WARNER) was added as a cosponsor of S. 33, a bill to provide certainty with respect to the timing of Department of Energy decisions to approve or deny applications to export natural gas, and for other purposes.

S. 36

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 36, a bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues.

S. 48

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 48, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 50

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 50, a bill to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities.

S. 51

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 51, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes.

S. 83

At the request of Mr. HELLER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 83, a bill to amend the Fair Labor Standards Act of 1938 to improve nonretaliation provisions relating to equal pay requirements.

S. 125

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maryland (Mr. CARDIN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 125, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2020, and for other purposes.

S. 295

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 295, a bill to amend section 2259 of title 18, United States Code, and for other purposes.

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 295, supra.

S. 299

At the request of Mr. FLAKE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 299, a bill to allow travel between the United States and Cuba.

S. 301

At the request of Mrs. FISCHER, the names of the Senator from Hawaii (Mr. SCHATZ), the Senator from Kansas (Mr. ROBERTS), the Senator from Virginia (Mr. WARNER), the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. MORAN) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 301, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 308

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 308, a bill to reauthorize 21st century community learning centers, and for other purposes.

S. 337

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 337, a bill to improve the Freedom of Information Act.

S. 373

At the request of Mr. THUNE, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 373, a bill to provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel.

S. 409

At the request of Mr. BURR, the names of the Senator from Florida (Mr. RUBIO) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 409, a bill to amend the Sex Offender Registration and Notification Act to require the Secretary of Defense to inform the Attorney General of persons required to register as sex offenders.

S. 423

At the request of Ms. HEITKAMP, the names of the Senator from Maine (Mr. KING), the Senator from Minnesota (Mr. FRANKEN), the Senator from South Dakota (Mr. ROUNDS) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 423, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 438

At the request of Mr. BARRASSO, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 438, a bill to provide for the repair, replacement, and maintenance of certain Indian irrigation projects.

S. 439

At the request of Mr. FRANKEN, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 439, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 441

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 441, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S.J. RES. 8

At the request of Mr. ALEXANDER, the names of the Senator from Utah (Mr. LEE), the Senator from Idaho (Mr. CRAPO) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S.J. Res. 8, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation case procedures.

S. RES. 26

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 26, a resolution commending Pope Francis for his leadership in helping to secure the release of Alan Gross and for working with the Governments of the United States and Cuba to achieve a more positive relationship.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. REED, and Mr. BROWN):

S. 450. A bill to amend the Internal Revenue Code of 1986 to provide tax rate parity among all tobacco products, and for other purposes; to the Committee on Finance.

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. 450

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 ''Tobacco Tax Equity Act of 2015''.

SEC. 2. ESTABLISHING EXCISE TAX EQUITY AMONG ALL TOBACCO PRODUCT TAX RATES.

(a) TAX PARITY FOR PIPE TOBACCO AND ROLL-YOUR-OWN TOBACCO.—Section 5701(f) of the Internal Revenue Code of 1986 is amended by striking ''$2.8311 cents'' and inserting ''$24.78''.

(b) TAX PARITY FOR SMOKELESS TOBACCO.—

(1) Section 5701(e) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by striking ''$1.51'' and inserting ''$13.42'';

(B) in paragraph (2), by striking ''50.33 cents'' and inserting ''$5.37''; and

(C) by adding at the end the following:

''(3) SMOKELESS TOBACCO SOLD IN DISCRETE SINGLE-USE UNITS.—On discrete single-use units, $50.33 per thousand.''.

(2) Section 5702(m) of such Code is amended—

(A) in paragraph (1), by striking ''or chewing tobacco'' and inserting '', chewing tobacco, or discrete single-use unit'';

(B) in paragraphs (2) and (3), by inserting ''that is not a discrete single-use unit'' before the period in each such paragraph;

(C) by adding at the end the following:

''(4) DISCRETE SINGLE-USE UNIT.—The term 'discrete single-use unit' means any product containing tobacco that—

''(A) is not intended to be smoked; and

''(B) is in the form of a lozenge, tablet, pill, pouch, dissolvable strip, or other discrete single-use or single-dose unit.''.

(c) TAX PARITY FOR LARGE CIGARS.—

(1) IN GENERAL.—Paragraph (2) of section 5701(a) of the Internal Revenue Code of 1986 is amended by striking ''52.75 percent'' and all that follows through the period and inserting the following: ''$24.78 per pound and a proportionate tax at the like rate on all fractional parts of a pound but not less than 5.033 cents per cigar.''.

(2) GUIDANCE.—The Secretary may issue guidance regarding the appropriate method for determining the weight of large cigars for purposes of calculating the applicable tax under section 5701(a)(2) of the Internal Revenue Code of 1986.

(d) TAX PARITY FOR ROLL-YOUR-OWN TOBACCO AND CERTAIN PROCESSED TOBACCO.—Subsection (o) of section 5702 of the Internal Revenue Code of 1986 is amended by inserting '', and includes processed tobacco that is removed for delivery or delivered to a person other than a person with a permit provided under section 5713, but does not include removals of processed tobacco for exportation'' after ''wrappers thereof''.

(e) CLARIFYING TAX RATE FOR OTHER TOBACCO PRODUCTS.—

(1) IN GENERAL.—Section 5701 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) OTHER TOBACCO PRODUCTS.—Any product not otherwise described under this section that has been determined to be a tobacco product by the Food and Drug Administration through its authorities under the Family Smoking Prevention and Tobacco Control Act shall be taxed at a level of tax equivalent to the tax rate for cigarettes on an estimated per use basis as determined by the Secretary.''.

(2) ESTABLISHING PER USE BASIS.—For purposes of section 5701(i) of the Internal Revenue Code of 1986, not later than 12 months after the date that a product has been determined to be a tobacco product by the Food and Drug Administration, the Secretary of the Treasury (or the Secretary of the Treasury's delegate) shall issue final regulations establishing the level of tax for such product that is equivalent to the tax rate for cigarettes on an estimated per use basis.

(f) CLARIFYING DEFINITION OF TOBACCO PRODUCTS.—

(1) IN GENERAL.—Subsection (c) of section 5702 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) TOBACCO PRODUCTS.—The term 'tobacco products' means—

''(1) cigars, cigarettes, smokeless tobacco, pipe tobacco, and roll-your-own tobacco, and

''(2) any other product subject to tax pursuant to section 5701(i).''.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 5702 of such Code is amended by striking ''cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco'' each place it appears and inserting ''tobacco products''.

(g) TAX RATES ADJUSTED FOR INFLATION.—Section 5701 of such Code is amended by adding at the end the following new subsection:

''(i) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any calendar year beginning after 2015, the dollar amounts provided under this chapter shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2014' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $0.01, such amount shall be rounded to the next highest multiple of $0.01.''.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after the last day of the month which includes the date of the enactment of this Act.

(2) DISCRETE SINGLE-USE UNITS AND PROCESSED TOBACCO.—The amendments made by subsections (b)(1)(C), (b)(2), and (d) shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after the date that is 6 months after the date of the enactment of this Act.

(3) LARGE CIGARS.—The amendments made by subsection (c) shall apply to articles removed after December 31, 2015.

(4) OTHER TOBACCO PRODUCTS.—The amendments made by subsection (e)(1) shall apply to products removed after the last day of the month which includes the date that the Secretary of the Treasury (or the Secretary of the Treasury's delegate) issues final regulations establishing the level of tax for such product.

By Mr. INHOFE (for himself, Mr. PORTMAN, Mr. HATCH, Mr. ROBERTS, Mr. RUBIO, Mr. WICKER, Mr. MCCONNELL, Mr. SESSIONS, Mr. COTTON, Mr. BOOZMAN, Mr. TILLIS, Mr. THUNE, Mr. CRUZ, Mr. VITTER, Mrs. CAPITO, Mr. ROUNDS, and Mr. CORNYN):

S. 452. A bill to provide lethal weapons to the Government of Ukraine in order to defend itself against Russian-backed rebel separatists in eastern Ukraine; to the Committee on Foreign Relations.

Mr. INHOFE. Mr. President, I am introducing a bill today because there is something going on that people are not as aware of as they should be.

We don't have a better friend than King Abdullah in Jordan. I have been pleased to get to know him as a personal friend as well as a friend of America. I was over there with him last October. We were on the Syrian border looking at all the things that are going on right now with ISIL and ISIS, and it has been a real tragedy.

Last week King Abdullah was in the United States for the National Prayer Breakfast. While he was here, there were several of us who were with him when he got the news that his friend and relative, an F–16 pilot, had been caged, soaked with gasoline, and burned alive.

America and the whole world saw what happened and asked: What kind of monsters are these people who are doing this over there? They are beheading children and pregnant women and burning people alive. Yet this is going on. People have to understand this.

They do understand it in terms of ISIS. But what I want to share with you, and introduce legislation to correct, is that it is not just happening there, it is also happening in Ukraine right now.

I happened to be in Ukraine in late October of this year. I went over there because they were having their parliamentary elections at the time. Ukraine has been such a good friend to us—not just Poroshenko, but the rest of the administration that went through the parliamentary election has also been a friend.

Let's keep in mind that the Presidential elections were way back in May. This last election was the parliamentary election, and we were there to see what was happening in the Ukraine.

In the Ukraine they have a constitutional requirement that you cannot have a seat in Parliament unless you have 5 percent of the vote. This is the first time, after the vote when we were there in October, that they had a parliamentary election and not one Communist got a seat in Parliament. This is the first time in 96 years that not one Communist has a seat in the Parliament.

As bad as things are with ISIS, I suggest that what is going on—and I only preface what I am saying so I can demonstrate what a good friend Poroshenko and the leadership of the Ukraine is to the United States. We have the Russians in there with the separatists doing horrible things—things that are just as bad as what is taking place in Syria with ISIS and in other places.

To demonstrate this—it is not a very fun thing to look at, but you have to understand what is happening. These are T–72 tanks. Putin keeps saying: We don't have any Russians in there with the separatists. It is not us. We are not doing it.

Well, here they are. These are the pictures we brought back with us. All those tanks are lined up within Ukraine, and that is clearly what they are.

If you want to see how brutal Putin and everyone else is—it is not something anyone enjoys looking at, but you have to know this is going on. The tragedies that are taking place in Syria and in other parts of the world are also taking place in Ukraine.

This is a picture of the murders and torture that have been taking place there. These people have been disembodied, their heads cut off. These are Ukrainian citizens. They are legal citizens. They are the ones whom Putin and the rest of them are fighting. For that reason, I have introduced legislation to require that the United States offer the weaponry.

By the way, I was making a presentation about this issue and Senator

MCCAIN was there. He said: If you look at all of those tanks, they don't have one piece of equipment that could offer a defense against those tanks. What have we been giving them? We have been giving them MREs and blankets.

When Poroshenko was here in the United States, he made a speech to both Houses. He said that ''one can't win the war with blankets. . . . Even more, we cannot keep the peace with a blanket.'' In other words, we have to share the very best defensive weapons or weapons that can be used offensively with them. They cannot be left naked there when facing this kind of abuse. We know that shortly after the heavily armed Russian soldiers invaded and took control of the Crimean region in February of 2014, the Ukrainian Government and its people faced and sustained a deadly force from heavily armed rebel separatists who were equipped, trained, and supported by the Russian Federation. We have seen pictures of that. This is the first time we have shown pictures that document, No. 1, that the equipment came from Russia and Putin, and, No. 2, the type of things they are doing over there.

We passed a law last year that said we would give defensive weaponry to the Ukrainians, but it fell short because of one thing—it was prescriptive. It said what kind of equipment it would be.

The bill I am introducing today does two things. It offers the equipment we can give them with no restrictions whatsoever, and secondly, it does something else I think is very significant, and that is we require the President to come up with a strategy. People always say: Well, the President doesn't have a strategy against ISIS. It is true he doesn't have one, and it is deplorable that he doesn't have one. He also doesn't have a strategy for Ukraine. Without a strategy, it is not going to work.

Last week we had a hearing in the Senate Armed Services Committee. It was kind of funny because we had people from the past. We had George Shultz, Madeleine Albright, and Henry Kissinger. We were talking about the Ukraine at that time and talked about offering some equipment we thought should go there, and they said: Well, you have to do that, but you can't just send them equipment. You have to specifically demand a strategy. In this bill we are saying to the President of the United States to not only send over equipment but we need to also provide a strategy we can massage as time goes on.

On February 2, 2015, eight of the former senior ranking diplomatic and military officials testified. They included the former U.S. Ambassador to the Ukraine, Steven Pifer; former Under Secretary of Defense Michele Flournoy; former Supreme Allied Commander ADM James Stavridis, and former Deputy Commander to the U.S. Command, Gen. Charles Wald. They all served under both Republican and Democratic administrations. They released a nonpartisan report calling on President Obama to provide Ukraine with lethal weaponry, and this is what we talked about in the bill. They encouraged other NATO countries to do the same, particularly those that possess and used former Soviet equipment and weaponry.

On January 25, when President Obama stated at a news conference in New Delhi, India that the aggression by the rebel separatists in eastern Ukraine had Russian backing, Russian equipment, Russian financing, Russian training, and Russian troops—so he finally agreed. It is not something that is debatable or might be happening; it is something that is happening. You can see the horrible things that are going on there, and you can see the reason it is necessary to get this done.

Some time ago, back when Carl Levin was still here—he is retired, and he did such a great job as the chairman of the Senate Armed Services Committee for so many years when I was the ranking Republican on the Committee on Armed Services. At that time, a year ago in October, we wrote the following in the Washington Post:

We believe that the United States should begin providing defensive weapons that would help Ukraine defend its territory. Such weapons could include anti-tank weapons to defend against Russian-provided armored personnel carriers, ammunition, vehicles and secure communications equipment. This would present no threat to Russia unless its forces launch further aggression against Ukraine. In other words, these weapons are lethal, but not provocative because they are defensive.

That came from Carl Levin and me. This is back before we knew the results of the parliamentary election that was so successful and so complementary to the West.

This has been long overdue. There is no one who disagrees with it, and even the President recognizes they have the equipment and we are not doing the job we should be doing.

So, with that, I am going to introduce S. 452, and we are going to ask for cosponsors to come down and speak on this topic. We have quite a long list of cosponsors.

It doesn't bother me if other Members want to introduce like resolutions because we need to get something passed. We need to raise the visibility so the people of America know this is not just going on in Syria and some of these other countries, but it is also in the country of one of our very best friends worldwide, and that best friend is the Ukraine.

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. 452

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 ''Defense of Ukraine Act of 2015''.

SEC. 2. AUTHORIZATION TO PROVIDE LETHAL WEAPONS TO THE GOVERNMENT OF UKRAINE.

The President is authorized to provide lethal weapons to the Government of Ukraine in order to defend itself against Russian-backed rebel separatists in eastern Ukraine.

