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# *Senate*

The Senate met at 9 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, send Your peace into our world. Hasten the day when nations will live in friendship with each other, united by their allegiance to You.

May the Members of this body build with You a world without dividing walls and partisan strife. Empower our Senators to set country above party and place Your will above all else. Keep them faithful in their efforts to unite our world. Strengthen them to work together for the common good as You place Your peace that passes all understanding in their hearts. Bless them abundantly beyond all that they can imagine.

We pray in the Name of the Prince of Peace. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 29, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, we will immediately resume consideration of H.R. 1591, the supplemental appropriations bill, and begin the process of voting on amendments which remain in order. There are only five amendments which remain in order to the bill. I encourage all Members to remain in the Chamber for these votes so committees and other meetings that are taking place throughout the Capitol can go forward on schedule.

There is a lot of business to be conducted today. I extend my appreciation to all Senators, especially Senator MCCONNELL, for helping us work through the morass we had yesterday. It was very difficult, but we worked through it, and I think it will allow us to get the bill to the President more quickly.

We all acknowledge that the bill is imperfect. That is what conferences are all about. Let's see what we can do to improve it in conference.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## SUPPLEMENTAL APPROPRIATIONS

ORDER OF PROCEDURE

Mr. MCCONNELL. Parliamentary inquiry: Are the subsequent votes after the first one 10-minute votes?

The ACTING PRESIDENT pro tempore. That has not been established.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all votes after the first vote in the stack which is coming up be 10-minute votes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, let me add while my friend the majority leader is here that I hope he joins my view that having finished this supplemental appropriations bill today, we hope the staffs of the two Appropriations Committees in the House and Senate will work expeditiously to finish the conference so it can be approved, hopefully, on the first day we are back, after the House comes back, and we can get it down to the President for the inevitable veto so we can get through this process again and get the much needed money to the troops.

Mr. REID. Mr. President, I say to my distinguished friend, we hope we can have the conference start tomorrow. Tomorrow is Friday, and the fact that we will be out of session a week and the House 2 weeks does not mean Members of Congress cannot be here working on this bill. We all acknowledge, in the first several days—this is a big bill, and staff will do a lot of work, as it has always done. The managers of the bill, both in the House and Senate, majority and minority, will be heavily involved in this conference, and other members of the subcommittees—the chairs and ranking members—as necessary will be involved.

This is an important piece of legislation. No matter the time of year we do these supplemental appropriations bills, they are important. It is an emergency. That is why we are here. While people may not agree as to what is in

the bill, we all agree something needs to be done very quickly. We will move this just as quickly as we can.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1591, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Cochran (for Lugar) amendment No. 690, to provide that, of the funds appropriated by this act under the headings ''DIPLOMATIC AND CONSULAR PROGRAMS'' and ''ECONOMIC SUPPORT FUND'' (except for the Community Action Program), up to $50 million may be made available to support and maintain a civilian reserve corps.

Obama amendment No. 664, to appropriate an additional $58 million for Defense Health Program for additional mental health and related personnel, an additional $10 million for operation and maintenance for each of the military departments for improved physical disability evaluations of members of the Armed Forces, and an additional $15 million for Defense Health Program for women's mental health services.

Webb amendment No. 692, to prohibit the use of funds for military operations in Iran.

Coburn amendment No. 649, to remove a $2 million earmark for the University of Vermont.

Coburn amendment No. 656, to require timely public disclosure of Government reports submitted to Congress.

Coburn amendment No. 717, to make certain provisions inapplicable.

Coburn amendment No. 718, to make certain provisions inapplicable.

Reid amendment No. 823 (to amendment No. 690), to establish the enactment date.

The ACTING PRESIDENT pro tempore. Under the previous order, all time postcloture has expired.

AMENDMENT NO. 823 WITHDRAWN

The ACTING PRESIDENT pro tempore. Under the previous order, amendment No. 823, offered by the Senator from Nevada, Mr. REID, is withdrawn.

AMENDMENT NO. 690

The ACTING PRESIDENT pro tempore. Under the previous order, amendment No. 690, offered by the Senator from Indiana, Mr. LUGAR, is agreed to.

The amendment (No. 690) was agreed to.

The ACTING PRESIDENT pro tempore. Under the previous order, all pending amendments, other than amendment No. 649, offered by the Senator from Oklahoma, Mr. COBURN, are withdrawn.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I understand under the order that there will be 4 minutes equally divided before each amendment. The first amendment we are considering is the Ensign amendment; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. MURRAY. I see the Senator from Nevada is on the floor, so I yield the floor.

