law.

''(4) MEMORANDA OF AGREEMENT.—A memorandum of agreement between an Indian tribe and the Bureau of Prisons under paragraph (2)(A)(ii)—

''(A) shall acknowledge that the United States will incur all costs involved, including the costs of transfer, housing, medical care, rehabilitation, and reentry of transferred prisoners;

''(B) shall limit the transfer of prisoners to prisoners convicted in tribal court of violent crimes, crimes involving sexual abuse, and serious drug offenses, as determined by the Bureau of Prisons, in consultation with tribal governments, by regulation;

''(C) shall not affect the jurisdiction, power of self-government, or any other authority of an Indian tribe over the territory or members of the Indian tribe;

''(D) shall contain such other requirements as the Bureau of Prisons, in consultation with the Bureau of Indian Affairs and tribal governments, may determine, by regulation; and

''(E) shall be executed and carried out not later than 180 days after the date on which the applicable Indian tribe first contacts the Bureau of Prisons to accept a transfer of a tribal court offender pursuant to this subsection.

''(c) EFFECT OF SECTION.—Nothing in this section affects the obligation of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country.''.

(b) GRANTS AND CONTRACTS.—Section 1007(b) of the Economic Opportunity Act of 1964 (42 U.S.C. 2996f(b)) is amended by striking paragraph (2) and inserting the following:

''(2) to provide legal assistance with respect to any criminal proceeding, except to provide assistance to a person charged with an offense in an Indian tribal court;''.

SEC. 305. INDIAN LAW AND ORDER COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, in consultation with—

(i) the Attorney General; and

(ii) the Secretary of the Interior;

(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairperson of the Committee on Indian Affairs of the Senate;

(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson of the Committee on Indian Affairs of the Senate;

(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairperson of the Committee on Natural Resources of the House of Representatives; and

(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Natural Resources of the House of Representatives.

(2) REQUIREMENTS FOR ELIGIBILITY.—Each member of the Commission shall have significant experience and expertise in—

(A) the Indian country criminal justice system; and

(B) matters to be studied by the Commission.

(3) CONSULTATION REQUIRED.—The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled—

(A) in the same manner in which the original appointment was made; and

(B) not later than 60 days after the date on which the vacancy occurred.

(c) OPERATION.—

(1) CHAIRPERSON.—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

(2) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

(B) INITIAL MEETING.—The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(4) RULES.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

(d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE SYSTEM RELATING TO INDIAN COUNTRY.—The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including —

(1) jurisdiction over crimes committed in Indian country and the impact of that jurisdiction on—

(A) the investigation and prosecution of Indian country crimes; and

(B) residents of Indian land;

(2) the tribal jail and Federal prisons systems and the effect of those systems with respect to—

(A) reducing Indian country crime; and

(B) rehabilitation of offenders;

(3)(A) tribal juvenile justice systems and the Federal juvenile justice system as relating to Indian country; and

(B) the effect of those systems and related programs in preventing juvenile crime, rehabilitating Indian youth in custody, and reducing recidivism among Indian youth;

(4) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on—

(A) the authority of Indian tribes; and

(B) the rights of defendants subject to tribal government authority; and

(5) studies of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2009.

(e) RECOMMENDATIONS.—Taking into consideration the results of the study under paragraph (1), the Commission shall develop recommendations on necessary modifications and improvements to justice systems at the tribal, Federal, and State levels, including consideration of—

(1) simplifying jurisdiction in Indian country;

(2) improving services and programs—

(A) to prevent juvenile crime on Indian land;

(B) to rehabilitate Indian youth in custody; and

(C) to reduce recidivism among Indian youth;

(3) enhancing the penal authority of tribal courts and exploring alternatives to incarceration;

(4) the establishment of satellite United States magistrate or district courts in Indian country;

(5) changes to the tribal jails and Federal prison systems; and

(6) other issues that, as determined by the Commission, would reduce violent crime in Indian country.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that contains—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission for such legislative and administrative actions as the Commission considers to be appropriate.

(g) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

(B) PUBLIC REQUIREMENT.—The hearings of the Commission under this paragraph shall be open to the public.

(2) WITNESS EXPENSES.—

(A) IN GENERAL.—A witness requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(B) PER DIEM AND MILEAGE.—The per diem and mileage allowance for a witness shall be paid from funds made available to the Commission.

(3) INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) TRIBAL AND STATE AGENCIES.—The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this section.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(h) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—On the affirmative vote of ⅔ of the members of the Commission and the approval of the appropriate Federal agency head, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Attorney General and Secretary shall provide to the Commission reasonable and appropriate office space, supplies, and administrative assistance.

(i) CONTRACTS FOR RESEARCH.—

(1) RESEARCHERS AND EXPERTS.—

(A) IN GENERAL.—On an affirmative vote of ⅔ of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out the duties of the Commission under this section.

(B) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may enter into a contract with the researchers and experts selected by the Commission under subparagraph (A) to provide funding in exchange for the services of the researchers and experts.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection limits the ability of the Commission to enter into contracts with any other entity or organization to carry out research necessary to carry out the duties of the Commission under this section.

(j) TRIBAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Commission shall establish a committee, to be known as the ''Tribal Advisory Committee''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Tribal Advisory Committee shall consist of 2 representatives of Indian tribes from each region of the Bureau of Indian Affairs.

(B) QUALIFICATIONS.—Each member of the Tribal Advisory Committee shall have experience relating to—

(i) justice systems;

(ii) crime prevention; or

(iii) victim services.

(3) DUTIES.—The Tribal Advisory Committee shall—

(A) serve as an advisory body to the Commission; and

(B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

(l) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under subsection (c)(3).

(m) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

TITLE IV—TRIBAL JUSTICE SYSTEMS

SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.

(a) CORRECTION OF REFERENCES.—

(1) INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.—Section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) is amended—

(A) in subsection (a)—

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

(I) by striking ''the date of enactment of this subtitle'' and inserting ''the date of enactment of the Tribal Law and Order Act of 2009''; and

(II) by inserting '', the Attorney General,'' after ''Secretary of the Interior'';

(ii) in paragraph (2)(A), by inserting '', Bureau of Justice Assistance, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs,'';

(iii) in paragraph (4), by inserting '', Department of Justice, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs'';

(iv) in paragraph (5), by inserting '', Department of Justice, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs'';

(v) in paragraph (7), by inserting '', the Attorney General,'' after ''Secretary of the Interior'';

(B) in subsection (c), by inserting '', the Attorney General,'' after ''Secretary of the Interior''; and

(C) in subsection (d), by striking ''the date of enactment of this subtitle'' and inserting ''the date of enactment of the Tribal Law and Order Act of 2009''.

(2) TRIBAL ACTION PLANS.—Section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412) is amended—

(A) in subsection (b), in the first sentence, by inserting '', the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration,'' before ''and the Indian Health Service service unit'';

(B) in subsection (c)(1)(A)(i), by inserting '', the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration,'' before ''and the Indian Health Service service unit'';

(C) in subsection (d)(2), by striking ''fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2010 through 2014'';

(D) in subsection (e), in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior''; and

(E) in subsection (f)(3), by striking ''fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2010 through 2014''.

(3) DEPARTMENTAL RESPONSIBILITY.—Section 4207 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2413) is amended—

(A) in subsection (a), by inserting '', the Attorney General'' after ''Bureau of Indian Affairs'';

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the 'Office of Indian Alcohol and Substance Abuse' (referred to in this section as the 'Office').

''(B) DIRECTOR.—The director of the Office shall be appointed by the Director of the Substance Abuse and Mental Health Services Administration—

''(i) on a permanent basis; and

''(ii) at a grade of not less than GS–15 of the General Schedule.'';

(ii) in paragraph (2)—

(I) by striking ''(2) In addition'' and inserting the following:

''(2) RESPONSIBILITIES OF OFFICE.—In addition'';

(II) by striking subparagraph (A) and inserting the following:

''(A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205;'';

(III) in subparagraph (B)—

(aa) by striking ''within the Bureau of Indian Affairs''; and

(bb) by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following:

''(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2009, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—

''(i) establish the goals and other desired outcomes of this Act;

''(ii) prioritizes outcomes that are aligned with the purposes of affected agencies;

''(iii) provides guidelines for resource and information sharing;

''(iv) provides technical assistance to the affected agencies to establish effective and permanent interagency communication and coordination; and

''(v) determines whether collaboration is feasible, cost-effective, and within agency capability.''; and

(iii) by striking paragraph (3) and inserting the following:

''(3) APPOINTMENT OF EMPLOYEES.—The Director of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out the responsibilities under this subsection.''; and

(C) in subsection (c)—

(i) by striking ''of Alcohol and Substance Abuse'' each place it appears;

(ii) in paragraph (1), in the second sentence, by striking ''The Assistant Secretary of the Interior for Indian Affairs'' and inserting ''The Director of the Substance Abuse and Mental Health Services Administration''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking ''Youth'' and inserting ''youth''; and

(II) by striking ''programs of the Bureau of Indian Affairs'' and inserting ''the applicable Federal programs''.

(4) REVIEW OF PROGRAMS.—Section 4208a(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter preceding paragraph (1) by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(5) FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.—Section 4209 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2415) is amended—

(A) in subsection (a), by inserting '', the Attorney General,'' after ''the Secretary of the Interior'';

(B) in subsection (b)—

(i) in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior'';

(ii) in the second sentence, by inserting '', nor the Attorney General,'' after ''the Secretary of the Interior''; and

(iii) in the third sentence, by inserting '', the Department of Justice,'' after ''the Department of the Interior''; and

(C) in subsection (c)(1), by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(6) NEWSLETTER.—Section 4210 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2416) is amended—

(A) in subsection (a), in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior''; and

(B) in subsection (b), by striking ''fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2010 through 2014''.

(7) REVIEW.—Section 4211(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2431(a)) is amended in the matter preceding paragraph (1) by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(b) INDIAN EDUCATION PROGRAMS.—Section 4212 of the Indian Alcohol and Substance Abuse Prevention Act of 1986 (25 U.S.C. 2432) is amended by striking subsection (a) and inserting the following:

''(a) SUMMER YOUTH PROGRAMS.—

''(1) IN GENERAL.—The head of the Indian Alcohol and Substance Abuse Program, in coordination with the Assistant Secretary for Indian Affairs, shall develop and implement programs in tribal schools and schools funded by the Bureau of Indian Education (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in advancing the purposes and goals of this Act.

''(2) COSTS.—The head of the Indian Alcohol and Substance Abuse Program and the Assistant Secretary shall defray all costs associated with the actual operation and support of the summer youth programs in a school from funds appropriated to carry out this subsection.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the programs under this subsection such sums as are necessary for each of fiscal years 2010 through 2014.''.

(c) EMERGENCY SHELTERS.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) in paragraph (1), by striking ''as may be necessary'' and all that follows through the end of the paragraph and inserting ''as are necessary for each of fiscal years 2010 through 2014.'';

(2) in paragraph (2), by striking ''$7,000,000'' and all that follows through the end of the paragraph and inserting ''$10,000,000 for each of fiscal years 2010 through 2014.''; and

(3) by indenting paragraphs (4) and (5) appropriately.

(d) REVIEW OF PROGRAMS.—Section 4215(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE ERADICATION.—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

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

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada.'';

(B) in paragraph (2), by striking ''United States Custom Service'' and inserting ''United States Customs and Border Protection''; and

(C) by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2010 through 2014.''; and

(2) in subsection (b)(2), by striking ''as may be necessary'' and all that follows through the end of the paragraph and inserting ''as are necessary for each of fiscal years 2010 through 2014.''.

(f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding—

''(A) the investigation and prosecution of offenses relating to illegal narcotics; and

''(B) alcohol and substance abuse prevention and treatment.

''(2) YOUTH-RELATED TRAINING.—Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.''; and

(2) in subsection (b), by striking ''as may be necessary'' and all that follows through the end of the subsection and inserting ''as are necessary for each of fiscal years 2010 through 2014.''.

(g) JUVENILE DETENTION CENTERS.—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' the first place it appears and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(B) in the second sentence, by striking ''The Secretary shall'' and inserting the following:

''(2) CONSTRUCTION AND OPERATION.—The Secretary shall''; and

(C) by adding at the end the following:

''(3) DEVELOPMENT OF PLAN.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary, the Director of the Substance Abuse and Mental Health Services Administration, the Director of the Indian Health Service, and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

''(B) COORDINATION.—The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers.''; and

(2) in subsection (b)—

(A) by striking ''such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' each place it appears and inserting ''such sums as are necessary for each of fiscal years 2010 through 2014''; and

(B) by indenting paragraph (2) appropriately.

SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL ASSISTANCE.

(a) INDIAN TRIBAL JUSTICE.—

(1) BASE SUPPORT FUNDING.—Section 103(b) of the Indian Tribal Justice Act (25 U.S.C. 3613(b)) is amended by striking paragraph (2) and inserting the following:

''(2) the employment of tribal court personnel, including tribal court judges, prosecutors, public defenders, guardians ad litem, and court-appointed special advocates for children and juveniles;''.

(2) TRIBAL JUSTICE SYSTEMS.—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(A) in subsection (a)—

(i) by striking ''the provisions of sections 101 and 102 of this Act'' and inserting ''sections 101 and 102''; and

(ii) by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2010 through 2014'';

(B) in subsection (b)—

(i) by striking ''the provisions of section 103 of this Act'' and inserting ''section 103''; and

(ii) by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2010 through 2014'';

(C) in subsection (c), by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2010 through 2014''; and

(D) in subsection (d), by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2010 through 2014''.

(b) TECHNICAL AND LEGAL ASSISTANCE.—

(1) TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.—Section 102 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3662) is amended by inserting ''(including guardians ad litem and court-appointed special advocates for children and juveniles)'' after ''civil legal assistance''.

(2) TRIBAL CRIMINAL LEGAL ASSISTANCE GRANTS.—Section 103 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3663) is amended by striking ''criminal legal assistance to members of Indian tribes and tribal justice systems'' and inserting ''criminal legal assistance services to all defendants subject to tribal court jurisdiction and judicial services for tribal courts''.

(3) FUNDING.—The Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) in section 106 (25 U.S.C. 3666), by striking ''2000 through 2004'' and inserting ''2010 through 2014''; and

(B) in section 201(d) (25 U.S.C. 3681(d)), by striking ''2000 through 2004'' and inserting ''2010 through 2014''.

SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) in subsection (b)—

(A) in each of paragraphs (1) through (4) and (6) through (17), by inserting ''to'' after the paragraph designation;

(B) in paragraph (1), by striking ''State and'' and inserting ''State, tribal, or'';

(C) in paragraphs (9) and (10), by inserting '', tribal,'' after ''State'' each place it appears;

(D) in paragraph (15)—

(i) by striking ''a State in'' and inserting ''a State or Indian tribe in'';

(ii) by striking ''the State which'' and inserting ''the State or tribal community that''; and

(iii) by striking ''a State or'' and inserting ''a State, tribal, or'';

(E) in paragraph (16), by striking ''and'' at the end

(F) in paragraph (17), by striking the period at the end and inserting ''; and'';

(G) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16), respectively; and

(H) by adding at the end the following:

''(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section on behalf of the Bureau for use in accordance with paragraphs (1) through (16).''.

(2) in subsection (i), by striking ''The authority'' and inserting ''Except as provided in subsection (j), the authority''; and

(3) by adding at the end the following:

''(j) GRANTS TO INDIAN TRIBES.—

''(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2010 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

''(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

''(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2010 through 2014.

''(k) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

''(1) the problem of intermittent funding;

''(2) the integration of COPS personnel with existing law enforcement authorities; and

''(3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.''.

SEC. 404. TRIBAL JAILS PROGRAM.

(a) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (a) and inserting the following:

''(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve $35,000,000 for each of fiscal years 2010 through 2014 to carry out this section.''.

(b) REGIONAL DETENTION CENTERS.—

(1) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (b) and inserting the following:

''(b) GRANTS TO INDIAN TRIBES.—

''(1) IN GENERAL.—From the amounts reserved under subsection (a), the Attorney General shall provide grants—

''(A) to Indian tribes for purposes of—

''(i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;

''(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

''(iii) developing and implementing alternatives to incarceration in tribal jails;

''(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws;

''(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

''(2) PRIORITY OF FUNDING.—in providing grants under this subsection, the Attorney General shall take into consideration applicable—

''(A) reservation crime rates;

''(B) annual tribal court convictions; and

''(C) bed space needs.

''(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.''.

(2) CONFORMING AMENDMENT.—Section 20109(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(c)) is amended by inserting ''or consortium of Indian tribes, as applicable,'' after ''Indian tribe''.

(3) LONG-TERM PLAN.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by adding at the end the following:

''(d) LONG-TERM PLAN.—Not later than 1 year after the date of enactment of this subsection, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including a description of—

''(1) proposed activities for construction of detention facilities (including regional facilities) on Indian land;

''(2) proposed activities for construction of additional Federal detention facilities on Indian land;

''(3) proposed activities for contracting with State and local detention centers, with tribal government approval;

''(4) proposed alternatives to incarceration, developed in cooperation with tribal court systems; and

''(5) such other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.''.

SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.

Title II of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3681 et seq.) is amended by adding at the end the following:

''SEC. 203. ASSISTANT PAROLE AND PROBATION OFFICERS.

''To the maximum extent practicable, the Director of the Administrative Office of the United States Courts, in coordination with the Office of Tribal Justice and the Director of the Office of Justice Services, shall—

''(1) appoint individuals residing in Indian country to serve as assistant parole or probation officers for purposes of monitoring and providing service to Federal prisoners residing in Indian country; and

''(2) provide substance abuse, mental health, and other related treatment services to offenders residing on Indian land.''.

SEC. 406. TRIBAL YOUTH PROGRAM.

(a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.—

(1) IN GENERAL.—Section 504 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5783) is amended—

(A) in subsection (a), by inserting '', or to Indian tribes under subsection (d)'' after ''subsection (b)''; and

(B) by adding at the end the following:

''(d) GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.—

''(1) IN GENERAL.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph (2)—

''(A) to support and enhance—

''(i) tribal juvenile delinquency prevention services; and

''(ii) the ability of Indian tribes to respond to, and care for, juvenile offenders; and

''(B) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency and responding to, and caring for, juvenile offenders.

''(2) ELIGIBLE INDIAN TRIBES.—To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

''(3) PRIORITY OF FUNDING.—In providing grants under this subsection, the Administrator shall take into consideration, with respect to the reservation communities to be served—

''(A) juvenile crime rates;

''(B) dropout rates; and

''(C) percentage of at-risk youth.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 505 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5784) is amended by striking ''fiscal years 2004, 2005, 2006, 2007, and 2008'' and inserting ''each of fiscal years 2010 through 2014''.

(b) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(2)) is amended—

(1) in subparagraph (A), by striking ''Nine'' and inserting ''Ten''; and

(2) in subparagraph (B), by adding at the end the following:

''(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee.''.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN COUNTRY.

(a) GANG VIOLENCE.—Section 1107 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 534 note; Public Law 109–162) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (8) through (12) as paragraphs (9) through (13), respectively;

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

''(8) the Office of Justice Services of the Bureau of Indian Affairs;'';

(C) in paragraph (9) (as redesignated by subparagraph (A)), by striking ''State'' and inserting ''tribal, State,''; and

(D) in paragraphs (10) through (12) (as redesignated by subparagraph (A)), by inserting ''tribal,'' before ''State,'' each place it appears; and

(2) in subsection (b), by inserting ''tribal,'' before ''State,'' each place it appears.

(b) BUREAU OF JUSTICE STATISTICS.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting '', Indian tribes,'' after ''contracts with'';

(B) in each of paragraphs (3) through (6), by inserting ''tribal,'' after ''State,'' each place it appears;

(C) in paragraph (7), by inserting ''and in Indian country'' after ''States'';

(D) in paragraph (9), by striking ''Federal and State Governments'' and inserting ''Federal Government and State and tribal governments'';

(E) in each of paragraphs (10) and (11), by inserting '', tribal,'' after ''State'' each place it appears;

(F) in paragraph (13), by inserting '', Indian tribes,'' after ''States'';

(G) in paragraph (17)—

(i) by striking ''State and local'' and inserting ''State, tribal, and local''; and

(ii) by striking ''State, and local'' and inserting ''State, tribal, and local'';

(H) in paragraph (18), by striking ''State and local'' and inserting ''State, tribal, and local'';

(I) in paragraph (19), by inserting ''and tribal'' after ''State'' each place it appears;

(J) in paragraph (20), by inserting '', tribal,'' after ''State''; and

(K) in paragraph (22), by inserting '', tribal,'' after ''Federal'';

(2) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting the subparagraphs appropriately;

(B) by striking ''To insure'' and inserting the following:

''(1) IN GENERAL.—To ensure''; and

(C) by adding at the end the following:

''(2) CONSULTATION WITH INDIAN TRIBES.—The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Director of the Office of Law Enforcement Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.'';

(3) in subsection (e), by striking ''subsection (d)(3)'' and inserting ''subsection (d)(1)(C)'';

(4) in subsection (f)—

(A) in the subsection heading, by inserting '', Tribal,'' after ''State''; and

(B) by inserting '', tribal,'' after ''State''; and

(5) by adding at the end the following:

''(g) REPORT TO CONGRESS ON CRIMES IN INDIAN COUNTRY.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.''.

SEC. 502. GRANTS TO IMPROVE TRIBAL DATA COLLECTION SYSTEMS.

Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended by adding at the end the following:

''(f) GRANTS TO IMPROVE TRIBAL DATA COLLECTION SYSTEMS.—

''(1) GRANT PROGRAM.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau and in coordination with the Attorney General, shall establish a program under which the Secretary shall provide grants to Indian tribes for activities to ensure uniformity in the collection and analysis of data relating to crime in Indian country.

''(2) REGULATIONS.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau, in consultation with tribal governments and tribal justice officials, shall promulgate such regulations as are necessary to carry out the grant program under this subsection.''.

SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT PROGRAM.

Section 1301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(a)) is amended by inserting '', tribal,'' after ''State''.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

SEC. 601. PRISONER RELEASE AND REENTRY.

Section 4042 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by inserting '', tribal,'' after ''State'';

(2) in subsection (b)(1), in the first sentence, by striking ''officer of the State and of the local jurisdiction'' and inserting ''officers of each State, tribal, and local jurisdiction''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''officer of the State and of the local jurisdiction'' and inserting ''officers of each State, tribal, and local jurisdiction''; and

(ii) in subparagraph (B), by inserting '', tribal,'' after ''State'' each place it appears; and

(B) in paragraph (2)—

(i) by striking ''(2) Notice'' and inserting the following:

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—A notice'';

(ii) in the second sentence, by striking ''For a person who is released'' and inserting the following:

''(B) RELEASED PERSONS.—For a person who is released'';

(iii) in the third sentence, by striking ''For a person who is sentenced'' and inserting the following:

''(C) PERSONS ON PROBATION.—For a person who is sentenced'';

(iv) in the fourth sentence, by striking ''Notice concerning'' and inserting the following:

''(D) RELEASED PERSONS REQUIRED TO REGISTER.—

''(i) IN GENERAL.—A notice concerning''; and

(v) in subparagraph (D) (as designated by clause (iv)), by adding at the end the following:

''(ii) PERSONS RESIDING IN INDIAN COUNTRY.—For a person described in paragraph (3) the expected place of residence of whom is potentially located in Indian country, the Director of the Bureau of Prisons or the Director of the Administrative Office of the United States Courts, as appropriate, shall—

''(I) make all reasonable and necessary efforts to determine whether the residence of the person is located in Indian country; and

''(II) ensure that the person is registered with the law enforcement office of each appropriate jurisdiction before release from Federal custody.''.

SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE TRAINING.

Section 3(c)(9) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as amended by section 101(a)(2)) is amended by inserting before the semicolon at the end the following: '', including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses''.

SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 11. TESTIMONY BY FEDERAL EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

''(a) APPROVAL OF EMPLOYEE TESTIMONY.—The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the 'Director concerned'), shall approve or disapprove, in writing, any request or subpoena for a law enforcement officer, sexual assault nurse examiner, or other employee under the supervision of the Director concerned to provide testimony in a deposition, trial, or other similar proceeding regarding information obtained in carrying out the official duties of the employee.

''(b) REQUIREMENT.—The Director concerned shall approve a request or subpoena

under subsection (a) if the request or subpoena does not violate the policy of the Department of the Interior to maintain strict impartiality with respect to private causes of action.

''(c) TREATMENT.—If the Director concerned fails to approve or disapprove a request or subpoena by the date that is 30 days after the date of receipt of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.''.

SEC. 604. COORDINATION OF FEDERAL AGENCIES.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 603) is amended by adding at the end the following:

''SEC. 12. COORDINATION OF FEDERAL AGENCIES.

''(a) IN GENERAL.—The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, the Indian Health Service, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

''(1) to improve domestic violence or sexual abuse responses;

''(2) to improve forensic examinations and collection;

''(3) to identify problems or obstacles in the prosecution of domestic violence or sexual abuse; and

''(4) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.

''(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes, with respect to the matters described in subsection (a), the improvements made and needed, problems or obstacles identified, and costs necessary to address the problems or obstacles, and any other recommendations that the Secretary determines to be appropriate.''.

SEC. 605. SEXUAL ASSAULT PROTOCOL.

Title VIII of the Indian Health Care Improvement Act is amended by inserting after section 802 (25 U.S.C. 1672) the following:

''SEC. 803. POLICIES AND PROTOCOL.

''The Director of Service, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.''.

Mr. BARRASSO. Mr. President, I rise to join my colleague, Mr. DORGAN, in introducing the Tribal Law and Order Act of 2009. This bill represents a bipartisan effort and crucial step in addressing a serious public safety crisis in many Indian communities throughout our Nation.

During the 110th Congress, the Committee on Indian Affairs held no less than seven hearings on the issue of law and order on Indian reservations. The committee found recurring themes of insufficient resources for law enforcement agencies, inadequate responses to criminal activity, and ineffective communication and coordination.

Criminal elements are well aware of the conditions of near lawlessness in some reservation areas. With great regret, I point to the Wind River Indian Reservation of the Eastern Shoshone and Northern Arapaho peoples in my home state of Wyoming as an example. The Wind River Indian Reservation consists of approximately 2.2 million acres and has a tribal population of over 11,000.

During fiscal year 2008, the Wind River Indian Reservation had a violent crime rate that was 3.58 times the national crime rate, according to the crime reports published by the Bureau of Indian Affairs within the Department of the Interior. Between 2007 and 2008, the crime rate on the Wind River Indian Reservation escalated from 677 to 748 incidents per 100,000 inhabitants.

Yet despite these troubling statistics, the Wind River Indian Reservation has only 9 law enforcement officers to cover all shifts. According to the Bureau of Indian Affairs' fiscal year 2008 crime report, an additional 22 police officers would be necessary to meet the minimum safety needs of this community. This situation would never be tolerated in other communities. We must address the needs for public safety, law enforcement and justice on Indian reservations head on.

Senator DORGAN and I have worked together to ensure that this bill will assist in increasing the number of police officers on the ground. Through this bill we are sending a strong message that Indian reservations will not be a haven for criminal activity, drug trafficking, gangs, or abuse.

We have set important goals for this legislation. To achieve them, we are proposing some significant changes to the status quo. As we move forward, I intend to solicit more input from stakeholders. The bill will inevitably require some modifications, and I look forward to that process. I consider the introduced legislation to be the beginning of a dialogue that will hopefully lead to refinement and improvement.

By Mr. DURBIN (for himself, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. REED, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 799. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to introduce America's Red Rock Wilderness Act of 2009. This legislation continues our commitment to preserve natural resources in this country.

America's Red Rock Wilderness Act will designate as wilderness some of our nation's most remarkable, but currently unprotected public lands. Bureau of Land Management, BLM, lands in Utah harbor some of the largest and most remarkable roadless desert areas anywhere in the world. Included in the 9.4 million acres I seek to protect are well known landscapes, such as the Grand Staircase-Escalante National Monument, and lesser known areas just outside Zion National Park, Canyonlands National Park, and Arches National Park. Together this wild landscape offers spectacular vistas of rare rock formations, canyons and desert lands, important archaeological sites, and habitat for rare plant and animal species.

I have visited many of the areas this act would designate as wilderness. I can tell you that the natural beauty of these landscapes is a compelling reason for Congress to grant these lands wilderness protection. I have the honor of introducing legislation on the 20th anniversary of the year it was first introduced by my friend and former colleague in the House of Representatives, Wayne Owens. As a member of the Utah delegation, Congressman Owens pioneered the Congressional effort to protect Utah's red rock wilderness. He did this with broad public support, which still exists not only in Utah, but in all corners of Nation.

The wilderness designated in this bill was chosen based on more than 20 years of meticulous research and surveying. Volunteers have taken inventories of thousands of square miles of BLM land in Utah to help determine which lands should be protected. These volunteers provided extensive documentation to ensure that these areas meet Federal wilderness criteria. The BLM also completed an inventory of approximately 7.5 million acres of the land that would be protected by America's Red Rock Wilderness Act and agreed that the vast majority qualify for wilderness designation.

For more than 20 years, Utah conservationists have been working to add the last great blocks of undeveloped BLM-administered land in Utah to the National Wilderness Preservation System. Together, we celebrate the recent passage of a national public lands bill that protects over 180,000 acres of wilderness in Washington County, UT, for future generations. The more than 9 million acres of lands that would be protected by this legislation surround eleven of Utah's national park, monument and recreation areas. These proposed BLM wilderness areas easily equal their neighboring national parklands in scenic beauty, opportunities for recreation, and ecological importance. Yet, unlike the parks, most of these scenic treasures lack any form of long-term protection from commercial development, damaging off-road vehicle use, or oil and gas exploration.

Americans understand the need for wise stewardship of these wild landscapes. This legislation represents a realistic balance between the need to

protect our natural heritage and demand for energy. While wilderness designation has been portrayed as a barrier to energy independence, it is important to note that within the entire 9.4 million acres of America's Red Rock Wilderness Act the amount of ''technically recoverable'' undiscovered natural gas and oil resources amounts to less than four days of oil and four weeks of natural gas at current consumption levels. In fact, protecting these lands benefits local economies because of the recreational opportunities they provide.

Unfortunately, scientists have already begun to see the impacts of global warming on public lands throughout the West. Hotter and drier conditions, larger wildfires, shrinking water resources, the spread of invasive species, soil erosion, and dust storms are all expected to increase over the next century. These threats make the need to protect the remaining undisturbed landscapes and wildlife habitats in Utah's red rock wilderness even more urgent.

America's Red Rock Wilderness Act is a lasting gift to the American public. By protecting this serene yet wild land we are giving future generations the opportunity to enjoy the same untrammeled landscape that so many now cherish.

I would like to thank my colleagues who are original cosponsors of this measure. Origin cosponsors are Senators Boxer, Cantwell, Cardin, Feingold, Harkin, Kennedy, Kerry, Lautenberg, Leahy, Lieberman, Menendez, Reed, Sanders, Stabenow, and Whitehouse. Additionally, I would like to thank the Utah Wilderness Coalition, which includes The Wilderness Society, the Sierra Club, the Natural Resources Defense Council, Earthjustice, and the Wasatch Mountain Club; the Southern Utah Wilderness Alliance; and all of the other national, regional and local, hard-working groups who, for years, have championed this legislation.

Theodore Roosevelt once stated:

The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value.

Enactment of this legislation will help us realize Roosevelt's vision. To protect these precious resources in Utah for future generations, I urge my colleagues to support America's Red Rock Wilderness Act.

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. 799

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 ''America's Red Rock Wilderness Act of 2009''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

(2) STATE.—The term ''State'' means the State of Utah.

TITLE I—DESIGNATION OF WILDERNESS AREAS

SEC. 101. GREAT BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Great Basin region of western Utah is comprised of starkly beautiful mountain ranges that rise as islands from the desert floor;

(2) the Wah Wah Mountains in the Great Basin region are arid and austere, with massive cliff faces and leathery slopes speckled with piñon and juniper;

(3) the Pilot Range and Stansbury Mountains in the Great Basin region are high enough to draw moisture from passing clouds and support ecosystems found nowhere else on earth;

(4) from bristlecone pine, the world's oldest living organism, to newly-flowered mountain meadows, mountains of the Great Basin region are islands of nature that—

(A) support remarkable biological diversity; and

(B) provide opportunities to experience the colossal silence of the Great Basin; and

(5) the Great Basin region of western Utah should be protected and managed to ensure the preservation of the natural conditions of the region.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Antelope Range (approximately 17,000 acres).

(2) Barn Hills (approximately 20,000 acres).

(3) Black Hills (approximately 9,000 acres).

(4) Bullgrass Knoll (approximately 15,000 acres).

(5) Burbank Hills/Tunnel Spring (approximately 92,000 acres).

(6) Conger Mountains (approximately 21,000 acres).

(7) Crater Bench (approximately 35,000 acres).

(8) Crater and Silver Island Mountains (approximately 121,000 acres).

(9) Cricket Mountains Cluster (approximately 62,000 acres).

(10) Deep Creek Mountains (approximately 126,000 acres).

(11) Drum Mountains (approximately 39,000 acres).

(12) Dugway Mountains (approximately 24,000 acres).

(13) Essex Canyon (approximately 1,300 acres).

(14) Fish Springs Range (approximately 64,000 acres).

(15) Granite Peak (approximately 19,000 acres).

(16) Grassy Mountains (approximately 23,000 acres).

(17) Grouse Creek Mountains (approximately 15,000 acres).

(18) House Range (approximately 201,000 acres).

(19) Keg Mountains (approximately 38,000 acres).

(20) Kern Mountains (approximately 15,000 acres).

(21) King Top (approximately 110,000 acres).

(22) Ledger Canyon (approximately 9,000 acres).

(23) Little Goose Creek (approximately 1,200 acres).

(24) Middle/Granite Mountains (approximately 80,000 acres).

(25) Mountain Home Range (approximately 90,000 acres).

(26) Newfoundland Mountains (approximately 22,000 acres).

(27) Ochre Mountain (approximately 13,000 acres).

(28) Oquirrh Mountains (approximately 9,000 acres).

(29) Painted Rock Mountain (approximately 26,000 acres).

(30) Paradise/Steamboat Mountains (approximately 144,000 acres).

(31) Pilot Range (approximately 45,000 acres).

(32) Red Tops (approximately 28,000 acres).

(33) Rockwell-Little Sahara (approximately 21,000 acres).

(34) San Francisco Mountains (approximately 39,000 acres).

(35) Sand Ridge (approximately 73,000 acres).

(36) Simpson Mountains (approximately 42,000 acres).

(37) Snake Valley (approximately 100,000 acres).