SEC. 3. REPORTS TO CONGRESS.

(a) STRATEGY.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to Congress a written report setting forth a comprehensive strategy of the United States to provide lethal weapons to the Government of Ukraine so that it may effectively defend itself from Russian-back rebel aggression.

(b) IMPLEMENTATION OF STRATEGY.—

(1) REPORTS REQUIRED.—Not later than 90 days after submitting the report required under subsection (a), and every 90 days thereafter, the President shall submit to Congress a written report setting forth a current comprehensive description and assessment of the implementation of the comprehensive strategy set forth in the report required under such subsection.

(2) UPDATES.—If the President makes a substantive change to the comprehensive strategy required under subsection (a), the President shall immediately submit a written report to Congress that articulates the change, the reason for the change, and the effect of the change on the overall comprehensive strategy.

By Mr. CORNYN:

S. 458. A bill to provide emergency funding for port of entry personnel and infrastructure, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. 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. 458

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 ''Emergency Port of Entry Personnel and Infrastructure Funding Act of 2015''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the General Services Administration.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(3) NORTHERN BORDER.—The term ''Northern border'' means the international border between the United States and Canada.

(4) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means—

(A) the Committee on Environment and Public Works of the Senate;

(B) the Committee on Finance of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on the Judiciary of the Senate;

(E) the Committee on Homeland Security of the House of Representatives;

(F) the Committee on the Judiciary of the House of Representatives; and

(G) the Committee on Transportation and Infrastructure of the House of Representatives.

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

(6) SOUTHERN BORDER.—The term ''Southern border'' means the international border between the United States and Mexico.

SEC. 3. U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) STAFF ENHANCEMENTS.—

(1) AUTHORIZATION.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection on such date, the Secretary, subject to the availability of appropriations for such purpose, shall hire, train, and assign to duty, by not later than September 30, 2020—

(A) 5,000 full-time U.S. Customs and Border Protection officers to serve on all inspection lanes (primary, secondary, incoming, and outgoing) and enforcement teams at United States land ports of entry on the Northern border and the Southern border; and

(B) 350 full-time support staff for all United States ports of entry.

(2) WAIVER OF FTE LIMITATION.—The Secretary may waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security in order to carry out paragraph (1).

(b) REPORTS TO CONGRESS.—

(1) OUTBOUND INSPECTIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the relevant committees of Congress that includes a plan for ensuring the placement of sufficient U.S. Customs and Border Protection officers on outbound inspections, and adequate outbound infrastructure, at all Southern border land ports of entry.

(2) SUFFICIENT AGRICULTURAL SPECIALISTS AND PERSONNEL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture and the Secretary of Health and Human Services, shall submit a report to the relevant committees of Congress that contains plans for the Department of Homeland Security, the Department of Agriculture, and the Department of Health and Human Services, respectively, for ensuring the placement of sufficient U.S. Customs and Border Protection agriculture specialists, Animal and Plant Health Inspection Service entomologist identifier specialists, Food and Drug Administration consumer safety officers, and other relevant and related personnel at all Southern border land ports of entry.

(3) ANNUAL IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the relevant committees of Congress that—

(A) details the Department of Homeland Security's implementation plan for the staff enhancements required under subsection (a)(1)(A);

(B) includes the number of additional personnel assigned to duty at land ports of entry, classified by location;

(C) describes the methodology used to determine the distribution of additional personnel to address northbound and southbound cross-border inspections; and

(D) includes—

(i) the strategic plan required under section 5(a)(1);

(ii) the model required under section 5(b), including the underlying assumptions, factors, and concerns that guide the decision-making and allocation process; and

(iii) the new outcome-based performance measures adopted under section 5(c).

(c) SECURE COMMUNICATION.—The Secretary shall ensure that each U.S. Customs and Border Protection officer is equipped with a secure 2-way communication and satellite-enabled device, supported by system interoperability, that allows U.S. Customs and Border Protection officers to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, tribal, and local law enforcement entities.

(d) BORDER AREA SECURITY INITIATIVE GRANT PROGRAM.—The Secretary shall establish a program for awarding grants for the purchase of—

(1) identification and detection equipment; and

(2) mobile, hand-held, 2-way communication devices for State and local law enforcement officers serving on the Southern border.

(e) PORT OF ENTRY INFRASTRUCTURE IMPROVEMENTS.—

(1) IN GENERAL.—The Commissioner may aid in the enforcement of Federal customs, immigration, and agriculture laws by—

(A) designing, constructing, and modifying—

(i) United States ports of entry;

(ii) living quarters for officers, agents, and personnel;

(iii) technology and equipment, including those deployed in support of standardized and automated collection of vehicular travel time; and

(iv) other structures and facilities, including those owned by municipalities, local governments, or private entities located at land ports of entry;

(B) acquiring, by purchase, donation, exchange, or otherwise, land or any interest in land determined to be necessary to carry out the Commissioner's duties under this section; and

(C) constructing additional ports of entry along the Southern border and the Northern border.

(2) PRIORITIZATION.—In selecting improvements under this section, the Commissioner, in coordination with the Administrator shall give priority consideration to projects that will substantially—

(A) reduce commercial and passenger vehicle and pedestrian crossing wait times at 1 or more ports of entry on the same border;

(B) increase trade, travel efficiency, and the projected total annual volume at 1 or more ports of entry on the same border; and

(C) enhance safety and security at border facilities at 1 or more ports of entry on the same border.

(f) CONSULTATION.—

(1) LOCATIONS FOR NEW PORTS OF ENTRY.—The Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of State, the International Boundary and Water Commission, the International Joint Commission, and appropriate representatives of States, Indian tribes, local governments, and property owners, as appropriate—

(A) to determine locations for new ports of entry; and

(B) to minimize adverse impacts from such ports on the environment, historic and cultural resources, commerce, and the quality of life of the communities and residents located near such ports.

(2) SAVINGS PROVISION.—Nothing in this subsection may be construed—

(A) to create any right or liability of the parties described in paragraph (1);

(B) to affect the legality or validity of any determination by the Secretary under this Act; or

(C) to affect any consultation requirement under any other law.

(g) AUTHORITY TO ACQUIRE LEASEHOLDS.—Notwithstanding any other provision of law, if the Secretary determines that the acquisition of a leasehold interest in real property and the construction or modification of any facility on the leased property are necessary to facilitate the implementation of this Act, the Secretary may—

(1) acquire such leasehold interest; and

(2) construct or modify such facility.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, for each of the fiscal years 2015 through 2020, $1,000,000,000, of which $5,000,000 shall be used for grants authorized under subsection (d).

(i) OFFSET, RESCISSION OF UNOBLIGATED FEDERAL FUNDS.—

(1) IN GENERAL.—There is hereby rescinded, from appropriated discretionary funds that remain available for obligation on the date of the enactment of this Act (other than the unobligated funds referred to in paragraph (4)), amounts determined by the Director of the Office of Management and Budget that are equal, in the aggregate, to the amount authorized to be appropriated under subsection (h).

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify—

(A) the appropriation accounts from which the rescission under paragraph (1) shall apply; and

(B) the amount of the rescission that shall be applied to each such account.

(3) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress and to the Secretary of the Treasury that describes the accounts and amounts determined and identified under paragraph (2) for rescission under paragraph (1).

(4) EXCEPTIONS.—This subsection shall not apply to unobligated funds of—

(A) the Department of Defense;

(B) the Department of Veterans Affairs; or

(C) the Department of Homeland Security.

SEC. 4. CROSS-BORDER TRADE ENHANCEMENT.

(a) AGREEMENTS AUTHORIZED.—Consistent with section 559 of the Department of Homeland Security Appropriations Act, 2014 (6 U.S.C. 211 note), during the 10-year period beginning on the date of the enactment of this Act, the Commissioner and the Administrator, for purposes of facilitating the construction, alteration, operation, or maintenance of a new or existing facility or other infrastructure at a port of entry under the jurisdiction, custody, and control of the Commissioner or the Administrator, may—

(1) enter into cost-sharing or reimbursement agreements; or

(2) accept donations of—

(A) real or personal property (including monetary donations); or

(B) nonpersonal services.

(b) ALLOWABLE USES OF AGREEMENTS.—The Commissioner and the Administrator may—

(1) use agreements authorized under subsection (a) for activities related to an existing or new port of entry, including expenses relating to—

(A) land acquisition, design, construction, repair, or alternation;

(B) furniture, fixtures, or equipment;

(C) the deployment of technology or equipment; and

(D) operations and maintenance; or

(2) transfer such property or services between the Commissioner and the Administrator for activities described in paragraph (1) relating to a new or existing port of entry under the jurisdiction, custody, and control of the relevant agency, subject to chapter 33 of title 40, United States Code.

(c) SAVINGS PROVISION.—Nothing in this section may be construed to alter or change agreements or authorities authorized under section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note) and in place as of the date of enactment of this Act

(d) EVALUATION PROCEDURES.—

(1) IN GENERAL.—

(A) REQUIREMENT FOR PROCEDURES.—The Commissioner, in consultation with the Administrator and consistent with section 559 of the Department of Homeland Security Appropriations Act, 2014 (6 U.S.C. 211 note), shall issue procedures for evaluating a proposal submitted by a person for an agreement authorized under subsection (a).

(B) AVAILABILITY.—The procedures required under subparagraph (A) shall be made available to the public through a website of the Department of Homeland Security.

(2) SPECIFICATION.—Proposals for agreements or donations referred to in subsection (a) may specify—

(A) the land port of entry facility or facilities in support of which the agreement is entered into; and

(B) the time frame in which the contributed property or nonpersonal services shall be used.

(3) SUPPLEMENTAL FUNDING.—Any property (including monetary donations) or nonpersonal services donated pursuant to subsection (a)(2) may be used in addition to any other funds, including appropriated funds, property, or services made available for the same purpose.

(4) RETURN OF DONATION.—

(A) REQUIREMENT FOR RETURN.—If the Commissioner or the Administrator does not use the property or services donated pursuant to subsection (a)(2) for the specific facility or facilities designated by the person or within the time frame specified by the person, such donated property or services shall be returned to the person that made the donation.

(B) PROHIBITION ON INTEREST.—No interest may be owed on any donation returned to a person under subparagraph (A).

(5) DETERMINATION AND NOTIFICATION.—

(A) IN GENERAL.—Not later than 90 days after receiving a proposal pursuant to subsection (a) with respect to the construction or maintenance of a facility or other infrastructure at a land border port of entry, the Commissioner or the Administrator shall—

(i) make a determination with respect to whether or not to approve the proposal; and

(ii) notify the person that submitted the proposal of—

(I) the determination; and

(II) if the Administrator did not approve the proposal, the reasons for such disapproval.

(B) CONSIDERATIONS.—In determining whether or not to approve a proposal under this subsection, the Administrator shall consider—

(i) the impact of the proposal on reducing wait times at that port of entry and other ports of entry on the same border;

(ii) the potential of the proposal to increase trade and travel efficiency through added capacity; and

(iii) the potential of the proposal to enhance the security of the port of entry.

(e) ANNUAL REPORT AND NOTICE TO CONGRESS.—The Commissioner, in collaboration with the Administrator, shall—

(1) submit an annual report to the relevant committees of Congress describing agreements entered into pursuant to subsection (a); and

(2) not later than 3 days before entering into an agreement under subsection (a) with a person, notify the members of Congress that represent the State and district in which the facility is located.

SEC. 5. IMPLEMENTATION OF GOVERNMENT ACCOUNTABILITY OFFICE FINDINGS.

(a) BORDER WAIT TIME DATA COLLECTION.—

(1) STRATEGIC PLAN.—The Secretary, in consultation with the Commissioner, the Administrator of the Federal Highway Administration, State Departments of Transportation, and other public and private stakeholders, shall develop a strategic plan for standardized collection of vehicle wait times at land ports of entry.

(2) ELEMENTS.—The strategic plan required under paragraph (1) shall include—

(A) a description of how U.S. Customs and Border Protection will ensure standardized manual wait time collection practices at ports of entry;

(B) current wait time collection practices at each land port of entry, which shall also be made available through existing online platforms for public reporting;

(C) the identification of a standardized measurement and validation wait time data tool for use at all land ports of entry; and

(D) an assessment of the feasibility and cost for supplementing and replacing manual data collection with automation, which should utilize existing automation efforts and resources.

(3) UPDATES FOR COLLECTION METHODS.—The Secretary shall update the strategic plan required under paragraph (1) to reflect new practices, timelines, tools, and assessments, as appropriate.

(b) STAFF ALLOCATION.—The Secretary, in consultation with the Commissioner and State, municipal, and private sector stakeholders at each port of entry, shall develop a standardized model for the allocation of U.S. Customs and Border Protection officers and support staff at land ports of entry, including allocations specific to field offices and the port level that utilizes—

(1) current and future operational priorities and threats;

(2) historical staffing levels and patterns; and

(3) anticipated traffic flows.

(c) OUTCOME-BASED PERFORMANCE MEASURES.—

(1) IN GENERAL.—The Secretary, in consultation with the Commissioner and relevant public and private sector stakeholders, shall identify and adopt not fewer than 2 new, outcome-based performance measures that support the trade facilitation goals of U.S. Customs and Border Protection.

(2) EFFECT OF TRUSTED TRAVELER AND SHIPPER PROGRAMS.—Outcome-based performance measures identified under this subsection should include—

(A) the extent to which trusted traveler and shipper program participants experience decreased annual percentage wait time compared to nonparticipants; and

(B) the extent to which trusted traveler and shipper program participants experience an annual reduction in percentage of referrals to secondary inspection facilities compared to nonparticipants.

(3) AGENCY EFFICIENCIES.—The Secretary shall not adopt performance measures that—

(A) solely address U.S. Customs and Border Protection resource efficiency; or

(B) fail to adequately—

(i) gauge the impact of programs or initiatives on trade facilitation goals; or

(ii) measure benefits to stakeholders.

(4) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the relevant committees of Congress that identifies—

(A) the new performance measures developed under this subsection; and

(B) the process for the incorporation of such measures into existing performance measures.

By Mr. CORNYN (for himself and Ms. KLOBUCHAR):

S. 461. A bill to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. 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. 461

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 ''Cross-Border Trade Enhancement Act of 2015''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR; ADMINISTRATION.—The terms ''Administrator'' and ''Administration'' mean the Administrator of General Services and the General Services Administration, respectively.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(3) PERSON.—The term ''person'' means—

(A) an individual; or

(B) a corporation, partnership, trust, association, or any other public or private entity, including a State or local government.

(4) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means—

(A) the Committee on Environment and Public Works of the Senate;

(B) the Committee on Finance of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on the Judiciary of the Senate;

(E) the Committee on Homeland Security of the House of Representatives;

(F) the Committee on the Judiciary of the House of Representatives; and

(G) the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS FOR THE PROVISION OF CERTAIN SERVICES AT LAND BORDER PORTS OF ENTRY.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), and consistent with section 560 of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6; 127 Stat. 378) and section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76, 6 U.S.C. 211 note) the Commissioner may, during the 10-year period beginning on the date of the enactment of this Act and upon the request of any person, enter into an agreement with that person under which—

(A) U.S. Customs and Border Protection will provide the services described in paragraph (2) at a land border port of entry; and

(B) that person will pay the fee described in subsection (b) to reimburse U.S. Customs and Border Protection for the costs incurred in providing such services.

(2) SERVICES DESCRIBED.—Services described in this paragraph are any services related to customs, agricultural processing, border security, or inspection-related immigration matters provided by an employee or contractor of U.S. Customs and Border Protection at land border ports of entry.

(3) LIMITATION.—The Commissioner may not modify existing requirements or reimbursement fee agreements in effect as of the

date of the enactment of this Act unless the relevant person requests a modification to include services described in this section.

(4) SAVINGS PROVISION.—Nothing in this paragraph may be construed to reduce the responsibilities or duties of U.S. Customs and Border Protection to provide services at land border ports of entry that have been authorized or mandated by law and are funded in any appropriation Act or from any accounts in the Treasury of the United States derived by the collection of fees.

(b) FEE.—

(1) IN GENERAL.—A person requesting U.S. Customs and Border Protection services shall pay a fee pursuant to an agreement under subsection (a) in an amount equal to the sum of—

(A) a proportionate share of the salaries and expenses of the individuals employed by U.S. Customs and Border Protection who provided such services; and

(B) other costs incurred by U.S. Customs and Border Protection relating to such services, such as temporary placement or permanent relocation of such individuals.

(2) OVERSIGHT OF FEES.—The Commissioner shall develop a process to oversee the activities reimbursed by the fees authorized under paragraph (1) that includes—

(A) a determination and report on the full cost of providing services, including direct and indirect costs;

(B) a process for increasing such fees, as necessary;

(C) the establishment of a monthly remittance schedule to reimburse appropriations; and

(D) the identification of overtime costs to be reimbursed by such fees.

(3) DEPOSIT OF FUNDS.—Amounts collected in fees under paragraph (1)—

(A) shall be deposited as an offsetting collection;

(B) shall remain available until expended, without fiscal year limitation; and

(C) shall directly reimburse each appropriation account for the amount paid out of such account for—

(i) any expenses incurred for providing U.S. Customs and Border Protection services to the person paying such fee; and

(ii) any other costs incurred by the U.S. Customs and Border Protection relating to such services.

(4) TERMINATION.—

(A) IN GENERAL.—The Commissioner shall terminate the services provided pursuant to an agreement with a private sector or government entity under subsection (a) upon receiving notice from the Commissioner that such entity failed to pay the fee imposed under paragraph (1) in a timely manner.

(B) EFFECT OF TERMINATION.—At the time services are terminated pursuant to subparagraph (A), all costs incurred by U.S. Customs and Border Protection to provide services to the entity described in subparagraph (A), which have not been reimbursed by the entity, will become immediately due and payable.

(C) INTEREST.—Interest on unpaid fees will accrue from the date of termination based on current Treasury borrowing rates.

(D) PENALTIES.—Any private sector or government entity that fails to pay any fee incurred under paragraph (1) in a timely manner, after notice and demand for payment, shall be liable for a penalty or liquidated damage equal to 2 times the amount of such fee.

(5) NOTIFICATION.—Not later than 3 days before entering into an agreement under this section, the Commissioner shall notify—

(A) the relevant committees of Congress; and

(B) the members of Congress who represent the State or district in which the facility at which services will be provided under the agreement.

SEC. 4. EVALUATION OF ALTERNATIVE FINANCING ARRANGEMENTS FOR CONSTRUCTION AND MAINTENANCE OF INFRASTRUCTURE AT LAND BORDER PORTS OF ENTRY.

(a) AGREEMENTS AUTHORIZED.—Consistent with section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76, 6 U.S.C. 211 note), during the 10-year period beginning on the date of the enactment of this Act, the Commissioner and the Administrator may, for purposes of facilitating the construction, alteration, operation, or maintenance of a new or existing facility or other infrastructure at a port of entry under the jurisdiction, custody, and control of the Commissioner or the Administrator—

(1) enter into cost-sharing or reimbursement agreements with any person; or

(2) accept donations from any person of—

(A) real or personal property (including monetary donations); or

(B) nonpersonal services.

(b) ALLOWABLE USES OF AGREEMENTS.—The Commissioner and the Administrator, with respect to an agreement authorized under subsection (a), may—

(1) use such agreements for activities related to an existing or new port of entry, including expenses related to—

(A) land acquisition, design, construction, repair, or alternation;

(B) furniture, fixtures, or equipment;

(C) the deployment of technology or equipment; or

(D) operations and maintenance; or

(2) subject to chapter 33 of title 40, United States Code, transfer such property or services between the Commissioner and the Administrator for activities described in paragraph (1) that are related to a new or existing port of entry under the jurisdiction, custody, and control of the relevant agency.

(c) EVALUATION PROCEDURES.—

(1) IN GENERAL.—

(A) REQUIREMENTS FOR PROCEDURES.—The Commissioner, in consultation with the Administrator and consistent with section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note), shall issue procedures for evaluating a proposal submitted by a person for an agreement authorized under subsection (a).

(B) AVAILABILITY.—The procedures issued under subparagraph (A) shall be made available to the public through the Department of Homeland Security website.

(2) SPECIFICATION.—In making a donation under subsection (a)(2), a person may—

(A) designate the land port of entry facility or facilities that the donation is intended to support; and

(B) specify the period during which the contributed property or nonpersonal services shall be used.

(3) SUPPLEMENTAL FUNDING.—Any property, including monetary donations and nonpersonal services donated pursuant to subsection (a) may be used in addition to any other funds, including appropriated funds, property, or services made available for the same purpose.

(4) RETURN OF DONATION.—

(A) RETURN REQUIRED.—If the Commissioner or the Administrator does not use the property or services donated pursuant to subsection (a) for the specific facility or facilities designated under paragraph (2)(A) or during the period specified under paragraph (2)(B), such donated property or services shall be returned to the person that made the donation.

(B) INTEREST PROHIBITED.—No interest may be owed on any donation returned to a person pursuant to subparagraph (A).

(5) DETERMINATION AND NOTIFICATION.—

(A) IN GENERAL.—Not later than 90 days after receiving a proposal pursuant to subsection (a) with respect to the construction or maintenance of a facility or other infrastructure at a land border port of entry, the Commissioner or the Administrator shall—

(i) make a determination with respect to whether or not to approve the proposal; and

(ii) notify the person that submitted the proposal of—

(I) the determination; and

(II) if the Administrator did not approve the proposal, the reasons for such determination.

(B) CONSIDERATIONS.—In making the determination under subparagraph (A)(i), the Commissioner or the Administrator shall consider—

(i) the impact of the proposal on reducing wait times at that port of entry and other ports of entry on the same border;

(ii) the potential of the proposal to increase trade and travel efficiency through added capacity; and

(iii) the potential of the proposal to enhance the security of the port of entry.

(d) ANNUAL REPORT AND NOTICE TO CONGRESS.—The Commissioner, in collaboration with the Administrator, shall—

(1) submit an annual report to the relevant committees of Congress on the agreements entered into under subsection (a); and

(2) not less than 3 days before entering into an agreement with a person under subsection (a), notify the members of Congress that represent the State or district in which the affected facility is located.

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

S. 465. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

Mr. KAINE. Mr. President. I am pleased to reintroduce the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2015. This legislation was voted out of Committee in the previous Congress, and I remain hopeful that the full Senate will vote to approve this tribes bill this year.

This legislation is critically important because it strives toward reconciling an historic wrong for Virginia and the Nation. While the Virginia Tribes have received official recognition from the Commonwealth of Virginia, acknowledgement and officially-recognized status from the federal government has been considerably more difficult due to their systematic mistreatment over the past century.

More specifically, Virginia's Racial Integrity Act, a state law in effect from 1924 to 1967, stripped the identities of the tribal members of Virginia's Indian Tribes. The Act changed the racial identifications of those who lacked white ancestry to ''colored'' on birth certificates during that period. In addition, five of the six courthouses that held the vast majority of the Virginia Indian Tribal records were destroyed in the Civil War. Those records were crucial for documenting the history of the tribes for recognition by the Bureau of

Indian Affairs Office of Federal Acknowledgement.

Furthermore, Virginia Indians made peace when they signed the Treaty of Middle Plantation with England in 1677. This predated the creation of the United States of America by about 100 years; the founding fathers of the United States never recognized the treaty. Therefore, unlike tribes that received federal recognition upon the signing of a treaty with the United States, the Virginia Tribes did not receive federal recognition because they made peace with England prior to the founding of our Nation.

I am proud of Virginia's recognized Indian Tribes and their contributions to our Commonwealth. The Virginia Tribes are not only part of our history, but they remain ever present today. We go to school and work together, and serve the Commonwealth and nation together every day. These contributions should be acknowledged, and this Federal recognition for Virginia's native peoples is long overdue.

Virginia's Indian Tribes contributed to the successful founding of our country and continue to help define our national identity. Their members have attended our schools, worked next to us, and served in every American war since the Revolution, all while maintaining a unique identity and culture. I am hopeful the Senate will act upon my legislation this year, to give these six Virginia Native American Tribes the Federal recognition that is long overdue.

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. 465

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 ''Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2015''.

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

SEC. 2. INDIAN CHILD WELFARE ACT OF 1978.

Nothing in this Act affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE I—CHICKAHOMINY INDIAN TRIBE

SEC. 101. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York Mattaponi River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(12) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(13) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(14) in 1919, C. Lee Moore, Auditor of Public Accounts for Virginia, told Chickahominy Chief O.W. Adkins that he had instructed the Commissioner of Revenue for Charles City County to record Chickahominy tribal members on the county tax rolls as Indian, and not as White or colored;

(15) during the period of 1920 through 1930, various Governors of the Commonwealth of Virginia wrote letters of introduction for Chickahominy Chiefs who had official business with Federal agencies in Washington, DC;

(16) in 1934, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, requesting money to acquire land for the Chickahominy Indian Tribe's use, to build school, medical, and library facilities and to buy tractors, implements, and seed;

(17) in 1934, John Collier, Commissioner of Indian Affairs, wrote to Chickahominy Chief O.O. Adkins, informing him that Congress had passed the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 461 et seq.), but had not made the appropriation to fund the Act;

(18) in 1942, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, asking for help in getting the proper racial designation on Selective Service records for Chickahominy soldiers;

(19) in 1943, John Collier, Commissioner of Indian Affairs, asked Douglas S. Freeman, editor of the Richmond News-Leader newspaper of Richmond, Virginia, to help Virginia Indians obtain proper racial designation on birth records;

(20) Collier stated that his office could not officially intervene because it had no responsibility for the Virginia Indians, ''as a matter largely of historical accident'', but was ''interested in them as descendants of the original inhabitants of the region'';

(21) in 1948, the Veterans' Education Committee of the Virginia State Board of Education approved Samaria Indian School to provide training to veterans;

(22) that school was established and run by the Chickahominy Indian Tribe;

(23) in 1950, the Chickahominy Indian Tribe purchased and donated to the Charles City County School Board land to be used to build a modern school for students of the Chickahominy and other Virginia Indian tribes;

(24) the Samaria Indian School included students in grades 1 through 8;

(25) in 1961, Senator Sam Ervin, Chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary of the Senate, requested Chickahominy Chief O.O. Adkins to provide assistance in analyzing the status of the constitutional rights of Indians ''in your area'';

(26) in 1967, the Charles City County school board closed Samaria Indian School and converted the school to a countywide primary school as a step toward full school integration of Indian and non-Indian students;

(27) in 1972, the Charles City County school board began receiving funds under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) on behalf of Chickahominy students, which funding is provided as of the date of enactment of this Act under title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa et seq.);

(28) in 1974, the Chickahominy Indian Tribe bought land and built a tribal center using

monthly pledges from tribal members to finance the transactions;

(29) in 1983, the Chickahominy Indian Tribe was granted recognition as an Indian tribe by the Commonwealth of Virginia, along with 5 other Indian tribes; and

(30) in 1985, Governor Gerald Baliles was the special guest at an intertribal Thanksgiving Day dinner hosted by the Chickahominy Indian Tribe.

SEC. 102. DEFINITIONS.

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Chickahominy Indian Tribe.

SEC. 103. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 105. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 106. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

SEC. 201. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1870, a census revealed an enclave of Indians in New Kent County that is believed to be the beginning of the Chickahominy Indian Tribe—Eastern Division;

(12) other records were destroyed when the New Kent County courthouse was burned, leaving a State census as the only record covering that period;

(13) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(14) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(15) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(16) in 1910, a 1-room school covering grades 1 through 8 was established in New Kent County for the Chickahominy Indian Tribe—Eastern Division;

(17) during the period of 1920 through 1921, the Chickahominy Indian Tribe—Eastern Division began forming a tribal government;

(18) E.P. Bradby, the founder of the Tribe, was elected to be Chief;

(19) in 1922, Tsena Commocko Baptist Church was organized;

(20) in 1925, a certificate of incorporation was issued to the Chickahominy Indian Tribe—Eastern Division;

(21) in 1950, the 1-room Indian school in New Kent County was closed and students were bused to Samaria Indian School in Charles City County;

(22) in 1967, the Chickahominy Indian Tribe and the Chickahominy Indian Tribe—Eastern Division lost their schools as a result of the required integration of students;

(23) during the period of 1982 through 1984, Tsena Commocko Baptist Church built a new sanctuary to accommodate church growth;

(24) in 1983 the Chickahominy Indian Tribe—Eastern Division was granted State recognition along with 5 other Virginia Indian tribes;

(25) in 1985—

(A) the Virginia Council on Indians was organized as a State agency; and

(B) the Chickahominy Indian Tribe—Eastern Division was granted a seat on the Council;

(26) in 1988, a nonprofit organization known as the ''United Indians of Virginia'' was formed; and

(27) Chief Marvin ''Strongoak'' Bradby of the Eastern Band of the Chickahominy presently chairs the organization.

SEC. 202. DEFINITIONS.

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Chickahominy Indian Tribe—Eastern Division.

SEC. 203. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 205. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 206. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE III—UPPER MATTAPONI TRIBE

SEC. 301. FINDINGS.