(38) Stansbury Island (approximately 10,000 acres).

(39) Stansbury Mountains (approximately 24,000 acres).

(40) Thomas Range (approximately 36,000 acres).

(41) Tule Valley (approximately 159,000 acres).

(42) Wah Wah Mountains (approximately 167,000 acres).

(43) Wasatch/Sevier Plateaus (approximately 29,000 acres).

(44) White Rock Range (approximately 5,200 acres).

SEC. 102. ZION AND MOJAVE DESERT WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the renowned landscape of Zion National Park, including soaring cliff walls, forested plateaus, and deep narrow gorges, extends beyond the boundaries of the Park onto surrounding public land managed by the Secretary;

(2) from the pink sand dunes of Moquith Mountain to the golden pools of Beaver Dam Wash, the Zion and Mojave Desert areas encompass 3 major provinces of the Southwest that include—

(A) the sculpted canyon country of the Colorado Plateau;

(B) the Mojave Desert; and
(C) portions of the Great Basin;
(3) the Zion and Mojave Desert areas display a rich mosaic of biological, archaeological, and scenic diversity;
(4) 1 of the last remaining populations of threatened desert tortoise is found within this region; and
(5) the Zion and Mojave Desert areas in Utah should be protected and managed as wilderness areas.
(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(1) Beaver Dam Mountains (approximately 30,000 acres).
(2) Beaver Dam Wash (approximately 23,000 acres).
(3) Beaver Dam Wilderness Expansion (approximately 8,000 acres).
(4) Canaan Mountain (approximately 67,000 acres).
(5) Cottonwood Canyon (approximately 12,000 acres).
(6) Cougar Canyon/Docs Pass (approximately 41,000 acres).
(7) Joshua Tree (approximately 12,000 acres).
(8) Mount Escalante (approximately 17,000 acres).
(9) Parunuweap Canyon (approximately 43,000 acres).
(10) Red Butte (approximately 4,500 acres).
(11) Red Mountain (approximately 21,000 acres).
(12) Scarecrow Peak (approximately 16,000 acres).
(13) Square Top Mountain (approximately 23,000 acres).
(14) Zion Adjacent (approximately 58,000 acres).

SEC. 103. GRAND STAIRCASE-ESCALANTE WILDERNESS AREAS.

(a) GRAND STAIRCASE AREA.—
(1) FINDINGS.—Congress finds that—
(A) the area known as the Grand Staircase rises more than 6,000 feet in a series of great cliffs and plateaus from the depths of the Grand Canyon to the forested rim of Bryce Canyon;
(B) the Grand Staircase—
(i) spans 6 major life zones, from the lower Sonoran Desert to the alpine forest; and
(ii) encompasses geologic formations that display 3,000,000,000 years of Earth's history;
(C) land managed by the Secretary lines the intricate canyon system of the Paria River and forms a vital natural corridor connection to the deserts and forests of those national parks;
(D) land described in paragraph (2) (other than East of Bryce, Upper Kanab Creek, Moquith Mountain, Bunting Point, and Vermillion Cliffs) is located within the Grand Staircase-Escalante National Monument; and
(E) the Grand Staircase in Utah should be protected and managed as a wilderness area.
(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(A) Bryce View (approximately 4,500 acres).
(B) Bunting Point (approximately 11,000 acres).
(C) Canaan Peak Slopes (approximately 2,300 acres).
(D) East of Bryce (approximately 750 acres).
(E) Glass Eye Canyon (approximately 24,000 acres).
(F) Ladder Canyon (approximately 14,000 acres).
(G) Moquith Mountain (approximately 16,000 acres).
(H) Nephi Point (approximately 14,000 acres).
(I) Paria-Hackberry (approximately 188,000 acres).
(J) Paria Wilderness Expansion (approximately 3,300 acres).
(K) Pine Hollow (approximately 11,000 acres).
(L) Slopes of Bryce (approximately 2,600 acres).
(M) Timber Mountain (approximately 51,000 acres).
(N) Upper Kanab Creek (approximately 49,000 acres).
(O) Vermillion Cliffs (approximately 26,000 acres).
(P) Willis Creek (approximately 21,000 acres).
(b) KAIPAROWITS PLATEAU.—
(1) FINDINGS.—Congress finds that—
(A) the Kaiparowits Plateau east of the Paria River is 1 of the most rugged and isolated wilderness regions in the United States;
(B) the Kaiparowits Plateau, a windswept land of harsh beauty, contains distant vistas and a remarkable variety of plant and animal species;
(C) ancient forests, an abundance of big game animals, and 22 species of raptors thrive undisturbed on the grassland mesa tops of the Kaiparowits Plateau;
(D) each of the areas described in paragraph (2) (other than Heaps Canyon, Little Valley, and Wide Hollow) is located within the Grand Staircase-Escalante National Monument; and
(E) the Kaiparowits Plateau should be protected and managed as a wilderness area.
(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(A) Andalex Not (approximately 18,000 acres).
(B) The Blues (approximately 21,000 acres).
(C) Box Canyon (approximately 2,800 acres).
(D) Burning Hills (approximately 80,000 acres).
(E) Carcass Canyon (approximately 83,000 acres).
(F) The Cockscomb (approximately 11,000 acres).
(G) Fiftymile Bench (approximately 12,000 acres).
(H) Fiftymile Mountain (approximately 203,000 acres).
(I) Heaps Canyon (approximately 4,000 acres).
(J) Horse Spring Canyon (approximately 31,000 acres).
(K) Kodachrome Headlands (approximately 10,000 acres).
(L) Little Valley Canyon (approximately 4,000 acres).
(M) Mud Spring Canyon (approximately 65,000 acres).
(N) Nipple Bench (approximately 32,000 acres).
(O) Paradise Canyon-Wahweap (approximately 262,000 acres).
(P) Rock Cove (approximately 16,000 acres).
(Q) Warm Creek (approximately 23,000 acres).
(R) Wide Hollow (approximately 6,800 acres).
(c) ESCALANTE CANYONS.—
(1) FINDINGS.—Congress finds that—
(A) glens and coves carved in massive sandstone cliffs, spring-watered hanging gardens, and the silence of ancient Anasazi ruins are examples of the unique features that entice hikers, campers, and sightseers from around the world to Escalante Canyon;
(B) Escalante Canyon links the spruce fir forests of the 11,000-foot Aquarius Plateau with winding slickrock canyons that flow into Glen Canyon;
(C) Escalante Canyon, 1 of Utah's most popular natural areas, contains critical habitat for deer, elk, and wild bighorn sheep that also enhances the scenic integrity of the area;
(D) each of the areas described in paragraph (2) is located within the Grand Staircase-Escalante National Monument; and
(E) Escalante Canyon should be protected and managed as a wilderness area.
(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(A) Brinkerhof Flats (approximately 3,000 acres).
(B) Colt Mesa (approximately 28,000 acres).
(C) Death Hollow (approximately 49,000 acres).
(D) Forty Mile Gulch (approximately 6,600 acres).
(E) Hurricane Wash (approximately 9,000 acres).
(F) Lampstand (approximately 7,900 acres).
(G) Muley Twist Flank (approximately 3,600 acres).
(H) North Escalante Canyons (approximately 176,000 acres).
(I) Pioneer Mesa (approximately 11,000 acres).
(J) Scorpion (approximately 53,000 acres).
(K) Sooner Bench (approximately 390 acres).
(L) Steep Creek (approximately 35,000 acres).
(M) Studhorse Peaks (approximately 24,000 acres).

SEC. 104. MOAB-LA SAL CANYONS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—
(1) the canyons surrounding the La Sal Mountains and the town of Moab offer a variety of extraordinary landscapes;
(2) outstanding examples of natural formations and landscapes in the Moab-La Sal area include the huge sandstone fins of Behind the Rocks, the mysterious Fisher Towers, and the whitewater rapids of Westwater Canyon; and
(3) the Moab-La Sal area should be protected and managed as a wilderness area.
(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(1) Arches Adjacent (approximately 12,000 acres).
(2) Beaver Creek (approximately 41,000 acres).
(3) Behind the Rocks and Hunters Canyon (approximately 22,000 acres).
(4) Big Triangle (approximately 20,000 acres).
(5) Coyote Wash (approximately 28,000 acres).
(6) Dome Plateau-Professor Valley (approximately 35,000 acres).
(7) Fisher Towers (approximately 18,000 acres).
(8) Goldbar Canyon (approximately 9,000 acres).
(9) Granite Creek (approximately 5,000 acres).
(10) Mary Jane Canyon (approximately 25,000 acres).
(11) Mill Creek (approximately 14,000 acres).
(12) Porcupine Rim and Morning Glory (approximately 20,000 acres).
(13) Renegade Point (approximately 6,600 acres).
(14) Westwater Canyon (approximately 37,000 acres).

(15) Yellow Bird (approximately 4,200 acres).

SEC. 105. HENRY MOUNTAINS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Henry Mountain Range, the last mountain range to be discovered and named by early explorers in the contiguous United States, still retains a wild and undiscovered quality;

(2) fluted badlands that surround the flanks of 11,000-foot Mounts Ellen and Pennell contain areas of critical habitat for mule deer and for the largest herd of free-roaming buffalo in the United States;

(3) despite their relative accessibility, the Henry Mountain Range remains 1 of the wildest, least-known ranges in the United States; and

(4) the Henry Mountain range should be protected and managed to ensure the preservation of the range as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.

(1) Bull Mountain (approximately 16,000 acres).

(2) Bullfrog Creek (approximately 35,000 acres).

(3) Dogwater Creek (approximately 3,400 acres).

(4) Fremont Gorge (approximately 20,000 acres).

(5) Long Canyon (approximately 16,000 acres).

(6) Mount Ellen-Blue Hills (approximately 140,000 acres).

(7) Mount Hillers (approximately 21,000 acres).

(8) Mount Pennell (approximately 147,000 acres).

(9) Notom Bench (approximately 6,200 acres).

(10) Oak Creek (approximately 1,700 acres).

(11) Ragged Mountain (approximately 28,000 acres).

SEC. 106. GLEN CANYON WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the side canyons of Glen Canyon, including the Dirty Devil River and the Red, White and Blue Canyons, contain some of the most remote and outstanding landscapes in southern Utah;

(2) the Dirty Devil River, once the fortress hideout of outlaw Butch Cassidy's Wild Bunch, has sculpted a maze of slickrock canyons through an imposing landscape of monoliths and inaccessible mesas;

(3) the Red and Blue Canyons contain colorful Chinle/Moenkopi badlands found nowhere else in the region; and

(4) the canyons of Glen Canyon in the State should be protected and managed as wilderness areas.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cane Spring Desert (approximately 18,000 acres).

(2) Dark Canyon (approximately 134,000 acres).

(3) Dirty Devil (approximately 242,000 acres).

(4) Fiddler Butte (approximately 92,000 acres).

(5) Flat Tops (approximately 30,000 acres).

(6) Little Rockies (approximately 64,000 acres).

(7) The Needle (approximately 11,000 acres).

(8) Red Rock Plateau (approximately 213,000 acres).

(9) White Canyon (approximately 98,000 acres).

SEC. 107. SAN JUAN-ANASAZI WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) more than 1,000 years ago, the Anasazi Indian culture flourished in the slickrock canyons and on the piñon-covered mesas of southeastern Utah;

(2) evidence of the ancient presence of the Anasazi pervades the Cedar Mesa area of the San Juan-Anasazi area where cliff dwellings, rock art, and ceremonial kivas embellish sandstone overhangs and isolated benchlands;

(3) the Cedar Mesa area is in need of protection from the vandalism and theft of its unique cultural resources;

(4) the Cedar Mesa wilderness areas should be created to protect both the archaeological heritage and the extraordinary wilderness, scenic, and ecological values of the United States; and

(5) the San Juan-Anasazi area should be protected and managed as a wilderness area to ensure the preservation of the unique and valuable resources of that area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Allen Canyon (approximately 5,900 acres).

(2) Arch Canyon (approximately 30,000 acres).

(3) Comb Ridge (approximately 15,000 acres).

(4) East Montezuma (approximately 45,000 acres).

(5) Fish and Owl Creek Canyons (approximately 73,000 acres).

(6) Grand Gulch (approximately 159,000 acres).

(7) Hammond Canyon (approximately 4,400 acres).

(8) Nokai Dome (approximately 93,000 acres).

(9) Road Canyon (approximately 63,000 acres).

(10) San Juan River (Sugarloaf) (approximately 15,000 acres).

(11) The Tabernacle (approximately 7,000 acres).

(12) Valley of the Gods (approximately 21,000 acres).

SEC. 108. CANYONLANDS BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) Canyonlands National Park safeguards only a small portion of the extraordinary red-hued, cliff-walled canyonland region of the Colorado Plateau;

(2) areas near Arches National Park and Canyonlands National Park contain canyons with rushing perennial streams, natural arches, bridges, and towers;

(3) the gorges of the Green and Colorado Rivers lie on adjacent land managed by the Secretary;

(4) popular overlooks in Canyonlands Nations Park and Dead Horse Point State Park have views directly into adjacent areas, including Lockhart Basin and Indian Creek; and

(5) designation of those areas as wilderness would ensure the protection of this erosional masterpiece of nature and of the rich pockets of wildlife found within its expanded boundaries.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Bridger Jack Mesa (approximately 33,000 acres).

(2) Butler Wash (approximately 27,000 acres).

(3) Dead Horse Cliffs (approximately 5,300 acres).

(4) Demon's Playground (approximately 3,700 acres).

(5) Duma Point (approximately 14,000 acres).

(6) Gooseneck (approximately 9,000 acres).

(7) Hatch Point Canyons/Lockhart Basin (approximately 149,000 acres).

(8) Horsethief Point (approximately 15,000 acres).

(9) Indian Creek (approximately 28,000 acres).

(10) Labyrinth Canyon (approximately 150,000 acres).

(11) San Rafael River (approximately 101,000 acres).

(12) Shay Mountain (approximately 14,000 acres).

(13) Sweetwater Reef (approximately 69,000 acres).

(14) Upper Horseshoe Canyon (approximately 60,000 acres).

SEC. 109. SAN RAFAEL SWELL WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the San Rafael Swell towers above the desert like a castle, ringed by 1,000-foot ramparts of Navajo Sandstone;

(2) the highlands of the San Rafael Swell have been fractured by uplift and rendered hollow by erosion over countless millennia, leaving a tremendous basin punctuated by mesas, buttes, and canyons and traversed by sediment-laden desert streams;

(3) among other places, the San Rafael wilderness offers exceptional back country opportunities in the colorful Wild Horse Badlands, the monoliths of North Caineville Mesa, the rock towers of Cliff Wash, and colorful cliffs of Humbug Canyon;

(4) the mountains within these areas are among Utah's most valuable habitat for desert bighorn sheep; and

(5) the San Rafael Swell area should be protected and managed to ensure its preservation as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cedar Mountain (approximately 15,000 acres).

(2) Devils Canyon (approximately 23,000 acres).

(3) Eagle Canyon (approximately 38,000 acres).

(4) Factory Butte (approximately 22,000 acres).

(5) Hondu Country (approximately 20,000 acres).

(6) Jones Bench (approximately 2,800 acres).

(7) Limestone Cliffs (approximately 25,000 acres).

(8) Lost Spring Wash (approximately 37,000 acres).

(9) Mexican Mountain (approximately 100,000 acres).

(10) Molen Reef (approximately 33,000 acres).

(11) Muddy Creek (approximately 240,000 acres).

(12) Mussentuchit Badlands (approximately 25,000 acres).

(13) Pleasant Creek Bench (approximately 1,100 acres).

(14) Price River-Humbug (approximately 120,000 acres).

(15) Red Desert (approximately 40,000 acres).

(16) Rock Canyon (approximately 18,000 acres).

(17) San Rafael Knob (approximately 15,000 acres).

(18) San Rafael Reef (approximately 114,000 acres).

(19) Sids Mountain (approximately 107,000 acres).

(20) Upper Muddy Creek (approximately 19,000 acres).

(21) Wild Horse Mesa (approximately 92,000 acres).

SEC. 110. BOOK CLIFFS AND UINTA BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Book Cliffs and Uinta Basin wilderness areas offer—

(A) unique big game hunting opportunities in verdant high-plateau forests;

(B) the opportunity for float trips of several days duration down the Green River in Desolation Canyon; and

(C) the opportunity for calm water canoe weekends on the White River;

(2) the long rampart of the Book Cliffs bounds the area on the south, while seldom-visited uplands, dissected by the rivers and streams, slope away to the north into the Uinta Basin;

(3) bears, Bighorn sheep, cougars, elk, and mule deer flourish in the back country of the Book Cliffs; and

(4) the Book Cliffs and Uinta Basin areas should be protected and managed to ensure the protection of the areas as wilderness.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.

(1) Bourdette Draw (approximately 15,000 acres).

(2) Bull Canyon (approximately 2,800 acres).

(3) Chipeta (approximately 95,000 acres).

(4) Dead Horse Pass (approximately 8,000 acres).

(5) Desbrough Canyon (approximately 13,000 acres).

(6) Desolation Canyon (approximately 557,000 acres).

(7) Diamond Breaks (approximately 9,000 acres).

(8) Diamond Canyon (approximately 166,000 acres).

(9) Diamond Mountain (also known as ''Wild Mountain'') (approximately 27,000 acres).

(10) Dinosaur Adjacent (approximately 10,000 acres).

(11) Goslin Mountain (approximately 4,900 acres).

(12) Hideout Canyon (approximately 12,000 acres).

(13) Lower Bitter Creek (approximately 14,000 acres).

(14) Lower Flaming Gorge (approximately 21,000 acres).

(15) Mexico Point (approximately 15,000 acres).

(16) Moonshine Draw (also known as ''Daniels Canyon'') (approximately 10,000 acres).

(17) Mountain Home (approximately 9,000 acres).

(18) O-Wi-Yu-Kuts (approximately 13,000 acres).

(19) Red Creek Badlands (approximately 3,600 acres).

(20) Seep Canyon (approximately 21,000 acres).

(21) Sunday School Canyon (approximately 18,000 acres).

(22) Survey Point (approximately 8,000 acres).

(23) Turtle Canyon (approximately 39,000 acres).

(24) White River (approximately 24,500 acres).

(25) Winter Ridge (approximately 38,000 acres).

(26) Wolf Point (approximately 15,000 acres).

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. GENERAL PROVISIONS.

(a) NAMES OF WILDERNESS AREAS.—Each wilderness area named in title I shall—

(1) consist of the quantity of land referenced with respect to that named area, as generally depicted on the map entitled ''Utah BLM Wilderness Proposed by H.R. [_____], 111th Congress''; and

(2) be known by the name given to it in title I.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the Office of the Director of the Bureau of Land Management.

SEC. 202. ADMINISTRATION.

Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this Act shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 203. STATE SCHOOL TRUST LAND WITHIN WILDERNESS AREAS.

(a) IN GENERAL.—Subject to subsection (b), if State-owned land is included in an area designated by this Act as a wilderness area, the Secretary shall offer to exchange land owned by the United States in the State of approximately equal value in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) and section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)).

(b) MINERAL INTERESTS.—The Secretary shall not transfer any mineral interests under subsection (a) unless the State transfers to the Secretary any mineral interests in land designated by this Act as a wilderness area.

SEC. 204. WATER.

(a) RESERVATION.—

(1) WATER FOR WILDERNESS AREAS.—

(A) IN GENERAL.—With respect to each wilderness area designated by this Act, Congress reserves a quantity of water determined by the Secretary to be sufficient for the wilderness area.

(B) PRIORITY DATE.—The priority date of a right reserved under subparagraph (A) shall be the date of enactment of this Act.

(2) PROTECTION OF RIGHTS.—The Secretary and other officers and employees of the United States shall take any steps necessary to protect the rights reserved by paragraph (1)(A), including the filing of a claim for the quantification of the rights in any present or future appropriate stream adjudication in the courts of the State—

(A) in which the United States is or may be joined; and

(B) that is conducted in accordance with section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560, chapter 651).

(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in this Act relinquishes or reduces any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) SPECIFICATION OF RIGHTS.—The Federal water rights reserved by this Act are specific to the wilderness areas designated by this Act.

(2) NO PRECEDENT ESTABLISHED.—Nothing in this Act related to reserved Federal water rights—

(A) shall establish a precedent with regard to any future designation of water rights; or

(B) shall affect the interpretation of any other Act or any designation made under any other Act.

SEC. 205. ROADS.

(a) SETBACKS.—

(1) MEASUREMENT IN GENERAL.—A setback under this section shall be measured from the center line of the road.

(2) WILDERNESS ON 1 SIDE OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on only 1 side shall be set at—

(A) 300 feet from a paved Federal or State highway;

(B) 100 feet from any other paved road or high standard dirt or gravel road; and

(C) 30 feet from any other road.

(3) WILDERNESS ON BOTH SIDES OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on both sides (including cherry-stems or roads separating 2 wilderness units) shall be set at—

(A) 200 feet from a paved Federal or State highway;

(B) 40 feet from any other paved road or high standard dirt or gravel road; and

(C) 10 feet from any other roads.

(b) SETBACK EXCEPTIONS.—

(1) WELL-DEFINED TOPOGRAPHICAL BARRIERS.—If, between the road and the boundary of a setback area described in paragraph (2) or (3) of subsection (a), there is a well-defined cliff edge, streambank, or other topographical barrier, the Secretary shall use the barrier as the wilderness boundary.

(2) FENCES.—If, between the road and the boundary of a setback area specified in paragraph (2) or (3) of subsection (a), there is a fence running parallel to a road, the Secretary shall use the fence as the wilderness boundary if, in the opinion of the Secretary, doing so would result in a more manageable boundary.

(3) DEVIATIONS FROM SETBACK AREAS.—

(A) EXCLUSION OF DISTURBANCES FROM WILDERNESS BOUNDARIES.—In cases where there is an existing livestock development, dispersed camping area, borrow pit, or similar disturbance within 100 feet of a road that forms part of a wilderness boundary, the Secretary may delineate the boundary so as to exclude the disturbance from the wilderness area.

(B) LIMITATION ON EXCLUSION OF DISTURBANCES.—The Secretary shall make a boundary adjustment under subparagraph (A) only if the Secretary determines that doing so is consistent with wilderness management goals.

(C) DEVIATIONS RESTRICTED TO MINIMUM NECESSARY.—Any deviation under this paragraph from the setbacks required under in paragraph (2) or (3) of subsection (a) shall be the minimum necessary to exclude the disturbance.

(c) DELINEATION WITHIN SETBACK AREA.—The Secretary may delineate a wilderness boundary at a location within a setback under paragraph (2) or (3) of subsection (a) if, as determined by the Secretary, the delineation would enhance wilderness management goals.

SEC. 206. LIVESTOCK.

Within the wilderness areas designated under title I, the grazing of livestock authorized on the date of enactment of this Act shall be permitted to continue subject to such reasonable regulations and procedures as the Secretary considers necessary, as long as the regulations and procedures are consistent with—

(1) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) section 101(f) of the Arizona Desert Wilderness Act of 1990 (Public Law 101–628; 104 Stat. 4469).

SEC. 207. FISH AND WILDLIFE.

Nothing in this Act affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

SEC. 208. MANAGEMENT OF NEWLY ACQUIRED LAND.

Any land within the boundaries of a wilderness area designated under this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act and other laws applicable to wilderness areas.

SEC. 209. WITHDRAWAL.

Subject to valid rights existing on the date of enactment of this Act, the Federal land referred to in title I is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public law;

(2) location, entry, and patent under mining law; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

Mr. FEINGOLD. Mr. President, I am very pleased to again join with the Senior Senator from Illinois, Mr. DURBIN, as an original cosponsor of legislation to designate areas of pristine Federal lands in Utah as wilderness.

I support this legislation, for a few reasons, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the Bureau of Land Management, BLM, lands of Southern Utah.

I had an opportunity to travel twice to Utah and view firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside of the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal and inside the Grand Staircase-Escalante National Monument to Upper Calf Creek Falls. I also viewed the lands proposed for designation in this bill from a river trip down the Colorado River, and in the San Rafael Swell with members of the Emery County government.

Second, I support this legislation because I believe it sets the appropriate benchmark for the lands that should be protected in Southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompasses all the BLM lands of wilderness quality in Utah.

Unfortunately, the Senate has not always had the benefit of considering wilderness designations for all of the deserving lands in Southern Utah. Last Congress, a provision was air-dropped into a bill considered by the Senate—without having been considered by the House or the Senate Energy and Natural Resources Committee—that designated less than 45 percent of the wilderness quality lands included in the America's Red Rock Wilderness Act for Washington County, Utah. Furthermore, the public lands package omitted a wilderness unit, Dry Creek, that Senator BENNETT has previously agreed to protect in his Washington County Growth and Conservation Act of 2008, S. 2834. During the 104th Congress, I joined with the former Senator from New Jersey, Mr. Bradley, in opposing omnibus parks legislation that contained provisions, which were eventually removed, that many in my home State of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of Southern Utah are very special to the people of Wisconsin. In writing to me over the last few years, my constituents have described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunikar of the Capital Times, a paper in Madison, WI, wrote: ''Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans. The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines of the Great Basin include some of the last of our country's wilderness, which is not fully protected. We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah. This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children.''

I believe that the measure being introduced today will accomplish that goal. The measure protects wild lands that really are not done justice by any description. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the Grand Staircase-Escalante National Monument. These regions appeal to all types of American outdoor interests from hiking and sightseeing to hunting.

Wisconsinites are watching this test case closely. I believe that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the nation is headed with respect to its stewardship of natural resources. Legislation to protect existing wilderness ensures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Finally, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the Federal Government for the people of the U.S. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin as it is for other Americans. I am eager to work with my colleague from Illinois, Mr. DURBIN, to protect these lands. I commend him for introducing this measure.

By Ms. SNOWE (for herself and Mr. CASEY):

S. 800. A bill to require the President to update and modify the website recovery.gov; to the Committee on Homeland Security and Governmental Affairs.

Ms. SNOWE. Mr. President, I rise to introduce legislation to enhance the availability of information to the public concerning the programs funded pursuant to the American Recovery and Reinvestment Act of 2009 enacted in February. I am pleased to be joined by Senator Casey in introducing this bill.

In a recent meeting that I had with constituents from the Maine Municipal Association, several questions arose regarding application deadlines and when funding will be distributed under the act. Additionally, because there is no centralized location listing the opportunities available, some Mayors and First Selectmen had little idea of all the programs for which they may be eligible. Indeed, the officials spoke of finding out about various programs either through meetings or colleagues, and they noted that a regularly updated online database of catalogued programs would be extremely useful.

This modest bill would require that the administration's recovery.gov website be expanded so that States and localities can easily ascertain stimulus funds for which they may be eligible. Cities and towns could benefit greatly if they could use Recovery.gov to quickly learn about funding for which they may be eligible, application deadlines, and who to contact for more information. An enhanced website or ''clearinghouse'' would facilitate the timely distribution of economic stimulus funds and ensure that they will be used as quickly and efficiently as possible to help restore economic growth throughout the country.

I urge prompt consideration of this bill.

By Mr. AKAKA (for himself, Mr. BURR, Mr. TESTER, Mr. BURRIS, and Mr. ROCKEFELLER):

S. 801. A bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation to create a program within the Department of Veterans Affairs for family caregivers. I am pleased to be joined by my colleagues Senator BURR, the Ranking Member of the Veterans' Affairs Committee, Senator TESTER, Senator BURNS, and Senator ROCKEFELLER, former Chairman of the Committee.

Some veterans returning from the recent wars in Iraq and Afghanistan, as well as previous conflicts, suffer from disabilities that prevent them from being fully independent. This is a sad fact of war. The legislation I am introducing today is designed to provide for several improvements in health care for veterans by supporting the family members who care for them.

The challenges faced by family caregivers are well known to us. We have been working on this issue for nearly two years. Provisions that then-Senator Clinton included in a health care omnibus bill reported by the Committee last Congress would have provided for pilot programs to serve caregivers. We have since learned much more about the role family members play in caring for injured veterans, and the needs of family caregivers. I think we are now beyond the scope of that original pilot program and I believe that a full-fledged permanent program is needed in VA.

First, it is well known that the involvement of family members in the provision of health care dramatically improves speed and success of recovery. This bill will give family members the resources needed to be involved in the care for their loved one. Second, many disabled veterans are not able to complete some tasks of daily living on their own, but do not require care in an institution. Allowing a veteran to remain in the home, while having family members meet the veteran's needs, will vastly improve quality of life for the veteran.

Caregivers, who are members of a veteran's family, often put their lives on hold in order to provide care for the injured or disabled veteran at home. In some instances, these caregivers are unable to maintain regular jobs because of the time consumed in providing sufficient care to the veteran. This has the compound effect of decreasing household income, and possibly preventing the caregiver from keeping health insurance. This legislation would help alleviate these problems so as to allow the caregiver to focus entirely on caring for the veteran.

This bill includes provisions for training and certifying family caregivers or personal care attendants. It would provide for mental health counseling, health care eligibility, a living stipend, and other critical services to support these caregivers. Additionally, this bill would make improvements to the services VA provides to family members who must travel to take the veteran to a VA facility to receive treatment.

I look forward to working with all of our colleagues to pass this much needed legislation. I especially thank Senators BURR and ROCKEFELLER for cosponsoring this bill. I would also like to thank the dedicated members of the Wounded Warrior Project and Paralyzed Veterans of America for their tireless efforts in support of this 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. 801

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 ''Family Caregiver Program Act of 2009''.

SEC. 2. WAIVER OF CHARGES FOR HUMANITARIAN CARE PROVIDED TO FAMILY MEMBERS ACCOMPANYING CERTAIN SEVERELY INJURED VETERANS AS THEY RECEIVE MEDICAL CARE.

The text of section 1784 of title 38, United States Code, is amended to read as follows:

''(a) IN GENERAL.—The Secretary may furnish hospital care or medical services as a humanitarian service in emergency cases.

''(b) REIMBURSEMENT.—Except as provided in subsection (c), the Secretary shall charge for care and services provided under subsection (a) at rates prescribed by the Secretary.

''(c) WAIVER OF CHARGES.—(1) Except as provided in paragraph (2), the Secretary shall waive the charges required by subsection (b) for care or services provided under subsection (a) to an attendant of a covered veteran if such care or services are provided to such attendant for an emergency that occurs while such attendant is accompanying such veteran while such veteran is receiving approved inpatient or outpatient treatment at—

''(A) a Department facility; or

''(B) a non-Department facility—

''(i) that is under contract with the Department; or

''(ii) at which the veteran is receiving fee-basis care.

''(2) If an attendant is entitled to care or services under a health-plan contract (as that term is defined in section 1725(f) of this title) or other contractual or legal recourse against a third party that would, in part, extinguish liability by charges described by subsection (b), the amount of such charges waived under paragraph (1) shall be the amount by which such charges exceed the amount of such charges covered by the health-plan contract or other contractual or legal recourse against the third party.

''(d) DEFINITIONS.—In this section:

''(1) The term 'attendant' includes, with respect to a veteran, the following:

''(A) A family member of the veteran.

''(B) An individual eligible to receive ongoing family caregiver assistance under section 1717A(e)(1) of this title for the provision of personal care services to the veteran.

''(C) Any other individual whom the Secretary determines—

''(i) has a relationship with the veteran sufficient to demonstrate a close affinity with the veteran; and

''(ii) provides a significant portion of the veteran's care.

''(2) The term 'covered veteran' means any veteran with a severe injury incurred or aggravated in the line of duty in the active military, naval, or air service on or after September 11, 2001.

''(3) The term 'family member' with respect to a veteran, includes the following:

''(A) The spouse of the veteran.

''(B) The child of the veteran.

''(C) A parent of the veteran.

''(D) A sibling of the veteran.

''(E) A cousin of the veteran.

''(F) An aunt of the veteran.

''(G) An uncle of the veteran.

''(H) A grandparent of the veteran.

''(I) A grandchild of the veteran.

''(J) A stepparent of the veteran.

''(K) A stepchild of the veteran.

''(L) A stepsibling of the veteran.

''(M) A parent-in-law of the veteran.

''(N) A sister-in-law of the veteran.

''(O) A brother-in-law of the veteran.

''(P) A cousin of the spouse of the veteran.

''(Q) An aunt of the spouse of the veteran.

''(R) An uncle of the spouse of the veteran.

''(S) A grandparent of the spouse of the veteran.

''(T) A grandchild of the spouse of the veteran.

''(U) A stepparent of the spouse of the veteran.

''(V) A stepsibling of the spouse of the veteran.

''(W) Such other individuals as the Secretary shall specify in regulations for purposes of this section.

''(4) The term 'severe injury' means, in the case of a covered veteran, any injury as follows:

''(A) A physiological condition of the veteran if the condition is a permanent or temporary severely disabling disorder that compromises the ability of the veteran to carry out one or more independent activities of daily living.

''(B) A psychological condition of the veteran if the condition is rated at 30 or less on the Global Assessment of Functioning (GAF) scale, as set forth in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition Text Revision (DSM-IV-TR), or the most recent edition if different than the Fourth Edition Text Revision, of the American Psychiatric Association.

''(C) An injury for which the veteran needs supervision or protection based on symptoms or residuals of neurological or other impairment.

''(D) Any other injury of the veteran that is determined to be a severe injury in accordance with regulations prescribed by the Secretary for purposes of this section.''.

SEC. 3. FAMILY CAREGIVER ASSISTANCE.

(a) REQUIREMENT.—

(1) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1717 the following new section:

''§ 1717A. Family caregiver assistance

''(a) IN GENERAL.—(1) As part of home health services provided under section 1717 of this title, the Secretary shall, upon the joint application of an eligible veteran and a family member of such veteran (or other individual designated by such veteran), furnish to such family member (or designee) family caregiver assistance in accordance with this section. The purpose of providing family caregiver assistance under this section is—

''(A) to reduce the number of veterans who are receiving institutional care, or who are in need of institutional care, whose personal care service needs could be substantially satisfied with the provision of such services by a family member (or designee); and

''(B) to provide eligible veterans with additional options so that they can choose the setting for the receipt of personal care services that best suits their needs.

''(2) The Secretary shall only furnish family caregiver assistance under this section to a family member of an eligible veteran (or other individual designated by such veteran) if the Secretary determines it is in the best interest of the eligible veteran to do so.

''(b) ELIGIBLE VETERANS.—(1) For purposes of this section, an eligible veteran is a veteran (or member of the Armed Forces undergoing medical discharge from the Armed Forces)—

''(A) who has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in line of duty in the active military, naval, or air service on or after the date described in paragraph (2); and

''(B) whom the Secretary determines, in consultation with the Secretary of Defense as necessary, is in need of personal care services because of—

''(i) an inability to perform one or more independent activities of daily living;

''(ii) a need for supervision or protection based on symptoms or residuals of neurological or other impairment or injury; or

''(iii) such other matters as the Secretary shall establish in consultation with the Secretary of Defense as appropriate.