Congress finds that—

(1) during the period of 1607 through 1646, the Chickahominy Indian Tribes—

(A) lived approximately 20 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) Mattaponi Indians, who later joined the Chickahominy Indians, lived a greater distance from Jamestown;

(3) in 1646, the Chickahominy Indians moved to Mattaponi River basin, away from the English;

(4) in 1661, the Chickahominy Indians sold land at a place known as ''the cliffs'' on the Mattaponi River;

(5) in 1669, the Chickahominy Indians—

(A) appeared in the Virginia Colony's census of Indian bowmen; and

(B) lived in ''New Kent'' County, which included the Mattaponi River basin at that time;

(6) in 1677, the Chickahominy and Mattaponi Indians were subjects of the Queen of Pamunkey, who was a signatory to the Treaty of 1677 with the King of England;

(7) in 1683, after a Mattaponi town was attacked by Seneca Indians, the Mattaponi Indians took refuge with the Chickahominy Indians, and the history of the 2 groups was intertwined for many years thereafter;

(8) in 1695, the Chickahominy and Mattaponi Indians—

(A) were assigned a reservation by the Virginia Colony; and

(B) traded land of the reservation for land at the place known as ''the cliffs'' (which, as of the date of enactment of this Act, is the Mattaponi Indian Reservation), which had been owned by the Mattaponi Indians before 1661;

(9) in 1711, a Chickahominy boy attended the Indian School at the College of William and Mary;

(10) in 1726, the Virginia Colony discontinued funding of interpreters for the Chickahominy and Mattaponi Indian Tribes;

(11) James Adams, who served as an interpreter to the Indian tribes known as of the date of enactment of this Act as the ''Upper Mattaponi Indian Tribe'' and ''Chickahominy Indian Tribe'', elected to stay with the Upper Mattaponi Indians;

(12) today, a majority of the Upper Mattaponi Indians have ''Adams'' as their surname;

(13) in 1787, Thomas Jefferson, in Notes on the Commonwealth of Virginia, mentioned the Mattaponi Indians on a reservation in King William County and said that Chickahominy Indians were ''blended'' with the Mattaponi Indians and nearby Pamunkey Indians;

(14) in 1850, the census of the United States revealed a nucleus of approximately 10 families, all ancestral to modern Upper Mattaponi Indians, living in central King William County, Virginia, approximately 10 miles from the reservation;

(15) during the period of 1853 through 1884, King William County marriage records listed Upper Mattaponis as ''Indians'' in marrying people residing on the reservation;

(16) during the period of 1884 through the present, county marriage records usually refer to Upper Mattaponis as ''Indians'';

(17) in 1901, Smithsonian anthropologist James Mooney heard about the Upper Mattaponi Indians but did not visit them;

(18) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians with a section on the Upper Mattaponis;

(19) from 1929 until 1930, the leadership of the Upper Mattaponi Indians opposed the use of a ''colored'' designation in the 1930 United States census and won a compromise in which the Indian ancestry of the Upper Mattaponis was recorded but questioned;

(20) during the period of 1942 through 1945—

(A) the leadership of the Upper Mattaponi Indians, with the help of Frank Speck and others, fought against the induction of young men of the Tribe into ''colored'' units in the Armed Forces of the United States; and

(B) a tribal roll for the Upper Mattaponi Indians was compiled;

(21) from 1945 to 1946, negotiations took place to admit some of the young people of the Upper Mattaponi to high schools for Federal Indians (especially at Cherokee) because no high school coursework was available for Indians in Virginia schools; and

(22) in 1983, the Upper Mattaponi Indians applied for and won State recognition as an Indian tribe.

SEC. 302. DEFINITIONS.

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Upper Mattaponi Tribe.

SEC. 303. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area within 25 miles of the Sharon Indian School at 13383 King William Road, King William County, Virginia.

SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 305. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 306. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of King William County, Caroline County, Hanover County, King and Queen County, and New Kent County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of King William County, Caroline County, Hanover County, King and Queen County, and New Kent County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

SEC. 401. FINDINGS.

Congress finds that—

(1) during the initial months after Virginia was settled, the Rappahannock Indians had 3 encounters with Captain John Smith;

(2) the first encounter occurred when the Rappahannock weroance (headman)—

(A) traveled to Quiyocohannock (a principal town across the James River from Jamestown), where he met with Smith to determine whether Smith had been the ''great man'' who had previously sailed into the Rappahannock River, killed a Rappahannock weroance, and kidnapped Rappahannock people; and

(B) determined that Smith was too short to be that ''great man'';

(3) on a second meeting, during John Smith's captivity (December 16, 1607 to January 8, 1608), Smith was taken to the Rappahannock principal village to show the people that Smith was not the ''great man'';

(4) a third meeting took place during Smith's exploration of the Chesapeake Bay (July to September 1608), when, after the Moraughtacund Indians had stolen 3 women from the Rappahannock King, Smith was prevailed upon to facilitate a peaceful truce between the Rappahannock and the Moraughtacund Indians;

(5) in the settlement, Smith had the 2 Indian tribes meet on the spot of their first fight;

(6) when it was established that both groups wanted peace, Smith told the Rappahannock King to select which of the 3 stolen women he wanted;

(7) the Moraughtacund King was given second choice among the 2 remaining women, and Mosco, a Wighcocomoco (on the Potomac River) guide, was given the third woman;

(8) in 1645, Captain William Claiborne tried unsuccessfully to establish treaty relations with the Rappahannocks, as the Rappahannocks had not participated in the Pamunkey-led uprising in 1644, and the English wanted to ''treat with the Rappahannocks or any other Indians not in amity with Opechancanough, concerning serving the county against the Pamunkeys'';

(9) in April 1651, the Rappahannocks conveyed a tract of land to an English settler, Colonel Morre Fauntleroy;

(10) the deed for the conveyance was signed by Accopatough, weroance of the Rappahannock Indians;

(11) in September 1653, Lancaster County signed a treaty with Rappahannock Indians, the terms of which treaty—

(A) gave Rappahannocks the rights of Englishmen in the county court; and

(B) attempted to make the Rappahannocks more accountable under English law;

(12) in September 1653, Lancaster County defined and marked the bounds of its Indian settlements;

(13) according to the Lancaster clerk of court, ''the tribe called the great Rappahannocks lived on the Rappahannock Creek just across the river above Tappahannock'';

(14) in September 1656, (Old) Rappahannock County (which, as of the date of enactment of this Act, is comprised of Richmond and Essex Counties, Virginia) signed a treaty with Rappahannock Indians that—

(A) mirrored the Lancaster County treaty from 1653; and

(B) stated that—

(i) Rappahannocks were to be rewarded, in Roanoke, for returning English fugitives; and

(ii) the English encouraged the Rappahannocks to send their children to live among the English as servants, who the English promised would be well-treated;

(15) in 1658, the Virginia Assembly revised a 1652 Act stating that ''there be no grants of land to any Englishman whatsoever de futuro until the Indians be first served with the proportion of 50 acres of land for each bowman'';

(16) in 1669, the colony conducted a census of Virginia Indians;

(17) as of the date of that census—

(A) the majority of the Rappahannocks were residing at their hunting village on the north side of the Mattaponi River; and

(B) at the time of the visit, census-takers were counting only the Indian tribes along the rivers, which explains why only 30 Rappahannock bowmen were counted on that river;

(18) the Rappahannocks used the hunting village on the north side of the Mattaponi River as their primary residence until the Rappahannocks were removed in 1684;

(19) in May 1677, the Treaty of Middle Plantation was signed with England;

(20) the Pamunkey Queen Cockacoeske signed on behalf of the Rappahannocks, ''who were supposed to be her tributaries'', but before the treaty could be ratified, the Queen of Pamunkey complained to the Virginia Colonial Council ''that she was having trouble with Rappahannocks and Chickahominies, supposedly tributaries of hers'';

(21) in November 1682, the Virginia Colonial Council established a reservation for the Rappahannock Indians of 3,474 acres ''about the town where they dwelt'';

(22) the Rappahannock ''town'' was the hunting village on the north side of the Mattaponi River, where the Rappahannocks had lived throughout the 1670s;

(23) the acreage allotment of the reservation was based on the 1658 Indian land act, which translates into a bowman population of 70, or an approximate total Rappahannock population of 350;

(24) in 1683, following raids by Iroquoian warriors on both Indian and English settlements, the Virginia Colonial Council ordered the Rappahannocks to leave their reservation and unite with the Nanzatico Indians at Nanzatico Indian Town, which was located across and up the Rappahannock River some 30 miles;

(25) between 1687 and 1699, the Rappahannocks migrated out of Nanzatico, returning to the south side of the Rappahannock River at Portobacco Indian Town;

(26) in 1706, by order of Essex County, Lieutenant Richard Covington ''escorted'' the Portobaccos and Rappahannocks out of Portobacco Indian Town, out of Essex County, and into King and Queen County where they settled along the ridgeline between the Rappahannock and Mattaponi Rivers, the site of their ancient hunting village and 1682 reservation;

(27) during the 1760s, 3 Rappahannock girls were raised on Thomas Nelson's Bleak Hill Plantation in King William County;

(28) of those girls—

(A) 1 married a Saunders man;

(B) 1 married a Johnson man; and

(C) 1 had 2 children, Edmund and Carter Nelson, fathered by Thomas Cary Nelson;

(29) in the 19th century, those Saunders, Johnson, and Nelson families are among the core Rappahannock families from which the modern Tribe traces its descent;

(30) in 1819 and 1820, Edward Bird, John Bird (and his wife), Carter Nelson, Edmund Nelson, and Carter Spurlock (all Rappahannock ancestors) were listed on the tax roles of King and Queen County and taxed at the county poor rate;

(31) Edmund Bird was added to the tax roles in 1821;

(32) those tax records are significant documentation because the great majority of pre-1864 records for King and Queen County were destroyed by fire;

(33) beginning in 1819, and continuing through the 1880s, there was a solid Rappahannock presence in the membership at Upper Essex Baptist Church;

(34) that was the first instance of conversion to Christianity by at least some Rappahannock Indians;

(35) while 26 identifiable and traceable Rappahannock surnames appear on the pre-1863 membership list, and 28 were listed on the 1863 membership roster, the number of surnames listed had declined to 12 in 1878 and had risen only slightly to 14 by 1888;

(36) a reason for the decline is that in 1870, a Methodist circuit rider, Joseph Mastin, secured funds to purchase land and construct St. Stephens Baptist Church for the Rappahannocks living nearby in Caroline County;

(37) Mastin referred to the Rappahannocks during the period of 1850 to 1870 as ''Indians, having a great need for moral and Christian guidance'';

(38) St. Stephens was the dominant tribal church until the Rappahannock Indian Baptist Church was established in 1964;

(39) at both churches, the core Rappahannock family names of Bird, Clarke, Fortune, Johnson, Nelson, Parker, and Richardson predominate;

(40) during the early 1900s, James Mooney, noted anthropologist, maintained correspondence with the Rappahannocks, surveying them and instructing them on how to formalize their tribal government;

(41) in November 1920, Speck visited the Rappahannocks and assisted them in organizing the fight for their sovereign rights;

(42) in 1921, the Rappahannocks were granted a charter from the Commonwealth of Virginia formalizing their tribal government;

(43) Speck began a professional relationship with the Tribe that would last more than 30 years and document Rappahannock history and traditions as never before;

(44) in April 1921, Rappahannock Chief George Nelson asked the Governor of Virginia, Westmoreland Davis, to forward a proclamation to the President of the United States, along with an appended list of tribal members and a handwritten copy of the proclamation itself;

(45) the letter concerned Indian freedom of speech and assembly nationwide;

(46) in 1922, the Rappahannocks established a formal school at Lloyds, Essex County, Virginia;

(47) prior to establishment of the school, Rappahannock children were taught by a tribal member in Central Point, Caroline County, Virginia;

(48) in December 1923, Rappahannock Chief George Nelson testified before Congress appealing for a $50,000 appropriation to establish an Indian school in Virginia;

(49) in 1930, the Rappahannocks were engaged in an ongoing dispute with the Commonwealth of Virginia and the United States Census Bureau about their classification in the 1930 Federal census;

(50) in January 1930, Rappahannock Chief Otho S. Nelson wrote to Leon Truesdell, Chief Statistician of the United States Census Bureau, asking that the 218 enrolled Rappahannocks be listed as Indians;

(51) in February 1930, Truesdell replied to Nelson saying that ''special instructions'' were being given about classifying Indians;

(52) in April 1930, Nelson wrote to William M. Steuart at the Census Bureau asking about the enumerators' failure to classify his people as Indians, saying that enumerators had not asked the question about race when they interviewed his people;

(53) in a followup letter to Truesdell, Nelson reported that the enumerators were ''flatly denying'' his people's request to be listed as Indians and that the race question was completely avoided during interviews;

(54) the Rappahannocks had spoken with Caroline and Essex County enumerators, and

with John M.W. Green at that point, without success;

(55) Nelson asked Truesdell to list people as Indians if he sent a list of members;

(56) the matter was settled by William Steuart, who concluded that the Bureau's rule was that people of Indian descent could be classified as ''Indian'' only if Indian ''blood'' predominated and ''Indian'' identity was accepted in the local community;

(57) the Virginia Vital Statistics Bureau classed all nonreservation Indians as ''Negro'', and it failed to see why ''an exception should be made'' for the Rappahannocks;

(58) therefore, in 1925, the Indian Rights Association took on the Rappahannock case to assist the Rappahannocks in fighting for their recognition and rights as an Indian tribe;

(59) during the Second World War, the Pamunkeys, Mattaponis, Chickahominies, and Rappahannocks had to fight the draft boards with respect to their racial identities;

(60) the Virginia Vital Statistics Bureau insisted that certain Indian draftees be inducted into Negro units;

(61) finally, 3 Rappahannocks were convicted of violating the Federal draft laws and, after spending time in a Federal prison, were granted conscientious objector status and served out the remainder of the war working in military hospitals;

(62) in 1943, Frank Speck noted that there were approximately 25 communities of Indians left in the Eastern United States that were entitled to Indian classification, including the Rappahannocks;

(63) in the 1940s, Leon Truesdell, Chief Statistician, of the United States Census Bureau, listed 118 members in the Rappahannock Tribe in the Indian population of Virginia;

(64) on April 25, 1940, the Office of Indian Affairs of the Department of the Interior included the Rappahannocks on a list of Indian tribes classified by State and by agency;

(65) in 1948, the Smithsonian Institution Annual Report included an article by William Harlen Gilbert entitled, ''Surviving Indian Groups of the Eastern United States'', which included and described the Rappahannock Tribe;

(66) in the late 1940s and early 1950s, the Rappahannocks operated a school at Indian Neck;

(67) the State agreed to pay a tribal teacher to teach 10 students bused by King and Queen County to Sharon Indian School in King William County, Virginia;

(68) in 1965, Rappahannock students entered Marriott High School (a White public school) by executive order of the Governor of Virginia;

(69) in 1972, the Rappahannocks worked with the Coalition of Eastern Native Americans to fight for Federal recognition;

(70) in 1979, the Coalition established a pottery and artisans company, operating with other Virginia tribes;

(71) in 1980, the Rappahannocks received funding through the Administration for Native Americans of the Department of Health and Human Services to develop an economic program for the Tribe; and

(72) in 1983, the Rappahannocks received State recognition as an Indian tribe.

SEC. 402. DEFINITIONS.

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—

(A) IN GENERAL.—The term ''Tribe'' means the organization possessing the legal name Rappahannock Tribe, Inc.

(B) EXCLUSIONS.—The term ''Tribe'' does not include any other Indian tribe, subtribe, band, or splinter group the members of which represent themselves as Rappahannock Indians.

SEC. 403. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of King and Queen County, Caroline County, Essex County, and King William County, Virginia.

SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 405. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 406. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of King and Queen County, Stafford County, Spotsylvania County, Richmond County, Essex County, and Caroline County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of King and Queen County, Richmond County, Lancaster County, King George County, Essex County, Caroline County, New Kent County, King William County, and James City County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE V—MONACAN INDIAN NATION

SEC. 501. FINDINGS.

Congress finds that—

(1) in 1677, the Monacan Tribe signed the Treaty of Middle Plantation between Charles II of England and 12 Indian ''Kings and Chief Men'';

(2) in 1722, in the Treaty of Albany, Governor Spotswood negotiated to save the Virginia Indians from extinction at the hands of the Iroquois;

(3) specifically mentioned in the negotiations were the Monacan tribes of the Totero (Tutelo), Saponi, Ocheneeches (Occaneechi), Stengenocks, and Meipontskys;

(4) in 1790, the first national census recorded Benjamin Evans and Robert Johns, both ancestors of the present Monacan community, listed as ''white'' with mulatto children;

(5) in 1782, tax records also began for those families;

(6) in 1850, the United States census recorded 29 families, mostly large, with Monacan surnames, the members of which are genealogically related to the present community;

(7) in 1870, a log structure was built at the Bear Mountain Indian Mission;

(8) in 1908, the structure became an Episcopal Mission and, as of the date of enactment of this Act, the structure is listed as a landmark on the National Register of Historic Places;

(9) in 1920, 304 Amherst Indians were identified in the United States census;

(10) from 1930 through 1931, numerous letters from Monacans to the Bureau of the Census resulted from the decision of Dr. Walter Plecker, former head of the Bureau of Vital Statistics of the Commonwealth of Virginia, not to allow Indians to register as Indians for the 1930 census;

(11) the Monacans eventually succeeded in being allowed to claim their race, albeit with an asterisk attached to a note from Dr. Plecker stating that there were no Indians in Virginia;

(12) in 1947, D'Arcy McNickle, a Salish Indian, saw some of the children at the Amherst Mission and requested that the Cherokee Agency visit them because they appeared to be Indian;

(13) that letter was forwarded to the Department of the Interior, Office of Indian Affairs, Chicago, Illinois;

(14) Chief Jarrett Blythe of the Eastern Band of Cherokee did visit the Mission and wrote that he ''would be willing to accept these children in the Cherokee school'';

(15) in 1979, a Federal Coalition of Eastern Native Americans established the entity known as ''Monacan Co-operative Pottery'' at the Amherst Mission;

(16) some important pieces were produced at Monacan Co-operative Pottery, including a piece that was sold to the Smithsonian Institution;

(17) the Mattaponi-Pamunkey-Monacan Consortium, established in 1981, has since been organized as a nonprofit corporation that serves as a vehicle to obtain funds for those Indian tribes from the Department of Labor under Native American programs;

(18) in 1989, the Monacan Tribe was recognized by the Commonwealth of Virginia,

which enabled the Tribe to apply for grants and participate in other programs; and

(19) in 1993, the Monacan Tribe received tax-exempt status as a nonprofit corporation from the Internal Revenue Service.

SEC. 502. DEFINITIONS.

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Monacan Indian Nation.

SEC. 503. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of all land within 25 miles from the center of Amherst, Virginia.

SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 505. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 506. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of Amherst County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of Amherst County, Virginia, and those parcels in Rockbridge County, Virginia (subject to the consent of the local unit of government), owned by Mr. J. Poole, described as East 731 Sandbridge (encompassing approximately 4.74 acres) and East 731 (encompassing approximately 5.12 acres).

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE VI—NANSEMOND INDIAN TRIBE

SEC. 601. FINDINGS.

Congress finds that—

(1) from 1607 until 1646, Nansemond Indians—

(A) lived approximately 30 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) after 1646, there were 2 sections of Nansemonds in communication with each other, the Christianized Nansemonds in Norfolk County, who lived as citizens, and the traditionalist Nansemonds, who lived further west;

(3) in 1638, according to an entry in a 17th century sermon book still owned by the Chief's family, a Norfolk County Englishman married a Nansemond woman;

(4) that man and woman are lineal ancestors of all of members of the Nansemond Indian tribe alive as of the date of enactment of this Act, as are some of the traditionalist Nansemonds;

(5) in 1669, the 2 Nansemond sections appeared in Virginia Colony's census of Indian bowmen;

(6) in 1677, Nansemond Indians were signatories to the Treaty of 1677 with the King of England;

(7) in 1700 and 1704, the Nansemonds and other Virginia Indian tribes were prevented by Virginia Colony from making a separate peace with the Iroquois;

(8) Virginia represented those Indian tribes in the final Treaty of Albany, 1722;

(9) in 1711, a Nansemond boy attended the Indian School at the College of William and Mary;

(10) in 1727, Norfolk County granted William Bass and his kinsmen the ''Indian privileges'' of clearing swamp land and bearing arms (which privileges were forbidden to other non-Whites) because of their Nansemond ancestry, which meant that Bass and his kinsmen were original inhabitants of that land;

(11) in 1742, Norfolk County issued a certificate of Nansemond descent to William Bass;

(12) from the 1740s to the 1790s, the traditionalist section of the Nansemond tribe, 40 miles west of the Christianized Nansemonds, was dealing with reservation land;

(13) the last surviving members of that section sold out in 1792 with the permission of the Commonwealth of Virginia;

(14) in 1797, Norfolk County issued a certificate stating that William Bass was of Indian and English descent, and that his Indian line of ancestry ran directly back to the early 18th century elder in a traditionalist section of Nansemonds on the reservation;

(15) in 1833, Virginia enacted a law enabling people of European and Indian descent to obtain a special certificate of ancestry;

(16) the law originated from the county in which Nansemonds lived, and mostly Nansemonds, with a few people from other counties, took advantage of the new law;

(17) a Methodist mission established around 1850 for Nansemonds is currently a standard Methodist congregation with Nansemond members;

(18) in 1901, Smithsonian anthropologist James Mooney—

(A) visited the Nansemonds; and

(B) completed a tribal census that counted 61 households and was later published;

(19) in 1922, Nansemonds were given a special Indian school in the segregated school system of Norfolk County;

(20) the school survived only a few years;

(21) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians that included a section on the Nansemonds; and

(22) the Nansemonds were organized formally, with elected officers, in 1984, and later applied for and received State recognition.

SEC. 602. DEFINITIONS.

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Nansemond Indian Tribe.

SEC. 603. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Virginia.

SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 605. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 606. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE VII—EMINENT DOMAIN

SEC. 701. LIMITATION.

Eminent domain may not be used to acquire lands in fee or in trust for an Indian tribe recognized under this Act.

By Mr. CORNYN (for himself, Mr. WHITEHOUSE, Mr. LEE, Mr. BLUMENTHAL, Mr. HATCH, Mr. COONS, and Mr. GRAHAM):

S. 467. A bill to reduce recidivism and increase public safety, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. 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. 467

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 ''Corrections Oversight, Recidivism Reduction, and Eliminating Costs for Taxpayers In Our National System Act of 2015'' or the ''CORRECTIONS Act''.

SEC. 2. RECIDIVISM REDUCTION PROGRAMMING AND PRODUCTIVE ACTIVITIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall—

(1) conduct a review of recidivism reduction programming and productive activities, including prison jobs, offered in correctional institutions, including programming and activities offered in State correctional institutions, which shall include a review of research on the effectiveness of such programs;

(2) conduct a survey to identify products, including products purchased by Federal agencies, that are currently manufactured overseas and could be manufactured by prisoners participating in a prison work program without reducing job opportunities for other workers in the United States; and

(3) submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a strategic plan for the expansion of recidivism reduction programming and productive activities, including prison jobs, in Bureau of Prisons facilities required by section 3621(h)(1) of title 18, United States Code, as added by subsection (b).

(b) AMENDMENT.—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

''(h) RECIDIVISM REDUCTION PROGRAMMING AND PRODUCTIVE ACTIVITIES.—

''(1) IN GENERAL.—The Director of the Bureau of Prisons, shall, subject to the availability of appropriations, make available to all eligible prisoners appropriate recidivism reduction programming or productive activities, including prison jobs, in accordance with paragraph (2).

''(2) EXPANSION PERIOD.—

''(A) IN GENERAL.—In carrying out this subsection, the Director of the Bureau of Prisons shall have 6 years beginning on the date of enactment of this subsection to ensure appropriate recidivism reduction programming and productive activities, including prison jobs, are available for all eligible prisoners.

''(B) CERTIFICATION.—

''(i) IN GENERAL.—The National Institute of Corrections shall evaluate all recidivism reduction programming or productive activities that are made available to eligible prisoners and determine whether such programming or activities may be certified as evidence-based and effective at reducing or mitigating offender risk and recidivism.

''(ii) CONSIDERATIONS.—In determining whether or not to issue a certification under clause (i), the National Institute of Corrections shall consult with internal or external program evaluation experts, including the Office of Management and Budget and the Comptroller General of the United States to identify appropriate evaluation methodologies for each type of program offered, and may use analyses of similar programs conducted in other correctional settings.

''(3) RECIDIVISM REDUCTION PARTNERSHIPS.—Not later than 18 months after the date of enactment of this subsection, the Attorney General shall issue regulations requiring the official in charge of each correctional facility to ensure, subject to the availability of appropriations, that appropriate recidivism reduction programming and productive activities, including prison jobs, are available for all eligible prisoners within the time period specified in paragraph (2), by entering into partnerships with the following:

''(A) Nonprofit organizations, including faith-based and community-based organizations, that provide recidivism reduction programming, on a paid or volunteer basis.

''(B) Educational institutions that will deliver academic classes in Bureau of Prisons facilities, on a paid or volunteer basis.

''(C) Private entities that will, on a volunteer basis—

''(i) deliver occupational and vocational training and certifications in Bureau of Prisons facilities;

''(ii) provide equipment to facilitate occupational and vocational training or employment opportunities for prisoners;

''(iii) employ prisoners; or

''(iv) assist prisoners in prerelease custody or supervised release in finding employment.

''(4) ASSIGNMENTS.—In assigning prisoners to recidivism reduction programming and productive activities, the Director of the Bureau of Prisons shall use the Post-Sentencing Risk and Needs Assessment System described in section 3621A and shall ensure that—

''(A) to the extent practicable, prisoners are separated from prisoners of other risk classifications in accordance with best practices for effective recidivism reduction;

''(B) a prisoner who has been classified as low risk and without need for recidivism reduction programming shall participate in and successfully complete productive activities, including prison jobs, in order to maintain a low-risk classification;

''(C) a prisoner who has successfully completed all recidivism reduction programming to which the prisoner was assigned shall participate in productive activities, including a prison job; and

''(D) to the extent practicable, each eligible prisoner shall participate in and successfully complete recidivism reduction programming or productive activities, including prison jobs, throughout the entire term of incarceration of the prisoner.

''(5) MENTORING SERVICES.—Any person who provided mentoring services to a prisoner while the prisoner was in a penal or correctional facility of the Bureau of Prisons shall be permitted to continue such services after the prisoner has been transferred into prerelease custody, unless the person in charge of the penal or correctional facility of the Bureau of Prisons demonstrates, in a written document submitted to the person, that such services would be a significant security risk to the prisoner, persons who provide such services, or any other person.

''(6) RECIDIVISM REDUCTION PROGRAM INCENTIVES AND REWARDS.—Prisoners who have successfully completed recidivism reduction programs and productive activities shall be eligible for the following:

''(A) TIME CREDITS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a prisoner who has successfully completed a recidivism reduction program or productive activity that has been certified under paragraph (2)(B) shall receive time credits of 5 days for each period of 30 days of successful completion of such program or activity. A prisoner who is classified as low risk shall receive additional time credits of 5 days for each period of 30 days of successful completion of such program or activity.

''(ii) AVAILABILITY.—A prisoner may not receive time credits under this subparagraph for successfully completing a recidivism reduction program or productive activity—

''(I) before the date of enactment of this subsection; or

''(II) during official detention before the date on which the prisoner's sentence commences under section 3585(a).

''(iii) EXCLUSIONS.—No credit shall be awarded under this subparagraph to a prisoner serving a sentence for a second or subsequent conviction for a Federal offense imposed after the date on which the prisoner's first such conviction became final. No credit shall be awarded under this subparagraph to a prisoner who is in criminal history category VI at the time of sentencing. No credit shall be awarded under this subparagraph to any prisoner serving a sentence of imprisonment for conviction for any of the following offenses:

''(I) A Federal crime of terrorism, as defined under section 2332b(g)(5).

''(II) A Federal crime of violence, as defined under section 16.

''(III) A Federal sex offense, as described in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911).

''(IV) A violation of section 1962.

''(V) Engaging in a continuing criminal enterprise, as defined in section 408 of the Controlled Substances Act (21 U.S.C. 848).

''(VI) A Federal fraud offense for which the prisoner received a sentence of imprisonment of more than 15 years.

''(VII) A Federal crime involving child exploitation, as defined in section 2 of the PROTECT Our Children Act of 2008 (42 U.S.C. 17601).

''(iv) IDENTIFICATION OF COVERED OFFENSES.—Not later than 1 year after the date of enactment of this subsection, the United States Sentencing Commission shall prepare and submit to the Director of the Bureau of Prisons a list of all Federal offenses described in subclauses (I) through (VII) of clause (iii), and shall update such list on an annual basis.

''(B) OTHER INCENTIVES.—The Bureau of Prisons shall develop policies to provide appropriate incentives for successful completion of recidivism reduction programming and productive activities, other than time credit pursuant to subparagraph (A), including incentives for prisoners who are precluded from earning credit under subparagraph (A)(iii). Such incentives may include additional telephone or visitation privileges for use with family, close friends, mentors, and religious leaders.

''(C) PENALTIES.—The Bureau of Prisons may reduce rewards a prisoner has previously earned under subparagraph (A) for prisoners who violate the rules of the penal or correctional facility in which the prisoner is imprisoned, a recidivism reduction program, or a productive activity.