''(2) The date described in this paragraph—

''(A) during the period beginning on the date of the enactment of the Family Caregiver Program Act of 2009 and ending two years after the date of the enactment of that Act, is September 11, 2001; and

''(B) beginning on the first day after the date that is two years after the date of the enactment of the Family Caregiver Program Act of 2009, is the earliest date the Secretary determines is appropriate to include the largest number of veterans possible under this section without reducing the quality of care provided to such veterans.

''(c) EVALUATION OF ELIGIBLE VETERANS AND FAMILY CAREGIVERS.—(1) The Secretary shall evaluate each eligible veteran who makes a joint application under subsection (a)(1)—

''(A) to identify the personal care services required by such veteran; and

''(B) to determine whether such requirements could be significantly or substantially satisfied with the provision of personal care services from a family member (or other individual designated by the veteran).

''(2) The Secretary shall evaluate each family member of an eligible veteran (or other individual designated by the veteran) who makes a joint application under subsection (a)(1) to determine—

''(A) the basic amount of instruction, preparation, and training such family member (or designee) requires, if any, to provide the personal care services required by such veteran; and

''(B) the amount of additional instruction, preparation, and training such family member (or designee) requires, if any, to be the primary personal care attendant designated for such veteran under subsection (e).

''(3) An evaluation carried out under paragraph (1) may be carried out—

''(A) at a Department facility;

''(B) at a non-Department facility determined appropriate by the Secretary for purposes of such evaluation; and

''(C) such other locations as the Secretary considers appropriate.

''(d) TRAINING AND CERTIFICATION.—(1) Except as provided in subsection (a)(2), the Secretary shall provide each family member of an eligible veteran (or other individual designated by the veteran) who makes a joint application under subsection (a)(1) the basic instruction, preparation, and training determined to be required by such family member (or designee) under subsection (c)(2)(A).

''(2) The Secretary may provide to a family member of an eligible veteran (or other individual designated by the veteran) the additional instruction, preparation, and training determined to be required by such family member (or designee) under subsection (c)(2)(B) if such family member (or designee)—

''(A) is certified as a personal care attendant for the veteran under paragraph (3); and

''(B) requests, with concurrence of the veteran, such additional instruction, preparation, and training.

''(3) Upon the successful completion by a family member of an eligible veteran (or other individual designated by the veteran) of basic instruction, preparation, and training provided under paragraph (1), the Secretary shall certify the family member as a personal care attendant for the veteran.

''(4) If the Secretary determines that a primary personal care attendant designated under subsection (e) requires additional training to maintain such designation, the Secretary shall make such training available to the primary personal care attendant.

''(5) The Secretary shall, subject to regulations the Secretary shall prescribe, provide for necessary travel, lodging, and per diem expenses incurred by a family member of an eligible veteran (or other individual designated by the veteran) in undergoing training under this subsection.

''(6) If the participation of a family member of an eligible veteran (or other individual designated by the veteran) in training under this subsection would interfere with the provision of personal care services to the veteran, the Secretary shall, subject to regulations as the Secretary shall prescribe and in consultation with the eligible veteran, provide respite care to the eligible veteran during the provision of such training to the family member so that such family caregiver (or designee) can participate in such training without interfering with the provision of such services.

''(e) DESIGNATION OF PRIMARY PERSONAL CARE ATTENDANT.—(1) For each eligible veteran with at least one family member (or other individual designated by the veteran) who is described by subparagraphs (A) through (E) of paragraph (2), the Secretary shall designate one family member of such veteran (or other individual designated by the veteran) as the primary personal care attendant for such veteran to be the primary provider of personal care services for such veteran.

''(2) A primary personal care attendant designated for an eligible veteran under paragraph (1) shall be selected from among family members of such veteran (or other individuals designated by such veteran) who—

''(A) are certified under subsection (d)(3) as a personal care attendant for such veteran;

''(B) complete all additional instruction, preparation, and training, if any, provided under subsection (d)(2);

''(C) elect to provide the personal care services to such veteran that the Secretary determines such veteran requires under subsection (c)(1);

''(D) has the consent of such veteran to be the primary provider of such services for such veteran; and

''(E) the Secretary considers competent to be the primary provider of such services for such veteran.

''(3) An eligible veteran receiving personal care services from a family member (or other individual designated by the veteran) designated as the primary personal care attendant for the veteran under paragraph (1) may revoke consent with respect to such family member (or designee) under paragraph (2)(D) at any time.

''(4) If an individual designated as the primary personal care attendant of an eligible veteran under paragraph (1) subsequently fails to meet the requirements set forth in paragraph (2), the Secretary—

''(A) shall immediately revoke the individual's designation under paragraph (1); and

''(B) may designate, in consultation with the eligible veteran or the eligible veteran's surrogate appointed under subsection (g), a new primary personal care attendant for the veteran under such paragraph.

''(5) The Secretary shall take such actions as may be necessary to ensure that the revocation of a designation under paragraph (1) does not interfere with the provision of personal care services required by a veteran.

''(f) ONGOING FAMILY CAREGIVER ASSISTANCE.—(1) Except as provided in subsection (a)(2) and subject to the provisions of this subsection, the Secretary shall provide ongoing family caregiver assistance to family members of eligible veterans (or other individuals designated by such veterans) as follows:

''(A) To each family member of an eligible veteran (or designee) who is certified under subsection (d)(3) as a personal care attendant for the veteran the following:

''(i) Direct technical support consisting of information and assistance to timely address routine, emergency, and specialized caregiving needs.

''(ii) Counseling.

''(iii) Access to an interactive Internet website on caregiver services that addresses all aspects of the provision of personal care services under this section.

''(B) To each family member of an eligible veteran (or designee) who is designated as the primary personal care attendant for the veteran under subsection (e) the following:

''(i) The ongoing family caregiver assistance described in subparagraph (A).

''(ii) Mental health services.

''(iii) Respite care of not less than 30 days annually, including 24-hour per day care of the veteran commensurate with the care provided by the family caregiver to permit extended respite.

''(iv) Medical care under section 1781 of this title.

''(v) A monthly personal caregiver stipend.

''(2)(A) The Secretary shall provide respite care under paragraph (1)(B)(iii), at the election of the Secretary—

''(i) through facilities of the Department that are appropriate for the veteran; or

''(ii) through contracts under section 1720B(c) of this title.

''(B) If the primary personal care attendant of an eligible veteran designated under subsection (e)(1) determines in consultation with the veteran or the veteran's surrogate appointed under subsection (g), and the Secretary concurs, that the needs of the veteran cannot be accommodated through the facilities and contracts described in subparagraph (A), the Secretary shall, in consultation with the primary personal care attendant and the veteran (or the veteran's surrogate), provide respite care through other facilities or arrangements that are medically and age appropriate.

''(3)(A) The Secretary shall provide monthly personal caregiver stipends under paragraph (1)(B)(v) in accordance with a schedule established by the Secretary that specifies stipends provided based upon the amount and degree of personal care services provided.

''(B) The Secretary shall ensure, to the extent practicable, that the schedule required by subparagraph (A) specifies that the amount of the personal caregiver stipend provided to a primary personal care attendant designated under subsection (e)(1) for the provision of personal care services to an eligible veteran is not less than the amount the Secretary would pay a commercial home health care entity in the geographic area of the veteran to provide equivalent personal care services to the veteran.

''(C) If personal care services are not available from a commercial provider in the geographic area of an eligible veteran, the Secretary may establish the schedule required by subparagraph (A) with respect to the veteran by considering the costs of commercial providers of personal care services in geographic areas other than the geographic area of the veteran with similar costs of living.

''(4) Provision of ongoing family caregiver assistance under this subsection for provision of personal care services to an eligible veteran shall terminate if the eligible veteran no longer requires the personal care services.

''(g) SURROGATES.—If an eligible veteran lacks the capacity to submit an application, provide consent, make a request, or concur with a request under this section, the Secretary may, in accordance with regulations and policies of the Department regarding the appointment of guardians or the use of powers of attorney, appoint a surrogate for the veteran who may submit applications, provide consent, make requests, or concur with requests on behalf of the veteran under this section.

''(h) OVERSIGHT.—(1) The Secretary shall enter into contracts with appropriate entities to provide oversight of the provision of personal care services by primary personal care attendants designated under subsection (e)(1) under this section.

''(2) The Secretary shall ensure that each eligible veteran receiving personal care services under this section from a primary personal care attendant designated under subsection (e)(1) is visited in the veteran's home by an entity providing oversight under paragraph (1) at such frequency as the Secretary shall determine under paragraph (3) to determine if the care received by the veteran under this section meets the needs of the veteran.

''(3)(A) Except as provided in subparagraph (B), the Secretary shall determine the manner of oversight provided under paragraph (1) and the frequency of visits under paragraph (2) for an eligible veteran as the Secretary considers commensurate with the needs of such eligible veteran.

''(B) The frequency of visits under paragraph (2) for an eligible veteran shall be not less frequent than once every six months.

''(4)(A) An entity visiting an eligible veteran under paragraph (2) shall submit to the Secretary the findings of the entity with respect to each visit, including whether the eligible veteran is receiving the care the eligible veteran requires.

''(B) If an entity finds under subparagraph (A) that an eligible veteran is not receiving the care the eligible veteran requires, the entity shall submit to the Secretary a recommendation on the corrective actions that should be taken to ensure that the eligible veterans receives the care the eligible veteran requires, including, if the entity considers appropriate, a recommendation for revocation of a caregiver's certification under subsection (d)(3) or revocation of the designation of an individual under subsection (e)(1).

''(5) After receiving findings and recommendations, if any, under paragraph (4) with respect to an eligible veteran, the Secretary may take such actions as the Secretary considers appropriate to ensure that the eligible veteran receives the care the eligible veteran requires, including the following:

''(A) Revocation of a caregiver's certification under subsection (d)(3).

''(B) Revocation of the designation of an individual under subsection (e)(1).

''(6) If the Secretary terminates the provision of ongoing family caregiver assistance under subsection (f) to a family member of an eligible veteran (or other individual designated by the veteran) because of findings of an entity submitted to the Secretary under paragraph (4) of this subsection, the Secretary may not provide compensation to such entity for the provision of personal care services to such veteran, unless the Secretary determines it would be in the best interest of the eligible veteran to provide compensation to such entity to provide such services.

''(i) OUTREACH.—The Secretary shall carry out a program of outreach to inform eligible veterans and their family members of the availability and nature of family caregiver assistance.

''(j) CONSTRUCTION.—A decision by the Secretary under this section affecting the furnishing of family caregiver assistance shall be considered a medical determination.

''(k) DEFINITIONS.—In this section:

''(1) The term 'family caregiver assistance' includes the instruction, preparation, training, and certification provided under subsection (d) and the ongoing family caregiver assistance provided under subsection (f).

''(2) The term 'family member' includes, with respect to a veteran, the following:

''(A) The spouse of the veteran.

''(B) The child of the veteran.

''(C) A parent of the veteran.

''(D) A sibling of the veteran.

''(E) A cousin of the veteran.

''(F) An aunt of the veteran.

''(G) An uncle of the veteran.

''(H) A grandparent of the veteran.

''(I) A grandchild of the veteran.

''(J) A stepparent of the veteran.

''(K) A stepchild of the veteran.

''(L) A stepsibling of the veteran.

''(M) A parent-in-law of the veteran.

''(N) A sister-in-law of the veteran.

''(O) A brother-in-law of the veteran.

''(P) A cousin of the spouse of the veteran.

''(Q) An aunt of the spouse of the veteran.

''(R) An uncle of the spouse of the veteran.

''(S) A grandparent of the spouse of the veteran.

''(T) A grandchild of the spouse of the veteran.

''(U) A stepparent of the spouse of the veteran.

''(V) A stepsibling of the spouse of the veteran.

''(W) Such other individuals as the Secretary shall specify in regulations for purposes of this section.

''(3) The term 'personal care services' includes the following:

''(A) Supervision.

''(B) Protection.

''(C) Services to assist a veteran with one or more independent activities of daily living.

''(D) Such other services as the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item related to section 1717 the following new item:

''1717A. Family caregiver assistance.''.

(3) AUTHORIZATION FOR PROVISION OF HEALTH CARE TO PERSONAL CARE ATTENDANTS.—Section 1781(a) of such title is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) a family member of a veteran (or other individual designated by the veteran) designated as the primary personal care attendant for such veteran under section 1717A(e) of this title,''.

(4) CONSTRUCTION.—The furnishing of family caregiver assistance under section 1717A of title 38, United States Code, as added by paragraph (1), shall be construed to supplement and not supplant the programs of the Department of Veterans Affairs in existence on the date of the enactment of this Act.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 270 days after the date of the enactment of this Act.

(b) IMPLEMENTATION PLAN AND REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) develop a plan for the implementation of section 1717A of title 38, United States Code, as added by subsection (a)(1); and

(B) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such plan.

(2) CONSULTATION.—In developing the plan required by paragraph (1)(A), the Secretary shall consult with the following:

(A) Veterans described in section 1717A(b) of title 38, United States Code, as added by subsection (a)(1).

(B) Family members of veterans who provider personal care services to such veterans.

(C) Veterans service organizations, as recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(D) Relevant national organizations that specialize in the provision of assistance to individuals with the types of disabilities that personal care attendants will encounter while providing personal care services under section 1717A of title 38, United States Code, as so added.

(E) Such other organizations with an interest in the provision of care to veterans as the Secretary considers appropriate.

(F) The Secretary of Defense with respect to matters concerning personal care services for eligible veterans who are members of the Armed Forces undergoing medical discharge from the Armed Forces.

(3) REPORT CONTENTS.—The report required by paragraph (1)(B) shall contain the following:

(A) The plan required by paragraph (1)(A).

(B) A description of the veterans, caregivers, and organizations consulted by the Secretary under paragraph (2).

(C) A description of such consultations.

(D) The recommendations of such veterans, caregivers, and organizations, if any, that were not incorporated into the plan required by paragraph (1)(A).

(E) The reasons the Secretary did not incorporate such recommendations into such plan.

(c) ANNUAL EVALUATION REPORT.—

(1) IN GENERAL.—Not later than two years after the date described in subsection (a)(4) and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a comprehensive report on the implementation of section 1717A of title 38, United States Code, as added by subsection (a)(1).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) The number of family members of veterans (or other individuals designated by

veterans) that received family caregiver assistance under such section 1717A.

(B) A description of the outreach activities carried out by the Secretary in accordance with subsection (i) of such section 1717A.

(C) The resources expended by the Secretary under such section 1717A.

(D) An assessment of the manner in which resources are expended by the Secretary under such section 1717A, particularly with respect to the provision of monthly personal caregiver stipends under subsection (f) of such section.

(E) A description of the outcomes achieved by, and any measurable benefits of, carrying out the requirements of such section 1717A.

(F) A justification of any determination made under subsection (b)(2) of such section 1717A.

(G) An assessment of the effectiveness and the efficiency of the implementation of such section 1717A.

(H) An assessment of how the provision of family caregiver assistance fits into the continuum of home health care services and benefits provided to veterans in need of such services and benefits.

(I) Such recommendations, including recommendations for legislative or administrative action, as the Secretary considers appropriate in light of carrying out the requirements of such section 1717A.

SEC. 4. LODGING AND SUBSISTENCE FOR ATTENDANTS.

Section 111(e) of title 38, United States Code, is amended—

(1) by striking ''When any'' and inserting ''(1) When any'';

(2) in paragraph (1), as designated by paragraph (1) of this subsection—

(A) by inserting ''(including lodging and subsistence)'' after ''expenses of travel''; and

(B) by inserting before the period at the end the following: ''for the period consisting of travel to and from a treatment facility and the duration of the treatment episode''; and

(3) by adding at the end the following:

''(2) The Secretary may prescribe regulations to carry out this subsection. Such regulations may include provisions—

''(A) to limit the number of individuals that may receive expenses of travel under paragraph (1) for a single treatment episode of a person; and

''(B) to require attendants to use certain travel services.

''(3) In this subsection:

''(A) The term 'attendant' includes, with respect to a person described in paragraph (1), the following:

''(i) A family member of the person.

''(ii) An individual certified as a personal care attendant under section 1717A(d)(3) of this title.

''(iii) Any other individual whom the Secretary determines—

''(I) has a preexisting relationship with the person; and

''(II) provides a significant portion of the person's care.

''(B) The term 'family member' includes, with respect to a person described in paragraph (1), the following:

''(i) The spouse of the person.

''(ii) The child of the person.

''(iii) A parent of the person.

''(iv) A sibling of the person.

''(v) A cousin of the person.

''(vi) An aunt of the person.

''(vii) An uncle of the person.

''(viii) A grandparent of the person.

''(ix) A grandchild of the person.

''(x) A stepparent of the person.

''(xi) A stepchild of the person.

''(xii) A stepsibling of the person.

''(xiii) A parent-in-law of the person.

''(xiv) A sister-in-law of the person.

''(xv) A brother-in-law of the person.

''(xvi) A cousin of the spouse of the person.

''(xvii) An aunt of the spouse of the person.

''(xviii) An uncle of the spouse of the person.

''(xix) A grandparent of the spouse of the person.

''(xx) A grandchild of the spouse of the person.

''(xxi) A stepparent of the spouse of the person.

''(xxii) A stepsibling of the spouse of the person.

''(xxiii) Such other individuals as the Secretary shall specify in regulations for purposes of this subsection.''.

By Mr. BINGAMAN:

S. 804. A bill to amend subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 to establish incentives for States to extend the minimum length of the school year to 200 full days by 2014, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the School Day Factor Act of 2009.

This bill would encourage States to provide students with the time they need to master knowledge and skills they will need to succeed in the 21st century, and to provide teachers with sufficient time to deliver effective instruction.

Twenty-first century learners, and their teachers, are faced with educational demands that simply did not exist decades ago. Right now, our economy is struggling. But we have a plan to get it back on track by investing aggressively in scientific R&D, and the deployment of new technologies. If we are to maintain and increase our Nation's competitiveness in the global economy for decades to come, we must allow every child the opportunity for a quality 21st century education. Today's students need to master mathematics, science, and technology, language arts and social studies, and they must also have opportunities to study foreign languages, the arts, and physical education. No one of these subject areas should be sacrificed at the expense of another. But that is the choices that teachers and students are faced with in schools across the United States. Teachers are being asked to cover more material than before, without being given more time. Students are expected to master more material than students of decades ago, without being given more time. Meanwhile, researchers have demonstrated that reducing instructional time hinders learning. As summarized by the National Research Council, in its report on How People Learn, ''. . . significant learning takes major investments of time.''

How can a quality, well rounded education be achieved when the average school year in this country includes only 180 days—less than half the number of days in a calendar year? Children today are spending only 20 percent to 30 percent of their waking hours in school, even if they have a record of perfect attendance. According to the American Academy of Child and Adolescent Psychiatry, by the time American students finish high school, they will have spent more time watching television than in the classroom.

In 1991, Congress established the National Education Commission on Time and Learning, an independent advisory group charged with studying the relationship between instructional time and student learning in American schools. Members of the commission visited schools in the U.S. and abroad, and interviewed teachers, administrators, parents, and students. The Commission concluded that students and teachers in American schools are ''prisoners of time,'' captives of an agrarian-based school calendar that robs them of the opportunity for a quality education. To quote from their report, ''we have been asking the impossible of our students—that they learn as much as their foreign peers while spending only half as much time in core academic subjects.'' I add that this means we have also been asking the impossible of our teachers—to deliver effective instruction, without sufficient time. Clearly, our school calendars have not moved forward along with our societal and technological advances.

The Commission's 1994 report was not the first to recommend lengthening the school year. In 1983, the Nation at Risk report recommended increasing the school day to 7 hours per day, and the school year to 200 to 220 days per year, as a means to strengthen our nation's grip on global competitiveness. Well, it has been 25 years since that report, and I believe the time has come to give students and teachers the time they need for a quality education.

The School Day Factor Act will support efforts to expand the school year, by coordinating school funding with the length of the school year, and by encouraging schools to add five days to their calendar each year, for the next 4 years. This bill introduces a variable, the ''School Day Factor,'' that will reflect the number of mandatory full days included in a state's school year, and it may be adjusted to reflect any increases in instructional hours per day. This variable will be added to existing Title I allocation formulas that determine education grants to States.

The existing funding allocation formulas would be essentially unchanged for States whose school calendars meet a base level number of days per school year. By raising the base level school year length by 5 school days per year, over a 4 year period, the average school year calendar would reach the target of 200 school days per year by 2014. Inclusion of the School Day Factor will result in higher grants to states with school years that exceed the base level number of school days per year, and smaller grants to states with school years that fall below the base level.

I believe that schools are not only ready for this change, but that they are setting the pace for this movement. Some States and school districts have

already taken the initiative to expand their school year by 20 days per year. In my own State of New Mexico, a State initiated pilot program to extend kindergarten by 20 to 25 days per year led to such positive outcomes that the program was recently extended to third grade. Requests to participate have increased, as more school districts understand the benefits afforded by expanding students' and teachers' educational time. The School Day Factor Act is an investment that will support the efforts to dramatically increase this participation rate such that the 200 day school year is the norm, not an expanded calendar.

Clearly, more time alone is not sufficient to insure quality learning. By including the School Day Factor Act in the reauthorization of ESEA, it will be paired with actions designed to enhance and support quality instruction delivered by highly qualified teachers. I hope that this legislation will be included in the reauthorization of the Elementary and Secondary Education Act of 1965, as amended, and I urge my colleagues to support it.

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. 804

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 ''School Day Factor Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the National Center for Education Statistics the length of the average school year steadily increased from 144 to 178 days between 1869 and 1949. In 2008, the average number of school days per year remains at 178.5.

(2) In 1983, a recommendation in the Nation at Risk report was to increase students' instructional time by lengthening the school day or the school year, as a means to strengthen our Nation's grip on global competitiveness. Since then, no systematic school day or school year increase has occurred.

(3) In 2008, 42 States mandate a school year of 180 or fewer days per year, or the equivalent thereof. Across States, the number of school days per year ranges from 173 to 182.

(4) Researchers have demonstrated that—

(A) when class material is covered in a streamlined, shortened unit, students' conceptual mastery of the content suffers; and

(B) significant learning requires investment of time.

(5) Research has demonstrated that all students are at risk for losing educational gains during extended summer breaks in the typical school calendar, particularly children from low income households. The continued lack of out-of-school learning opportunities contributes to a growing achievement gap. Even more so than achievement gaps present at kindergarten, differences in out-of-school learning opportunities experienced by economically advantaged versus disadvantaged youth contribute to the cumulative achievement difference registered by 9th grade, which affects high school placements, high school exit, and postsecondary school attendance.

(6) Since 1991, over 300 expanded learning initiatives have occurred, across 30 States, aimed primarily at schools with high-poverty and high-minority student populations. Outcomes of these initiatives include enhanced student achievement, lower student and teacher absenteeism, and satisfaction of parents, teachers, and students.

(7) Research demonstrates that the increased school time is beneficial not only for students, but also for teachers. Teachers gain planning time, more opportunities for cooperative planning, professional development opportunities, and additional time to individualize instruction. Teacher employment increases from part-year to up to full year, depending on the calendar conversion adopted.

(8) Regarding the costs of expanded learning initiatives, the cost per hour of instruction decreases with the addition of more learning time.

SEC. 3. PURPOSES.

The purposes of this Act are to ensure that all children have sufficient time to achieve in school, that all children have access to a high quality and well-rounded education, and that teachers have sufficient time to deliver quality instruction. Such purposes can be achieved by—

(1) encouraging States to expand the minimum number of days in their school year, to 200 full days, by 2014, without reducing the length of the school day;

(2) modifying the allocations under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) regarding basic, concentration, targeted, and education finance incentive grants, so that each of the formulas used to determine allocations includes a factor that reflects all of the following:

(A) the minimum number of school days in the State-mandated school year length;

(B) the most recent increase in the number of school days in the State-mandated academic year; and

(C) whether the number of school days in an academic year meets, exceeds, or falls short of the base level school year length described in the amendment made by this Act; and

(3) encouraging States to increase the length of the school day.

SEC. 4. SCHOOL DAY FACTOR.

(a) AMENDMENT.—Subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) is amended by adding at the end the following:

''SEC. 1128. SCHOOL DAY FACTOR.

''(a) DEFINITIONS.—In this section:

''(1) ACADEMIC YEAR.—The term 'academic year' means the period of time beginning with the first day of a school year and ending on the last day of a school year, which typically begins in the late summer and ends in the early summer.

''(2) BASE LEVEL SCHOOL YEAR LENGTH.—The term 'base level school year length' means—

''(A) 180 school days for the 2009–2010 academic year;

''(B) 185 school days for the 2010–2011 academic year;

''(C) 190 school days for the 2011–2012 academic year;

''(D) 195 school days for the 2012–2013 academic year; and

''(E) 200 school days for the 2013–2014 academic year and for each succeeding academic year.

''(3) INSTRUCTIONAL HOURS.—The term 'instructional hours' means the number of hours within the school day that are directly devoted to student learning in core academic subjects.

''(4) SCHOOL DAY.—

''(A) IN GENERAL.—The term 'school day' means a day for which attendance is mandatory for all students attending an elementary school or secondary school in a State, and in which a minimum of 5½ instructional hours are delivered to students.

''(B) PARTIAL DAYS.—Two days for which attendance is mandatory for all students attending an elementary school or secondary school in a State and in which less than 5½ instructional hours per day are delivered to students may be deemed to be 1 school day for purposes of this section, if the total instructional time for the 2 partial days meets or exceeds 5½ instructional hours.

''(5) STATE-MANDATED SCHOOL YEAR LENGTH.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the term 'State-mandated school year length' means the minimum number of school days an elementary school or secondary school student is required by the State to attend school in an academic year. In calculating the State-mandated school year length, days that the State permits to be waived due to teacher professional development, weather, or other reasons shall not be counted.

''(B) STATES THAT MANDATE MINIMUM NUMBER OF INSTRUCTIONAL HOURS.—In the case of a State that does not mandate a minimum number of school days for an academic year and does mandate a minimum number of instructional hours per academic year, the State-mandated school year length for such State shall be the quotient of—

''(i) the minimum number of mandated instructional hours per academic year, excluding hours that may be waived due to teacher professional development, weather, or other reasons; divided by

''(ii) the greater of—

''(I) the average number of instructional hours per school day in the State's public elementary schools and secondary schools; or

''(II) 6½ hours.

''(C) STATES THAT DO NOT MANDATE MINIMUM NUMBER OF DAYS OR HOURS.—In the case of a State that does not mandate a minimum number of school days or a minimum number of instructional hours per academic year, the State-mandated school year length for such State shall be the average number of school days that elementary school or secondary school students in the State attended school during—

''(i) the preceding school year; or

''(ii) in the case where the preceding school year was significantly shorter due to a natural disaster during such school year, the school year that is preceding the preceding school year.

''(b) SCHOOL DAY FACTOR.—

''(1) ADJUSTMENTS AUTHORIZED.—

''(A) IN GENERAL.—Notwithstanding any other provision of this part, the amount of a grant that a State or local educational agency is eligible to receive under section 1124(a), 1124A(a), 1125(b), or 1125A(b) shall be adjusted by multiplying such amount by the school day factor described in paragraph (2) that is applicable to such State or local educational agency, respectively, for such academic year.

''(B) TIMING OF ADJUSTMENT.—The Secretary shall make the adjustment described in subparagraph (A) to the amount of a grant that a State or local educational agency is eligible to receive under section 1124, 1124A, 1125, or 1125A before applying any hold-harmless requirement, minimum grant amount requirement, or ratable reduction requirement under this part.

''(2) SCHOOL DAY FACTOR.—

''(A) IN GENERAL.—The school day factor referred to in paragraph (1) that is applicable to each State and local educational agency

in the State for an academic year is a percentage calculated as the sum of the following:

''(i) ⅔ of such percentage shall be equal to—

''(I) the result of—

''(aa) the State-mandated school year length for the academic year preceding the academic year for which the calculation is made; divided by

''(bb) the base level school year length for the academic year preceding the academic year for which the calculation is made; multiplied by

''(II) 100.

''(ii) ⅓ of such percentage shall be equal to—

''(I) the result of—

''(aa) the State mandated minimum instructional hours per school day for the academic year preceding the academic year for which the calculation is made; divided by

''(bb) 5.5; multiplied by

''(II) 100.

''(B) SPECIAL CALCULATION RULE.—In making the calculation described in subparagraph (A) for a State, the value of subparagraph (A)(ii) shall be zero if the State mandated minimum instructional hours per school day for the academic year preceding the academic year for which the calculation is made is less than the number of such State mandated minimum instructional hours for the academic year that precedes by two years the academic year for which the calculation is made.''.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 1127 the following:

''Sec. 1128. School day factor.''.

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

S. 806. A bill to provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today with Senator AKAKA to introduce the Federal Executive Board Authorization Act of 2009 in order to provide for the establishment, administration and funding of Federal Executive Boards, FEBs.

As you may know, President Kennedy issued a ''Memorandum on the Need for Greater Coordination of Regional and Field Activities of the Government'' in 1961 that noted that more than 90 percent of Federal employees work outside of Washington, DC. President Kennedy wanted to strengthen the coordination of their activities, so he directed ''the establishment of a Board of Federal Executives'' to ''consider management matters and interdepartmental cooperation and establish liaison with State and local government officials in their regions.'' That Memorandum led to the creation of ten FEBs to ''increase the effectiveness and economy of Federal agencies.''

These FEBs proved their worth, because the number of FEBs across the Nation has increased to 28 FEBs total in Atlanta, Baltimore, Boston, Buffalo, Chicago, Cincinnati, Cleveland, Dallas-Fort Worth, Denver, Detroit, Honolulu, Houston, Kansas City, Los Angeles, Minnesota, Newark, New Mexico, New Orleans, New York City, Oklahoma, Oregon, Philadelphia, Pittsburgh, St. Louis, San Antonio, San Francisco, Seattle, and South Florida. Those FEBs serve an important role in coordinating Federal activities. For example, earlier this year a proactive FEB executive director sent an e-mail to her FEB colleagues in an effort to coordinate stimulus spending.

However, a 2007 Government Accountability Office, GAO, report, ''Additional Steps Needed to Take Advantage of Federal Executive Boards' Ability to Contribute to Emergency Operations,'' noted that FEBs have no congressional charter and rely on voluntary contributions from their member agencies for funding. Because such voluntary contributions result in financial uncertainty on the part of FEBs, GAO recommended that the Office of Personnel Management, OPM, develop a proposal to address the uncertainty of funding sources for FEBs. Based on that recommendation, the Federal Executive Board Authorization Act of 2009 provides for the establishment, administration and funding of FEBs.

The legislation is based in large part on Title 5 of the Code of Federal Regulations, where OPM has set forth regulations relating to the authority, location, and membership of FEBs. Similar to those provisions, this bill calls on the Director of OPM to determine where to establish FEBs and requires the Director to consult with agencies in making that determination. The bill also provides that FEBs shall consist of senior officials from appropriate agencies in those areas. Also similar to provisions in the Code of Federal Regulations, the bill authorizes the Director of OPM to establish staffing policies for FEBs, designate an agency to staff each FEB, establish communications policies, performance standards and accountability initiatives for FEBs, and administer FEB funding.

The Federal Executive Board Authorization Act of 2009 also requires each FEB to adopt bylaws or other rules for its internal governance, elect a chairman from among its members, provide a forum for the exchange of information, and develop coordinated approaches to the development and operation of programs that have common characteristics. Under the bill, FEBs would be required to communicate management initiatives and other concerns from Washington, DC to the field and develop relationships with State and local governments and private sector organizations to help coordinate emergency management and homeland security matters.

To address GAO's concern about the uncertainty of FEB funding, the legislation establishes a fund for FEB operations which would be administered by OPM. The fund would consist of contributions from OPM for administrative and oversight activities as well as contributions from each agency participating in FEBs for staffing and operations. Each agency's contribution would be determined by a formula established by the Director of OPM in consultation with agencies and the Office of Management and Budget, and that formula must take into account each agency's number of employees in areas served by FEBs.

President Kennedy showed great foresight when he called for the coordination of Federal agencies' activities in 1961, and FEBs have done a good job since then in coordinating their work. These FEBs need a congressional charter and a set source of funding, so I hope the Senate will act quickly to pass this legislation, which OPM and GAO were consulted in drafting.

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. 806

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 Executive Board Authorization Act of 2009''.

SEC. 2. FEDERAL EXECUTIVE BOARDS.

(a) IN GENERAL.—Chapter 11 of title 5, United States Code, is amended by adding at the end the following:

''§ 1106. Federal Executive Boards

''(a) PURPOSES.—The purposes of this section are to—

''(1) strengthen the coordination of Government activities;

''(2) facilitate interagency collaboration to improve the efficiency and effectiveness of Federal programs;

''(3) facilitate communication and collaboration on Federal emergency preparedness and continuity of operations to address homeland security issues, including natural disasters, acts of terrorism, and other man-made disasters, outside the Washington, D.C. metropolitan area; and

''(4) provide stable funding for Federal Executive Boards.

''(b) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency'—

''(A) means an Executive agency as defined under section 105; and

''(B) shall not include the Government Accountability Office.

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Personnel Management.

''(3) FEDERAL EXECUTIVE BOARD.—The term 'Federal Executive Board' means an interagency entity established by the Director, in consultation with the headquarters of appropriate agencies, in a geographic area with a high concentration of Federal employees outside the Washington, D.C. metropolitan area to strengthen the management and administration of agency activities and coordination among local Federal officers to implement national initiatives in that geographic area.

''(c) ESTABLISHMENT.—

''(1) IN GENERAL.—The Director shall establish Federal Executive Boards in geographic areas outside the Washington, D.C. metropolitan area. Before establishing Federal Executive Boards that are not in existence on the date of enactment of this section, the Director shall consult with the headquarters of appropriate agencies to determine the number and location of the Federal Executive Boards.

''(2) MEMBERSHIP.—Each Federal Executive Board for a geographic area shall consist of an appropriate senior officer for each agency in that geographic area. The appropriate senior officer may designate, by title of office, an alternate representative who shall attend meetings and otherwise represent the agency on the Federal Executive Board in the absence of the appropriate senior officer. An alternate representative shall be a senior officer in the agency.

''(3) LOCATION OF FEDERAL EXECUTIVE BOARDS.—In determining the location for the establishment of Federal Executive Boards, the Director shall consider—

''(A) whether a Federal Executive Board exists in a geographic area on the date of enactment of this section;

''(B) whether a geographic area has a strong, viable, and active Federal Executive Association;

''(C) whether the Federal Executive Association of a geographic area petitions the Director to become a Federal Executive Board; and

''(D) such other factors as the Director and the headquarters of appropriate agencies consider relevant.

''(d) ADMINISTRATION AND OVERSIGHT.—

''(1) IN GENERAL.—The Director shall provide for the administration and oversight of Federal Executive Boards, including—

''(A) establishing staffing policies in consultation with the headquarters of agencies participating in Federal Executive Boards;

''(B) designating an agency to staff each Federal Executive Board based on recommendations from that Federal Executive Board;

''(C) establishing communications policies for the dissemination of information to agencies;

''(D) in consultation with the headquarters of appropriate agencies, establishing performance standards for the Federal Executive Board staff;

''(E) developing accountability initiatives to ensure Federal Executive Boards are meeting performance standards; and

''(F) administering Federal Executive Board funding through the fund established in subsection (f).

''(2) STAFFING.—In making designations under paragraph (1)(B), the Director shall give preference to agencies staffing Federal Executive Boards.

''(e) GOVERNANCE AND ACTIVITIES.—Each Federal Executive Board shall—

''(1) subject to the approval of the Director, adopt by-laws or other rules for the internal governance of the Federal Executive Board;

''(2) elect a Chairperson from among the members of the Federal Executive Board, who shall serve for a set term;

''(3) serve as an instrument of outreach for the national headquarters of agencies relating to agency activities in the geographic area;

''(4) provide a forum for the exchange of information relating to programs and management methods and problems—

''(A) between Federal officers and employees in the Washington, D.C. area and Federal officers and employees in the geographic area; and

''(B) among field elements in the geographic area;

''(5) develop local coordinated approaches to the development and operation of programs that have common characteristics;

''(6) communicate management initiatives and other concerns from Federal officers and employees in the Washington, D.C. area to Federal officers and employees in the geographic area to achieve better mutual understanding and support;

''(7) develop relationships with State and local governments and nongovernmental organizations to help in coordinating emergency management and homeland security issues; and

''(8) take other actions as agreed to by the Federal Executive Board and the Director.

''(f) FUNDING.—

''(1) ESTABLISHMENT OF FUND.—The Director shall establish a fund within the Office of Personnel Management for financing essential Federal Executive Board functions, including basic staffing and operating expenses.

''(2) DEPOSITS.—There shall be deposited in the fund established under paragraph (1)—

''(A) contributions from the Office of Personnel Management to fund administrative and oversight activities conducted under subsection (d);

''(B) contributions from the headquarters of each agency participating in Federal Executive Boards, in an amount determined by a formula established by the Director, in consultation with the headquarters of such agencies and the Office of Management and Budget.

''(3) CONTRIBUTIONS.—

''(A) FORMULA.—The formula for contributions established by the Director shall consider the number of employees in each agency in each geographic area served by a Federal Executive Board. The contribution of the headquarters of each agency to the fund shall be recalculated at least every 2 years.

''(B) IN-KIND CONTRIBUTIONS.—At the sole discretion of the Director, the headquarters of an agency may provide in-kind contributions instead of providing monetary contributions to the fund.

''(4) USE OF EXCESS AMOUNTS.—Any unobligated and unexpended balances in the fund which the Director determines to be in excess of amounts needed for essential Federal Executive Board functions shall be allocated by the Director, in consultation with the headquarters of agencies participating in Federal Executive Boards, among the Federal Executive Boards for the activities under subsection (e) and other priorities, such as conducting emergency preparedness training.

''(g) REPORTS.—The Director shall submit annual reports to Congress and agencies on Federal Executive Board program outcomes and budget matters.

''(h) REGULATIONS.—The Director shall prescribe regulations necessary to carry out this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 11 of title 5, United States Code, is amended by inserting after the item relating to section 1105 the following:

''1106. Federal Executive Boards.''.

Mr. AKAKA. Mr. President, I am pleased to join my good friend Senator VOINOVICH as we introduce the Federal Executive Board Authorization Act of 2009 to formalize Federal Executive Boards, FEBs, in the Executive Branch of the Federal Government.

President Kennedy issued a Directive in 1961 creating FEBs to allow the heads of Federal agencies outside of Washington, DC to come together to address local issues in their Federal communities. There are now 28 Boards in 20 States, including Hawaii. Because they have never been authorized in legislation, FEBs have no institutionalized structure; each has its own operating structure. Some have an executive director, while some have no permanent staff at all. They also do not receive specific appropriations. As a result, FEBs must cobble together voluntary funding from participating agencies.

The Office of Personnel Management oversees the mission and activities of FEBs. Part of FEBs' mission is to offer agencies outside of Washington, DC an opportunity to share information, collaborate to address shared concerns, discuss management and administrative challenges, and come together as a Federal community. Each Board sets its own specific priorities and activities based on local concerns and the leadership in a given area.

Additionally, FEBs' mission is to play a critical support role in coordinating emergency preparedness and response efforts for a given area. The Honolulu-Pacific Federal Executive Board regularly hosts and participates in preparedness exercises in Hawaii and the Pacific Rim. When the Interstate 35 West Bridge collapsed over the Mississippi River in Minneapolis, Minnesota on August 1, 2007, the Executive Director of the Minnesota FEB helped disseminate critical information to over 100 Federal agencies and coordinate with the State and local emergency response network. FEBs have shared information with each other to assist in preparing for large events as well. For example, the Boston FEB used their experience with the Democratic National Convention in 2004 to help the Denver and Minnesota FEBs prepare for the National Party Conventions in 2008.

At a hearing of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia on September 28, 2007, which I chaired, it was clear that FEBs lack of formal structure hinders their critical support role in emergency preparedness and response. At that hearing, the Government Accountability Office, GAO, testified that FEBs have no clear role in national emergency planning, no framework to operate, no accountability in performing their duties, and no funding to carry out their missions. Additionally, FEB Executive Directors from around the country testified about the frustrations of operating without stable funding or a clear structure.

Since the hearing, FEBs have been included in FEMA's National Response Framework, and OPM and FEMA have signed a memorandum of understanding, MOU, giving FEBs a formal role in emergency preparedness and response. The Federal Executive Board Authorization Act of 2009 would implement other recommendations made by GAO and the representatives from FEBs at the 2007 hearing. More specifically, the bill would formalize the role of Federal Executive Boards, which would include interagency collaboration and Federal agency emergency preparedness and response outside of Washington, DC; establish a process for establishing new FEBs; require OPM to establish performance standards for

FEBs; specify a funding formula, which OPM will administer, for FEBs based on the number of employees in a Federal agency in a given area; and authorize staffing levels for each FEB to have at least an Executive Director and one support staff member.

Eighty-five percent of the Federal workforce is employed outside of the Washington, DC area. We spend billions of dollars preparing the National Capital Region for emergencies, but we must focus more on Federal Government agency emergency preparedness and response outside of the Washington area. This legislation will address that pressing need. I urge my colleagues to support this important bill.

By Mr. REED (for himself, Mr. BOND, Mr. AKAKA, Mrs. BOXER, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SCHUMER, and Mr. WHITEHOUSE):

S. 808. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I rise to introduce, along with Senators BOND, AKAKA, BOXER, COLLINS, DURBIN, KERRY, KLOBUCHAR, LANDRIEU, LAUTENBERG, LIEBERMAN, SCHUMER, and WHITEHOUSE, the Homeless Emergency Assistance and Rapid Transition to Housing Act, HEARTH Act. Representative GWEN MOORE is introducing a bipartisan companion bill today as well. This legislation would reauthorize and amend the housing titles of the McKinney-Vento Homeless Assistance Act of 1987. Specifically, our bill would consolidate and improve the homeless assistance programs at the Department of Housing and Urban Development to better accomplish the goals of preventing and ending homelessness.

According to the Homelessness Research Institute at the National Alliance to End Homelessness, 2.5 to 3.5 million Americans experience homelessness each year. On any one night, approximately 672,000 men, women, and children are without homes. While strides have been made to reduce homelessness over the last couple of years, the current economic decline has halted such progress. We have already seen tent cities forming, shelters turning away people, and cities reporting increased numbers of homeless people. As unemployment continues to rise, more and more people cannot afford to pay their mortgages or rent, and nonprofits and local governments are unable to keep up.

As a result of the recession, 1.5 million additional Americans are likely to experience homelessness over the next two years according to estimates by the National Alliance to End Homelessness. This means more trauma for children and adults, more dislocation from schools and communities, and more of a drain on local community services.

Sadly, many of those who are homeless have served our country in uniform. Their numbers range between 150,000 and 200,000 on any given night. Three times that many veterans are housed, but are struggling with excessive rent burdens and an increased risk of homelessness. Different sources estimate that between 23 and 40 percent of homeless adults are veterans.

Statistics regarding the number of children who experience homelessness are especially troubling. Each year, it is estimated that at least 1.35 million children experience homelessness. According to HUD's 3rd Annual Homeless Assessment Report to Congress, on any given night, 248,500 persons in families are homeless. Each year, over 800,000 homeless children and youth are identified and enrolled in public schools. However, this count does not include preschool children, and at least half of all homeless children are under the age of five. Whatever their age, we know that children who are homeless are in poorer health, have developmental delays, and suffer academically.

In addition, many of those who are homeless have a disability. According to the Homelessness Research Institute, about 23 percent of homeless people were found to be ''chronically homeless,'' which according to the current HUD definition means that they are homeless for long periods of time or homeless repeatedly, and they have a disability. For many of these individuals and families, housing alone, without some supportive services, may not be enough.

Finally, as rents have soared and affordable housing units have disappeared from the market during the past several years, even more working Americans have been left unable to afford housing. According to the National Low Income Housing Coalition's most recent ''Out of Reach'' report, nowhere in the country can a minimum wage earner afford to rent a one-bedroom home. Low income renters who live paycheck to paycheck are in precarious circumstances and sometimes must make tough choices between paying rent and buying food, prescription drugs, or other necessities. If one unforeseen event occurs in their lives, they can end up homeless.

There is also a great societal cost to homelessness, including expenses for emergency rooms, jails, shelters, foster care, detoxification, and emergency mental health treatment. Indeed, studies have shown it costs just as much, if not more in overall expenditures, to allow men, women, and children to remain homeless as it does to provide them with assistance and get them back on the road to self-sufficiency.

It has been 22 years since the enactment of the Steward B. McKinney Homeless Assistance Act, and we have learned a lot about the problem of homelessness since then. At the time of its adoption in 1987, this law was viewed as an emergency response to a national crisis, and was to be followed by measures to prevent homelessness and to create more systemic solutions to the problem. It is now time to take what we have learned during the past 22 years, and put those best practices and proposals into action.

First and foremost, the HEARTH Act focuses federal funding on prevention. It allows up to 20 percent of funds to be used to serve people who are at risk of homelessness under a new ''Emergency Solutions Grants'' program. At the same time, it expands the definition of homelessness, which determines eligibility for much of the homeless assistance funding, to include people who will lose their housing in 14 days; any family or individual fleeing or attempting to flee domestic violence, or other dangerous or life threatening situations; and families with children and unaccompanied youth who have experienced a long term period without living independently, have experienced persistent housing instability, and can be expected to continue in such status for an extended period due to a number of enumerated factors, such as a disability. It also allows grantees to use up to an additional 10 percent of competitive funds to serve families defined as homeless under the Education Department homeless definition, but not so defined under the HUD definition. For areas with low levels of homelessness, up to 100 percent of funds may be used for such purposes.

The HEARTH Act also provides communities with greater flexibility in using funds to prevent and end homelessness. Rural communities can participate in a new Rural Housing Stability Assistance Program that would grant rural communities greater discretion in addressing the needs of homeless people or those in the worst housing situations in their communities.

The HEARTH Act would also increase the focus on practices and programs that have demonstrated results. For example, the bill would require that HUD provide incentives for rapid rehousing programs for homeless families. Rapid rehousing programs have been successfully used in numerous communities to significantly reduce family homelessness. By dramatically reducing the length of time families are homeless, rapid rehousing programs ensure a quicker return to stability and self sufficiency.

The HEARTH Act would continue HUD's existing initiative to house people who experience chronic homelessness, but would add families with children to the initiative. It also would designate 30 percent of total funds for new permanent housing for families and individuals with a disability.

Finally, the HEARTH Act would increase the emphasis on performance by measuring applicants' progress at reducing homelessness. It would also allow communities with low levels of homelessness or that are reducing homelessness to focus more on prevention and serving people who are at risk of homelessness.

There is a growing consensus on ways to help communities break the cycle of repeated and prolonged homelessness. If we combine federal dollars with the right incentives to local communities, we can prevent and end long-term homelessness.

The bipartisan HEARTH Act will set us on the path to meeting this important national goal. I hope my colleagues will join us in supporting this bill and other homelessness prevention efforts.

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. 808

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009''.

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

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) a lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and

(2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas.

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

(1) to consolidate the separate homeless assistance programs carried out under title IV of the McKinney-Vento Homeless Assistance Act (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

(2) to codify in Federal law the continuum of care planning process as a required and integral local function necessary to generate the local strategies for ending homelessness; and

(3) to establish a Federal goal of ensuring that individuals and families who become homeless return to permanent housing within 30 days.

SEC. 3. DEFINITION OF HOMELESSNESS.

(a) IN GENERAL.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

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

''(a) IN GENERAL.—For purposes of this Act, the terms 'homeless', 'homeless individual', and 'homeless person' means—

''(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;

''(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

''(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

''(4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

''(5) an individual or family who—

''(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—

''(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

''(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

''(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

''(B) has no subsequent residence identified; and

''(C) lacks the resources or support networks needed to obtain other permanent housing; and

''(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

''(A) have experienced a long term period without living independently in permanent housing,

''(B) have experienced persistent instability as measured by frequent moves over such period, and

''(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

''(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.''.

(b) REGULATIONS.—Not later than the expiration of the 6-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue regulations that provide sufficient guidance to recipients of funds under title IV of the McKinney-Vento Homeless Assistance Act to allow uniform and consistent implementation of the requirements of section 103 of such Act, as amended by subsection (a) of this section. This subsection shall take effect on the date of the enactment of this Act.

(c) CLARIFICATION OF EFFECT ON OTHER LAWS.—This section and the amendments made by this section to section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) may not be construed to affect, alter, limit, annul, or supersede any other provision of Federal law providing a definition of ''homeless'', ''homeless individual'', or ''homeless person'' for purposes other than such Act, except to the extent that such provision refers to such section 103 or the definition provided in such section 103.

SEC. 4. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

(a) IN GENERAL.—Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by inserting before the period at the end the following ''whose mission shall be to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness'';

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by redesignating paragraph (16) as paragraph (22); and

(ii) by inserting after paragraph (15) the following:

''(16) The Commissioner of Social Security, or the designee of the Commissioner.

''(17) The Attorney General of the United States, or the designee of the Attorney General.

''(18) The Director of the Office of Management and Budget, or the designee of the Director.

''(19) The Director of the Office of Faith-Based and Community Initiatives, or the designee of the Director.

''(20) The Director of USA FreedomCorps, or the designee of the Director.'';

(B) in subsection (c), by striking ''annually'' and inserting ''four times each year,

and the rotation of the positions of Chairperson and Vice Chairperson required under subsection (b) shall occur at the first meeting of each year''; and

(C) by adding at the end the following:

''(e) ADMINISTRATION.—The Executive Director of the Council shall report to the Chairman of the Council.'';

(3) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (9), (10), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A), the following:

''(1) not later than 12 months after the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, develop, make available for public comment, and submit to the President and to Congress a National Strategic Plan to End Homelessness, and shall update such plan annually;'';

(C) in paragraph (5), as redesignated by subparagraph (A), by striking ''at least 2, but in no case more than 5'' and inserting ''not less than 5, but in no case more than 10'';

(D) by inserting after paragraph (5), as so redesignated by subparagraph (A), the following:

''(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of jurisdictional 10-year plans to end homelessness at State, city, and county levels;

''(7) annually obtain from Federal agencies their identification of consumer-oriented entitlement and other resources for which persons experiencing homelessness may be eligible and the agencies' identification of improvements to ensure access; develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the reports entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential', issued February 26, 1999, and 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000;

''(8) conduct research and evaluation related to its functions as defined in this section;

''(9) develop joint Federal agency and other initiatives to fulfill the goals of the agency;'';

(E) in paragraph (10), as so redesignated by subparagraph (A), by striking ''and'' at the end;

(F) in paragraph (11), as so redesignated by subparagraph (A), by striking the period at the end and inserting a semicolon;

(G) by adding at the end the following new paragraphs:

''(12) develop constructive alternatives to criminalizing homelessness and eliminate laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public spaces when there are no suitable alternatives, result in the destruction of a homeless person's property without due process, or are selectively enforced against homeless persons; and

''(13) not later than the expiration of the 6-month period beginning upon completion of the study requested in a letter to the Acting Comptroller General from the Chair and Ranking Member of the House Financial Services Committee and several other members regarding various definitions of homelessness in Federal statutes, convene a meeting of representatives of all Federal agencies and committees of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families, local and State governments, academic researchers who specialize in homelessness, nonprofit housing and service providers that receive funding under any Federal program to assist homeless individuals or families, organizations advocating on behalf of such nonprofit providers and homeless persons receiving housing or services under any such Federal program, and homeless persons receiving housing or services under any such Federal program, at which meeting such representatives shall discuss all issues relevant to whether the definitions of 'homeless' under paragraphs (1) through (4) of section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended by section 3 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, should be modified by the Congress, including whether there is a compelling need for a uniform definition of homelessness under Federal law, the extent to which the differences in such definitions create barriers for individuals to accessing services and to collaboration between agencies, and the relative availability, and barriers to access by persons defined as homeless, of mainstream programs identified by the Government Accountability Office in the two reports identified in paragraph (7) of this subsection; and shall submit transcripts of such meeting, and any majority and dissenting recommendations from such meetings, to each committee of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families not later than the expiration of the 60-day period beginning upon conclusion of such meeting.''.

(4) in section 203(b)(1) (42 U.S.C. 11313(b))—

(A) by striking ''Federal'' and inserting ''national'';

(B) by striking ''; and'' and inserting ''and pay for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made;'';

(5) in section 205(d) (42 U.S.C. 11315(d)), by striking ''property.'' and inserting ''property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council.''; and

(6) by striking section 208 (42 U.S.C. 11318) and inserting the following:

''SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $3,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011. Any amounts appropriated to carry out this title shall remain available until expended.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on, and shall apply beginning on, the date of the enactment of this Act .

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

SEC. 101. DEFINITIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle A—General Provisions'';

(2) by redesignating sections 401 and 402 (42 U.S.C. 11361, 11362) as sections 403 and 406, respectively; and

(3) by inserting before section 403 (as so redesignated by paragraph (2) of this section) the following new section:

''SEC. 401. DEFINITIONS.

''For purposes of this title:

''(1) AT RISK OF HOMELESSNESS.—The term 'at risk of homelessness' means, with respect to an individual or family, that the individual or family—

''(A) has income below 30 percent of median income for the geographic area;

''(B) has insufficient resources immediately available to attain housing stability; and

''(C)(i) has moved frequently because of economic reasons;

''(ii) is living in the home of another because of economic hardship;

''(iii) has been notified that their right to occupy their current housing or living situation will be terminated;

''(iv) lives in a hotel or motel;

''(v) lives in severely overcrowded housing;

''(vi) is exiting an institution; or

''(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

Such term includes all families with children and youth defined as homeless under other Federal statutes.

''(2) CHRONICALLY HOMELESS.—

''(A) IN GENERAL.—The term 'chronically homeless' means, with respect to an individual or family, that the individual or family—

''(i) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

''(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

''(iii) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

''(B) RULE OF CONSTRUCTION.—A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

''(3) COLLABORATIVE APPLICANT.—The term 'collaborative applicant' means an entity that—

''(A) carries out the duties specified in section 402;

''(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

''(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

''(4) COLLABORATIVE APPLICATION.—The term 'collaborative application' means an application for a grant under subtitle C that—

''(A) satisfies section 422; and

''(B) is submitted to the Secretary by a collaborative applicant.

''(5) CONSOLIDATED PLAN.—The term 'Consolidated Plan' means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means, with respect to a subtitle, a public entity, a private entity, or an entity

that is a combination of public and private entities, that is eligible to directly receive grant amounts under such subtitle.

''(7) FAMILIES WITH CHILDREN AND YOUTH DEFINED AS HOMELESS UNDER OTHER FEDERAL STATUTES.—The term 'families with children and youth defined as homeless under other Federal statutes' means any children or youth that are defined as 'homeless' under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

''(8) GEOGRAPHIC AREA.—The term 'geographic area' means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

''(9) HOMELESS INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'homeless individual with a disability' means an individual who is homeless, as defined in section 103, and has a disability that—

''(i)(I) is expected to be long-continuing or of indefinite duration;

''(II) substantially impedes the individual's ability to live independently;

''(III) could be improved by the provision of more suitable housing conditions; and

''(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;

''(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

''(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

''(B) RULE.—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

''(10) LEGAL ENTITY.—The term 'legal entity' means—

''(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code;

''(B) an instrumentality of State or local government; or

''(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

''(11) METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.—The terms 'metropolitan city', 'urban county', and 'nonentitlement area' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

''(12) NEW.—The term 'new' means, with respect to housing, that no assistance has been provided under this title for the housing.

''(13) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

''(A) the administration, maintenance, repair, and security of such housing;

''(B) utilities, fuel, furnishings, and equipment for such housing; or

''(C) coordination of services as needed to ensure long-term housing stability.

''(14) OUTPATIENT HEALTH SERVICES.—The term 'outpatient health services' means outpatient health care services, mental health services, and outpatient substance abuse services.

''(15) PERMANENT HOUSING.—The term 'permanent housing' means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

''(16) PERSONALLY IDENTIFYING INFORMATION.—The term 'personally identifying information' means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

''(A) a first and last name;

''(B) a home or other physical address;

''(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(D) a social security number; and

''(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

''(17) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means an organization—

''(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

''(B) that has a voluntary board;

''(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

''(D) that practices nondiscrimination in the provision of assistance.

''(18) PROJECT.—The term 'project' means, with respect to activities carried out under subtitle C, eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

''(19) PROJECT-BASED.—The term 'project-based' means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

''(A) is between—

''(i) the recipient or a project sponsor; and

''(ii) an owner of a structure that exists as of the date the contract is entered into; and

''(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

''(20) PROJECT SPONSOR.—The term 'project sponsor' means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

''(21) RECIPIENT.—Except as used in subtitle B, the term 'recipient' means an eligible entity who—

''(A) submits an application for a grant under section 422 that is approved by the Secretary;

''(B) receives the grant directly from the Secretary to support approved projects described in the application; and

''(C)(i) serves as a project sponsor for the projects; or

''(ii) awards the funds to project sponsors to carry out the projects.

''(22) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(23) SERIOUS MENTAL ILLNESS.—The term 'serious mental illness' means a severe and persistent mental illness or emotional impairment that seriously limits a person's ability to live independently.

''(24) SOLO APPLICANT.—The term 'solo applicant' means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

''(25) SPONSOR-BASED.—The term 'sponsor-based' means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

''(A) is between—

''(i) the recipient or a project sponsor; and

''(ii) an independent entity that—

''(I) is a private organization; and

''(II) owns or leases dwelling units; and

''(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

''(26) STATE.—Except as used in subtitle B, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

''(27) SUPPORTIVE SERVICES.—The term 'supportive services' means services that address the special needs of people served by a project, including—

''(A) the establishment and operation of a child care services program for families experiencing homelessness;

''(B) the establishment and operation of an employment assistance program, including providing job training;

''(C) the provision of outpatient health services, food, and case management;

''(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

''(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

''(F) the provision of mental health services, trauma counseling, and victim services;

''(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

''(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual's ability to obtain and retain housing;

''(I) the provision of—

''(i) transportation services that facilitate an individual's ability to obtain and maintain employment; and

''(ii) health care; and

''(J) other supportive services necessary to obtain and maintain housing.

''(28) TENANT-BASED.—The term 'tenant-based' means, with respect to rental assistance, assistance that—

''(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

''(i) in a particular structure or unit for not more than the first year of the participation;

''(ii) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A); and

''(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the

health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

''(29) TRANSITIONAL HOUSING.—The term 'transitional housing' means housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

''(30) UNIFIED FUNDING AGENCY.—The term 'unified funding agency' means a collaborative applicant that performs the duties described in section 402(g).

''(31) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Secretary, as appropriate.

''(32) VICTIM SERVICE PROVIDER.—The term 'victim service provider' means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

''(33) VICTIM SERVICES.—The term 'victim services' means services that assist domestic violence, dating violence, sexual assault, or stalking victims, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 102. COMMUNITY HOMELESS ASSISTANCE PLANNING BOARDS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 401 (as added by section 101(3) of this Act) the following new section:

''SEC. 402. COLLABORATIVE APPLICANTS.

''(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

''(1) submit an application for amounts under this subtitle; and

''(2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

''(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

''(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

''(e) APPOINTMENT OF AGENT.—

''(1) IN GENERAL.—Subject to paragraph (2), a collaborative applicant may designate an agent to—

''(A) apply for a grant under section 422(c);

''(B) receive and distribute grant funds awarded under subtitle C; and

''(C) perform other administrative duties.

''(2) RETENTION OF DUTIES.—Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this title.

''(f) DUTIES.—A collaborative applicant shall—

''(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

''(A) to determine compliance with—

''(i) the program requirements under section 426; and

''(ii) the selection criteria described under section 427; and

''(B) to establish priorities for funding projects in the geographic area involved;

''(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

''(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as 'HMIS') that—

''(A) collects unduplicated counts of individuals and families experiencing homelessness;

''(B) analyzes patterns of use of assistance provided under subtitles B and C for the geographic area involved;

''(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

''(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

''(i) encryption of data collected for purposes of HMIS;

''(ii) documentation, including keeping an accurate accounting, proper usage, and disclosure, of HMIS data;

''(iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;

''(iv) rights of persons receiving services under this title;

''(v) criminal and civil penalties for unlawful disclosure of data; and

''(vi) such other standards as may be determined necessary by the Secretary.

''(g) UNIFIED FUNDING.—

''(1) IN GENERAL.—In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

''(A) the collaborative applicant—

''(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

''(ii) is selected to perform such responsibilities by the Secretary; or

''(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

''(i) a finding by the Secretary that the applicant—

''(I) has the capacity to perform such responsibilities; and

''(II) would serve the purposes of this Act as they apply to the geographic area; and

''(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

''(2) REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

''(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

''(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

''(h) CONFLICT OF INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.''.

SEC. 103. GENERAL PROVISIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 403 (as so redesignated by section 101(2) of this Act) the following new sections:

''SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.

''(a) IN GENERAL.—After the expiration of the 2-year period that begins upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, and except as provided in subsection (b), any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

''(b) EXCEPTION.—Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—

''(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and

''(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured.

''SEC. 405. TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall make available technical assistance to private nonprofit organizations and other nongovernmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties, to implement effective planning processes for preventing and ending homelessness, to improve their capacity to prepare collaborative applications, to prevent the separation of families in emergency shelter or other housing programs, and to adopt and provide best practices in housing and services for persons experiencing homeless.

''(b) RESERVATION.—The Secretary shall reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a).''.

SEC. 104. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of

this title, is further amended by adding at the end the following new section:

"SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

''In the course of awarding grants or implementing programs under this title, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of the Homeless Management Information System any personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of the Homeless Management Information System non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

"SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $2,200,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.''.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

SEC. 201. GRANT ASSISTANCE.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle B—Emergency Solutions Grants Program";

(2) by striking section 417 (42 U.S.C. 11377);

(3) by redesignating sections 413 through 416 (42 U.S.C. 11373–6) as sections 414 through 417, respectively; and

(4) by striking section 412 (42 U.S.C. 11372) and inserting the following:

"SEC. 412. GRANT ASSISTANCE.

''The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness or at risk of homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 415.

"SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.

''(a) IN GENERAL.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally 20 percent of such amount for activities described in section 415. The Secretary shall be required to certify that such allocation will not adversely affect the renewal of existing projects under this subtitle and subtitle C for those individuals or families who are homeless.

''(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 415, in consultation with the collaborative applicants.''; and

(5) in section 414(b) (42 U.S.C. 11373(b)), as so redesignated by paragraph (3) of this section, by striking ''amounts appropriated'' and all that follows through ''for any'' and inserting ''amounts appropriated under section 408 and made available to carry out this subtitle for any''.

SEC. 202. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 415 (42 U.S.C. 11374), as so redesignated by section 201(3) of this Act, and inserting the following new section:

"SEC. 415. ELIGIBLE ACTIVITIES.

''(a) IN GENERAL.—Assistance provided under section 412 may be used for the following activities:

''(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

''(2) The provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if—

''(A) such essential services have not been provided by the local government during any part of the immediately preceding 12-month period or the Secretary determines that the local government is in a severe financial deficit; or

''(B) the use of assistance under this subtitle would complement the provision of those essential services.

''(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter.

''(4) Provision of rental assistance to provide short-term or medium-term housing to homeless individuals or families or individuals or families at risk of homelessness. Such rental assistance may include tenant-based or project-based rental assistance.

''(5) Housing relocation or stabilization services for homeless individuals or families or individuals or families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at—

''(A) stabilizing individuals and families in their current housing; or

''(B) quickly moving such individuals and families to other permanent housing.

''(b) MAXIMUM ALLOCATION FOR EMERGENCY SHELTER ACTIVITIES.—A grantee of assistance provided under section 412 for any fiscal year may not use an amount of such assistance for activities described in paragraphs (1) through (3) of subsection (a) that exceeds the greater of—

''(1) 60 percent of the aggregate amount of such assistance provided for the grantee for such fiscal year; or

''(2) the amount expended by such grantee for such activities during fiscal year most recently completed before the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009.''.

SEC. 203. PARTICIPATION IN HOMELESS MANAGEMENT INFORMATION SYSTEM.

Section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375), as so redesignated by section 201(3) of this Act, is amended by adding at the end the following new subsection:

''(f) PARTICIPATION IN HMIS.—The Secretary shall ensure that recipients of funds under this subtitle ensure the consistent participation by emergency shelters and homelessness prevention and rehousing programs in any applicable community-wide homeless management information system.''.

SEC. 204. ADMINISTRATIVE PROVISION.

Section 418 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11378) is amended by striking ''5 percent'' and inserting ''7.5 percent''.

SEC. 205. GAO STUDY OF ADMINISTRATIVE FEES.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to examine the appropriate administrative costs for administering the program authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.); and

(2) submit to Congress a report on the findings of the study required under paragraph (1).

TITLE III—CONTINUUM OF CARE PROGRAM

SEC. 301. CONTINUUM OF CARE.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by striking the subtitle heading for subtitle C of title IV (42 U.S.C. 11381 et seq.) and inserting the following:

"Subtitle C—Continuum of Care Program"; and

(2) by striking sections 421 and 422 (42 U.S.C. 11381 and 11382) and inserting the following new sections:

"SEC. 421. PURPOSES.

''The purposes of this subtitle are—

''(1) to promote community-wide commitment to the goal of ending homelessness;

''(2) to provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

''(3) to promote access to, and effective utilization of, mainstream programs described in section 203(a)(7) and programs funded with State or local resources; and

''(4) to optimize self-sufficiency among individuals and families experiencing homelessness.

"SEC. 422. CONTINUUM OF CARE APPLICATIONS AND GRANTS.

''(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

''(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a notification of funding availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of the enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for such fiscal year.

''(c) APPLICATIONS.—

''(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

''(A) to determine compliance with the program requirements and selection criteria under this subtitle; and

''(B) to establish priorities for funding projects in the geographic area.

''(2) ANNOUNCEMENT OF AWARDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall announce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the

grants conditionally awarded under subsection (a) for that fiscal year.

''(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

''(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

''(1) REQUIREMENTS FOR OBLIGATION.—

''(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

''(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

''(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

''(2) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

''(3) DISTRIBUTION.—A recipient that receives funds through such a grant—

''(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

''(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

''(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs (1) or (2) of section 423(a). The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

''(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

''(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

''(g) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

''(h) APPEALS.—

''(1) IN GENERAL.—The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

''(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this subtitle.

''(i) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

''(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—

''(1) IN GENERAL.—A collaborative applicant may use not more than 10 percent of funds awarded under this subtitle (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 423(a) to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 103(a)(6), but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B), especially with respect to children and unaccompanied youth.

''(2) LIMITATIONS.—The 10 percent limitation under paragraph (1) shall not apply to collaborative applicants in which the rate of homelessness, as calculated in the most recent point in time count, is less than one-tenth of 1 percent of total population.

''(3) TREATMENT OF CERTAIN POPULATIONS.—

''(A) IN GENERAL.—Notwithstanding section 103(a) and subject to subparagraph (B), funds awarded under this subtitle may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection and such families and children shall not otherwise be considered as homeless for purposes of this subtitle.

''(B) AT RISK OF HOMELESSNESS.—Subparagraph (A) may not be construed to prevent any unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) from qualifying for, and being treated for purposes of this subtitle as, at risk of homelessness or from eligibility for any projects, activities, or services carried out using amounts provided under this subtitle for which individuals or families that are at risk of homelessness are eligible.''.

SEC. 302. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 423 (42 U.S.C. 11383) and inserting the following new section:

''SEC. 423. ELIGIBLE ACTIVITIES.

''(a) IN GENERAL.—Grants awarded under section 422 to qualified applicants shall be used to carry out projects that serve homeless individuals or families that consist of one or more of the following eligible activities:

''(1) Construction of new housing units to provide transitional or permanent housing.

''(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

''(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

''(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or sponsor-based rental assistance. Project-based rental assistance, sponsor-based rental assistance, and operating cost assistance contracts carried out by project sponsors receiving grants under this section may, at the discretion of the applicant and the project sponsor, have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act, and assistance for the remainder of the term treated as a renewal of an expiring contract as provided in section 429. Project-based rental assistance may include rental assistance to preserve existing permanent supportive housing for homeless individuals and families.

''(5) Payment of operating costs for housing units assisted under this subtitle or for the preservation of housing that will serve homeless individuals and families and for which another form of assistance is expiring or otherwise no longer available.

''(6) Supportive services for individuals and families who are currently homeless, who have been homeless in the prior six months but are currently residing in permanent housing, or who were previously homeless and are currently residing in permanent supportive housing.

''(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

''(A) are effective at moving homeless individuals and families immediately into housing; or

''(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

''(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f)(3).

''(9) Operation of, participation in, and ensuring consistent participation by project

sponsors in, a community-wide homeless management information system.

''(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(f), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs.