''(D) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this paragraph shall be in addition to any other rewards or incentives for which a prisoner may be eligible, except that a prisoner shall not be eligible for the time credits described in subparagraph (A) if the prisoner has accrued time credits under another provision of law based solely upon participation in, or successful completion of, such program.

''(7) SUCCESSFUL COMPLETION.—For purposes of this subsection, a prisoner—

''(A) shall be considered to have successfully completed a recidivism reduction program or productive activity, if the Bureau of Prisons determines that the prisoner—

''(i) regularly attended and participated in the recidivism reduction program or productive activity;

''(ii) regularly completed assignments or tasks in a manner that allowed the prisoner to realize the criminogenic benefits of the recidivism reduction program or productive activity;

''(iii) did not regularly engage in disruptive behavior that seriously undermined the administration of the recidivism reduction program or productive activity; and

''(iv) satisfied the requirements of clauses (i) through (iii) for a time period that is not less than 30 days and allowed the prisoner to realize the criminogenic benefits of the recidivism reduction program or productive activity; and

''(B) for purposes of paragraph (6)(A), may be given credit for successful completion of a recidivism reduction program or productive activity for the time period during which the prisoner participated in such program or activity if the prisoner satisfied the requirements of subparagraph (A) during such time period, notwithstanding that the prisoner continues to participate in such program or activity.

''(8) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE PRISONER.—For purposes of this subsection, the term 'eligible prisoner'—

''(i) means a prisoner serving a sentence of incarceration for conviction of a Federal offense; and

''(ii) does not include any prisoner who the Bureau of Prisons determines—

''(I) is medically unable to successfully complete recidivism reduction programming or productive activities;

''(II) would present a security risk if permitted to participate in recidivism reduction programming; or

''(III) is serving a sentence of incarceration of less than 1 month.

''(B) PRODUCTIVE ACTIVITY.—The term 'productive activity'—

''(i) means a group or individual activity, including holding a job as part of a prison work program, that is designed to allow prisoners classified as having a lower risk of recidivism to maintain such classification, when offered to such prisoners; and

''(ii) may include the delivery of the activities described in subparagraph (C)(i)(II) to other prisoners.

''(C) RECIDIVISM REDUCTION PROGRAM.—The term 'recidivism reduction program' means—

''(i) a group or individual activity that—

''(I) has been certified to reduce recidivism or promote successful reentry; and

''(II) may include—

''(aa) classes on social learning and life skills;

''(bb) classes on morals or ethics;

''(cc) academic classes;

''(dd) cognitive behavioral treatment;

''(ee) mentoring;

''(ff) occupational and vocational training;

''(gg) faith-based classes or services;

''(hh) domestic violence education and deterrence programming;

''(ii) victim-impact classes or other restorative justice programs; and

''(jj) a prison job; and

''(ii) shall include—

''(I) a productive activity; and

''(II) recovery programming.

''(D) RECOVERY PROGRAMMING.—The term 'recovery programming' means a course of instruction or activities, other than a course described in subsection (e), that has been demonstrated to reduce drug or alcohol abuse or dependence among participants, or to promote recovery among individuals who have previously abused alcohol or drugs, to include appropriate medication-assisted treatment.''.

SEC. 3. POST-SENTENCING RISK AND NEEDS ASSESSMENT SYSTEM.

(a) IN GENERAL.—Subchapter C of chapter 229 of title 18, United States Code, is amended by inserting after section 3621 the following:

''§ 3621A. Post-sentencing risk and needs assessment system

''(a) IN GENERAL.—Not later than 30 months after the date of the enactment of this section, the Attorney General shall develop for use by the Bureau of Prisons an offender risk and needs assessment system, to be known as the 'Post-Sentencing Risk and Needs Assessment System' or the 'Assessment System', which shall—

''(1) assess and determine the recidivism risk level of all prisoners and classify each prisoner as having a low, moderate, or high risk of recidivism;

''(2) to the extent practicable, assess and determine the risk of violence of all prisoners;

''(3) ensure that, to the extent practicable, low-risk prisoners are grouped together in housing and assignment decisions;

''(4) assign each prisoner to appropriate recidivism reduction programs or productive activities based on the prisoner's risk level and the specific criminogenic needs of the prisoner, and in accordance with section 3621(h)(4);

''(5) reassess and update the recidivism risk level and programmatic needs of each prisoner pursuant to the schedule set forth in subsection (c)(2), and assess changes in the prisoner's recidivism risk within a particular risk level; and

''(6) provide information on best practices concerning the tailoring of recidivism reduction programs to the specific criminogenic needs of each prisoner so as to effectively lower the prisoner's risk of recidivating.

''(b) DEVELOPMENT OF SYSTEM.—

''(1) IN GENERAL.—In designing the Assessment System, the Attorney General shall—

''(A) use available research and best practices in the field and consult with academic and other criminal justice experts as appropriate; and

''(B) ensure that the Assessment System measures indicators of progress and improvement, and of regression, including newly acquired skills, attitude, and behavior changes over time, through meaningful consideration of dynamic risk factors, such that—

''(i) all prisoners at each risk level other than low risk have a meaningful opportunity to progress to a lower risk classification during the period of the incarceration of the prisoner through changes in dynamic risk factors; and

''(ii) all prisoners on prerelease custody, other than prisoners classified as low risk, have a meaningful opportunity to progress to a lower risk classification during such custody through changes in dynamic risk factors.

''(2) RISK AND NEEDS ASSESSMENT TOOLS.—In carrying out this subsection, the Attorney General shall—

''(A) develop a suitable intake assessment tool to perform the initial assessments and determinations described in subsection (a)(1), and to make the assignments described in subsection (a)(3);

''(B) develop a suitable reassessment tool to perform the reassessments and updates described in subsection (a)(4); and

''(C) develop a suitable tool to assess the recidivism risk level of prisoners in prerelease custody.

''(3) USE OF EXISTING RISK AND NEEDS ASSESSMENT TOOLS PERMITTED.—In carrying out this subsection, the Attorney General may use existing risk and needs assessment tools, as appropriate, for the assessment tools required under paragraph (2).

''(4) VALIDATION.—In carrying out this subsection, the Attorney General shall statistically validate the risk and needs assessment tools on the Federal prison population, or ensure that the tools have been so validated. To the extent such validation cannot be completed with the time period specified in subsection (a), the Attorney General shall ensure that such validation is completed as soon as is practicable.

''(5) RELATIONSHIP WITH EXISTING CLASSIFICATION SYSTEMS.—The Bureau of Prisons may incorporate its existing Inmate Classification System into the Assessment System if the Assessment System assesses the risk level and criminogenic needs of each prisoner and determines the appropriate security level institution for each prisoner. Before the development of the Assessment System, the Bureau of Prisons may use the existing Inmate Classification System, or a pre-existing risk and needs assessment tool that can be used to classify prisoners consistent with subsection (a)(1), or can be reasonably adapted for such purpose, for purposes of this section, section 3621(h), and section 3624(c).

''(c) RISK ASSESSMENT.—

''(1) INITIAL ASSESSMENTS.—Not later than 30 months after the date on which the Attorney General develops the Assessment System, the Bureau of Prisons shall determine the risk level of each prisoner using the Assessment System.

''(2) REASSESSMENTS AND UPDATES.—The Bureau of Prisons shall update the assessment of each prisoner required under paragraph (1)—

''(A) not less frequently than once each year for any prisoner whose anticipated release date is within 3 years;

''(B) not less frequently than once every 2 years for any prisoner whose anticipated release date is within 10 years; and

''(C) not less frequently than once every 3 years for any other prisoner.

''(d) ASSIGNMENT OF RECIDIVISM REDUCTION PROGRAMS OR PRODUCTIVE ACTIVITIES.—The Assessment System shall provide guidance on the kind and amount of recidivism reduction programming or productive activities appropriate for each prisoner.

''(e) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop training protocols and programs for Bureau of Prisons officials and employees responsible for administering the Assessment System. Such training protocols shall include a requirement that personnel of the Bureau of Prisons demonstrate competence in using the methodology and procedure developed under this section on a regular basis.

''(f) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the Assessment System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the Assessment System and shall conduct periodic audits of the use of the Assessment System at facilities of the Bureau of Prisons.

''(g) DETERMINATIONS AND CLASSIFICATIONS UNREVIEWABLE.—Subject to any constitutional limitations, there shall be no right of review, right of appeal, cognizable property interest, or cause of action, either administrative or judicial, arising from any determination or classification made by any Federal agency or employee while implementing or administering the Assessment System, or any rules or regulations promulgated under this section.

''(h) DEFINITIONS.—In this section:

''(1) DYNAMIC RISK FACTOR.—The term 'dynamic risk factor' means a characteristic or attribute that has been shown to be relevant to assessing risk of recidivism and that can be modified based on a prisoner's actions, behaviors, or attitudes, including through completion of appropriate programming or other means, in a prison setting.

''(2) RECIDIVISM RISK.—The term 'recidivism risk' means the likelihood that a prisoner will commit additional crimes for which the prisoner could be prosecuted in a Federal, State, or local court in the United States.

''(3) RECIDIVISM REDUCTION PROGRAM; PRODUCTIVE ACTIVITY; RECOVERY PROGRAMMING.—The terms 'recidivism reduction program', 'productive activity', and 'recovery programming' shall have the meaning given such terms in section 3621(h)(8).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 229 of title 18, United States Code, is amended by inserting after the item relating to section 3621 the following:

''3621A. Post-sentencing risk and needs assessment system.''.

SEC. 4. PRERELEASE CUSTODY.

(a) IN GENERAL.—Section 3624(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking the period at the end of the second sentence and inserting ''or home confinement, subject to the limitation that no prisoner may serve more than 10 percent of the prisoner's imposed sentence in home confinement pursuant to this paragraph.'';

(2) by striking paragraphs (2) and (3) and inserting the following:

''(2) CREDIT FOR RECIDIVISM REDUCTION.—In addition to any time spent in prerelease custody pursuant to paragraph (1), a prisoner shall spend an additional portion of the final months of the prisoner's sentence, equivalent to the amount of time credit the prisoner has earned pursuant to section 3621(h)(6)(A), in prerelease custody, if—

''(A) the prisoner's most recent risk and needs assessment, conducted within 1 year of the date on which the prisoner would first be eligible for transfer to prerelease custody pursuant to paragraph (1) and this paragraph, reflects that the prisoner is classified as low or moderate risk; and

''(B) for a prisoner classified as moderate risk, the prisoner's most recent risk and needs assessment reflects that the prisoner's risk of recidivism has declined during the period of the prisoner's incarceration.

''(3) TYPES OF PRERELEASE CUSTODY.—A prisoner eligible to serve a portion of the prisoner's sentence in prerelease custody pursuant to paragraph (2) may serve such portion in a residential reentry center, on home confinement, or, subject to paragraph (5), on community supervision.'';

(3) by redesignating paragraphs (4) through (6) as paragraphs (9) through (11), respectively;

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

''(4) HOME CONFINEMENT.—

''(A) IN GENERAL.—Upon placement in home confinement pursuant to paragraph (2), a prisoner shall—

''(i) be subject to 24-hour electronic monitoring that enables the prompt identification of any violation of clause (ii);

''(ii) remain in the prisoner's residence, with the exception of the following activities, subject to approval by the Director of the Bureau of Prisons—

''(I) participation in a job or job-seeking activities;

''(II) participation in recidivism reduction programming or productive activities assigned by the Post-Sentencing Risk and Needs Assessment System, or similar activities approved in advance by the Director of the Bureau of Prisons;

''(III) participation in community service;

''(IV) crime victim restoration activities;

''(V) medical treatment; or

''(VI) religious activities; and

''(iii) comply with such other conditions as the Director of the Bureau of Prisons deems appropriate.

''(B) ALTERNATIVE MEANS OF MONITORING.—If compliance with subparagraph (A)(i) is infeasible due to technical limitations or religious considerations, the Director of the Bureau of Prisons may employ alternative means of monitoring that are determined to be as effective or more effective than electronic monitoring.

''(C) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions of the prisoner's home confinement for compelling reasons, if the prisoner's record demonstrates exemplary compliance with such conditions.

''(5) COMMUNITY SUPERVISION.—

''(A) TIME CREDIT LESS THAN 36 MONTHS.—Any prisoner described in subparagraph (D) who has earned time credit of less than 36 months pursuant to section 3621(h)(6)(A) shall be eligible to serve no more than one-half of the amount of such credit on community supervision, if the prisoner satisfies the conditions set forth in subparagraph (C).

''(B) TIME CREDIT OF 36 MONTHS OR MORE.—Any prisoner described in subparagraph (D) who has earned time credit of 36 months or more pursuant to section 3621(h)(6)(A) shall be eligible to serve the amount of such credit exceeding 18 months on community supervision, if the prisoner satisfies the conditions set forth in subparagraph (C).

''(C) CONDITIONS OF COMMUNITY SUPERVISION.—A prisoner placed on community supervision shall be subject to such conditions as the Director of the Bureau of Prisons deems appropriate. A prisoner on community supervision may remain on community supervision until the conclusion of the prisoner's sentence of incarceration if the prisoner—

''(i) complies with all conditions of prerelease custody;

''(ii) remains current on any financial obligations imposed as part of the prisoner's sentence, including payments of court-ordered restitution arising from the offense of conviction; and

''(iii) refrains from committing any State, local, or Federal offense.

''(D) COVERED PRISONERS.—A prisoner described in this subparagraph is a prisoner who—

''(i) is classified as low risk by the Post-Sentencing Risk and Needs Assessment System in the assessment conducted for purposes of paragraph (2); or

''(ii) is subsequently classified as low risk by the Post-Sentencing Risk and Needs Assessment System.

''(6) VIOLATIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the prisoner's term of incarceration, or any portion thereof, in prison, or impose additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons deems appropriate. If the violation is non-technical in nature, the Director of the Bureau of Prisons shall revoke the prisoner's prerelease custody.

''(7) CREDIT FOR PRERELEASE CUSTODY.—Upon completion of a prisoner's sentence, any term of supervised release imposed on the prisoner shall be reduced by the amount of time the prisoner served in prerelease custody pursuant to paragraph (2).

''(8) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with the United States Probation and Pretrial Services to supervise prisoners placed in home confinement or community supervision under this subsection. Such agreements shall authorize United States Probation and Pretrial Services to exercise the authority granted to the Director of the Bureau of Prisons pursuant to paragraphs (4), (5), and (12). Such agreements shall take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons inmates to prerelease custody and shall provide for the transfer of monetary sums necessary to comply with such requirements. United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.''; and

(5) by inserting at the end the following:

''(12) DETERMINATION OF APPROPRIATE CONDITIONS FOR PRERELEASE CUSTODY.—In determining appropriate conditions for prerelease custody pursuant to this subsection, and in accordance with paragraph (5), the Director of the Bureau of Prisons shall, to the extent practicable, subject prisoners who demonstrate continued compliance with the requirements of such prerelease custody to increasingly less restrictive conditions, so as to most effectively prepare such prisoners for reentry. No prisoner shall be transferred to community supervision unless the length of the prisoner's eligibility for community supervision pursuant to paragraph (5) is equivalent to or greater than the length of the prisoner's remaining period of prerelease custody.