''(11) In the case of a collaborative applicant that is a unified funding agency under section 402(g), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

''(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 10 percent of the total funds made available to that project sponsor through this subtitle for such costs.

''(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

''(c) USE RESTRICTIONS.—

''(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

''(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

''(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

''(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

''(1) REPAYMENT.—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

''(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

''(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

''(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefitting from such sale or disposition.

''(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

''(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

''(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle;

''(C) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

''(D) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness.

''(e) STAFF TRAINING.—The Secretary may allow reasonable costs associated with staff training to be included as part of the activities described in subsection (a).

''(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any project that receives assistance under subsection (a) and that provides project-based or sponsor-based permanent housing for homeless individuals or families with a disability, including projects that meet the requirements of subsection (a) and subsection (d)(2)(A) of section 428 may also serve individuals who had previously met the requirements for such project prior to moving into a different permanent housing project.

''(g) ADMINISTRATION OF RENTAL ASSISTANCE.—Provision of permanent housing rental assistance shall be administered by a State, unit of general local government, or public housing agency.''.

SEC. 303. HIGH PERFORMING COMMUNITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 424 (42 U.S.C. 11384) and inserting the following:

''SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

''(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

''(1) IN GENERAL.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

''(2) CONSIDERATION.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

''(3) 2-YEAR PHASE IN.—In each of the first 2 years after the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

''(4) EXCESS OF QUALIFIED APPLICANTS.—If, during the 2-year period described under paragraph (2), more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

''(5) TIME LIMIT ON DESIGNATION.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

''(b) APPLICATION.—

''(1) IN GENERAL.—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

''(2) CONTENT OF APPLICATION.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

''(A) a report showing how any money received under this subtitle in the preceding year was expended; and

''(B) information that such applicant can meet the requirements described under subsection (d).

''(3) PUBLICATION OF APPLICATION.—The Secretary shall—

''(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

''(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

''(c) USE OF FUNDS.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

''(1) for any of the eligible activities described in section 423; or

''(2) for any of the eligible activities described in paragraphs (4) and (5) of section 415(a).

''(d) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term 'high-performing community' means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

''(1) TERM OF HOMELESSNESS.—The mean length of episodes of homelessness for that geographic area—

''(A) is less than 20 days; or

''(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

''(2) FAMILIES LEAVING HOMELESSNESS.—Of individuals and families—

''(A) who leave homelessness, fewer than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

''(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year.

''(3) COMMUNITY ACTION.—The communities that compose the geographic area have—

''(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

''(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

''(4) EFFECTIVENESS OF PREVIOUS ACTIVITIES.—If recipients in the geographic area have used funding awarded under section

422(a) for eligible activities described under section 415(a) in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

''(5) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—With respect to collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection 427(b)(1)(F) according to such standards as the Secretary shall promulgate.

''(e) COOPERATION AMONG ENTITIES.—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.''.

SEC. 304. PROGRAM REQUIREMENTS.

Section 426 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

''(a) SITE CONTROL.—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient or project sponsor fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.

''(b) REQUIRED AGREEMENTS.—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

''(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

''(2) to monitor and report to the Secretary the progress of the project;

''(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

''(4) to require certification from all project sponsors that—

''(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

''(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

''(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

''(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of this Act(42 U.S.C. 11431 et seq.); and

''(E) they will provide data and reports as required by the Secretary pursuant to the Act;

''(5) if a collaborative applicant is a unified funding agency under section 402(g) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(11), to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

''(6) to monitor and report to the Secretary the provision of matching funds as required by section 430;

''(7) to take the educational needs of children into account when families are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education; and

''(8) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.'';

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

(3) in the first sentence of subsection (c) (as so redesignated by paragraph (2) of this subsection), by striking ''recipient'' and inserting ''recipient or project sponsor'';

(4) by striking subsection (e);

(5) by redesignating subsections (f), (g), and (h), as subsections (d), (e), and (f), respectively;

(6) in the first sentence of subsection (e) (as so redesignated by paragraph (5) of this section), by striking ''recipient'' each place it appears and inserting ''recipient or project sponsor'';

(7) by striking subsection (i); and

(8) by redesignating subsection (j) as subsection (g).

SEC. 305. SELECTION CRITERIA, ALLOCATION AMOUNTS, AND FUNDING.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by repealing section 429 (42 U.S.C. 11389); and

(2) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 432 and 433, respectively; and

(3) by inserting after section 426 the following new sections:

''SEC. 427. SELECTION CRITERIA.

''(a) IN GENERAL.—The Secretary shall award funds to recipients through a national competition between geographic areas based on criteria established by the Secretary.

''(b) REQUIRED CRITERIA.—

''(1) IN GENERAL.—The criteria established under subsection (a) shall include—

''(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 412 (except that recipients applying from geographic areas where no funds have been awarded under this subtitle, or under subtitles C, D, E, or F of title IV of this Act, as in effect prior to the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

''(i) the length of time individuals and families remain homeless;

''(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

''(iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;

''(iv) overall reduction in the number of homeless individuals and families;

''(v) jobs and income growth for homeless individuals and families;

''(vi) success at reducing the number of individuals and families who become homeless;

''(vii) other accomplishments by the recipient related to reducing homelessness; and

''(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in section 427(b)(1)(F);

''(B) the plan of the recipient, which shall describe—

''(i) how the number of individuals and families who become homeless will be reduced in the community;

''(ii) how the length of time that individuals and families remain homeless will be reduced;

''(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.);

''(iv) the extent to which the recipient will—

''(I) address the needs of all relevant subpopulations;

''(II) incorporate comprehensive strategies for reducing homelessness, including the interventions referred to in section 428(d);

''(III) set quantifiable performance measures;

''(IV) set timelines for completion of specific tasks;

''(V) identify specific funding sources for planned activities; and

''(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and

''(v) whether the recipient proposes to exercise authority to use funds under section 422(j), and if so, how the recipient will achieve the goals and outcomes identified in section 427(b)(1)(F);

''(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

''(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

''(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

''(iii) is based on objective criteria that have been publicly announced by the recipient; and

''(iv) is open to proposals from entities that have not previously received funds under this subtitle;

''(D) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 203(a)(7);

''(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects;

''(F) for collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—

''(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term is defined for purposes of this title; or

''(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

''(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

''(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

''(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the collaborative applicant.

''(B) AMOUNT.—

''(i) FORMULA.—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of this subtitle.

''(ii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

''(iii) AUTHORITY OF SECRETARY.—Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

''(3) HOMELESSNESS COUNTS.—The Secretary shall not require that communities conduct an actual count of homeless people other than those described in paragraphs (1) through (4) of section 103(a) of this Act (42 U.S.C. 11302(a)).

''(c) ADJUSTMENTS.—The Secretary may adjust the formula described in subsection (b)(2) as necessary—

''(1) to ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and

''(2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this Act.

''SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

''(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

''(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household.

''(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

''(3) ADJUSTMENT.—The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

''(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which funding available for grants under this subtitle after making the allocation established in paragraph (1) would not be sufficient to renew for 1 year all existing grants that would otherwise be fully funded under this subtitle.

''(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

''(b) SET-ASIDE FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

''(c) TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

''(d) INCENTIVES FOR PROVEN STRATEGIES.—

''(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

''(2) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

''(A) permanent supportive housing for chronically homeless individuals and families;

''(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

''(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

''(3) BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

''(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of section 415(a) for homeless people generally or for the relevant subpopulation.

''SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

''(a) IN GENERAL.—Renewal of expiring contracts for leasing, rental assistance, or operating costs for permanent housing contracts may be funded either—

''(1) under the appropriations account for this title; or

''(2) the section 8 project-based rental assistance account.

''(b) RENEWALS.—The sums made available under subsection (a) shall be available for the renewal of contracts in the case of tenant-based assistance, successive 1-year terms, and in the case of project-based assistance, successive terms of up to 15 years at the discretion of the applicant or project sponsor and subject to the availability of annual appropriations, for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

''(1) there is a demonstrated need for the project; and

''(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

''(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

"SEC. 430. MATCHING FUNDING.

''(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions from any source other than a grant awarded under this subtitle, including renewal funding of projects assisted under subtitles C, D, and F of this title as in effect before the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area, except that grants for leasing shall not be subject to any match requirement.

''(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

''(c) COUNTABLE ACTIVITIES.—The contributions required under subsection (a) may consist of—

''(1) funding for any eligible activity described under section 423; and

''(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.

"SEC. 431. APPEAL PROCEDURE.

''(a) IN GENERAL.—With respect to funding under this subtitle, if certification of consistency with the consolidated plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

''(b) PROCEDURE.—The Secretary shall establish a procedure to process the appeals described in subsection (a).

''(c) DETERMINATION.—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.''.

SEC. 306. RESEARCH.

There is authorized to be appropriated $8,000,000, for each of fiscal years 2010 and 2011, for research into the efficacy of interventions for homeless families, to be expended by the Secretary of Housing and Urban Development over the 2 years at 3 different sites to provide services for homeless families and evaluate the effectiveness of such services.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

SEC. 401. RURAL HOUSING STABILITY ASSISTANCE.

Subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle G—Rural Housing Stability Assistance Program"; and

(2) in section 491—

(A) by striking the section heading and inserting ''rural housing stability grant program.'';

(B) in subsection (a)—

(i) by striking ''rural homelessness grant program'' and inserting ''rural housing stability grant program'';

(ii) by inserting ''in lieu of grants under subtitle C'' after ''eligible organizations''; and

(iii) by striking paragraphs (1), (2), and (3), and inserting the following:

''(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;

''(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

''(3) improving the ability of the lowest-income residents of the community to afford stable housing.'';

(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (I), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

''(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness;

''(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families and individuals and families at risk of homelessness;

''(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, or providing supportive services to such homeless and at-risk individuals and families;

''(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, such rental assistance may include tenant-based or project-based rental assistance;

''(H) payment of operating costs for housing units assisted under this title;'';

(D) in subsection (b)(2), by striking ''appropriated'' and inserting ''transferred'';

(E) in subsection (c)—

(i) in paragraph (1)(A), by striking ''appropriated'' and inserting ''transferred''; and

(ii) in paragraph (3), by striking ''appropriated'' and inserting ''transferred'';

(F) in subsection (d)—

(i) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (6)—

(I) by striking ''an agreement'' and all that follows through ''families'' and inserting the following: ''a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization''; and

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

(iii) by adding at the end the following:

''(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

''(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.'';

(G) by striking subsections (f) and (g) and inserting the following:

''(f) MATCHING FUNDING.—

''(1) IN GENERAL.—An organization eligible to receive a grant under subsection (a) shall specify matching contributions from any source other than a grant awarded under this subtitle, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided for the project or activity, except that grants for leasing shall not be subject to any match requirement.

''(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

''(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

''(A) funding for any eligible activity described under subsection (b); and

''(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

''(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

''(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

''(2) the degree to which the project addresses the most harmful housing situations present in the community;

''(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

''(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

''(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

''(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

''(7) any other relevant criteria as determined by the Secretary.'';

(H) in subsection (h)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ''The'' and inserting ''Not later than 18 months after funding is first made available pursuant to the amendments made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the''; and

(ii) in paragraph (1)(A), by striking ''providing housing and other assistance to homeless persons'' and inserting ''meeting the goals described in subsection (a)'';

(iii) in paragraph (1)(B), by striking ''address homelessness in rural areas'' and inserting ''meet the goals described in subsection (a) in rural areas''; and

(iv) in paragraph (2)—

(I) by striking ''The'' and inserting ''Not later than 24 months after funding is first made available pursuant to the amendment made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the'';

(II) by striking '', not later than 18 months after the date on which the Secretary first makes grants under the program,''; and

(III) by striking ''prevent and respond to homelessness'' and inserting ''meet the goals described in subsection (a)'';

(I) in subsection (k)—

(i) in paragraph (1), by striking ''rural homelessness grant program'' and inserting ''rural housing stability grant program''; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(II) in subparagraph (B)(ii), by striking ''rural census tract.'' and inserting ''county where at least 75 percent of the population is rural; or''; and

(III) by adding at the end the following:

''(C) any area or community, respectively, located in a State that has population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of

the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city (as such term is defined in section 102 of the Housing and Community Development Act of 1974) in such State is the sole beneficiary of the grant amounts awarded under this section.'';

(J) in subsection (l)—

(i) by striking the subsection heading and inserting ''PROGRAM FUNDING.—''; and

(ii) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under section 427(b)(2) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and consolidate such transferred amounts for grants under this section, except that the Secretary shall transfer an amount not less than 5 percent of the amount available under subtitle C for grants under this section. Any amounts so transferred and not used for grants under this section due to an insufficient number of applications shall be transferred to be used for grants under subtitle C.''; and

(K) by adding at the end the following:

''(m) DETERMINATION OF FUNDING SOURCE.—For any fiscal year, in addition to funds awarded under subtitle B, funds under this title to be used in a city or county shall only be awarded under either subtitle C or subtitle D.''.

SEC. 402. GAO STUDY OF HOMELESSNESS AND HOMELESS ASSISTANCE IN RURAL AREAS.

(a) STUDY AND REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to examine homelessness and homeless assistance in rural areas and rural communities and submit a report to the Congress on the findings and conclusion of the study. The report shall contain the following matters:

(1) A general description of homelessness, including the range of living situations among homeless individuals and homeless families, in rural areas and rural communities of the United States, including tribal lands and colonias.

(2) An estimate of the incidence and prevalence of homelessness among individuals and families in rural areas and rural communities of the United States.

(3) An estimate of the number of individuals and families from rural areas and rural communities who migrate annually to nonrural areas and non-rural communities for homeless assistance.

(4) A description of barriers that individuals and families in and from rural areas and rural communities encounter when seeking to access homeless assistance programs, and recommendations for removing such barriers.

(5) A comparison of the rate of homelessness among individuals and families in and from rural areas and rural communities compared to the rate of homelessness among individuals and families in and from non-rural areas and non-rural communities.

(6) A general description of homeless assistance for individuals and families in rural areas and rural communities of the United States.

(7) A description of barriers that homeless assistance providers serving rural areas and rural communities encounter when seeking to access Federal homeless assistance programs, and recommendations for removing such barriers.

(8) An assessment of the type and amount of Federal homeless assistance funds awarded to organizations serving rural areas and rural communities and a determination as to whether such amount is proportional to the distribution of homeless individuals and families in and from rural areas and rural communities compared to homeless individuals and families in non-rural areas and nonrural communities.

(9) An assessment of the current roles of the Department of Housing and Urban Development, the Department of Agriculture, and other Federal departments and agencies in administering homeless assistance programs in rural areas and rural communities and recommendations for distributing Federal responsibilities, including homeless assistance program administration and grantmaking, among the departments and agencies so that service organizations in rural areas and rural communities are most effectively reached and supported.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Agriculture.

(2) The Secretary of Housing and Urban Development.

(3) The Secretary of Health and Human Services.

(4) The Secretary of Education.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Executive Director of the United States Interagency Council on Homelessness.

(8) Project sponsors and recipients of homeless assistance grants serving rural areas and rural communities.

(9) Individuals and families in or from rural areas and rural communities who have sought or are seeking Federal homeless assistance services.

(10) National advocacy organizations concerned with homelessness, rural housing, and rural community development.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

SEC. 501. REPEALS.

Subtitles D, E, and F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., and 11403 et seq.) are hereby repealed.

SEC. 502. CONFORMING AMENDMENTS.

(a) CONSOLIDATED PLAN.—Section 403(1) of the McKinney-Vento Homeless Assistance Act (as so redesignated by section 101(2) of this Act), is amended—

(1) by striking ''current housing affordability strategy'' and inserting ''consolidated plan''; and

(2) by inserting before the comma the following: ''(referred to in such section as a 'comprehensive housing affordability strategy')''.

(b) PERSONS EXPERIENCING HOMELESSNESS.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(e) PERSONS EXPERIENCING HOMELESSNESS.—Any references in this Act to homeless individuals (including homeless persons) or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.''.

(c) RURAL HOUSING STABILITY ASSISTANCE.—Title IV of the McKinney-Vento Homeless Assistance Act is amended by redesignating subtitle G (42 U.S.C. 11408 et seq.), as amended by the preceding provisions of this Act, as subtitle D.

SEC. 503. EFFECTIVE DATE.

Except as specifically provided otherwise in this Act, this Act and the amendments made by this Act shall take effect on, and shall apply beginning on—

(1) the expiration of the 18-month period beginning on the date of the enactment of this Act, or

(2) the expiration of the 3-month period beginning upon publication by the Secretary of Housing and Urban Development of final regulations pursuant to section 504,

whichever occurs first.

SEC. 504. REGULATIONS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this Act.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 505. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking the item relating to the heading for title IV and all that follows through the item relating to section 492 and inserting the following new items:

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 812. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the Rural Heritage Conservation Extension Act of 2009, along with my good friend, Senator GRASSLEY from Iowa.

As we all know, the country, including my home State of Montana, is losing precious agricultural and ranch lands at a record pace. While providing Montana and the Nation with the highest quality food and fiber, these farms and ranches also provide habitat for wildlife and the open spaces, land that many of us take for granted and assume will always be there. Conservation easements have been tremendously successful in preserving open space and wildlife habitat. Montana has begun to recognize the importance of using conservation easements to preserve these lands. We currently have more than 1.5 million acres covered by conservation easements. To some, that may seem like a large amount, but this is Montana, a State that covers 93,583,532 acres.

To assure that open space and habitat will be there for future generations, we must help our hardworking farmers and ranchers preserve this precious heritage and their way-of-life. The Congress recognized this by providing targeted income tax relief to small farmers and ranchers who wish to make a charitable contribution of a qualified conservation easement. The provision allows eligible farmers and ranchers to increase the amounts of deduction that may be taken currently for charitable contributions of qualified conservation easements by raising the Adjusted Gross Income, AGI, limitations to 100 percent and extending the carryover period from 5 years to 15 years. In the case of all landowners, the AGI limitation was raised from 30 percent to 50 percent. This provision will expire at the end of this year.

The number of acres protected and easements held by state and local land trusts has grown as a result of this incentive. According to the Land Trust Alliance, America's Land Trusts protected 535,000 more acres with conservation easements in the first two years with the new tax incentive than in the previous two years, a 36 percent increase. In 2006 and 2007, land trusts added over 6,000 easements, about 2,000 more than the 2 years before the incentive.

The Rural Heritage Conservation Extension Act of 2009 would make this allowable deduction permanent, building on the success of conservation easements. Our farmers and ranchers will be able to preserve their important agricultural and ranching lands for future generations, while continuing to operate their businesses. Landowners, conservationists, the Federal Government, and local communities are working together to preserve our precious natural resources.

This legislation is vitally important to Montana, and to every other State in the Nation.

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. 812

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 ''Rural Heritage Conservation Extension Act of 2009''.

SEC. 2. SPECIAL RULE FOR CONTRIBUTIONS OF QUALIFIED CONSERVATION CONTRIBUTIONS MADE PERMANENT.

(a) IN GENERAL.—

(1) INDIVIDUALS.—Subparagraph (E) of section 170(b)(1) of the Internal Revenue Code of 1986 (relating to contributions of qualified conservation contributions) is amended by striking clause (vi).

(2) CORPORATIONS.—Subparagraph (B) of section 170(b)(2) of such Code (relating to qualified conservation contributions) is amended by striking clause (iii).

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

By Mr. NELSON of Florida (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, and Mr. MENENDEZ):

S. 815. A bill to amend the Immigration and Nationality Act to exempt surviving spouses of United States citizens from the numerical limitations described in section 201 of such Act; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, the Immigration and Nationality Act, INA, imposes what has become known as the ''widow penalty,'' requiring the deportation of individuals whose pending applications for green cards are rejected because their citizen spouse died within the first two years of marriage. Today, joined by Senators DURBIN, FEINSTEIN, KENNEDY, KERRY AND MENENDEZ, I am introducing the Fairness to Surviving Spouses Act of 2009. My bill will amend the INA to remedy this unintended and unjustified administrative procedure.

This legislation is needed because, under current law, when a US citizen marries a non-citizen, the non-citizen is eligible to become a legal permanent resident and receive a green card. During the first two years of marriage, the only way this can be accomplished is through a petition that the citizen files on the non-citizen spouse's behalf. The non-citizen cannot self-petition for legal permanent resident status during this time.

If, however, the citizen spouse dies while the petition, through no fault of the couple, remains pending—and delays in the process are often caused due to bureaucratic delay—the petition automatically is denied, and the non-citizen is immediately deemed ineligible for legal permanent residence and therefore becomes deportable. This is the case even if ample evidence of a bona fide marriage, such as cohabitation, and shared finances, exists. It is even the case if a couple had a U.S. born child.

Because of the widow penalty, law-abiding and well-intentioned widows who have played by the rules face immediate deportation. During the 110th Congress, efforts to persuade the US Citizenship and Immigration Services, CIS, to address the issue administratively were unsuccessful. In the current administration, Secretary of Homeland Security Janet Napolitano has directed that the Department of Homeland Security review a number of immigration issues, including the widow penalty. Although this review is welcome, there is some question regarding the Secretary's authority to end the penalty administratively. That is why a clean legislative fix is needed, as scores of women and children face immediate deportation today.

There have been more than 200 widow penalty victims throughout the country, including a woman whose husband died while serving overseas as a contractor in Iraq; a woman whose husband died trying to rescue people who were drowning in the San Francisco Bay; a woman whose husband was killed while on duty with the U.S. Border Patrol; and a woman who was apprehended by Federal agents when she went to meet with immigration authorities to plead her case, placed in shackles, and sent to a detention facility.

The widow penalty has received national extensive national media attention, including from 60 Minutes, which profiled Raquel Williams, a widow who lives with her in-laws in Orlando, in a segment entitled, ''For Better or For Worse—A Loss of Love and Country.'' After she was deemed deportable following the sudden death of her husband from sleep apnea and heart problems, Ms. Williams and her in-laws have been telling their story to raise awareness about this issue.

The harsh and unfair widow penalty can be eliminated by allowing the petition to be adjudicated even though the citizen spouse has died. The proposed legislation affects only a small group of individuals who still would be required to demonstrate that they had a bona fide marriage before receiving a green card. Thus, USCIS would retain the discretion to deny petitions, but they would no longer deny them automatically in response to the death of the citizen spouse.

Today, Rep. JIM MCGOVERN is introducing identical legislation in the House. His bill passed out of the House Judiciary Committee during the 110th Congress with bipartisan support, including from Republicans who led the charge against comprehensive immigration reform. The widows who face deportation today should not be forced

to wait for the Congress to take up comprehensive immigration reform. This legislation is needed now because it simply corrects an arbitrary and unjust sanction, one which would never have occurred but for the Government's failure to act more in a more timely manner and the unfortunate fact that the citizen spouse died before the couple's second anniversary.

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. 815

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

SECTION 1. RELIEF FOR SURVIVING SPOUSES.

(a) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting ''(or, if married to such citizen for less than 2 years at the time of the citizen's death, an alien who proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit)'' after ''for at least 2 years at the time of the citizen's death''.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(2) TRANSITION CASES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, an alien described in subparagraph (B) who seeks immediate relative status pursuant to the amendment made by subsection (a) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date that is 2 years after the date of the enactment of this Act.

(B) ALIENS DESCRIBED.—An alien is described in this subparagraph if—

(i) the alien's United States citizen spouse died before the date of the enactment of this Act;

(ii) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse's death; and

(iii) the alien has not remarried.

By Ms. CANTWELL (for herself, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, and Mr. BEGICH):

S. 817. A bill to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Pacific Salmon Stronghold Conservation Act of 2009, together with my colleague from Alaska Senator Murkowski. I am grateful for all the input and collaboration from key stakeholders in Washington State that I have received on this legislation. I am especially grateful for the input from the Quileute Tribe, the Wild Salmon Center, and Bill Ruckelshaus.

Wild Pacific salmon are central to the culture, economy, and environment of western North America. While current Federal, State, and local salmon recovery efforts are focused on recovering salmon listed under the Endangered Species Act, ESA, seeking to restore what we've lost—the Salmon Stronghold Act seeks to protect what we have. Current efforts to recover threatened or endangered salmon stocks are vital. This is why I have consistently fought for increased funding for the Pacific Coast Salmon Recovery Fund, PCSRF, and will continue to proudly do so.

The PCSRF, since its inception in 2000, has allowed my home State of Washington to focus the efforts of counties and conservation districts, on average, to remove 300 barriers to fish passage and to open 300 miles of habitat each year. That's 2,400 barriers removed and 2,400 miles of habitat restored. In 2008, for every Federal dollar spent on this program it leveraged about $2 local and State dollars.

I will continue the fight to protect this salmon recovery funding. But more must be done. A key purpose of this act is to complement existing Federal, State and local salmon recovery efforts by directing new Federal resources to conserve healthy salmon populations. This legislation will utilize sound science to identify and sustain core centers of salmon abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout the Pacific States.

This bill establishes a new regional Salmon Stronghold Partnership program that provides federal support and resources to protect a network of the healthiest remaining wild Pacific salmon ecosystems in North America. The bill promotes enhanced coordination and cooperation of Federal, tribal, State and local governments, public and private land managers, fisheries managers, power authorities, and nongovernmental organizations in efforts to protect salmon strongholds.

It is time to increase funding for recovery efforts, but also focus on prevention. It is time to adopt the kind of comprehensive solution that can solidify the place wild Pacific salmon hold in American culture for generations to come.

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. 817

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 ''Pacific Salmon Stronghold Conservation Act of 2009''.

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

SEC. 2. FINDINGS; PURPOSES.

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

(1) Several species of salmon native to the rivers of the United States are highly migratory, interacting with salmon originating from Canada, Japan, Russia, and South Korea and spending portions of their life history outside of the territorial waters of the United States. Recognition of the migratory and transboundary nature of salmon species has led countries of the North Pacific to seek enhanced coordination and cooperation through multilateral and bi-lateral agreements.

(2) Salmon are a keystone species, sustaining more than 180 other species in freshwater and marine ecosystems. They are also an indicator of ecosystem health and potential impacts of climate change.

(3) Salmon are a central part of the culture, economy, and environment of Western North America.

(4) Economic activities relating to salmon generate billions of dollars of economic activity and provide thousands of jobs.

(5) During the anticipated rapid environmental change during the period beginning on the date of the enactment of this Act, maintaining key ecosystem processes and functions, population abundance, and genetic integrity will be vital to ensuring the health of salmon populations.

(6) Salmon strongholds provide critical production zones for commercial, recreational, and subsistence fisheries.

(7) Taking into consideration the frequency with which fisheries have collapsed during the period preceding the date of the enactment of this Act, using scientific research to correctly identify and conserve core centers of abundance, productivity, and diversity is vital to sustain salmon populations and fisheries in the future.

(8) Measures being undertaken as of the date of the enactment of this Act to recover threatened or endangered salmon stocks, including Federal, State, and local programs to restore salmon habitat, are vital. These measures will be complemented and enhanced by identifying and sustaining core centers of abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout the range of salmon species.

(9) The effects of climate change are affecting salmon habitat at all life history stages and future habitat conservation must consider climate change projections to safeguard natural systems under future climate conditions.

(10) Greater coordination between public and private entities can assist salmon strongholds by marshaling and focusing resources on scientifically-supported, high priority conservation actions.

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

(1) to expand Federal support and resources for the protection and restoration of the healthiest remaining salmon strongholds in

North America to sustain core centers of salmon abundance, productivity, and diversity in order to ensure the long-term viability of salmon populations—

(A) in the States of California, Idaho, Oregon, and Washington, by focusing resources on cooperative, incentive-based efforts to conserve the roughly 20 percent of salmon habitat that supports approximately two-thirds of salmon abundance; and

(B) in the State of Alaska, a regional stronghold that produces more than one-third of all salmon, by increasing resources available to public and private organizations working cooperatively to conserve regional core centers of salmon abundance and diversity;

(2) to maintain and enhance economic benefits related to fishing or associated with healthy salmon stronghold habitats, including flood protection, recreation, water quantity and quality, carbon sequestration, climate change mitigation and adaptation, and other ecosystem services; and

(3) to complement and add to existing Federal, State, and local salmon recovery efforts by using sound science to identify and sustain core centers of salmon abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout their range.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Assistant Administrator for the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration.

(2) BOARD.—The term ''Board'' means the Salmon Stronghold Partnership Board established under section 4.

(3) CHARTER.—The term ''charter'' means the charter of the Board developed under section 4(g).

(4) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(5) ECOSYSTEM SERVICES.—The term ''ecosystem services'' means an ecological benefit generated from a healthy, functioning ecosystem, including clean water, pollutant filtration, regulation of river flow, prevention of soil erosion, regulation of climate, and fish production.

(6) PROGRAM.—Except as otherwise provided, the term ''program'' means the salmon stronghold watershed grants and technical assistance program established under section 6(a).

(7) SALMON.—The term ''salmon'' means any of the wild anadromous Oncorhynchus species that occur in the Western United States, including—

(A) chum salmon (Oncorhynchus keta);

(B) pink salmon (Oncorhynchus gorbuscha);

(C) sockeye salmon (Oncorhynchus nerka);

(D) chinook salmon (Oncorhynchus tshawytscha);

(E) coho salmon (Oncorhynchus kisutch); and

(F) steelhead trout (Oncorhynchus mykiss).

(8) SALMON STRONGHOLD.—The term ''salmon stronghold'' means all or part of a watershed or that meets biological criteria for abundance, productivity, diversity (life history and run timing), habitat quality, or other biological attributes important to sustaining viable populations of salmon throughout their range, as defined by the Board.

(9) SALMON STRONGHOLD PARTNERSHIP.—The term ''Salmon Stronghold Partnership'' means the Salmon Stronghold Partnership established under section 4(a)(1).

(10) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Commerce.

SEC. 4. SALMON STRONGHOLD PARTNERSHIP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish a Salmon Stronghold Partnership that is a cooperative, incentive-based, public-private partnership among appropriate Federal, State, tribal, and local governments, private landowners, and nongovernmental organizations working across political boundaries, government jurisdictions, and land ownerships to identify and conserve salmon strongholds.

(2) MEMBERSHIP.—To the extent possible, the membership of the Salmon Stronghold Partnership shall include each entity described under subsection (b).

(3) LEADERSHIP.—The Salmon Stronghold Partnership shall be managed by a Board established by the Secretary to be known as the Salmon Stronghold Partnership Board.

(b) SALMON STRONGHOLD PARTNERSHIP BOARD.—

(1) IN GENERAL.—The Board shall consist of representatives with strong scientific or technical credentials and expertise as follows:

(A) 1 representative from each of—

(i) the National Marine Fisheries Service, as appointed by the Administrator;

(ii) the United States Fish and Wildlife Service, as appointed by the Director;

(iii) the Forest Service, as appointed by the Chief of the Forest Service;

(iv) the Environmental Protection Agency, as appointed by the Administrator of the Environmental Protection Agency;

(v) the Bonneville Power Administration, as appointed by the Administrator of the Bonneville Power Administration;

(vi) the Bureau of Land Management, as appointed by the Director of the Bureau of Land Management; and

(vii) the Northwest Power and Conservation Council, as appointed by the Northwest Power and Conservation Council.

(B) 1 representative from the natural resources staff of the office of the Governor or of an appropriate natural resource agency of a State, as appointed by the Governor, from each of the States of—

(i) Alaska;

(ii) California;

(iii) Idaho;

(iv) Oregon; and

(v) Washington.

(C) Not less than 3 and not more than 5 representatives from Indian tribes or tribal commissions located within the range of a salmon species, as appointed by such Indian tribes or tribal commissions, in consultation with the Board.

(D) 1 representative from each of 3 nongovernmental organizations with salmon conservation and management expertise, as selected by the Board.

(E) 1 national or regional representative from an association of counties, as selected by the Board.

(F) Representatives of other entities with significant resources regionally dedicated to the protection of salmon ecosystems that the Board determines are appropriate, as selected by the Board.

(2) FAILURE TO APPOINT.—If a representative described in subparagraph (B), (C), (D), (E), or (F) of paragraph (1) is not appointed to the Board or otherwise fails to participate in the Board, the Board shall carry out its functions until such representative is appointed or joins in such participation.

(c) MEETINGS.—

(1) FREQUENCY.—Not less frequently than 3 times each year, the Board shall meet to provide opportunities for input from a broader set of stakeholders.

(2) NOTICE.—Prior to each meeting, the Board shall give timely notice of the meeting to the public, the government of each county, and tribal government in which a salmon stronghold is identified by the Board.

(d) BOARD CONSULTATION.—The Board shall seek expertise from fisheries experts from agencies, colleges, or universities, as appropriate.

(e) CHAIRPERSON.—The Board shall nominate and select a Chairperson from among the members of the Board.

(f) COMMITTEES.—The Board—

(1) shall establish a standing science advisory committee to assist the Board in the development, collection, evaluation, and peer review of statistical, biological, economic, social, and other scientific information; and

(2) may establish additional standing or ad hoc committees as the Board determines are necessary.

(g) CHARTER.—The Board shall develop a written charter that—

(1) provides for the members of the Board described in subsection (b);

(2) may be signed by a broad range of partners, to reflect a shared understanding of the purposes, intent, and governance framework of the Salmon Stronghold Partnership; and

(3) includes—

(A) the defining criteria for a salmon stronghold;

(B) the process for identifying salmon strongholds; and

(C) the process for reviewing and awarding grants under the program, including—

(i) the number of years for which such a grant may be awarded;

(ii) the process for renewing such a grant;

(iii) the eligibility requirements for such a grant;

(iv) the reporting requirements for projects awarded such a grant; and

(v) the criteria for evaluating the success of a project carried out with such a grant.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

SEC. 5. INFORMATION AND ASSESSMENT.

The Administrator shall carry out specific information and assessment functions associated with salmon strongholds, in coordination with other regional salmon efforts, including—

(1) triennial assessment of status and trends in salmon strongholds;

(2) geographic information system and mapping support to facilitate conservation planning;

(3) projections of climate change impacts on all habitats and life history stages of salmon;

(4) development and application of models and other tools to identify salmon conservation actions projected to have the greatest positive impacts on salmon abundance, productivity, or diversity within salmon strongholds; and

(5) measurement of the effectiveness of the Salmon Stronghold Partnership activities.

SEC. 6. SALMON STRONGHOLD WATERSHED GRANTS AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Administrator, in consultation with the Director, shall establish a salmon stronghold watershed grants and technical assistance program, as described in this section.

(b) PURPOSE.—The purpose of the program shall be to support salmon stronghold protection and restoration activities, including—

(1) to fund the administration of the Salmon Stronghold Partnership in carrying out the charter;

(2) to encourage cooperation among the entities represented on the Board, local authorities, and private entities to establish a

network of salmon strongholds, and assist locally in specific actions that support the Salmon Stronghold Partnership;

(3) to support entities represented on the Board—

(A) to develop strategies focusing on salmon conservation actions projected to have the greatest positive impacts on abundance, productivity, or diversity in salmon strongholds; and

(B) to provide financial assistance to the Salmon Stronghold Partnership to increase local economic opportunities and resources for actions or practices that provide long-term or permanent conservation and that maintain key ecosystem services in salmon strongholds, including—

(i) payments for ecosystem services; and

(ii) demonstration projects designed for specific salmon strongholds;

(4) to maintain a forum to share best practices and approaches, employ consistent and comparable metrics, forecast and address climate impacts, and monitor, evaluate, and report regional status and trends of salmon ecosystems in coordination with related regional and State efforts;

(5) to carry out activities and existing conservation programs in, and across, salmon strongholds on a regional scale to achieve the goals of the Salmon Stronghold Partnership;

(6) to accelerate the implementation of recovery plans in salmon strongholds that have salmon populations listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(7) to develop and make information available to the public pertaining to the Salmon Stronghold Partnership; and

(8) to conduct education outreach to the public, in coordination with other programs, to encourage increased stewardship of salmon strongholds.

(c) SELECTION.—Projects that will be carried out with assistance from the program shall be selected and administered as follows:

(1) SITE-BASED PROJECTS.—A project that will be carried out with assistance from the program within 1 State shall be selected as follows:

(A) STATE SELECTION.—If a State has a competitive grant process relating to salmon conservation in effect as of the date of enactment of this Act and has a proven record of implementing an efficient, cost-effective, and competitive grant program for salmon conservation or has a viable plan to provide accountability under the program—

(i) the National Fish and Wildlife Foundation, in consultation with the Board, shall provide program funds to the State; and

(ii) the State shall select and administer projects to be carried out in such State, in accordance with subsection (d).

(B) NATIONAL FISH AND WILDLIFE FOUNDATION SELECTION.—If a State does not meet the criteria described in subparagraph (A)—

(i) the Administrator, in consultation with the Director, shall provide funds to the National Fish and Wildlife Foundation; and

(ii) the National Fish and Wildlife Foundation, in consultation with the Board, shall select and administer projects to be carried out in such State, in accordance with subsection (d).

(2) MULTISITE AND PROGRAMMATIC INITIATIVES.—For a project that will be carried out with assistance from the program in more than 1 State or that is a programmatic initiative that affect more than 1 State—

(A) the Administrator, in consultation with the Director, shall provide funds to the National Fish and Wildlife Foundation; and

(B) the National Fish and Wildlife Foundation, in consultation with the Board, shall select and administer such projects to be carried out, in accordance with subsection (d).

(d) CRITERIA FOR APPROVAL.—

(1) CRITERIA DEVELOPED BY THE BOARD.—

(A) REQUIREMENT TO DEVELOP.—The Board shall develop and provide criteria for the prioritization of projects funded under the program in a manner that enables projects to be individually ranked in sequential order by the magnitude of the project's positive impacts on salmon abundance, productivity, or diversity.

(B) SPECIFIC REQUIREMENTS.—The criteria required by subparagraph (A) shall require that a project that receives assistance under the program—

(i) contributes to the conservation of salmon;

(ii) meets the criteria for eligibility established in the charter;

(iii)(I) addresses a factor limiting or threatening to limit abundance, productivity, diversity, habitat quality, or other biological attributes important to sustaining viable salmon populations within a salmon stronghold; or

(II) is a programmatic action that supports the Salmon Stronghold Partnership;

(iv) addresses limiting factors to healthy ecosystem processes or sustainable fisheries management;

(v) has the potential for conservation benefits and broadly applicable results; and

(vi) meets the requirements for—

(I) cost sharing described in subsection (e); and

(II) the limitation on administrative expenses described in subsection (f).

(C) SCHEDULE FOR DEVELOPMENT.—The Board shall—

(i) develop and provide the criteria required by subparagraph (A) prior to the initial solicitation of projects under the program; and

(ii) revise such criteria not less often than once each year.

(e) COST SHARING.—

(1) FEDERAL SHARE.—

(A) NON-FEDERAL LAND.—For any fiscal year, the Federal share of the cost of a project that receives assistance under the program and that is carried out on land that is not owned by the United States shall not exceed 50 percent of the total cost of the project.

(B) FEDERAL LAND.—For any fiscal year, the Federal share of the cost of a project that receives assistance under the program and that is carried out on land that is owned by the United States, including the acquisition of inholdings, may be up to 100 percent of the total cost of the project.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of a project that receives assistance under the program may not be derived from Federal grant programs, but may include in-kind contributions.

(B) BONNEVILLE POWER ADMINISTRATION.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity used to carry out a project that receives assistance under the program shall be credited toward the non-Federal share of the cost of the project.

(f) ADMINISTRATIVE EXPENSES.—Of the amount available to a State or the National Fish and Wildlife Foundation under the program for each fiscal year, such State and the National Fish and Wildlife Foundation shall not expend more than 5 percent of such amount for administrative and reporting expenses necessary to carry out this section.

(g) REPORTS.—

(1) REPORTS TO STATES OR NFWF.—Each person who receives assistance through a State or the National Fish and Wildlife Foundation under the program for a project shall provide periodic reports to the State or the National Fish and Wildlife Foundation, as appropriate, that includes the information required by the State or the National Fish and Wildlife Foundation to evaluate the progress and success of the project.

(2) REPORTS TO THE ADMINISTRATION.—Not less frequently than once every 3 years, each State that is provided program funds under subsection (c)(1)(A) and the National Fish and Wildlife Foundation shall provide reports to the Administrator that include the information required by the Administrator to evaluate the implementation of the program.

SEC. 7. INTERAGENCY COOPERATION.

The head of each Federal agency or department responsible for acquiring, managing, or disposing of Federal land that is within a salmon stronghold shall, to the extent consistent with the mission of the agency or department and existing law, cooperate with the Administrator and the Director—

(1) to conserve the salmon strongholds; and

(2) to effectively coordinate and streamline Salmon Stronghold Partnership activities and delivery of overlapping, incentive-based programs that affect the salmon stronghold.

SEC. 8. INTERNATIONAL COOPERATION.

(a) AUTHORITY TO COOPERATE.—The Administrator and the Board may share status and trends data, innovative conservation strategies, conservation planning methodologies, and other information with North Pacific countries, including Canada, Japan, Russia, and South Korea, and appropriate international entities to promote conservation of salmon and salmon habitat.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator and the Board, or entities that are members of the Board, should and are encouraged to provide information to North Pacific countries, including Canada, Japan, Russia, and South Korea, and appropriate international entities to support the development of a network of salmon strongholds across the nations of the North Pacific.

SEC. 9. ACQUISITION AND TRANSFER OF REAL PROPERTY INTERESTS.

(a) USE OF REAL PROPERTY.—No project that will result in the acquisition by the Secretary or the Secretary of the Interior of any land or interest in land, in whole or in part, may receive funds under this Act unless the project is consistent with the purposes of this Act.

(b) PRIVATE PROPERTY PROTECTION.—No Federal funds made available to carry out this Act may be used to acquire any real property or any interest in any real property without the written consent of the 1 or more owners of the property or interest in property.

(c) TRANSFER OF REAL PROPERTY.—No land or interest in land, acquired in whole or in part by the Secretary of the Interior with Federal funds made available under this Act to carry out a salmon stronghold conservation project may be transferred to a State, other public agency, or other entity unless—

(1) the Secretary of the Interior determines that the State, agency, or entity is committed to manage, in accordance with this Act and the purposes of this Act, the property being transferred; and

(2) the deed or other instrument of transfer contains provisions for the reversion of the title to the property to the United States if the State, agency, or entity fails to manage the property in accordance with this Act and the purposes of this Act.

(d) REQUIREMENT.—Any real property interest conveyed under subsection (c) shall be subject to such terms and conditions as will ensure, to the maximum extent practicable,

that the interest will be administered in accordance with this Act and the purposes of this Act.

SEC. 10. ADMINISTRATIVE PROVISIONS.

(a) CONTRACTS, GRANTS, AND TRANSFERS OF FUNDS.—In carrying out this Act, the Secretary may—

(1) consistent with a recommendation of the Board and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into cooperative agreements, contracts, and grants;

(2) notwithstanding any other provision of law, apply for, accept, and use grants from any person to carry out the purposes of this Act; and

(3) make funds available to any Federal agency or department to be used by the agency or department to award financial assistance for any salmon stronghold protection, restoration, or enhancement project that the Secretary determines to be consistent with this Act.

(b) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to authorize the organization to carry out activities under this Act; and

(B) accept donations of funds or services for use in carrying out this Act.

(2) PROPERTY.—The Secretary of the Interior may accept donations of property for use in carrying out this Act.

(3) USE OF DONATIONS.—Donations accepted under this section—

(A) shall be considered to be gifts or bequests to, or for the use of, the United States; and

(B) may be used directly by the Secretary (or, in the case of donated property under paragraph (2), the Secretary of the Interior) or provided to other Federal agencies or departments through interagency agreements.

(c) INTERAGENCY FINANCING.—The Secretary may participate in interagency financing, including receiving appropriated funds from other agencies or departments to carry out this Act.

(d) STAFF.—Subject to the availability of appropriations, the Administrator may hire such additional full-time employees as are necessary to carry out this Act.

SEC. 11. LIMITATIONS.

Nothing in this Act may be construed—

(1) to create a reserved water right, express or implied, in the United States for any purpose, or affect the management or priority of water rights under State law;

(2) to affect existing water rights under Federal or State law;

(3) to affect any Federal or State law in existence on the date of enactment of this Act regarding water quality or water quantity;

(4) to affect the authority, jurisdiction, or responsibility of any agency or department of the United States or of a State to manage, control, or regulate fish and resident wildlife under a Federal or State law or regulation;

(5) to authorize the Secretary or the Secretary of the Interior to control or regulate hunting or fishing under State law;

(6) to abrogate, abridge, affect, modify, supersede, or otherwise alter any right of a federally recognized Indian tribe under any applicable Federal or tribal law or regulation; or

(7) to diminish or affect the ability of the Secretary or the Secretary of the Interior to join the adjudication of rights to the use of water pursuant to subsections (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

SEC. 12. REPORTS TO CONGRESS.

Not less frequently than once every 3 years, the Administrator, in consultation with the Director, shall submit to Congress a report describing the activities carried out under this Act, including the recommendations of the Administrator, if any, for legislation relating to the Salmon Stronghold Partnership.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator, to be distributed by the National Fish and Wildlife Foundation as a fiscal agent, to provide grants under the program, $30,000,000 for each of fiscal years 2009 through 2013.

(2) BOARD.—The National Fish and Wildlife Foundation shall, from the amount appropriated pursuant to the authorization of appropriations in paragraph (1), make available sufficient funds to the Board to carry out its duties under this Act.

(b) TECHNICAL ASSISTANCE.—For each of fiscal years 2009 through 2013, there is authorized to be appropriated to the Administrator $300,000 to provide technical assistance under the program and to carry out section 5.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to an authorization of appropriations in this section are authorized to remain available until expended.

By Mr. BINGAMAN (for himself, Mr. BURR, Mr. KENNEDY, Mr. HATCH, and Mrs. MURRAY):

S. 818. A bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr BINGAMAN. Mr. President, I rise today with my colleagues Senators BURR, KENNEDY, HATCH and MURRAY to introduce the Achievement Through Technology and Innovation, ATTAIN, Act of 2009.

This bill would amend title II of the Elementary and Secondary Education Act of 1965 to rename part D, Achievement through Technology and Innovation, and reauthorize it through FY2014. I am very pleased that ATTAIN is supported by the Consortium for School Networking, International Society for Technology and Education, Software and Information Industry Association, State Educational Technology Directors Association, and many other education groups.

In 2002, Congress enacted the No Child Left Behind Act to close the achievement gap between low-income, underperforming students and their more affluent peers. Without a renewed dedication to the quality of programs used in our schools, this goal, as well as providing an excellent education for students, will be difficult to achieve. While there is no question that we have made progress in recent years in advancing educational opportunity, I remain concerned about the number of schools that are failing to meet the performance criteria set out in the No Child Left Behind Act.

The bill I am introducing represents a critical step forward in advancing learning technologies for millions of students across the country. Many schools lack the resources necessary for the 21st century classroom and to meet the needs and expectations of today's students. Furthermore, technology and e-learning in our schools are a must if we are to meet our Nation's science, technology, engineering, and mathematics education needs and to provide students with the skills necessary to succeed in the 21st century knowledge-based, global economy.

By authorizing the Enhancing Education Through Technology Act, EETT, as part of NCLB, Congress recognized that Federal leadership and investment is needed to serve as a catalyst for State and local education initiatives aimed at school innovation and improved student achievement. EETT has shown to be effective, particularly in my home State of New Mexico. As you know, many schools often do not have access to learning resources that enable their students to gain an academic background with the technological skills and knowledge necessary to succeed in college or the modern workplace. Through EETT, programs such as the Online Teaching and Learning Opportunities Year 2, have become bright spots of opportunity in some of our Nation's most isolated communities and have brought technical training, professional development and advanced technology resources to teachers and students. Notwithstanding this record of success, it is critical that states such as New Mexico have the opportunity to further advance the use of learning technologies to deliver innovative instruction and curriculum.

To this end, the ATTAIN Act has three main objectives. First, to ensure that through technology every student has access to individualized, rigorous, and relevant learning to meet the goals of NCLB and to prepare all students for the 21st century. Second, to build upon and increase the use of evidence-based and innovative systemic school redesign that centers around technology. And finally, to provide meaningful professional development around technology that leads to changes in teaching and curriculum and improves student technology literacy.

The future of our students' success depends on the quality of their educational experience. I want to thank Senators BURR, KENNEDY, HATCH, and MURRAY for their leadership and commitment to improving education in this country. They remain tireless advocates for our Nation's students, and I am pleased to be working with them on this legislation as we begin reauthorizing the No Child Left Behind Act.

This legislation is an integral step in advancing State and local learning technologies for millions of students across the country, and I urge my colleagues to support this 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. 818

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

SECTION 1. ACHIEVEMENT THROUGH TECHNOLOGY AND INNOVATION.

Part D of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6751 et seq.) is amended to read as follows:

"PART D—ACHIEVEMENT THROUGH TECHNOLOGY AND INNOVATION

"SEC. 2401. SHORT TITLE.

''This part may be cited as the 'Achievement Through Technology and Innovation Act of 2009' or the 'ATTAIN Act'.

"SEC. 2402. FINDINGS, PURPOSES, AND GOALS.

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

''(1) Learning technologies in our Nation's schools are critical—

''(A) to meet the goals of the No Child Left Behind Act of 2001 of raising student achievement, closing the achievement gap, and ensuring high-quality teaching; and

''(B) to ensure that our Nation's students are prepared to compete in the 21st century knowledge-based global economy.

''(2) Increased professional development opportunities are needed if teachers are to be highly qualified and effective in a 21st century classroom with today's digital native students, including professional development opportunities—

''(A) in the use of learning technologies to deliver innovative instruction and curriculum; and

''(B) to use data to inform instruction.

''(3) Scientifically based research, conducted with Federal funding, demonstrates that systemic redesign initiatives centered around technology have shown great promise in improving teaching and learning, including the following:

''(A) In Utah, Missouri, and Maine, the eMINTS program provides schools and teachers with educational technology tools, curriculum, and more than 200 hours of professional development to change how teachers teach and students learn. In classrooms in the same school (1 with eMINTS and 1 without), the student achievement of students in the eMINTS classroom was repeatedly over 10 percent higher than the control classroom.

''(B) In West Virginia, students receiving access to online foreign language courses performed at least as well as students in face-to-face versions of the classes, providing comparable high-quality instruction for students in rural areas who otherwise would not have access to such courses.

''(C) In Michigan's Freedom to Learn technology program, proficiency on Michigan Education Assessment Program (MEAP) tests of 8th grade mathematics increased from 31 percent in 2004 to 63 percent in 2005 in 1 middle school, and science achievement increased from 68 percent of students proficient in 2003 to 80 percent in 2004.

''(D) In Texas, the Technology Immersion Pilot (TIP), implemented in middle schools, demonstrated that discipline referrals went down by more than ½ with the changes in teaching and learning; while in 1 school, the percentage of 6th graders who passed the reading portion of the 2006 State assessment (TAKS) test was up 17 points from 2004, and the percentage of 7th graders who passed the mathematics portion of the TAKS rose 13 points. The students participating in the Technology Immersion Pilot have become more responsible for their learning, more engaged in the classroom, and much more knowledgeable about the role of technology in problem solving and learning.

''(E) In Iowa, after connecting teachers with sustainable professional development and technology-based curriculum interventions, students taught by such teachers had scores that increased by 14 points in 8th grade mathematics, 16 points in 4th grade mathematics, and 13 points in 4th grade reading compared with control groups.

''(4) Technology and e-learning in our Nation's schools are necessary to meet our Nation's science, technology, engineering, and mathematics (STEM) education needs and to provide students with 21st century skills, including technology literacy, information literacy, communication skills, problem solving skills, and the ability for self-directed life-long learning.

''(5) A 2003 Department of Commerce report credits United States industry's investments in information technology between 1989 and 2001 with 'producing positive and probably lasting changes in the Nation's economic potential', but finds United States education last in intensity of information technology in 55 industry sectors.

''(6) Many of our Nation's schools lack the resources necessary for the 21st century classroom and to meet the needs and expectations of today's digital native students, including—

''(A) software, digital content, and broadband resources; and

''(B) other technologies.

''(7) According to the Department of Education's National Educational Technology Trends Study (NETTS 2007), insufficient or outdated technology presented a substantial barrier to technology use for teaching and learning for more than 40 percent of students, while the lack of support specialists was a barrier to technology use for more than 50 percent of students.

''(8) Federal leadership and investment is needed to serve as a catalyst for State and local education initiatives aimed at school innovation and improved student achievement through leveraging educational technologies. According to the Department of Education's National Educational Technology Trends Study (NETTS 2007), 'Because funds generated locally through bonds or taxes frequently have legal restrictions requiring them to be spent on hardware and connectivity purchases only, Federal and State funds supporting the use of technology resources fill a critical gap.'.

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

''(1) To ensure that through technology every student has access to individualized, rigorous, and relevant learning to meet the goals of this part, and to prepare all students and the United States for the 21st century.

''(2) To evaluate, build upon, and increase the use of evidence-based and innovative systemic school redesigns that center on the use of technology that leads to school improvement and increased student achievement.

''(3) To increase ongoing, meaningful professional development around technology that—

''(A) leads to changes in teaching and curriculum;

''(B) improves student achievement, including in core academic subjects;

''(C) improves student technology literacy; and

''(D) is aligned with professional development activities supported under section 2123.

''(c) GOALS.—The goals of this part are the following:

''(1) To improve student academic achievement with respect to State academic standards through the use of professional development and systemic school redesigns that center on the use of technology and the applications of technology.

''(2) To improve professional development to ensure every school administrator—

''(A) possesses the leadership skills necessary for effective technology integration and every teacher possesses the knowledge and skills to use technology across the curriculum;

''(B) uses technology and curriculum redesign as key components of changing teaching and learning and improving student achievement;

''(C) uses technology for data analysis to enable individualized instruction; and

''(D) uses technology to improve student technology literacy.

''(3) To ensure that every student is technologically literate by the end of 8th grade, regardless of the student's race, ethnicity, gender, family income, geographic location, or disability.

''(4) To improve student engagement, opportunity, attendance, graduation rates, and technology access through enhanced or redesigned curriculum or instruction.

''(5) To more effectively use data to inform instruction, address individualized student needs, and support school decisionmaking.

"SEC. 2403. DEFINITION OF STUDENT TECHNOLOGY LITERACY.

''In this part:

''(1) LOCAL EDUCATIONAL AGENCY.—

''(A) IN GENERAL.—The term 'local educational agency' includes a consortium of local educational agencies.

''(B) IMPLEMENTING REGULATIONS.—The Secretary shall promulgate regulations implementing subparagraph (A).

''(2) STUDENT TECHNOLOGY LITERACY.—The term 'student technology literacy' means student knowledge and skills in using contemporary information, communication, and learning technologies in a manner necessary for successful employment, life-long learning, and citizenship in the knowledge-based, digital, and global 21st century, which includes, at a minimum, the ability—

''(A) to effectively communicate and collaborate;

''(B) to analyze and solve problems;

''(C) to access, evaluate, manage, and create information and otherwise gain information literacy;

''(D) to demonstrate creative thinking, construct knowledge, and develop innovative products and processes; and

''(E) to do so in a safe and ethical manner.

"SEC. 2404. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $1,000,000,000 for fiscal year 2010, and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) ALLOCATION OF FUNDS BETWEEN STATE AND LOCAL AND NATIONAL INITIATIVES.—Of the funds made available under subsection (a) for a fiscal year—

''(1) 3 percent or $10,000,000, whichever amount is less, shall be available to carry out subpart 2, of which—

''(A) $2,000,000 shall be available to carry out section 2411(1); and

''(B) 1.5 percent or $4,000,000, whichever amount is less, shall be available to carry out section 2412; and

''(2) the remainder of the funds made available under subsection (a) shall be available to carry out subpart 1.

''(c) LIMITATION.—

''(1) LOCAL ADMINISTRATIVE COSTS.—Of the funds made available to a local educational agency under this part for a fiscal year, not more than 3 percent may be used by the local educational agency for administrative costs.

''(2) STATE ADMINISTRATIVE COSTS.—Of the funds made available to a State educational agency under section 2406(a)(1), not more than 60 percent may be used by the State educational agency for administrative costs.

"Subpart 1—State and Local Grants

"SEC. 2405. ALLOTMENT AND REALLOTMENT.

''(a) RESERVATIONS AND ALLOTMENT.—From the amount made available to carry out this subpart under section 2404(b)(2) for a fiscal year—

''(1) the Secretary shall reserve—

''(A) ¾ of 1 percent for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs; and

''(B) ½ of 1 percent to provide assistance under this subpart to the outlying areas; and

''(2) subject to subsection (b), the Secretary shall use the remainder to award grants by allotting to each State educational agency an amount that bears the same relationship to such remainder for such year as the amount received under part A of title I for such year by such State educational agency bears to the amount received under such part for such year by all State educational agencies.

''(b) MINIMUM ALLOTMENT.—The amount of any State educational agency's allotment under subsection (a)(2) for any fiscal year shall not be less than ½ of 1 percent of the amount made available for allotments to State educational agencies under this part for such year.

''(c) REALLOTMENT OF UNUSED FUNDS.—If any State educational agency does not apply for an allotment under this subpart for a fiscal year, or does not use the State educational agency's entire allotment under this subpart for that fiscal year, the Secretary shall reallot the amount of the State educational agency's allotment, or the unused portion of the allotment, to the remaining State educational agencies that use their entire allotments under this subpart in accordance with this section.

''(d) STATE EDUCATIONAL AGENCY DEFINED.—In this section, the term 'State educational agency' does not include an agency of an outlying area or the Bureau of Indian Affairs.

"SEC. 2406. USE OF ALLOTMENT BY STATE.

''(a) IN GENERAL.—Of the amount provided to a State educational agency under section 2405(a)(2) for a fiscal year—

''(1) the State educational agency may use not more than 5 percent of such amount or $100,000, whichever amount is greater, to carry out activities under section 2408(a);

''(2) the State educational agency shall use 2.5 percent of such amount or $50,000, whichever amount is greater, to carry out activities under section 2408(b); and

''(3) the State educational agency shall distribute the remainder as follows:

''(A) The State educational agency shall use 60 percent of the remainder to award Improving Teaching and Learning through Technology subgrants to local educational agencies having applications approved under section 2409(c) for the activities described in section 2410(b) by allotting to each such local educational agency an amount that bears the same relationship to 60 percent of the remainder for such year as the amount received under part A of title I for such year by such local educational agency bears to the amount received under such part for such year by all local educational agencies within the State, subject to subsection (b)(2).

''(B) The State educational agency shall use 40 percent of the remainder to award Systemic School Redesign through Technology Integration subgrants, through a State-determined competitive process, to local educational agencies having applications approved under section 2409(b) for the activities described in section 2410(a).

''(b) SUFFICIENT AMOUNTS.—

''(1) SPECIAL RULE.—In awarding subgrants under subsection (a)(3)(B), the State educational agency shall—

''(A) ensure the subgrants are of sufficient size and scope to be effective, consistent with the purposes of this part;

''(B) ensure subgrants are of sufficient duration to be effective, consistent with the purposes of this part, including by awarding subgrants for a period of not less than 2 years that may be renewed for not more than an additional 3 years;

''(C) give preference in the awarding of subgrants to local educational agencies that serve schools in need of improvement, as identified under section 1116, including those schools with high populations of—

''(i) students with limited English proficiency;

''(ii) students with disabilities; or

''(iii) other subgroups of students who have not met the State's student academic achievement standards; and

''(D) ensure an equitable distribution of subgrants under subsection (a)(3)(B) among urban and rural areas of the State, according to the demonstrated need for assistance under this subpart of the local educational agencies serving the areas.

''(2) MINIMUM SUBGRANT.—The amount of any local educational agency's subgrant under subsection (a)(3)(A) for any fiscal year shall be not less than $3,000.

''(c) REALLOTMENT OF UNUSED FUNDS.—If any local educational agency does not apply for a subgrant under subsection (a)(3)(A) for a fiscal year, or does not use the local educational agency's entire allotment under this subpart for that fiscal year, the State shall reallot the amount of the local educational agency's allotment, or the unused portion of the allotment, to the remaining local educational agencies that use their entire allotments under this subpart in accordance with this section.

"SEC. 2407. STATE APPLICATIONS.

''(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may specify, an application containing the contents described in subsection (b) and such other information as the Secretary may reasonably require.

''(b) CONTENTS.—Each State educational agency application submitted under subsection (a) shall include each of the following:

''(1) A description of how the State educational agency will support local educational agencies that receive subgrants under this subpart in meeting, and help improve the local educational agencies' capacity to meet, the purposes and goals of this part and the requirements of this subpart, including through technical assistance.

''(2) A description of the State educational agency's long-term goals and strategies for improving student academic achievement, including in core academic subjects and in student technology literacy, through the effective use of technology in classrooms and schools throughout the State.

''(3) A description of the priority area upon which the State educational agency will focus the State educational agency's guidance, technical assistance, and other assistance under this subpart, and other local support under this subpart, such that the priority area shall be identified by the State educational agency from among the core academic subjects, grade levels, and student subgroup populations that may be causing the most number of local educational agencies in the State to not make adequate yearly progress, as defined in section 1111(b)(2)(C).

''(4) A description of how the State educational agency will support local educational agencies that receive subgrants under this subpart in implementing, and will help improve the local educational agency's capacity to implement, professional development programs pursuant to section 2410(b)(1)(A).

''(5) A description of how the State educational agency will ensure that teachers, paraprofessionals, library and media personnel, and administrators served by the State educational agency possess the knowledge and skills—

''(A) to use technology across the curriculum;

''(B) to use technology and curriculum redesign as key components of changing teaching and learning and improving student achievement;

''(C) to use technology for data analysis to enable individualized instruction; and

''(D) to use technology to improve student technology literacy.

''(6) A description of the process, activities, and performance measures that the State educational agency will use to evaluate the impact and effectiveness of activities described in section 2408(b).

''(7) Identification of the State challenging academic content standards and challenging student academic achievement standards that the State educational agency will use to ensure that each student is technology literate by the end of the 8th grade consistent with the definition of student technology literacy, and a description of how the State educational agency will assess, not less than once by the end of 8th grade, student performance in gaining technology literacy only for the purpose of tracking progress towards achieving the 8th grade technology literacy goal but not for meeting adequate yearly progress goals, including through embedding such assessment items in other State tests or performance-based assessments portfolios, or through other valid and reliable means, except that nothing in this subpart shall be construed to require States to develop a separate test to assess student technology literacy.

''(8) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds.

''(9) A description of how the State educational agency will, in providing technical and other assistance to local educational agencies, give priority to those local educational agencies identified by the State educational agency as having the highest need for assistance under this subpart, including those local educational agencies with the highest percentage or number—

''(A) of students from families with incomes below the poverty line;

''(B) of students not achieving at the State proficiency level;

''(C) of student populations identified under section 2406(b)(1)(C); or

''(D) of schools identified as in need of improvement under section 1116.

''(10) A description of how the State educational agency will ensure that each subgrant awarded under section 2406(a)(3)(B) is of sufficient size, scope, and duration to be effective as required under section 2406(b), and that such subgrants are appropriately targeted and equitably distributed as required under section 2406(b) to carry out the purposes of this part effectively.

''(11) A description of how the State educational agency consulted with local educational agencies in the development of the State application.

"SEC. 2408. STATE ACTIVITIES.

''(a) MANDATORY AND PERMISSIVE ACTIVITIES.—

''(1) MANDATORY ACTIVITIES.—From funds made available under section 2406(a)(1), a State educational agency shall carry out each of the following activities:

''(A) Identify the State challenging academic content standards and challenging student academic achievement standards that the State educational agency will use to ensure that each student is technology literate by the end of the 8th grade consistent with the definition of student technology literacy.

''(B) Assess not less than once by the end of the 8th grade student performance in gaining technology literacy consistent with subparagraph (A), including through embedding such assessment items in other State tests, performance-based assessments, or portfolios, or through other means, except that such assessments shall be used only to track student technology literacy and shall not be used to determine adequate yearly progress.

''(C) Publish the results of the State educational agency's technology literacy assessment administered under subparagraph (B) not less than 3 months after the assessment is administered such that the results are made widely available to local educational agencies, parents, and citizens, including through presentation on the Internet, and transmit such results to the Secretary.

''(D) Provide guidance, technical assistance, and other assistance in the priority area identified by the State pursuant to section 2407(b)(3) to local educational agencies receiving subgrants of less than $10,000 under section 2406(a)(3)(A) with a priority given to those local educational agencies with the highest need for assistance described in section 2407(b)(9).

''(E) Provide technical assistance to local educational agencies, with a priority given to those local educational agencies identified by the State as having the highest need for assistance under this subpart, including those local educational agencies with the highest percentage or number of (i) students from families with incomes below the poverty line, (ii) students not achieving at the State proficiency level, (iii) student populations described in section 2406(b)(1)(C), and (iv) schools identified as in need of improvement under section 1116, in the following ways:

''(i) Submitting applications for funding under this part.

''(ii) Carrying out activities authorized under section 2410, including implementation of systemic school redesigns as described in section 2409(b).

''(iii) Developing local educational technology plans and integrating such plans with the local educational agency's plans for improving student achievement under sections 1111 and 1112, and, if applicable, section 1116.

''(F) Provide guidance, technical assistance, and other assistance to local educational agencies regarding the local educational agency's plans to assess, and, as needed, update the computers, software, servers, and other technologies throughout the local educational agency in terms of the functional capabilities, age, and other specifications of the technology, including to ensure such technologies can process, at scale, new applications and online services such as video conferencing, video streaming, virtual simulations, and distance learning.

''(2) PERMISSIVE ACTIVITIES.—From funds made available under section 2406(a)(1), a State educational agency may carry out 1 or more of the following activities:

''(A) State leadership activities and technical assistance that assist local educational agencies that receive subgrants under this subpart in achieving the purposes and goals of this part.

''(B) Assist local educational agencies that receive subgrants under this subpart in the development and utilization of research-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies.

''(C) Assisting local educational agencies that receive subgrants under this subpart in providing sustained and intensive, high-quality professional development pursuant to section 2410(b)(1)(A), including through assistance in a review of relevant research.

''(b) ACTIVITIES RELATING TO RESEARCH.—From funds made available under section 2406(a)(2), a State educational agency shall carry out 1 or more of the following activities:

''(1) Conduct scientifically based or other rigorous research to evaluate the impact of 1 or more programs or activities carried out under subsection (a) in meeting the purposes and goals of this part.

''(2) Provide technical assistance to local educational agencies in carrying out evaluation research activities as required under section 2410(a)(1).

''(3) Create 1 or more evaluation research protocols, designs, performance measurement systems, or other tools to assist local educational agencies in carrying out evaluation activities as required under section 2410(a)(1).

''(4) Collect and disseminate the findings of the evaluation research activities carried out by local educational agencies under paragraphs (1), (2), and (3).

''SEC. 2409. LOCAL APPLICATIONS.

''(a) IN GENERAL.—Each local educational agency desiring a subgrant from a State educational agency under this subpart shall submit to the State educational agency an application containing a new or updated local long-range strategic educational technology plan, and such other information as the State educational agency may reasonably require, at such time and in such manner as the State educational agency may require. The application shall contain each of the following:

''(1) A description of how the local educational agency will align and coordinate the local educational agency's use of funds under this subpart with—

''(A) the school district technology plan;

''(B) the school district plans and activities for improving student achievement, including plans and activities under sections 1111 and 1112, and sections 1116 and 2123, as applicable; and

''(C) funds available from other Federal, State, and local sources.

''(2) An assurance that financial assistance provided under this subpart will supplement, and not supplant other funds available to carry out activities assisted under this section.

''(3) A description of the process used to assess and, as needed, update the computers, software, servers, and other technologies throughout the local educational agency in terms of their functional capabilities, age, and other specifications, in order to ensure technologies can process, at scale, new applications and online services, such as video conferencing, video streaming, virtual simulations, and distance learning courses.

''(4) Such other information as the State educational agency may reasonably require.

''(b) COMPETITIVE GRANTS; SYSTEMIC SCHOOL REDESIGN THROUGH TECHNOLOGY INTEGRATION.—In addition to components included in subsection (a), a local educational agency submitting an application for a subgrant under section 2406(a)(3)(B) shall submit to the State educational agency an application containing each of the following:

''(1) A description of how the local educational agency will use the subgrant funds to implement systemic school redesign, which is a comprehensive set of programs, practices, and technologies that—

''(A) collectively lead to school or school district change and improvement, including in the use of technology and in improved student achievement; and

''(B) incorporate all of the following elements:

''(i) Reform or redesign of curriculum, instruction, assessment, use of data, or other standards-based school or classroom practices through the use of technology in order to increase student learning opportunity, student technology literacy, student access to technology, and student engagement in learning.

''(ii) Improvement of educator quality, knowledge and skills through ongoing, sustainable, timely, and contextual professional development described in section 2410(b)(1)(A).

''(iii) Development of student technology literacy and other skills necessary for 21st century learning and success.

''(iv) Ongoing use of formative assessments and other timely data sources and data systems to more effectively identify individual student learning needs and guide personalized instruction, learning, and appropriate interventions that address individual student learning needs.

''(v) Engagement of school district leaders, school leaders, and classroom educators.