''(13) ALIENS SUBJECT TO DEPORTATION.—If the prisoner is an alien whose deportation was ordered as a condition of supervised release or who is subject to a detainer filed by Immigration and Customs Enforcement for the purposes of determining the alien's deportability, the Director of the Bureau of

Prisons shall, upon the prisoner's transfer to prerelease custody pursuant to paragraphs (1) and (2), deliver the prisoner to United States Immigration and Customs Enforcement for the purpose of conducting proceedings relating to the alien's deportation.

''(14) NOTICE OF TRANSFER TO PRERELEASE CUSTODY.—

''(A) IN GENERAL.—The Director of the Bureau of Prisons may not transfer a prisoner to prerelease custody pursuant to paragraph (2) if the prisoner has been sentenced to a term of incarceration of more than 3 years, unless the Director of the Bureau of Prisons provides prior notice to the United States Attorney's Office for the district in which the prisoner was sentenced.

''(B) TIME REQUIREMENT.—The notice required under subparagraph (A) shall be provided not later than 6 months before the date on which the prisoner is to be transferred.

''(C) CONTENTS OF NOTICE.—The notice required under subparagraph (A) shall include the following information:

''(i) The amount of credit earned pursuant to paragraph (2).

''(ii) The anticipated date of the prisoner's transfer.

''(iii) The nature of the prisoner's planned prerelease custody.

''(iv) The prisoner's behavioral record.

''(v) The most recent risk assessment of the prisoner.

''(D) HEARING.—

''(i) IN GENERAL.—On motion of the Government, the court may conduct a hearing on the prisoner's transfer to prerelease custody.

''(ii) PRISONER'S PRESENCE.—The prisoner shall have the right to be present at a hearing described in clause (i), which right the prisoner may waive.

''(iii) MOTION.—A motion filed by the Government seeking a hearing—

''(I) shall set forth the basis for the Government's request that the prisoner's transfer be denied or modified pursuant to subparagraph (E); and

''(II) shall not require the Court to conduct a hearing described in clause (i).

''(E) DETERMINATION OF THE COURT.—The court may deny the transfer of the prisoner to prerelease custody or modify the terms of such transfer, if, after conducting a hearing pursuant to subparagraph (D), the court finds in writing, by a preponderance of the evidence, that the transfer of the prisoner is inconsistent with the factors specified in paragraphs (2), (6), and (7) of section 3553(a).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 5. REPORTS.

(a) ANNUAL REPORTS.—

(1) REPORTS.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General, in coordination with the Comptroller General of the United States, shall submit to the appropriate committees of Congress a report that contains the following:

(A) A summary of the activities and accomplishments of the Attorney General in carrying out this Act and the amendments made by this Act.

(B) An assessment of the status and use of the Post-Sentencing Risk and Needs Assessment System by the Bureau of Prisons, including the number of prisoners classified at each risk level under the Post-Sentencing Risk and Needs Assessment System at each facility of the Bureau of Prisons.

(C) A summary and assessment of the types and effectiveness of the recidivism reduction programs and productive activities in facilities operated by the Bureau of Prisons, including—

(i) evidence about which programs and activities have been shown to reduce recidivism;

(ii) the capacity of each program and activity at each facility, including the number of prisoners along with the risk level of each prisoner enrolled in each program and activity; and

(iii) identification of any problems or shortages in capacity of such programs and activities, and how these should be remedied.

(D) An assessment of budgetary savings resulting from this Act and the amendments made by this Act, to include—

(i) a summary of the amount of savings resulting from the transfer of prisoners into prerelease custody under this Act and the amendments made by this Act, including savings resulting from the avoidance or deferral of future construction, acquisition, or operations costs;

(ii) a summary of the amount of savings resulting from any decrease in recidivism that may be attributed to the implementation of the Post-Sentencing Risk and Needs Assessment System or the increase in recidivism reduction programs and productive activities required by this Act and the amendments made by this Act; and

(iii) a strategy to reinvest such savings into other Federal, State, and local law enforcement activities and expansions of recidivism reduction programs and productive activities in the Bureau of Prisons.

(2) REINVESTMENT OF SAVINGS TO FUND PUBLIC SAFETY PROGRAMMING.—

(A) IN GENERAL.—Beginning in the first fiscal year after the first report is submitted under paragraph (1), and every fiscal year thereafter, the Attorney General shall—

(i) determine the covered amount for the previous fiscal year in accordance with subparagraph (B); and

(ii) use an amount of funds appropriated to the Department of Justice that is not less than 90 percent of the covered amount for the purposes described in subparagraph (C).

(B) COVERED AMOUNT.—For purposes of this paragraph, the term ''covered amount'' means, using the most recent report submitted under paragraph (1), the amount equal to the sum of the amount described in paragraph (1)(D)(i) for the fiscal year and the amount described in paragraph (1)(D)(ii) for the fiscal year.

(C) USE OF FUNDS.—The funds described in subparagraph (A)(ii) shall be used, consistent with paragraph (1)(D)(iii), to—

(i) ensure that, not later than 6 years after the date of enactment of this Act, recidivism reduction programs or productive activities are available to all eligible prisoners;

(ii) ensure compliance with the resource needs of United States Probation and Pretrial Services resulting from an agreement under section 3624(c)(8) of title 18 United States Code, as added by this Act; and

(iii) supplement funding for programs that increase public safety by providing resources to State and local law enforcement officials.

(b) PRISON WORK PROGRAMS REPORT.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to the appropriate committees of Congress a report on the status of prison work programs at facilities operated by the Bureau of Prisons, including—

(1) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons;

(2) an assessment of the feasibility of expanding such programs, consistent with the strategy required under paragraph (1), so that, not later than 5 years after the date of enactment of this Act, not less than 75 percent of eligible low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

(3) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals described in paragraphs (1) and (2).

(c) REPORTING ON RECIDIVISM RATES.—

(1) IN GENERAL.—Beginning 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General, in consultation with the Administrative Office of the United States Courts, shall report to the appropriate committees of Congress on rates of recidivism among individuals who have been released from Federal prison and who are under judicial supervision.

(2) CONTENTS.—The report required under paragraph (1) shall contain information on rates of recidivism among former Federal prisoners, including information on rates of recidivism among former Federal prisoners based on the following criteria:

(A) Primary offense charged.

(B) Length of sentence imposed and served.

(C) Bureau of Prisons facility or facilities in which the prisoner's sentence was served.

(D) Recidivism reduction programming that the prisoner successfully completed, if any.

(E) The prisoner's assessed risk of recidivism.

(3) ASSISTANCE.—The Administrative Office of the United States Courts shall provide to the Attorney General any information in its possession that is necessary for the completion of the report required under paragraph (1).

(d) REPORTING ON EXCLUDED PRISONERS.—Not later than 8 years after the date of enactment of this Act, the Attorney General shall submit to the appropriate committees of Congress a report on the effectiveness of recidivism reduction programs and productive activities offered to prisoners described in section 3621(h)(6)(A)(iii) of title 18, United States Code, as added by this Act, as well as those ineligible for credit toward prerelease custody under section 3624(c)(2) of title 18, United States Code, as added by this Act, which shall review the effectiveness of different categories of incentives in reducing recidivism.

(e) DEFINITION.—The term ''appropriate committees of Congress'' means—

(1) the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate; and

(2) the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives.

SEC. 6. PROMOTING SUCCESSFUL REENTRY.

(a) FEDERAL PRISONER REENTRY INITIATIVE.—Section 231(g) of the Second Chance Act of 2007 (42 U.S.C. 17541(g)) is amended—

(1) in paragraph (3), by striking ''and shall be carried out during fiscal years 2009 and 2010''; and

(2) in paragraph (5)(A)—

(A) in clause (i), by striking ''65 years'' and inserting ''60 years''; and

(B) in clause (ii)—

(i) by striking ''the greater of 10 years or''; and

(ii) by striking ''75 percent'' and inserting ''2/3''.

(b) FEDERAL REENTRY DEMONSTRATION PROJECTS.—

(1) EVALUATION OF EXISTING BEST PRACTICES FOR REENTRY.—Not later than 2 years after the date of enactment of this Act, the Attorney General, in consultation with the Administrative Office of the United States Courts, shall—

(A) evaluate best practices used for the reentry into society of individuals released from the custody of the Bureau of Prisons, including—

(i) conducting examinations of reentry practices in State and local justice systems; and

(ii) consulting with Federal, State, and local prosecutors, Federal, State, and local public defenders, nonprofit organizations that provide reentry services, and criminal justice experts; and

(B) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that details the evaluation conducted under subparagraph (A).

(2) CREATION OF REENTRY DEMONSTRATION PROJECTS.—Not later than 3 years after the date of enactment of this Act, the Attorney General, in consultation with the Administrative Office of the United States Courts, shall, subject to the availability of appropriations, select an appropriate number of Federal judicial districts to conduct Federal reentry demonstration projects using the best practices identified in the evaluation conducted under paragraph (1). The Attorney General shall determine the appropriate number of Federal judicial districts to conduct demonstration projects under this paragraph.

(3) PROJECT DESIGN.—For each Federal judicial district selected under paragraph (2), the United States Attorney, in consultation with the Chief Judge, Chief Federal Defender, the Chief Probation Officer, the Bureau of Justice Assistance, the National Institute of Justice, and criminal justice experts shall design a Federal reentry demonstration project for the Federal judicial district in accordance with paragraph (4).

(4) PROJECT ELEMENTS.—A project designed under paragraph (3) shall coordinate efforts by Federal agencies to assist participating prisoners in preparing for and adjusting to reentry into the community and may include, as appropriate—

(A) the use of community correctional facilities and home confinement, as determined to be appropriate by the Bureau of Prisons;

(B) a reentry review team for each prisoner to develop a reentry plan specific to the needs of the prisoner, and to meet with the prisoner following transfer to monitor the reentry plan;

(C) steps to assist the prisoner in obtaining health care, housing, and employment, before the prisoner's release from a community correctional facility or home confinement;

(D) regular drug testing for participants with a history of substance abuse;

(E) substance abuse treatment, which may include addiction treatment medication, if appropriate, medical treatment, including mental health treatment, occupational, vocational and educational training, life skills instruction, recovery support, conflict resolution training, and other programming to promote effective reintegration into the community;

(F) the participation of volunteers to serve as advisors and mentors to prisoners being released into the community;

(G) steps to ensure that the prisoner makes satisfactory progress toward satisfying any obligations to victims of the prisoner's offense, including any obligation to pay restitution; and

(H) the appointment of a reentry coordinator in the United States Attorney's Office.

(5) REVIEW OF PROJECT OUTCOMES.—Not later than 5 years after the date of enactment of this Act, the Administrative Office of the United States Courts, in consultation with the Attorney General, shall—

(A) evaluate the results from each Federal judicial district selected under paragraph (2), including the extent to which participating prisoners released from the custody of the Bureau of Prisons were successfully reintegrated into their communities, including whether the participating prisoners maintained employment, and refrained from committing further offenses; and

(B) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that contains—

(i) the evaluation of the best practices identified in the report required under paragraph (1); and

(ii) the results of the demonstration projects required under paragraph (2).

(c) STUDY ON THE IMPACT OF REENTRY ON CERTAIN COMMUNITIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Attorney General, in consultation with the Administrative Office of the United States Courts, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the impact of reentry of prisoners on communities in which a disproportionate number of individuals reside upon release from incarceration.

(2) CONTENTS.—The report required under paragraph (1) shall analyze the impact of reentry of individuals released from both State and Federal correctional systems as well as State and Federal juvenile justice systems, and shall include—

(A) an assessment of the reentry burdens borne by local communities;

(B) a review of the resources available in such communities to support successful reentry, including resources provided by State, local, and Federal governments, the extent to which those resources are used effectively; and

(C) recommendations to strengthen the resources in such communities available to support successful reentry and to lessen the burden placed on such communities by the need to support reentry.

(d) FACILITATING REENTRY ASSISTANCE TO VETERANS.—

(1) IN GENERAL.—Not later than 2 months after the date of the commencement of a prisoner's sentence pursuant to section 3585(a) of title 18, United States Code, the Director of the Bureau of Prisons shall notify the Secretary of Veterans Affairs if the prisoner's presentence report, prepared pursuant to section 3552 of title 18, United States Code, indicates that the prisoner has previously served in the Armed Forces of the United States or if the prisoner has so notified the Bureau of Prisons.

(2) POST-COMMENCEMENT NOTICE.—If the prisoner informs the Bureau of Prisons of the prisoner's prior service in the Armed Forces of the United States after the commencement of the prisoner's sentence, the Director of the Bureau of Prisons shall notify the Secretary of Veterans Affairs not later than 2 months after the date on which the prisoner provides such notice.

(3) CONTENTS OF NOTICE.—The notice provided by the Director of the Bureau of Prisons to the Secretary of Veterans Affairs under this subsection shall include the identity of the prisoner, the facility in which the prisoner is located, the prisoner's offense of conviction, and the length of the prisoner's sentence.

(4) ACCESS TO VA.—The Bureau of Prisons shall provide the Department of Veterans Affairs with reasonable access to any prisoner who has previously served in the Armed Forces of the United States for purposes of facilitating that prisoner's reentry.

SEC. 7. ADDITIONAL TOOLS TO PROMOTE RECOVERY AND PREVENT DRUG AND ALCOHOL ABUSE AND DEPENDENCE. —

(a) REENTRY AND RECOVERY PLANNING.—

(1) PRESENTENCE REPORTS.—Section 3552 of title 18, United States Code, is amended—

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

(B) by inserting after subsection (a) the following:

''(b) REENTRY AND RECOVERY PLANNING.—

''(1) IN GENERAL.—In addition to the information required by rule 32(d) of the Federal Rules of Criminal Procedure, the report submitted pursuant to subsection (a) shall contain the following information, unless such information is required to be excluded pursuant to rule 32(d)(3) of the Federal Rules of Criminal Procedure or except as provided in paragraph (2):

''(A) Information about the defendant's history of substance abuse and addiction, if applicable.

''(B) Information about the defendant's service in the Armed Forces of the United States and veteran status, if applicable.

''(C) A detailed plan, which shall include the identification of programming provided by the Bureau of Prisons that is appropriate for the defendant's needs, that the probation officer determines will—

''(i) reduce the likelihood the defendant will abuse drugs or alcohol if the defendant has a history of substance abuse;

''(ii) reduce the defendant's likelihood of recidivism by addressing the defendant's specific recidivism risk factors; and

''(iii) assist the defendant preparing for reentry into the community.

''(2) EXCEPTIONS.—The information described in paragraph (1)(C)(iii) shall not be required to be included under paragraph (1), in the discretion of the Probation Officer, if the applicable sentencing range under the sentencing guidelines, as determined by the probation officer, includes a sentence of life imprisonment or a sentence of probation.'';

(C) in subsection (c), as redesignated, in the first sentence, by striking ''subsection (a) or (c)'' and inserting ''subsection (a) or (d)''; and

(D) in subsection (d), as redesignated, by striking ''subsection (a) or (b)'' and inserting ''subsection (a) or (c)''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 3672 of title 18, United States Code, is amended in the eighth undesignated paragraph by striking ''subsection (b) or (c)'' and inserting ''subsection (c) or (d)''.

(b) PROMOTING FULL UTILIZATION OF RESIDENTIAL DRUG TREATMENT.—Section 3621(e)(2) of title 18, United States Code, is amended by adding at the end the following:

''(C) COMMENCEMENT OF TREATMENT.—Not later than 3 years after the date of enactment of this subparagraph, the Director of the Bureau of Prisons shall ensure that each eligible prisoner has an opportunity to commence participation in treatment under this subsection by such date as is necessary to ensure that the prisoner completes such treatment not later than 1 year before the date on which the prisoner would otherwise be released from custody prior to the application of any reduction in sentence pursuant to this paragraph.

''(D) OTHER CREDITS.—The Director of the Bureau of Prisons may, in the Director's discretion, reduce the credit awarded under subsection (h)(6)(A) to a prisoner who receives a reduction under subparagraph (B), but such reduction may not exceed one-half the amount of the reduction awarded to the prisoner under subparagraph (B).''.

(c) SUPERVISED RELEASE PILOT PROGRAM TO REDUCE RECIDIVISM AND IMPROVE RECOVERY FROM ALCOHOL AND DRUG ABUSE.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrative Office of the United States Courts shall establish a recidivism reduction and recovery enhancement pilot program, premised on high-intensity supervision and the use of swift, predictable, and graduated sanctions for noncompliance with program rules, in Federal judicial districts selected by the Administrative Office of the United States Courts in consultation with the Attorney General.

(2) REQUIREMENTS OF PROGRAM.—Participation in the pilot program required under paragraph (1) shall be subject to the following requirements:

(A) Upon entry into the pilot program, the court shall notify program participants of the rules of the program and consequences for violating such rules, including the penalties to be imposed as a result of such violations pursuant to subparagraph (E).

(B) Probation officers shall conduct regular drug testing of all pilot program participants with a history of substance abuse.

(C) In the event that a probation officer determines that a participant has violated a term of supervised release, the officer shall notify the court within 24 hours of such determination, absent good cause.

(D) As soon as is practicable, and in no case more than 1 week after the violation was reported by the probation officer, absent good cause, the court shall conduct a hearing on the alleged violation.

(E) If the court determines that a program participant has violated a term of supervised release, it shall impose an appropriate sanction, which may include the following, if appropriate:

(i) Modification of the terms of such participant's supervised release, which may include imposition of a period of home confinement.

(ii) Referral to appropriate substance abuse treatment.

(iii) Revocation of the defendant's supervised release and the imposition of a sentence of incarceration that is no longer than necessary to punish the participant for such violation and deter the participant from committing future violations.

(iv) For participants who habitually fail to abide by program rules or pose a threat to public safety, termination from the program.

(3) STATUS OF PARTICIPANT IF INCARCERATED.—

(A) IN GENERAL.—In the event that a program participant is sentenced to incarceration as described in paragraph (2)(E)(iii), the participant shall remain in the program upon release from incarceration unless terminated from the program in accordance with paragraph (2)(E)(iv).

(B) POLICIES FOR MAINTAINING EMPLOYMENT.—The Bureau of Prisons, in consultation with the Chief Probation Officers of the Federal judicial districts selected for participation in the pilot program required under paragraph (1), shall develop policies to enable program participants sentenced to terms of incarceration as described in paragraph (2)(E) to, where practicable, serve the terms of incarceration while maintaining employment, including allowing the terms of incarceration to be served on weekends.

(4) ADVISORY SENTENCING POLICIES.—

(A) IN GENERAL.—The United States Sentencing Commission, in consultation with the Chief Probation Officers, the United States Attorneys, Federal Defenders, and Chief Judges of the districts selected for participation in the pilot program required under paragraph (1), shall establish advisory sentencing policies to be used by the district courts in imposing sentences of incarceration in accordance with paragraph (2)(E).

(B) REQUIREMENT.—The advisory sentencing policies established under subparagraph (A) shall be consistent with the stated goal of the pilot program to impose predictable and graduated sentences that are no longer than necessary for violations of program rules.

(5) DURATION OF PROGRAM.—The pilot program required under paragraph (1) shall continue for not less than 5 years and may be extended for not more than 5 years by the Administrative Office of the United States Courts.

(6) ASSESSMENT OF PROGRAM OUTCOMES AND REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 6 years after the date of enactment of this Act, the Administrative Office of the United States Courts shall conduct an evaluation of the pilot program and submit to Congress a report on the results of the evaluation.

(B) CONTENTS.—The report required under subparagraph (A) shall include—

(i) the rates of substance abuse among program participants;

(ii) the rates of violations of the terms of supervised release by program participants, and sanctions imposed;

(iii) information about employment of program participants;

(iv) a comparison of outcomes among program participants with outcomes among similarly situated individuals under the supervision of United States Probation and Pretrial Services not participating in the program; and

(v) an assessment of the effectiveness of each of the relevant features of the program.

SEC. 8. ERIC WILLIAMS CORRECTIONAL OFFICER PROTECTION ACT.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"§ 4049. Officers and employees of the bureau of prisons authorized to carry oleoresin capsicum spray

''(a) IN GENERAL.—The Director of the Bureau of Prisons shall issue, on a routine basis, oleoresin capsicum spray to—

''(1) any officer or employee of the Bureau of Prisons who—

''(A) is employed in a prison that is not a minimum or low security prison; and

''(B) may respond to an emergency situation in such a prison; and

''(2) to such additional officers and employees of prisons as the Director determines appropriate, in accordance with this section.

''(b) TRAINING REQUIREMENT.—

''(1) IN GENERAL.—In order for an officer or employee of the Bureau of Prisons, including a correctional officer, to be eligible to receive and carry oleoresin capsicum spray pursuant to this section, the officer or employee shall complete a training course before being issued such spray, and annually thereafter, on the use of oleoresin capsicum spray.

''(2) TRANSFERABILITY OF TRAINING.—An officer or employee of the Bureau of Prisons who completes a training course pursuant to paragraph (1) and subsequently transfers to employment at a different prison, shall not be required to complete an additional training course solely due such transfer.

''(3) TRAINING CONDUCTED DURING REGULAR EMPLOYMENT.—An officer or employee of the Bureau of Prisons who completes a training course required under paragraph (1) shall do so during the course of that officer or employee's regular employment, and shall be compensated at the same rate that the officer or employee would be compensated for conducting the officer or employee's regular duties.

''(c) USE OF OLEORESIN CAPSICUM SPRAY.—Officers and employees of the Bureau of Prisons issued oleoresin capsicum spray pursuant to subsection (a) may use such spray to reduce acts of violence—

''(1) committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons; and

''(2) committed by prison visitors against themselves, prisoners, other visitors, and officers and employees of the Bureau of Prisons.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 303 of part III of title 18, United States Code, is amended by inserting after the item relating to section 4048 the following:

''4049. Officers and employees of the bureau of prisons authorized to carry oleoresin capsicum spray.''.

(c) GAO REPORT.—Not later than the date that is 3 years after the date on which the Director of the Bureau of Prisons begins to issue oleoresin capsicum spray to officers and employees of the Bureau of Prisons pursuant to section 4049 of title 18, United States Code (as added by this Act), the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An evaluation of the effectiveness of issuing oleoresin capsicum spray to officers and employees of the Bureau of Prisons in prisons that are not minimum or low security prisons on—

(A) reducing crime in such prisons; and

(B) reducing acts of violence committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons in such prisons.

(2) An evaluation of the advisability of issuing oleoresin capsicum spray to officers and employees of the Bureau of Prisons in prisons that are minimum or low security prisons, including—

(A) the effectiveness that issuing such spray in such prisons would have on reducing acts of violence committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons in such prisons; and

(B) the cost of issuing such spray in such prisons. Recommendations to improve the safety of officers and employees of the Bureau of Prisons in prisons.

By Mrs. MURRAY (for herself, Mrs. GILLIBRAND, Mr. TESTER, Ms. BALDWIN, Mr. SANDERS, and Mr. BENNET):

S. 469. A bill to improve the reproductive assistance provided by the Department of Defense and the Department of Veterans Affairs to severely wounded, ill, or injured members of the Armed Forces, veterans, and their spouses or partners, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, I wish to take a few minutes to discuss a piece of legislation I am introducing today—legislation I have written to improve access to health care for our Nation's veterans, because there is no more solemn promise we make as a nation than our commitment to care for the men and women who serve in the U.S. military. These men and women put life and limb on the line to protect our country, to protect our freedoms, and to protect our way of life. In return, we as a country make a promise to care for them, no matter what. Just

as important, we make a promise to care for their families—their wives, their husbands, and their children.

Many of the young men and women who serve in the military enter at a very young age, often before they have children of their own. Like so many other Americans, they have big plans for their lives after their service. Many of them plan to buy a house, go back to school, and eventually have a family.

But in a time when our military conflicts involve roadside bombs, makeshift explosives, and life-threatening danger around every corner, many of our service men and women are coming home with injuries that leave them unable to start their own family.

In fact, military data shows that over the last decade, thousands of servicemembers have suffered injuries that make it nearly impossible to have children. We should be doing everything we can, with the best science and health services available, to help our veterans and their loved ones have children, despite their injuries.

But instead, outdated policies at the Pentagon and the VA are making it harder, not easier, for seriously injured veterans to have children. That is because when severely injured service men and women and veterans seek reproductive health services, such as in vitro fertilization, their military and VA health insurance simply doesn't cover this often very expensive procedure. As a result, the only option for these heroes and their partners to have children is to pay out of their own pocket, often tens of thousands of dollars, to try and conceive.

So today I am introducing The Women Veterans and Families Health Services Act of 2015.

It would basically do two things: First, it would expand the reproductive health services available for Active-Duty servicemembers and their families.

Second, it would finally end the ban on in vitro fertilization services at the VA. I have introduced similar legislation in the past, and, as I have done before, I am going to share the story of SSG Matt Keil and his wife Tracy.

Staff Sergeant Keil was shot in the neck while on patrol in Ramadi, Iraq, on February 24, 2007, just 6 weeks after he married the love of his life, Tracy. The bullet went through the right side of his neck, hit a major artery, went through his spinal cord, and exited through his left shoulder blade. He instantly became a quadriplegic. Doctors informed Tracy her husband would be on a ventilator for the rest of his life, and would never move his arms or legs.

Staff Sergeant Keil eventually defied the odds and found himself off the ventilator and beginning a very long journey of physical rehabilitation.

Around that same time, Tracy and her husband started exploring the possibilities of starting a family together. Having children was all they could talk about, once they adjusted to their ''new normal.''

With Staff Sergeant Keil's injuries preventing him from having children naturally, Tracy turned to the VA for assistance and began to explore her options for fertility treatments. Feeling defeated after being told the VA had no such programs in place for her situation, Tracy and Staff Sergeant Keil decided to pursue IVF through the private sector.

While they were anxious to begin this chapter of their lives, they were confronted with the reality that TRICARE did not cover any of the costs related to Tracy's treatments, because she did not have fertility issues beyond her husband's injury.

Left with no further options, the Keils decided this was important enough to them that they were willing to pay out of pocket to the tune of almost $32,000 per round of treatment. Thankfully, on November 9, 2010, just after their first round of IVF, Staff Sergeant Keil and Tracy welcomed their twins Matthew and Faith into the world.

Tracy told me:

The day we had our children something changed in both of us. This is exactly what we had always wanted, our dreams had arrived.

The VA, Congress and the American People have said countless times that they want to do everything they can to support my husband or make him feel whole again and this is your chance.

Having a family is exactly what we needed to feel whole again. Please help us make these changes so that other families can share in this experience.

Tracy does not want to see other servicemembers and their families go through the struggle she and Matt did because of outdated policies that don't reflect modern medicine.

While the Keils' story may be unique, they are not alone. Thousands of servicemembers and veterans have returned from their service hoping to have children, only to find that, despite their sacrifices for our country, they are unable to obtain the kind of assistance they need. Some have spent tens of thousands of dollars in the private sector, like Tracy and her husband did, to get the advanced reproductive treatments they need to start a family. Others have, sadly, watched their marriages dissolve because of the stress of infertility, in combination with the stress of readjusting to a new life after a severe injury, driving their relationship to a breaking point.

Any servicemember who sustains this type of serious injury deserves so much more. They deserve our support to help them start a family, and our support to raise that family.

This bill is so important because access to childcare is one of the most significant barriers to care for women veterans and younger veterans. This bill makes permanent the highly successful pilot program in VA and expands it across the country. I am very hopeful today that both Republicans and Democrats can come together to support this bill.

Just a few years ago we were able to pass similar legislation through the Senate, but, unfortunately, it didn't pass the House in time to get the President's signature and become signed into law. This time has to be different, because this bill is about nothing more than giving veterans who have sacrificed so much the option to fulfill the dream of starting a family. It is a bill that shows when we tell our servicemembers deploying to a war zone that we have their back, we mean it. It is a bill that recognizes the men and women who are harmed in the service of this country have bright, full lives ahead of them.

AMENDMENTS SUBMITTED AND PROPOSED

SA 250. Mr. HATCH proposed an amendment to the bill S. 295, to amend section 2259 of title 18, United States Code, and for other purposes.

TEXT OF AMENDMENTS

SA 250. Mr. HATCH proposed an amendment to the bill S. 295, to amend section 2259 of title 18, United States Code, and for other purposes; as follows:

On page 4, beginning on line 22, strike ''sexual conduct (as those terms are defined in section 2246)'' and insert ''sexual contact (as those terms are defined in section 2246) or sexually explicit conduct (as that term is defined in section 2256)''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 11, 2015, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on February 11, 2015, at 9:45 a.m., in room SR–253 of the Russell Senate Office Building to conduct a hearing entitled, ''The Connected World: Examining the Internet of Things.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 11, 2015, at 9:30 a.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''Oversight Hearing: Examining EPA's proposed carbon dioxide emissions rules from