''(vi) Programs, practices, and technologies that are research-based or innovative, such that research-based systemic redesigns are based on a review of the best available research evidence, and innovative systemic redesigns are based on development and use of new redesigns, programs, practices, and technologies.

''(2) An assurance that the local educational agency will use not less than 25 percent of the subgrant funds to implement a program of professional development described in section 2410(b)(1)(A).

''(3) A description of how the local educational agency will evaluate the impact of 1 or more programs or activities carried out under this subpart in meeting 1 or more of the purposes or goals of this part.

''(c) FORMULA GRANTS; IMPROVING TEACHING AND LEARNING THROUGH TECHNOLOGY.—In addition to components included in subsection (a), a local educational agency that submits an application for a subgrant under section 2406(a)(3)(A) shall submit to the State educational agency an application containing each of the following:

''(1) An assurance that the local educational agency will use not less than 40 percent of the subgrant funds for—

''(A) professional development described in section 2410(b)(1)(A); and

''(B) technology tools, applications, and other resources related specifically to such professional development activities.

''(2) A description of how the local educational agency will implement a program of professional development required under paragraph (1)(A).

''(3) A description of how the local educational agency will employ technology tools, applications, and other resources in professional development and to improve student learning and achievement in the area of priority identified by the local educational agency pursuant to paragraph (4).

''(4) A description of the priority area upon which the local educational agency will focus the subgrant funds provided under this subpart, such that such priority area shall be identified from among the core academic subjects, grade levels, and student subgroup populations in which the most number of students served by the local educational agency are not proficient.

''(d) COMBINED APPLICATIONS.—A local educational agency that submits an application to the State educational agency for subgrant

funds awarded under section 2406(a)(3)(B) may, upon notice to the State educational agency, submit a single application that will also be considered by the State educational agency as an application for subgrant funds awarded under section 2406(a)(3)(A), if the application addresses each application requirement under subsections (a), (b), and (c).

''(e) CONSORTIUM APPLICATIONS.—For any fiscal year, a local educational agency applying for a subgrant described in section 2406(a)(3) may apply as part of a consortium in which more than 1 local educational agency jointly submits a subgrant application under this subpart, except that no local educational agency may receive more than 1 subgrant under this subpart.

''SEC. 2410. LOCAL ACTIVITIES.

''(a) COMPETITIVE GRANTS; SYSTEMIC SCHOOL REDESIGN THROUGH TECHNOLOGY INTEGRATION.—From subgrant funds made available to a local educational agency under section 2406(a)(3)(B), the local educational agency—

''(1) shall use not less than 5 percent of such subgrant funds to evaluate the impact of 1 or more programs or activities carried out under the subgrant in meeting 1 or more of the purposes or goals of this part as approved by the State educational agency as part of the local application described in section 2409(b)(3); and

''(2) shall use the remaining funds to implement a plan for systemic school redesign, which may take place in 1 or more schools served by the local educational agency or across all schools served by the local educational agency, in accordance with section 2409(b)(1), including each of the following:

''(A) Using not less than 25 percent of subgrant funds to improve teacher quality and skills through support for the following:

''(i) Professional development activities, as described in subsection (b)(1)(A).

''(ii) The acquisition and implementation of technology tools, applications, and other resources to be employed in the professional development activities described in clause (i).

''(B) Acquiring and effectively implementing technology tools, applications, and other resources in conjunction with enhancing or redesigning the curriculum or instruction in order to—

''(i) increase student learning opportunity or access, student engagement in learning, or student attendance or graduation rates;

''(ii) improve student achievement in 1 or more of the core academic subjects; and

''(iii) improve student technology literacy.

''(C) Acquiring and effectively implementing technology tools, applications, and other resources to—

''(i) conduct ongoing formative assessments and use other timely data sources and data systems to more effectively identify individual student learning needs and guide personalized instruction, learning, and appropriate interventions that address those individualized student learning needs;

''(ii) support individualized student learning, including through instructional software and digital content that supports the learning needs of each student, or through providing access to high-quality courses and instructors, including mathematics, science, and foreign language courses, often not available except through technology and online learning, especially in rural and high-poverty schools; and

''(iii) conduct such other activities as appropriate consistent with the goals and purposes of research-based and innovative systemic school redesign, including activities that increase parental involvement through improved communication with teachers and access to student assignments and grades.

''(b) FORMULA GRANTS; IMPROVING TEACHING AND LEARNING THROUGH TECHNOLOGY.—From funds made available to a local educational agency under section 2406(a)(3)(A), the local educational agency shall carry out activities to improve student learning, student technology literacy, and achievement in the area of priority identified by the local educational agency under section 2409(c)(4), including each of the following:

''(1) The local educational agency shall use not less than 40 percent of subgrant funds for professional development activities that are aligned with activities supported under section 2123 to improve teacher quality and skills through support for the following:

''(A) Training of teachers, paraprofessionals, library and media personnel, and administrators, which—

''(i) shall include the development, acquisition, or delivery of—

''(I) training that is ongoing, sustainable, timely, and directly related to up-to-date teaching content areas;

''(II) training in strategies and pedagogy in the core academic subjects that involve use of technology and curriculum redesign as key components of changing teaching and learning and improving student achievement;

''(III) training in the use of technology to ensure every educator is technologically literate, including possessing the knowledge and skills—

''(aa) to use technology across the curriculum;

''(bb) to use technology and curriculum redesign as key components of innovating teaching and learning and improving student achievement;

''(cc) to use technology for data analysis to enable individualized instruction; and

''(dd) to use technology to improve student technology literacy; and

''(IV) training that includes ongoing communication and follow-up with instructors, facilitators, and peers; and

''(ii) may include—

''(I) the use of instructional technology specialists, mentors, or coaches to work directly with teachers, including through the preparation of 1 or more teachers as technology leaders or master teachers who are provided with the means to serve as experts and train other teachers in the effective use of technology; and

''(II) the use of technology, such as distance learning and online virtual educator-to-educator peer communities, as a means for delivering professional development.

''(B) The acquisition and implementation of technology tools, applications, and other resources to be employed in the professional development activities described in subparagraph (A).

''(2) The local educational agency shall use the funds that remain after application of paragraph (1) to acquire or implement technology tools, applications, and other resources to improve student learning, student technology literacy, and student achievement in the area of priority identified by the local educational agency, including through 1 or more of the following:

''(A) Conducting ongoing formative assessment and using other timely data sources and data systems to more effectively identify individual student learning needs and guide personalized instruction, learning, and appropriate interventions that address those individualized student learning needs.

''(B) Supporting individualized student learning, including through instructional software and digital content that supports the learning needs of each student served by the local educational agency under the subgrant, or through providing access to high-quality courses and instructors, including mathematics, science, and foreign language courses, often not available except through technology such as online learning, especially in rural and high-poverty schools.

''(C) Increasing parental involvement through improved communication with teachers and access to student assignments and grades.

''(D) Enhancing accountability, instruction, and data-driven decisionmaking through data systems that allow for management, analysis, and disaggregating of student, teacher, and school data.

''(E) Such other activities as are appropriate and consistent with the goals and purposes of this part.

''(c) MULTIPLE GRANTS.—A local educational agency that receives a grant under subparagraph (A) and subparagraph (B) of section 2406(a)(3) may use all such grant funds for activities authorized under subsection (a).

''Subpart 2—National Activities

''SEC. 2411. NATIONAL ACTIVITIES.

''From the amount made available to carry out national activities under section 2404(b)(1) (other than the amounts made available to carry out subparagraphs (A) and (B) of section 2404(b)(1)), the Secretary, working through and in coordination with the Director of the Office of Educational Technology and collaborating, as appropriate, with the National Center for Achievement Through Technology authorized under section 2412, shall carry out the following activities:

''(1) NATIONAL REPORT.—The Secretary shall annually conduct and publish a national report on student technology literacy to determine the extent to which students have gained student technology literacy by the end of the 8th grade. In conducting the study, the Secretary shall—

''(A) consult first with experts and stakeholders, including educators and education leaders, education technology experts from education and industry, and the business and higher education communities seeking secondary school graduates with student technology literacy; and

''(B) employ a random stratified sample methodology of student technology literacy performance using a cost-effective assessment that is a readily available, valid, and reliable assessment instrument.

''(2) STUDENT TECHNOLOGY LITERACY.—The Secretary shall publish each year the results of the State technology literacy assessments carried out under section 2408(a)(1)(C).

''(3) NATIONAL EDUCATION TECHNOLOGY PLAN.—Based on the Nation's progress and an assessment by the Secretary of the continuing and future needs of the Nation's schools in effectively using technology to provide all students the opportunity to meet challenging State academic content and student academic achievement standards, the Secretary shall update and publish, in a form readily accessible to the public, a national long-range technology plan not less often than once every 5 years, and shall implement such plan.

''(4) OTHER NATIONAL ACTIVITIES.—From the funds remaining after carrying out paragraphs (1), (2), and (3), the Secretary shall carry out 1 or more of the following activities:

''(A) Support efforts to increase student technology literacy, including through outreach to education, business, and elected leaders aimed at building understanding of the knowledge and skills students need to succeed in the 21st century through the use of technology for life-long learning, citizenship, and workplace success.

''(B) Support the work of the National Center for Achievement Through Technology in

serving as a national resource for the improvement of technology implementation in education through identification and dissemination of promising practices and exemplary programs that effectively use educational technologies.

''(C) Support efforts to increase the capacity of State and local education officials to budget for technology acquisition and implementation, including taking into account the long-term costs of such acquisition and implementation, how technology investments may increase effectiveness and efficiencies that ultimately save other educational costs or provide improved outcomes, and how spending for technology in education shall be considered in a comprehensive cost-benefit analysis and not simply as a supplemental expense.

''(D) Support staff at the Department and other Federal agencies in their understanding of education technology, the role of technology in Federal education programs, and how Federal grantees can be supported in integrating education technologies into the grantees' programs as appropriate.

''(E) Convene stakeholders in an effort to outline and support a national research and development agenda aimed at supporting public-private partnerships to leverage evolving technologies to meet evolving educational needs.

''(F) Convene practitioners and leaders from local and State education, business and industry, higher education, or other stakeholder communities—

''(i) to carry out the activities under this paragraph, including convening an annual forum on leadership and classroom technology best practices;

''(ii) to otherwise address challenges and opportunities in the use of technology to improve teaching, learning, teacher quality, student achievement, student technology literacy, and the efficiency and productivity of the education enterprise; and

''(iii) to otherwise support school innovation and our Nation's competitiveness.

''(G) Support efforts to ensure teachers and other educators have the knowledge and skills to teach in the 21st century through the use of technology, including by providing assistance to and sharing information with State accrediting agencies, colleges of teacher education, and other educational institutions and government entities involved in the preparation and certification of teachers, to ensure such teachers possess the knowledge and skills prior to entering the teaching force.

''(H) Support efforts to assist principals, superintendents, and other senior school and school district administrators in adapting to, and leading their schools with, 21st century technology tools and 21st century knowledge and skills, including the following:

''(i) Developing a blueprint for the job skills required and the coursework and experience necessary to be prepared for school leadership.

''(ii) Supporting the development of professional development and training programs that help education leaders obtain the knowledge and skills, including through collaborative efforts with up-to-date programs and institutions.

''(iii) Developing materials, resources, self-assessments, and other tools to meet the activities described in clauses (i) and (ii).

''(I) Undertake other activities that—

''(i) lead to the improvement of—

''(I) our Nation's educational system in using educational technologies to improve teaching, learning, and student achievement; and

''(II) student technology literacy and related 21st century college preparedness and workforce competitiveness; and

''(ii) complement other such efforts undertaken by public and private agencies and organizations.

''SEC. 2412. NATIONAL CENTER FOR ACHIEVEMENT THROUGH TECHNOLOGY.

''(a) PURPOSE.—The purpose of this section is to establish a National Center for Achievement Through Technology that—

''(1) provides national leadership regarding improvement in the use of technology in education, with a focus on elementary and secondary education, including technology's role in improving—

''(A) student achievement;

''(B) student technology literacy; and

''(C) teacher quality;

''(2) serves as a national resource for the improvement of technology implementation in education through identification and dissemination of promising practices and exemplary programs that effectively use educational technologies to improve teaching and learning, teacher quality, student engagement and opportunity, student achievement and technology literacy, and the efficiency and productivity of the education enterprise, including serving as a national resource for the related research and research on the conditions and practices that support the effective use of technology in education; and

''(3) provides an annual report to Congress that—

''(A) synthesizes the promising practices and exemplary programs that effectively use educational technologies to improve the teaching and learning described in paragraph (2); and

''(B) includes the related research and research on the conditions and practices that support the effective use of technology in education described in paragraph (2).

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—From amounts made available under section 2404(b)(1)(B), the Director of the Office of Educational Technology shall award a grant, on a competitive basis, to an eligible entity to enable the eligible entity to establish a National Center for Achievement Through Technology (in this section referred to as the 'Center').

''(2) COORDINATION WITH THE INSTITUTE.—The Director of the Office of Educational Technology shall award the grant under paragraph (1) in coordination with the Director of the Institute of Education Sciences, but the Director of the Office of Educational Technology shall administer the grant program under this section.

''(3) DEFINITION OF ELIGIBLE ENTITY.—In this section the term 'eligible entity' means an entity that is—

''(A) a research organization or research institution with education technology as one of the organization or institution's primary areas of focus; or

''(B) a partnership that consists of a research organization or research institution described in subparagraph (A) and 1 or more education institutions or agencies, nonprofit organizations, or research organizations or institutions.

''(4) DURATION.—The grant awarded under this section shall be not less than 2 years in duration, and shall be renewable at the discretion of the Director of the Office of Educational Technology for not more than an additional 3 years.

''(5) PEER REVIEW.—In awarding the grant under this section, the Director of the Office of Educational Technology shall consider the recommendations of a peer review panel, which shall be composed of representatives of the following stakeholder communities:

''(A) Teachers and other educators who use technologies.

''(B) Local and State education leaders who administer programs employing technologies.

''(C) Businesses that develop educational technologies.

''(D) Researchers who study educational technologies.

''(E) Related education, educational technology, and business organizations.

''(c) NATIONAL CENTER FOR ACHIEVEMENT THROUGH TECHNOLOGY ACTIVITIES.—The Center shall carry out the following activities:

''(1) PROMISING PRACTICES, EXEMPLARY PROGRAMS AND RESEARCH.—The Center shall identify and compile promising practices, exemplary programs, quantitative and qualitative research, and other information and evidence demonstrating—

''(A) the broad uses and positive impacts of technology in elementary and secondary education; and

''(B) the factors and steps important to technology's improvement and to the effective use of technology with students so that specific technologies are considered in the context of the comprehensive educational program or practice in which the technologies are used—

''(i) across a curriculum to improve teaching, learning, and student achievement, including in the core academic subjects;

''(ii) to support the teaching and learning of student technology literacy;

''(iii) for formative and summative assessment, including to inform instruction and data-driven decisionmaking, to individualize instruction, and for accountability purposes;

''(iv) to improve student learning and achievement, including through—

''(I) improving student interest and engagement;

''(II) increasing student access to courses and instructors through distance learning and expanded student learning time; and

''(III) individualizing curriculum and instruction to meet unique student learning needs, learning styles, and pace;

''(v) to improve teacher quality, including through professional development and timely and ongoing training and support; and

''(vi) to improve the efficiency and productivity of the classroom and school enterprise, including through data management and analysis, resource management, and communications; and

''(C) the policies, budgeting, technology infrastructure, conditions, practices, teacher training, school leadership, and other implementation factors important to improving the effectiveness of technology in elementary and secondary education as outlined in subparagraph (B), including in—

''(i) the knowledge and skills teachers and other educators need to teach in the 21st century through the use of technology, including knowledge and skills necessary—

''(I) to use technology and curriculum redesign as key components of changing teaching and learning;

''(II) to use technology for data analysis to enable individualized instruction; and

''(III) to use technology to improve student technology literacy;

''(ii) the knowledge and skills principals, superintendents, and other senior school and school district administrators need to effectively lead in 21st century schools using technology, including the job skills required and the coursework and experience necessary to be prepared for school leadership; and

''(iii) the budgeting for technology acquisition and implementation, including taking into account the long-term costs of such acquisition and implementation, how technology investments may increase effectiveness and efficiencies that ultimately save

other educational costs or provide improved outcomes, and how spending for technology in education shall be considered in a comprehensive cost-benefit analysis and not simply as a supplemental expense.

''(2) ORIGINAL RESEARCH.—The Center may conduct, directly or through grants, contracts, or cooperative agreements, original research as necessary to fill important gaps in research necessary to address the areas described in paragraph (1) with a focus on the policies, budgeting, technology infrastructure, conditions, practices, teacher training, school leadership, and other implementation factors important to improving the effectiveness of technology in elementary and secondary education.

''(3) OUTREACH.—The Center shall consult with appropriate stakeholders, including at least the stakeholders described in subsection (b)(5), in determining priorities for the activities described in paragraph (1), in gathering information pursuant to paragraph (1), and in determining the need for original research pursuant to paragraph (2). The Center shall establish 1 or more informal advisory groups to provide the consultation.

''(4) DISSEMINATION.—The Center shall disseminate widely the information identified and compiled pursuant to paragraph (1) to teachers and other educators, local, regional, State, and Federal education leaders, public and elected officials, the network of federally funded educational resource centers and labs, businesses that develop educational technologies, colleges of teacher education and teacher accrediting agencies, researchers who study educational technologies, other interested stakeholders, and related educator, education leader, and business organizations, including through—

''(A) development and ongoing update of a database accessed through the Internet;

''(B) development, distribution, and delivery of reports, tools, best practices, conference presentations, and other publications; and

''(C) partnerships with organizations representing stakeholders, including educators, education leaders, and technology providers.

''(d) CENTER OPERATIONS.—

''(1) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—As appropriate, the Center shall award grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Center, including awarding a grant or entering into a contract or cooperative agreement to disseminate the Center's findings pursuant to subsection (c)(4).

''(2) REPORT.—The Center shall submit an annual report on March 1 to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives that provides a summary synthesis of promising and exemplary practices and programs, and related research, that effectively use educational technologies to improve teaching and learning as described in subsection (c)(1), including the conditions and practices that support the effective use of technology in education, in order to inform Federal education policymaking and oversight.''.

By Mr. DURBIN (for himself, Mr. CASEY, and Mr. MENENDEZ):

S. 819. A bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. 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. 819

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 ''Autism Treatment Acceleration Act of 2009''.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Autism (sometimes called ''classical autism'') is the most common condition in a group of developmental disorders known as autism spectrum disorders.

(2) Autism spectrum disorders include autism as well as Asperger syndrome, Retts syndrome, childhood disintegrative disorder, and pervasive developmental disorder not otherwise specified (usually referred to as PDD-NOS), as well as other related developmental disorders.

(3) Individuals with autism spectrum disorders have the same rights as other individuals to exert control and choice over their own lives, to live independently, and to participate fully in, and contribute to, their communities and society through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of society. Individuals with autism spectrum disorders have the right to a life with dignity and purpose.

(4) While there is no uniform prevalence or severity of symptoms associated with autism spectrum disorders, the National Institutes of Health has determined that autism spectrum disorders are characterized by 3 distinctive behaviors: impaired social interaction, problems with verbal and nonverbal communication, and unusual, repetitive, or severely limited activities and interests.

(5) Both children and adults with autism spectrum disorders can show difficulties in verbal and nonverbal communication, social interactions, and sensory processing. Individuals with autism spectrum disorders exhibit different symptoms or behaviors, which may range from mild to significant, and require varying degrees of support from friends, families, service providers, and communities.

(6) Individuals with autism spectrum disorders often need assistance in the areas of comprehensive early intervention, health, recreation, job training, employment, housing, transportation, and early, primary, and secondary education. With access to, and assistance with, these types of services and supports, individuals with autism spectrum disorders can live rich, full, and productive lives. Greater coordination and streamlining within the service delivery system will enable individuals with autism spectrum disorders and their families to access assistance from all sectors throughout an individual's lifespan.

(7) A 2007 report from the Centers for Disease Control and Prevention found that the prevalence of autism spectrum disorders is estimated to be 1 in 150 people in the United States.

(8) The Harvard School of Public Health reported that the cost of caring for and treating individuals with autism spectrum disorders in the United States is more than $35,000,000,000 annually (an estimated $3,200,000 over an individual's lifetime).

(9) Although the overall incidence of autism is consistent around the globe, researchers with the Journal of Paediatrics and Child Health have found that males are 4 times more likely to develop an autism spectrum disorder than females. Autism spectrum disorders know no racial, ethnic, or social boundaries, nor differences in family income, lifestyle, or educational levels, and can affect any child.

(10) Individuals with autism spectrum disorders from low-income, rural, and minority communities often face significant obstacles to accurate diagnosis and necessary specialized services, supports, and education.

(11) There is strong consensus within the research community that intensive treatment as soon as possible following diagnosis not only can reduce the cost of lifelong care by two-thirds, but also yields the most positive life outcomes for children with autism spectrum disorders.

(12) Individuals with autism spectrum disorders and their families experience a wide range of medical issues. Few common standards exist for the diagnosis and management of many aspects of clinical care. Behavioral difficulties may be attributed to the overarching disorder rather than to the pain and discomfort of a medical condition, which may go undetected and untreated. The health care and other treatments available in different communities can vary widely. Many families, lacking access to comprehensive and coordinated health care, must fend for themselves to find the best health care, treatments, and services in a complex clinical world.

(13) Effective health care, treatment, and services for individuals with autism spectrum disorders depends upon a continuous exchange among researchers and caregivers. Evidence-based and promising autism practices should move quickly into communities, allowing individuals with autism spectrum disorders and their families to benefit from the newest research and enabling researchers to learn from the life experiences of the people whom their work most directly affects.

(14) There is a critical shortage of appropriately trained personnel across numerous important disciplines who can assess, diagnose, treat, and support children and adults with autism spectrum disorders and their families. Practicing professionals, as well as those in training to become professionals, need the most up-to-date practices informed by the most current research findings.

(15) The appropriate goals of the Nation regarding individuals with autism spectrum disorder are the same as the appropriate goals of the Nation regarding individuals with disabilities in general, as established in the Americans with Disabilities Act of 1990

(42 U.S.C. 12101 et seq.): to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals.

(16) Finally, individuals with autism spectrum disorders are often denied health care benefits solely because of their diagnosis, even though proven, effective treatments for autism spectrum disorders do exist.

SEC. 3. PARENTAL RIGHTS RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to modify the legal rights of parents or legal guardians under Federal, State, or local law regarding the care of their children.

SEC. 4. DEFINITIONS; TECHNICAL AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i et seq.) is amended—

(1) by inserting after the header for part R the following:

"Subpart 1—Surveillance and Research Program; Education, Early Detection, and Intervention; and Reporting";

(2) in section 399AA(d), by striking ''part'' and inserting ''subpart''; and

(3) by adding at the end the following:

"Subpart 2—Care for People With Autism Spectrum Disorders, Registry, and Public Education

"SEC. 399GG. DEFINITIONS.

''Except as otherwise provided, in this subpart:

''(1) AUTISM SPECTRUM DISORDER.—The term 'autism spectrum disorder' means a developmental disability that causes substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and which may be characterized by the presence of unusual behaviors and interests. Such term includes autistic disorder, pervasive developmental disorder (not otherwise specified), Asperger syndrome, Retts disorder, childhood disintegrative disorder, and other related developmental disorders.

''(2) ADULT WITH AUTISM SPECTRUM DISORDER.—The term 'adult with autism spectrum disorder' means an individual with an autism spectrum disorder who has attained 22 years of age.

''(3) AFFECTED INDIVIDUAL.—The term 'affected individual' means an individual with an autism spectrum disorder.

''(4) AUTISM.—The term 'autism' means an autism spectrum disorder or a related developmental disability.

''(5) AUTISM MANAGEMENT TEAM.—The term 'autism management team' means a group of autism care providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, other appropriate personnel, and family members who work in a coordinated manner to treat individuals with autism spectrum disorders and their families. Such team shall determine the specific structure and operational model of its specific autism care center, taking into consideration cultural, regional, and geographical factors.

''(6) CARE MANAGEMENT MODEL.—The term 'care management model' means a model of care that with respect to autism—

''(A) is centered on the relationship between an individual with an autism spectrum disorder and his or her family and their personal autism care coordinator;

''(B) provides services to individuals with autism spectrum disorders to improve the management and coordination of care provided to patients and their families; and

''(C) has established, where practicable, effective referral relationships between the autism care coordinator and the major medical, educational, and behavioral specialties and ancillary services in the region.

''(7) CHILD WITH AUTISM SPECTRUM DISORDER.—The term 'child with autism spectrum disorder' means an individual with an autism spectrum disorder who has not attained 22 years of age.

''(8) INTERVENTIONS.—The term 'interventions' means the educational methods and positive behavioral support strategies designed to improve or ameliorate symptoms associated with autism spectrum disorders.

''(9) NETWORK.—The term 'Network' means the Network for Autism Spectrum Disorders Research and Services described in section 10 of the Autism Treatment Acceleration Act of 2009.

''(10) PERSONAL PRIMARY CARE COORDINATOR.—The term 'personal primary care coordinator' means a physician, nurse, nurse practitioner, psychologist, social worker, family therapist, educator, or other appropriate personnel (as determined by the Secretary) who has extensive expertise in treatment and services for individuals with autism spectrum disorders, who—

''(A) practices in an autism care center; and

''(B) has been trained to coordinate and manage comprehensive autism care for the whole person.

''(11) PROJECT.—The term 'project' means the autism care center demonstration project established under section 399HH.

''(12) SERVICES.—The term 'services' means services to assist individuals with autism spectrum disorders to live more independently in their communities and to improve their quality of life.

''(13) TREATMENTS.—The term 'treatments' means the health services, including mental health and behavioral therapy services, designed to improve or ameliorate symptoms associated with autism spectrum disorders.

''(14) AUTISM CARE CENTER.—In this subpart, the term 'autism care center' means a center that is directed by a primary care coordinator who is an expert in autism spectrum disorder treatment and practice and provides an array of medical, psychological, behavioral, educational, and family services to individuals with autism and their families. Such a center shall—

''(A) incorporate the attributes of the care management model;

''(B) offer, through on-site service provision or through detailed referral and coordinated care arrangements, an autism management team of appropriate providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, and other appropriate personnel; and

''(C) have the capability to achieve improvements in the management and coordination of care for targeted beneficiaries.''.

SEC. 5. AUTISM CARE CENTERS DEMONSTRATION PROJECT.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 4, is further amended by adding at the end the following:

"SEC. 399HH. AUTISM CARE CENTER DEMONSTRATION PROJECT.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Autism Treatment Acceleration Act of 2009, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a demonstration project for the implementation of an Autism Care Center Program (referred to in this section as the 'Program') to provide grants and other assistance to improve the effectiveness and efficiency in providing comprehensive care to individuals diagnosed with autism spectrum disorders and their families.

''(b) GOALS.—The Program shall be designed—

''(1) to increase—

''(A) comprehensive autism spectrum disorder care delivery;

''(B) access to appropriate health care services, especially wellness and prevention care, at times convenient for patients;

''(C) patient satisfaction;

''(D) communication among autism spectrum disorder health care providers, behaviorists, educators, specialists, hospitals, and other autism spectrum disorder care providers;

''(E) school placement and attendance;

''(F) successful transition to postsecondary education, vocational or job training and placement, and comprehensive adult services for individuals with autism spectrum disorders, focusing in particular upon the transitional period for individuals between the ages of 18 and 25;

''(G) the quality of health care services, taking into account nationally-developed standards and measures;

''(H) development, review, and promulgation of common clinical standards and guidelines for medical care to individuals with autism spectrum disorders;

''(I) development of clinical research projects to support clinical findings in a search for recommended practices; and

''(J) the quality of life of individuals with autism spectrum disorders, including communication abilities, social skills, community integration, and employment and other related services; and

''(2) to decrease—

''(A) inappropriate emergency room utilization, which can be accomplished through initiatives such as expanded hours of care;

''(B) avoidable hospitalizations;

''(C) the duplication of health care services;

''(D) the inconvenience of multiple provider locations;

''(E) health disparities and inequalities that individuals with autism spectrum disorders face; and

''(F) preventable and inappropriate involvement with the juvenile and criminal justice systems.

''(c) ELIGIBLE ENTITIES.—To be eligible to receive assistance under the Program, an entity shall—

''(1) be a State or a public or private nonprofit entity;

''(2) agree to establish and implement an autism care center that—

''(A) enables targeted beneficiaries to designate a personal primary care coordinator in such center to be their source of first contact and to recommend comprehensive and coordinated care for the whole of the individual;

''(B) provides for the establishment of a coordination of care committee that is composed of clinicians and practitioners trained in and working in autism spectrum disorder intervention;

''(C) establishes a network of physicians, psychologists, family therapists, behavioral specialists, social workers, educators, and health centers that have volunteered to participate as consultants to patient-centered autism care centers to provide high-quality care, focusing on autism spectrum disorder care, at the appropriate times and places and in a cost-effective manner;

''(D) works in cooperation with hospitals, local public health departments, and the network of patient-centered autism care centers, to coordinate and provide health care;

''(E) utilizes health information technology to facilitate the provision and coordination of health care by network participants; and

''(F) collaborates with other entities to further the goals of the program, particularly by collaborating with entities that provide transitional adult services to individuals between the ages of 18 and 25 with autism spectrum disorder, to ensure successful transition of such individuals to adulthood; and

''(3) submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the treatments, interventions, or services that the eligible entity proposes to provide under the Program;

''(B) a demonstration of the capacity of the eligible entity to provide or establish such treatments, interventions, and services within such entity;

''(C) a demonstration of the capacity of the eligible entity to monitor and evaluate the outcomes of the treatments, interventions, and services described in subparagraph (A);

''(D) estimates of the number of individuals and families who will be served by the eligible entity under the Program, including an estimate of the number of such individuals and families in medically underserved areas;

''(E) a description of the ability of the eligible entity to enter into partnerships with community-based or nonprofit providers of treatments, interventions, and services, which may include providers that act as advocates for individuals with autism spectrum disorders and local governments that provide services for individuals with autism spectrum disorders at the community level;

''(F) a description of the ways in which access to such treatments and services may be sustained following the Program period;

''(G) a description of the ways in which the eligible entity plans to collaborate with other entities to develop and sustain an effective protocol for successful transition from children's services to adult services for individuals with autism spectrum disorder, particularly for individuals between the ages of 18 and 25; and

''(H) a description of the compliance of the eligible entity with the integration requirement provided under section 302 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12182).

''(d) GRANTS.—The Secretary shall award 3-year grants to eligible entities whose applications are approved under subsection (c). Such grants shall be used to—

''(1) carry out a program designed to meet the goals described in subsection (b) and the requirements described in subsection (c); and

''(2) facilitate coordination with local communities to be better prepared and positioned to understand and meet the needs of the communities served by autism care centers.

''(e) ADVISORY COUNCILS.—

''(1) IN GENERAL.—Each recipient of a grant under this section shall establish an autism care center advisory council, which shall advise the autism care center regarding policies, priorities, and services.

''(2) MEMBERSHIP.—Each recipient of a grant shall appoint members of the recipient's advisory council, which shall include a variety of autism care center service providers, individuals from the public who are knowledgeable about autism spectrum disorders, individuals receiving services through the Program, and family members of such individuals. At least 60 percent of the membership shall be comprised of individuals who have received, or are receiving, services through the Program or who are family members of such individuals.

''(3) CHAIRPERSON.—The recipient of a grant shall appoint a chairperson to the advisory council of the recipient's autism care center who shall be—

''(A) an individual with autism spectrum disorder who has received, or is receiving, services through the Program; or

''(B) a family member of such an individual.

''(f) EVALUATION.—The Secretary shall enter into a contract with an independent third-party organization with expertise in evaluation activities to conduct an evaluation and, not later than 180 days after the conclusion of the 3-year grant program under this section, submit a report to the Secretary, which may include measures such as whether and to what degree the treatments, interventions, and services provided through the Program have resulted in improved health, educational, employment, and community integration outcomes for individuals with autism spectrum disorders, or other measures, as the Secretary determines appropriate.

''(g) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this section, the Secretary shall allocate not more than 7 percent for administrative expenses, including the expenses related to carrying out the evaluation described in subsection (f).

''(h) SUPPLEMENT NOT SUPPLANT.—Amounts provided to an entity under this section shall be used to supplement, not supplant, amounts otherwise expended for existing treatments, interventions, and services for individuals with autism spectrum disorders.''.

SEC. 6. PLANNING AND DEMONSTRATION GRANTS FOR SERVICES FOR ADULTS.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 5, is further amended by adding at the end the following:

''SEC. 399II. PLANNING AND DEMONSTRATION GRANT FOR SERVICES FOR ADULTS.

''(a) IN GENERAL.—In order to enable selected eligible entities to provide appropriate services to adults with autism spectrum disorders, to enable such adults to be as independent as possible, the Secretary shall establish—

''(1) a one-time, single-year planning grant program for eligible entities; and

''(2) a multiyear service provision demonstration grant program for selected eligible entities.

''(b) PURPOSE OF GRANTS.—Grants shall be awarded to eligible entities to provide all or part of the funding needed to carry out programs that focus on critical aspects of adult life, such as—

''(1) postsecondary education, vocational training, self-advocacy skills, and employment;

''(2) residential services and supports, housing, and transportation;

''(3) nutrition, health and wellness, recreational and social activities; and

''(4) personal safety and the needs of individuals with autism spectrum disorders who become involved with the criminal justice system.

''(c) ELIGIBLE ENTITY.—An eligible entity desiring to receive a grant under this section shall be a State or other public or private nonprofit organization, including an autism care center.

''(d) PLANNING GRANTS.—

''(1) IN GENERAL.—The Secretary shall award one-time grants to eligible entities to support the planning and development of initiatives that will expand and enhance service delivery systems for adults with autism spectrum disorders.

''(2) APPLICATION.—In order to receive such a grant, an eligible entity shall—

''(A) submit an application at such time and containing such information as the Secretary may require; and

''(B) demonstrate the ability to carry out such planning grant in coordination with the State Developmental Disabilities Council and organizations representing or serving individuals with autism spectrum disorders and their families.

''(e) IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities that have received a planning grant under subsection (d) to enable such entities to provide appropriate services to adults with autism spectrum disorders.

''(2) APPLICATION.—In order to receive a grant under paragraph (1), the eligible entity shall submit an application at such time and containing such information as the Secretary may require, including—

''(A) the services that the eligible entity proposes to provide and the expected outcomes for adults with autism spectrum disorders who receive such services;

''(B) the number of adults and families who will be served by such grant, including an estimate of the adults and families in underserved areas who will be served by such grant;

''(C) the ways in which services will be coordinated among both public and nonprofit providers of services for adults with disabilities, including community-based services;

''(D) where applicable, the process through which the eligible entity will distribute funds to a range of community-based or nonprofit providers of services, including local governments, and such entity's capacity to provide such services;

''(E) the process through which the eligible entity will monitor and evaluate the outcome of activities funded through the grant, including the effect of the activities upon adults with autism spectrum disorders who receive such services;

''(F) the plans of the eligible entity to coordinate and streamline transitions from youth to adult services;

''(G) the process by which the eligible entity will ensure compliance with the integration requirement provided under section 302 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12182); and

''(H) a description of how such services may be sustained following the grant period.

''(f) EVALUATION.—The Secretary shall contract with a third-party organization with expertise in evaluation to evaluate such demonstration grant program and, not later than 180 days after the conclusion of the grant program under subsection (e), submit a report to the Secretary. The evaluation and report may include an analysis of whether and to what extent the services provided through the grant program described in this section resulted in improved health, education, employment, and community integration outcomes for adults with autism spectrum disorders, or other measures, as the Secretary determines appropriate.

''(g) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this section, the Secretary shall set aside not more than 7 percent for administrative expenses, including the expenses related to carrying out the evaluation described in subsection (f).

''(h) SUPPLEMENT, NOT SUPPLANT.—Demonstration grant funds provided under this section shall supplement, not supplant, existing treatments, interventions, and services for individuals with autism spectrum disorders.''.

SEC. 7. NATIONAL REGISTRY.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by

section 6, is further amended by adding at the end the following:

"SEC. 399JJ. NATIONAL REGISTRY FOR AUTISM SPECTRUM DISORDERS.

''(a) ESTABLISHMENT.—The Secretary, in consultation with national health organizations and professional societies with experience and expertise relating to autism spectrum disorders, shall establish a voluntary population-based registry of cases of autism spectrum disorders. Such registry shall be known as the 'National Registry for Autism Spectrum Disorders' (referred to in this section as the 'Registry'). The Secretary shall ensure that the Registry maintains the privacy of individuals and the highest level of medical and scientific research ethics.

''(b) PURPOSE.—The purpose of the Registry is to facilitate the collection, analysis, and dissemination of data related to autism spectrum disorders that can increase understanding of causal factors, rates, and trends of autism spectrum disorders.

''(c) ACTIVITIES.—In carrying out the Registry, the Secretary may—

''(1) implement a surveillance and monitoring system that is based on thorough and complete medical diagnosis data, clinical history, and medical findings;

''(2) collect standardized information concerning the environmental, medical, social, and genetic circumstances that may correlate with diagnosis of autism spectrum disorders;

''(3) promote the use of standardized autism spectrum disorder investigation and reporting tools of the Centers for Disease Control and Prevention, as well as standardized autism spectrum disorder protocols;

''(4) establish a standardized classification system for defining subcategories of autism spectrum disorders for surveillance research activities; and

''(5) support multidisciplinary reviews of autism spectrum disorders.''.

SEC. 8. MULTIMEDIA CAMPAIGN.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 7, is further amended by adding at the end the following:

"SEC. 399KK. MULTIMEDIA CAMPAIGN.

''(a) IN GENERAL.—The Secretary, in order to enhance existing awareness campaigns and provide for the implementation of new campaigns, shall award grants to public and nonprofit private entities for the purpose of carrying out multimedia campaigns to increase public education and awareness and reduce stigma concerning—

''(1) healthy developmental milestones for infants and children that may assist in the early identification of the signs and symptoms of autism spectrum disorders; and

''(2) autism spectrum disorders through the lifespan and the challenges that individuals with autism spectrum disorders face, which may include transitioning into adulthood, securing appropriate job training or postsecondary education, securing and holding jobs, finding suitable housing, interacting with the correctional system, increasing independence, and attaining a good quality of life.

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

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(2) provide assurance that the multimedia campaign implemented under such grant will provide information that is tailored to the intended audience, which may be a diverse public audience or a specific audience, such as health professionals, criminal justice professionals, or emergency response professionals.''.

SEC. 9. INTERDEPARTMENTAL AUTISM COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee, to be known as the ''Interdepartmental Autism Coordinating Committee,'' (referred to in this section as the ''Committee'') to coordinate all Federal efforts concerning autism spectrum disorders.

(b) RESPONSIBILITIES.—In carrying out its duties under this section, the Committee shall—

(1) develop and annually update a summary of developments in research on autism spectrum disorders, services for people on the autism spectrum and their families, and programs that focus on people on the autism spectrum;

(2) monitor governmental and nongovernmental activities with respect to autism spectrum disorders;

(3) make recommendations to the Secretary of Health and Human Services and other relevant heads of agencies (referred to in this subsection as the ''agency heads'') regarding any appropriate changes to such activities and any ethical considerations relating to those activities;

(4) make recommendations to the agency heads regarding public participation in decisions relating to autism spectrum disorders;

(5) develop and annually update a strategic plan, including proposed budgetary requirements, for conducting and supporting research related to autism spectrum disorders, services for individuals on the autism spectrum and their families, and programs that focus on such individuals and their families; and

(6) annually submit to Congress and the President such strategic plan and any updates to such plan.

(c) MEMBERSHIP.—

(1) FEDERAL MEMBERS.—The Committee shall be composed of—

(A) the Director of the National Institutes of Health, and the directors of such national research institutes of the National Institutes of Health as the Director determines appropriate;

(B) the heads of other agencies within the Department of Health and Human Services, as the Secretary determines appropriate; and

(C) representatives of the Department of Education, the Department of Defense, and other Federal agencies that provide services to individuals with autism spectrum disorders and their families or that have programs that affect individuals with autism spectrum disorders, as the Secretary determines appropriate.

(2) NON-FEDERAL MEMBERS.—Not less than 2/5 of the total membership of the Committee shall be composed of public members to be appointed by the Secretary, of which—

(A) at least one such member shall be an individual with an autism spectrum disorder;

(B) at least one such member shall be a parent or legal guardian of an individual with an autism spectrum disorder;

(C) at least one such member shall be a representative of a nongovernmental organization that provides services to individuals with autism spectrum disorders or their families; and

(D) at least one such member shall be a representative of a leading research, advocacy, and service organization for individuals with autism spectrum disorders and their families.

(d) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following provisions shall apply with respect to the Committee:

(1) The Committee shall receive necessary and appropriate administrative support from the Secretary.

(2) Members of the Committee appointed under subsection (c)(2) shall serve for a term of 4 years and may be reappointed for one or more additional 4-year terms. The term of any member appointed under subsection (c)(2)(C) or subsection (c)(2)(D) shall expire if the member no longer represents the organization described in such subsections. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office.

(3) The Committee shall be chaired by the Secretary or the Secretary's designee. The Committee shall meet at the call of the chairperson and not fewer than 2 times each year.

(4) All meetings of the Committee or its subcommittees shall be public and shall include appropriate time periods for questions and presentations by the public.

(5) The Committee may convene workshops and conferences.

(e) SUBCOMMITTEES: ESTABLISHMENT AND MEMBERSHIP.—

(1) ESTABLISHMENT OF SUBCOMMITTEES.—In carrying out its functions, the Committee may establish—

(A) a subcommittee on research on autism spectrum disorders;

(B) a subcommittee on services for individuals with autism spectrum disorders and their families and programs that focus on individuals with autism spectrum disorders; and

(C) such other subcommittees as the Committee determines appropriate.

(2) MEMBERSHIP.—Subcommittees may include as members individuals who are not members of the Committee.

(3) MEETINGS.—Subcommittees may hold such meetings as are necessary.

(f) INTERAGENCY AUTISM COORDINATING COMMITTEE.—Part R of title III of the Public Health Service Act (42 U.S.C. 280i) is amended by striking section 399CC (42 U.S.C. 284i-2).

SEC. 10. NATIONAL NETWORK FOR AUTISM SPECTRUM DISORDERS RESEARCH AND SERVICES.

(a) DEFINITIONS.—In this section:

(1) SERVICES.—The term ''services'' means services to assist individuals with autism spectrum disorders to live more independently in their communities and improve the quality of life of such individuals.

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

(3) TREATMENTS.—The term ''treatments'' means the health services, including mental health and behavioral therapy services, designed to improve or ameliorate symptoms associated with autism spectrum disorders.

(4) AUTISM CARE CENTER.—In this subpart, the term ''autism care center'' means a center that is directed by a primary care coordinator who is an expert in autism spectrum disorder treatment and practice and provides an array of medical, psychological, behavioral, educational, and family services to individuals with autism and their families. Such a center shall—

(A) incorporate the attributes of the care management model;

(B) offer, through on-site service provision or through detailed referral and coordinated care arrangements, an autism management team of appropriate providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, and other appropriate personnel; and

(C) have the capability to achieve improvements in the management and coordination of care for targeted beneficiaries.

(b) ESTABLISHMENT OF THE NATIONAL NETWORK FOR AUTISM SPECTRUM DISORDERS RESEARCH AND SERVICES.—Not later than 1 year

after the date of enactment of this Act, the Secretary shall establish the National Network for Autism Spectrum Disorders Research and Services (referred to in this section as the ''National Network''). The National Network shall provide resources for, and facilitate communication between, autism spectrum disorder researchers and service providers for individuals with autism spectrum disorders and their families.

(c) PURPOSES.—The purposes of the National Network are to—

(1) build upon the infrastructure relating to autism spectrum disorders that exists on the date of enactment of this Act;

(2) strengthen linkages between autism spectrum disorders research and service initiatives at the Federal, regional, State, and local levels;

(3) facilitate the translation of research on autism spectrum disorders into services and treatments to improve the quality of life for individuals with autism and their families; and

(4) ensure the rapid dissemination of evidence-based or promising autism spectrum disorder practices through the National Data Repository for Autism Spectrum Disorders Research and Services described in subsection (e).

(d) ORGANIZATION AND ACTIVITIES OF THE NATIONAL NETWORK.—

(1) IN GENERAL.—In establishing the National Network, the Secretary, acting through Administrator of the Health Resources and Services Administration, shall ensure that the National Network is composed of entities at the Federal, regional, State, and local levels.

(2) REGIONAL LEADERSHIP AND ORGANIZATION.—In establishing the National Network, the Secretary shall establish a Committee of Regional Leaders, which shall ensure that regional participation is provided through the appointment of regional leaders such as university- and community-based partnerships that represent the needs and interests of regional stakeholders (including individuals with autism spectrum disorders and their families, providers, and researchers). The Committee of Regional Leaders shall be responsible for monitoring, reporting, analyzing, and disseminating information in the Data Repository described in subsection (e) to other stakeholders to ensure that the information contained in such Data Repository is widely available to policymakers and service providers at the State and local levels, and to facilitate communication between various members of the National Network.

(3) STATE AND COMMUNITY LEVEL LEADERSHIP AND ORGANIZATION.—

(A) STATE DIRECTORS.—The regional leaders appointed under paragraph (2) shall appoint State directors who shall coordinate the activities of the National Network at the State and community levels.

(B) STATE AND COMMUNITY SUBNETWORKS.—The Secretary shall ensure that the State directors establish State and community autism subnetworks, which shall engage in a variety of frontline autism activities and provide services, including comprehensive diagnostics, treatment, resource and referral, and support programs, for individuals with autism spectrum disorders.

(e) NATIONAL DATA REPOSITORY FOR AUTISM SPECTRUM DISORDERS RESEARCH AND SERVICES.—

(1) IN GENERAL.—The Secretary shall establish a National Data Repository for Autism Spectrum Disorders Research and Services (referred to in this section as the ''Data Repository'') and shall contract with one eligible third-party entity to develop and administer such repository (referred to in this section as the ''Data Repository Administrator''). The Data Repository shall be used to collect, store, and disseminate information regarding research, data, findings, models of treatment, training modules, and technical assistance materials related to autism spectrum disorders in order to facilitate the development and rapid dissemination of research into best practices that improve care.

(2) ELIGIBILITY.—To be eligible to receive the contract described in paragraph (1), an entity shall—

(A) be a public or private nonprofit entity; and

(B) have experience—

(i) collecting data;

(ii) developing systems to store data in a secure manner that does not personally identify individuals;

(iii) developing internet web portals and other means of communicating with a wide audience; and

(iv) making information available to the public.

(3) CONTENTS.—The Data Repository shall include—

(A) emerging research, data, and findings regarding autism spectrum disorders from basic and applied researchers and service providers;

(B) emerging or promising models of treatment, service provision, and training related to autism spectrum disorders that are developed in individual care centers or programs; and

(C) training modules and technical assistance materials.

(4) DUTIES OF THE ADMINISTRATOR.—The Data Repository Administrator shall—

(A) collect information from autism spectrum disorders research and service provision agencies and organizations including—

(i) Centers of Excellence in Autism Spectrum Disorder Epidemiology under section 399AA(b) of the Public Health Service Act (42 U.S.C. 280i(b));

(ii) autism care centers;

(iii) recipients of grants through the grant program for adult services under section 399II of the Public Health Service Act, as added by section 6 of this Act;

(iv) members and recipients of the national training initiatives on autism spectrum disorders under section 399LL of the Public Health Service Act, as added by section 11 of this Act; and

(v) the Committee of Regional Leaders, regional leaders, State directors, members of State and community autism subnetworks, and other entities, as determined by the Secretary;

(B) securely store and maintain information in the Data Repository in a manner that does not personally identify individuals;

(C) make information in the Data Repository accessible through an Internet web portal or other appropriate means of sharing information;

(D) ensure that the information contained in the Data Repository is accessible to the National Network, including health care providers, educators, and other autism spectrum disorders service providers at the national, State, and local levels; and

(E) provide a means through the Internet web portal, or through other means, for members of the National Network to share information, research, and best practices on autism spectrum disorders.

(f) SUPPLEMENT NOT SUPPLANT.—Amounts provided under this section shall be used to supplement, not supplant, amounts otherwise expended for existing network or organizational structures relating to autism spectrum disorders.

SEC. 11. NATIONAL TRAINING INITIATIVES ON AUTISM SPECTRUM DISORDERS.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 8, is further amended by adding at the end the following:

''SEC. 399LL. NATIONAL TRAINING INITIATIVES ON AUTISM SPECTRUM DISORDERS.

''(a) NATIONAL TRAINING INITIATIVE SUPPLEMENTAL GRANTS.—

''(1) IN GENERAL.—The Secretary shall award multiyear national training initiative supplemental grants to eligible entities so that such entities may provide training and technical assistance and to disseminate information, in order to enable such entities to address the unmet needs of individuals with autism spectrum disorders and their families.

''(2) ELIGIBLE ENTITY.—To be eligible to receive assistance under this section an entity shall—

''(A) be a public or private nonprofit entity, including University Centers for Excellence in Developmental Disabilities and other service, training, and academic entities; and

''(B) submit an application as described in paragraph (3).

''(3) REQUIREMENTS.—An eligible entity that desires to receive a grant under this paragraph shall submit to the Secretary an application containing such agreements and information as the Secretary may require, including agreements that the training program shall—

''(A) provide trainees with an appropriate balance of interdisciplinary academic and community-based experiences;

''(B) have a demonstrated capacity to include individuals with autism spectrum disorders, parents, and family members as part of the training program to ensure that a person and family-centered approach is used;

''(C) provide to the Secretary, in the manner prescribed by the Secretary, data regarding the outcomes of the provision of training and technical assistance;

''(D) demonstrate a capacity to share and disseminate materials and practices that are developed and evaluated to be effective in the provision of training and technical assistance; and

''(E) provide assurances that training, technical assistance, and information dissemination performed under grants made pursuant to this paragraph shall be consistent with the goals established under already existing disability programs authorized under Federal law and conducted in coordination with other relevant State agencies and service providers.

''(4) ACTIVITIES.—An entity that receives a grant under this section shall expand and develop interdisciplinary training and continuing education initiatives for health, allied health, and educational professionals by engaging in the following activities:

''(A) Promoting and engaging in training for health, allied health, and educational professionals to identify, diagnose, and develop interventions for individuals with, or at risk of developing, autism spectrum disorders.

''(B) Working to expand the availability of training and information regarding effective, lifelong interventions, educational services, and community supports, including specific training for criminal justice system, emergency health care, legal, and other mainstream first responder professionals, to identify characteristics of individuals with autism spectrum disorders and to develop appropriate responses and interventions.

''(C) Providing technical assistance in collaboration with relevant State, regional, or national agencies, institutions of higher education, advocacy groups for individuals with autism spectrum disorders and their families, or community-based service providers.

''(D) Developing mechanisms to provide training and technical assistance, including

for-credit courses, intensive summer institutes, continuing education programs, distance-based programs, and web-based information dissemination strategies.

''(E) Collecting data on the outcomes of training and technical assistance programs to meet statewide needs for the expansion of services to children with autism spectrum disorders and adults with autism spectrum disorders.

''(b) TECHNICAL ASSISTANCE.—The Secretary shall reserve 2 percent of the appropriated funds to make a grant to a national organization with demonstrated capacity for providing training and technical assistance to the entities receiving grants under subsection (a) to enable such entities to—

''(1) assist in national dissemination of specific information, including evidence-based and promising best practices, from interdisciplinary training programs, and when appropriate, other entities whose findings would inform the work performed by entities awarded grants;

''(2) compile and disseminate strategies and materials that prove to be effective in the provision of training and technical assistance so that the entire network can benefit from the models, materials, and practices developed in individual centers;

''(3) assist in the coordination of activities of grantees under this section;

''(4) develop an Internet web portal that will provide linkages to each of the individual training initiatives and provide access to training modules, promising training, and technical assistance practices and other materials developed by grantees;

''(5) convene experts from multiple interdisciplinary training programs and individuals with autism spectrum disorders and their families to discuss and make recommendations with regard to training issues related to the assessment, diagnosis of, treatment, interventions and services for, children with autism spectrum disorders and adults with autism spectrum disorders; and

''(6) undertake any other functions that the Secretary determines to be appropriate.

''(c) SUPPLEMENT NOT SUPPLANT.—Amounts provided under this section shall be used to supplement, not supplant, amounts otherwise expended for existing network or organizational structures.''.

SEC. 12. AMENDMENTS RELATING TO HEALTH INSURANCE.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 715. REQUIRED COVERAGE FOR AUTISM SPECTRUM DISORDERS.

''(a) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall provide coverage for the diagnosis of autism spectrum disorders and the treatment of autism spectrum disorders.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) as preventing a group health plan or health insurance issuer from imposing financial requirements or limits in relation to benefits for the diagnosis and treatment of autism spectrum disorders, except that such financial requirements or limits for any such benefits may not be less favorable to the individual than such financial requirements or limits for substantially all other medical and surgical benefits covered by the plan, and there shall be no separate financial requirements or limits that are applicable only with respect to benefits for the diagnosis or treatment of autism spectrum disorders; and

''(2) to prevent a group health plan or a health insurance issuer from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

''(c) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided not later than the earlier of—

''(1) 60 days after the first day of the first plan year in which such requirements apply; or

''(2) in the first mailing after the date of enactment of the Autism Treatment Acceleration Act of 2009 made by the plan or issuer to the participant or beneficiary.

''(d) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section; or

''(2) deny coverage otherwise available under this section on the basis that such coverage will not—

''(A) develop skills or functioning;

''(B) maintain skills or functioning;

''(C) restore skills or functioning; or

''(D) prevent the loss of skills or functioning.

''(e) PREEMPTION; RELATION TO STATE LAW.—

''(1) IN GENERAL.—Nothing in this section shall be construed to preempt any State law (or cost sharing requirements under State law) with respect to health insurance coverage that requires coverage of at least the coverage for autism spectrum disorders otherwise required under this section.

''(2) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to affect or modify the provisions of section 514 with respect to group health plans.

''(f) DEFINITIONS.—In this section:

''(1) AUTISM SPECTRUM DISORDERS.—The term 'autism spectrum disorders' means developmental disabilities that cause substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and which may be characterized by the presence of unusual behaviors and interests. Such term includes autistic disorder, pervasive developmental disorder (not otherwise specified), Asperger syndrome, Retts disorder, and childhood disintegrative disorder.

''(2) DIAGNOSIS OF AUTISM SPECTRUM DISORDERS.—The term 'diagnosis of autism spectrum disorders' means medically necessary assessments, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

''(3) TREATMENT OF AUTISM SPECTRUM DISORDERS.—The term 'treatment of autism spectrum disorders' means the following care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by a physician, psychologist, or other qualified professional who determines the care to be medically necessary:

''(A) Medications prescribed by a physician and any health-related services necessary to determine the need or effectiveness of the medications.

''(B) Occupational therapy, physical therapy, and speech therapy.

''(C) Direct or consultative services provided by a psychiatrist or psychologist.

''(D) Professional, counseling, and guidance services and treatment programs, including applied behavior analysis and other structured behavioral programs. In this subparagraph, the term 'applied behavior analysis' means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

''(E) Augmentative communication devices and other assistive technology devices.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 714 the following:

''Sec. 715. Required coverage for autism spectrum disorders.''.

(b) PUBLIC HEALTH SERVICE ACT.—

(1) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

''SEC. 2708. REQUIRED COVERAGE FOR AUTISM SPECTRUM DISORDERS.

''(a) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall provide coverage for the diagnosis of autism spectrum disorders and the treatment of autism spectrum disorders.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) as preventing a group health plan or health insurance issuer from imposing financial requirements or limits in relation to benefits for the diagnosis and treatment of autism spectrum disorders, except that such financial requirements or limits for any such benefits may not be less favorable to the individual than such financial requirements or limits for substantially all other medical and surgical benefits covered by the plan, and there shall be no separate financial requirements or limits that are applicable only with respect to benefits for the diagnosis or treatment of autism spectrum disorders; or

''(2) to prevent a group health plan or a health insurance issuer from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

''(c) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided not later than the earlier of—

''(1) 60 days after the first day of the first plan year in which such requirements apply; or

''(2) in the first mailing after the date of enactment of the Autism Treatment Acceleration Act of 2009 made by the plan or issuer to the enrollee.

''(d) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section; or

''(2) deny coverage otherwise available under this section on the basis that such coverage will not—

''(A) develop skills or functioning;

''(B) maintain skills or functioning;

''(C) restore skills or functioning; or

''(D) prevent the loss of skills or functioning.

''(e) PREEMPTION; RELATION TO STATE LAW.—

''(1) IN GENERAL.—Nothing in this section shall be construed to preempt any State law (or cost sharing requirements under State law) with respect to health insurance coverage that requires coverage of at least the coverage for autism spectrum disorders otherwise required under this section.

''(2) ERISA.—Nothing in this section shall be construed to affect or modify the provisions of section 514 of the Employee Income Retirement Security Act of 1974 with respect to group health plans.

''(f) DEFINITIONS.—In this section:

''(1) AUTISM SPECTRUM DISORDERS.—The term 'autism spectrum disorders' means developmental disabilities that cause substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and which may be characterized by the presence of unusual behaviors and interests. Such term includes autistic disorder, pervasive developmental disorder (not otherwise specified), and Asperger syndrome.

''(2) DIAGNOSIS OF AUTISM SPECTRUM DISORDERS.—The term 'diagnosis of autism spectrum disorders' means medically necessary assessments, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

''(3) TREATMENT OF AUTISM SPECTRUM DISORDERS.—The term 'treatment of autism spectrum disorders' means the following care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by a physician, psychologist, or other qualified professional who determines the care to be medically necessary:

''(A) Medications prescribed by a physician and any health-related services necessary to determine the need or effectiveness of the medications.

''(B) Occupational therapy, physical therapy, and speech therapy.

''(C) Direct or consultative services provided by a psychiatrist or psychologist.

''(D) Professional, counseling, and guidance services and treatment programs, including applied behavior analysis and other structured behavioral programs. In this subparagraph, the term 'applied behavior analysis' means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

''(E) Augmentative communication devices and other assistive technology devices.''.

(2) INDIVIDUAL MARKET.—Subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) is amended by adding at the end the following:

''SEC. 2754. REQUIRED COVERAGE FOR AUTISM SPECTRUM DISORDERS.

''The provisions of section 2708 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH PLANS.—

(A) IN GENERAL.—The amendment made by subsection (a) shall apply to group health plans for plan years beginning on or after the date of enactment of this Act.

(B) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers, any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by the amendment made by subsections (a) and (b)(1) shall not be treated as a termination of such collective bargaining agreement.

(2) INDIVIDUAL PLANS.—The amendment made by subsection (b)(2) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the date of enactment of this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 2010 through 2014 such sums as may be necessary to carry out this Act.

By Ms. SNOWE (for herself, Mr. BAUCUS, Mr. HATCH, Ms. STABENOW, Mr. ENSIGN, Mrs. LINCOLN, Ms. CANTWELL, and Mr. NELSON of Florida):

S. 823. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, America's economy is continuing in recession. Companies that have been profitable for years are finding their balance sheets awash in red ink. The economic stimulus bill, the American Recover and Reinvestment Act or ''ARRA,'' helped some small companies with a provision that allows them to take losses from 2008 and carry them back for up to five years rather than carry them forward for up to 20 or back only two. This net operating loss, NOL, carryback provision gives formerly profitable companies the ability to get a quick infusion of cash by recouping taxes paid when they were profitable in the recent past.

The cash from a 5 year carryback of NOLs allows companies to keep employees on payroll, and stabilize operations during the most trying time businesses have faced in at least a generation. The House and Senate and the Obama Administration all acknowledged the importance of permitting NOL carrybacks during the debate on the economic stimulus with provisions that generally allowed any company to carryback losses incurred in 2008 and 2009. Unfortunately, the final agreement on that law did not contain the sweeping provision that is necessary to help as many companies as are in need of this tax relief.

Companies are permitted to take these losses against future income, for up to 20 years from now. However, that carryforward of losses does nothing to help companies weather the current recession in fact some of these companies might never be able to take these losses because they'll go out of business as a result of this recession. Permitting carryback of losses will help to prevent employees from being laid off today as a result of the credit crunch that continues to exacerbate the downward spiral of our economy. We can help lessen the credit crunch and increase cash flow in companies by permitting companies to carryback losses for 5 years.

Today I am honored to introduce the NOL Carryback Act with the chairman of the Senate Finance Committee, Chairman MAX BAUCUS, and a distinguished group of colleagues from the Finance Committee. This bill mirrors the Senate-passed NOL carryback provision that was passed in ARRA. The Senate-passed bill allowed carrybacks for losses incurred in 2008 and 2009, for any sized business, but it prevented companies that receive cash from the Troubled Asset Relief Program from also receiving this cash infusion.

By Ms. SNOWE (for herself and Mr. BEGICH):

S. 824. A bill to establish a Jobs Creation Coordinator in the Department of Commerce to ensure that agencies in the Department use resources in a manner that maximizes the maintenance and creation of jobs in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today in response to the devastating job losses resulting from the current economic crisis. Figures released this week show that U.S. companies shed more than 740,000 jobs in March, a 5 percent increase over the 706,000 jobs lost in February. Our country has now lost nearly 4.5 million jobs since the onset of the recession—the most since 1945. Tomorrow's release of government-compiled employment figures is certain to confirm the dismal state of the U.S. job market—a tragic reality that millions of hardworking Americans and the families they support know all too well.

As a senior member of the Senate Committee on Commerce, Science and Transportation, I believe it is essential for the Department of Commerce to respond to this dire situation by focusing its efforts on expanding employment opportunities for Americans. With its statutory mission ''to foster, promote, and develop the foreign and domestic commerce,'' the Department of Commerce has a clear mandate to defend and grow the U.S. economy through job preservation and creation.

Yet the disparate agencies that comprise the department have little or no occasion to coordinate their efforts toward maximizing its job maintaining and creating potential. While divisions such as the Economic Development Agency and the Minority Business Development Agency each have their own programs to increase employment in their respective target communities, there is the potential for even greater job creation through the coordination

of their efforts with the core functions of other department components, such as the export-promotion activities of the International Trade Administration, the economic analysis of the Economics and Statistics Administration, and the stewardship of technological innovation by the National Telecommunications & Information Administration.

That is why I am today introducing bipartisan legislation with my Commerce Committee colleague Senator Begich to establish a Job Creation Coordinator at the department. Answering directly to the Secretary of Commerce, the Coordinator would not only ensure that each agency is carrying out its primary mission in a way that maximizes U.S. employment, but also would identify and implement opportunities to link separate programs being carried out by the agencies in a way that ensures that department resources are being spent in a manner which guarantees the utmost job creation per dollar appropriated.

Specifically, the Jobs Coordinator would be responsible for making an initial assessment of the private sector jobs currently being maintained or created by Commerce Department programs; formulating an action plan for improving these figures under existing statutory authority; liaising with Congress about additional authority which would enhance the job maintaining and creating abilities of Commerce Department programs; and, overseeing the implementation of new department policies or statutory authorities intended to enhance the department's job maintenance and creation potential.

The millions of Americans who have lost their livelihoods to the economic downturn, or whose jobs are at risk amidst the turmoil, deserve the utmost effort by their government to put an end to the lay-offs and get people back to work. I urge my colleagues to join me in this vital effort by supporting this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 98—DESIGNATING EACH OF APRIL 15, 2009, AND APRIL 15, 2010, AS ''NATIONAL TEA PARTY DAY''

Mr. VITTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 98

Whereas the taxpayers of the United States understand that the so-called ''stimulus bill'', the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115), included a laundry list of spending projects;

Whereas the taxpayers of the United States understand that the bailouts of Wall Street by the United States Government have been ineffective and a waste of taxpayer funding;

Whereas the taxpayers of the United States agree that the United States Government should stop wasteful spending, reduce the tax burden on families and businesses, and focus on policies that will lead to job creation and economic growth; and

Whereas taxpayers in the United States are expressing their opposition to high taxes and skyrocketing spending by the United States Government by organizing ''Taxed Enough Already'' parties, also known as ''TEA'' parties: Now, therefore, be it

Resolved, That the Senate designates each of April 15, 2009, and April 15, 2010, as ''National TEA Party Day''.

SENATE RESOLUTION 99—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF UZBEKISTAN SHOULD IMMEDIATELY ENFORCE ITS EXISTING DOMESTIC LEGISLATION AND FULFILL ITS INTERNATIONAL COMMITMENTS AIMED AT ENDING STATE-SPONSORED FORCED AND CHILD LABOR

Mr. HARKIN (for himself, Mr. SANDERS, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 99

Whereas the United States has a growing strategic involvement in Central Asia;

Whereas the interests of the United States in Central Asia, including the operations in Afghanistan, can only be secured by the presence in the region of viable, vigorous democracies that fully guarantee the economic and social rights of all people, including children;

Whereas the Government of Uzbekistan continues to commit serious human rights abuses, including arbitrary arrest and detention, torture in custody, and the severe restriction of freedom of speech, the press, religion, independent political activity, and nongovernmental organizations;

Whereas the Government of Uzbekistan detains thousands of people for political or religious reasons;

Whereas Uzbekistan is the third largest exporter of cotton in the world, and cotton is 1 of the largest sources of export revenue for Uzbekistan;

Whereas Uzbekistan has signed and properly deposited with the International Labour Organization (ILO) the Minimum Age Convention, convened at Geneva June 6, 1973 (International Labour Organization Convention Number 138) and the Worst Forms of Child Labour Convention, convened at Geneva June 1, 1999 (International Labour Organization Convention Number 182);

Whereas the Government of Uzbekistan issued a decree in September 2008 that ostensibly prohibited the practice of forced and child labor, but the Government of Uzbekistan sent schoolchildren to harvest cotton within weeks after issuing the decree;

Whereas the 2008 Country Reports on Human Rights Practices by the Department of State stated that large-scale compulsory mobilization of youth and students to harvest cotton continued in most rural areas of Uzbekistan and that the students and youths were poorly paid, living conditions were poor, and children were exposed to harmful chemicals and pesticides applied in the cotton fields;

Whereas research by the Environmental Justice Foundation indicates that each year hundreds of thousands of schoolchildren from Uzbekistan, some as young as 7 years old, are forced by the Government of Uzbekistan to work in the national cotton harvest for up to 3 months;

Whereas a policy briefing published by the School of Oriental and African Studies, University of London, in 2008, entitled ''Invisible to the World'', used extrapolations based on surveys in 6 areas that took place in 2006 and 2007 to conclude that approximately 2,400,000 schoolchildren from Uzbekistan between the ages of 10 and 15 are forcibly recruited into the annual cotton harvest;

Whereas the British Broadcasting Company undertook an investigation in late 2007 and found that the Government of Uzbekistan continues to rely on the state-orchestrated mass mobilization of children to bring in the cotton harvest;

Whereas, in 2008, reports of child labor in the cotton fields were received by multiple media outlets and local human rights activists from the major cotton-growing regions in Uzbekistan, including Djizzak, Namangan, Samarkand, and Ferghana, among others;

Whereas a report by the Rapid Reaction Group indicates that schoolchildren who cannot fulfill their daily picking quotas are forced to make up the difference in cash from the pockets of their own families;

Whereas the Government of Uzbekistan detained and harassed an independent journalist who accompanied a diplomat from the United States on a research trip to Syr Daria province, where the diplomat photographed children working in the cotton fields;

Whereas the children working in the cotton fields are stressed by the pressure to fulfill cotton quotas, physically abused by arduous work in the cotton fields, and subjected to poor and hazardous living conditions during the harvest period;

Whereas international brands such as Gap, H&M, Levi Strauss, Limited Brands, Target, Tesco, and Wal-Mart have banned cotton from Uzbekistan from their products and instructed their suppliers to comply with the ban;

Whereas the Government of Uzbekistan allowed a survey to be conducted by the United Nations Children's Fund (UNICEF), under the strict supervision of the Government of Uzbekistan, yet the survey was not conducted during the fall harvest season (a time when the likelihood of children working in the fields is significantly greater);

Whereas the Government of Uzbekistan refused to fully cooperate with the ILO and the International Cotton Advisory Committee to undertake an independent technical assessment of forced child labor during the fall 2008 harvest season; and

Whereas the ILO has conducted independent investigations into forced and child labor in more than 60 countries around the world, including developing and developed countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Government of Uzbekistan should—

(1) immediately enforce its existing domestic legislation and fulfill its international commitments aimed at ending state-sponsored forced and child labor;

(2) allow a comprehensive independent investigation into forced and child labor in the cotton sector during the fall 2009 harvest season by the International Labour Organization;

(3) in consultation and cooperation with the International Labour Organization, develop a credible and comprehensive action plan based on the findings of the International Labour Organization and commit the resources necessary to end forced and child labor in the cotton sector; and

(4) take concrete steps towards systemic reform that will—

(A) ensure greater freedom and better returns from their labor for cotton-producing farmers; and

(B) enable such farmers to employ adults in the cotton sector.