AMENDMENT NO. 752, AS MODIFIED

Mr. ENSIGN. Mr. President, I understand a modification of my amendment is at the desk. I call it up.

The ACTING PRESIDENT pro tempore. That is correct. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 752, as modified.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike lines 13 through 22 and insert the following:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $12,500,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for ''Salaries and Expenses, United States Marshals Service'', $32,500,000, to remain available until September 30, 2008: *Provided*, That of the amounts made available in this Act for ''Educational and Cultural Exchange Programs'', $15,000,000 is rescinded.

Mr. ENSIGN. Mr. President, very simply, this amendment reduces spending for the Educational and Cultural Exchange Program fund in order to provide spending for implementation of the Adam Walsh Act. My amendment provides funding for the United States Attorneys to prosecute sexual predators who target children and also for the United States Marshals to track down the nearly 100,000 sex offenders in the United States who have failed to register as a sex offender as required by law.

The bill before the Senate is an emergency spending bill. I strongly believe that funding the critical programs contained in the Adam Walsh Act is an emergency: 100,000 predators on our streets who are unregistered as sex offenders. They need to be registered. So that parents know where they are so that they can protect their children. That is an emergency.

I know some people hold the sincere belief that the Educational and Cultural Exchange program is very worthwhile. I don't question their opinion, but I question whether funding it is truly an emergency. I want to give a few examples of the kind of projects that the Educational and Cultural Exchange program funds. Last year, according to the State Department Web site, this program funded the following: We sent a bluegrass band to China. We taught weaving and dyeing techniques with Uzbek women. We sent jazz musicians to Madagascar. We paid for breakdancers to tour Denmark, Argentina, Croatia, and Kiev. Those may be worthy cross-cultural activities to pursue, but I cannot stand here and suggest they are emergencies that are of greater need to fund than providing law enforcement with the resources need to protect our children, especially at a time of war.

Let's use emergency funding for real emergencies in this country. If you are a parent today and you have children out there, knowing where those sex offenders are so you can keep your children safe I would say does constitute an emergency. I recommend and urge my colleagues to support this important amendment.

Mr. LEAHY. Mr. President, as a former prosecutor I am a strong supporter of the Marshals Service.

We have the Commerce, Justice, Science appropriations bill to fund the U.S. Marshals Service, and there is already $25 million in this bill to support their important work, which is $11 million more than was requested by the President.

The amendment offered by the Senator from Nevada has a lot of appeal. Who would not want to support additional funding for the U.S. Marshals Service, or for a whole lot of other programs, for that matter. Police, fire departments, hospitals, schools—the list is limitless.

It is unfortunate that the Senator's amendment would be paid for by cutting $15 million in this supplemental bill, requested by the President, to fund international educational and cultural exchange programs. In other words, he reaches across subcommittees to a completely different budget from that which funds the Marshals Service. That is a mistake. It is a road we should not go down.

Should we also take money to train teachers in Afghanistan and use it instead to refurbish public schools in the United States? What about cutting funding for reconstruction in Lebanon to pay for new vehicles and equipment for our police and fire departments? Or we could cut the funding in this bill to combat the spread of avian flu and use it instead for victims of crime programs or drug treatment programs here at home.

Any of those amendments would pass overwhelmingly in the Senate.

But is that really how we want to do our business? The reputation of the United States today has taken a beating unparalleled in our history. We are reviled in the Muslim world. Even our traditional allies have lost faith in our leadership. During his recent trip to Latin America, President Bush encountered this hostility at every stop.

Our image has been tarnished, our influence badly eroded. This is an emergency bill to combat terrorism, and

these educational exchange programs, which provide Muslim students and professionals the opportunity to come to the United States for education and training, are among the most effective ways we have of combating extremism.

Exchanges have been shown to reverse negative perceptions and the spread of hatred. There are far too few tools at our fingertips that are this effective.

These funds would support, for example, a first-ever Islamic dialogue two-way exchange program to foster interfaith dialogue, sports exchanges to engage youth and provide the opportunity to visit the United States and summer programs for Muslim students to learn English. This amendment would cut $15 million in this bill for these programs, leaving only $10 million for educational and cultural exchanges for the whole world.

I share the Senator's concerns about the Adam Walsh Child Safety and Protection Act. We should increase funding for the Marshals Service. But this bill is not the place to do that. This bill is about combating terrorism and responding to humanitarian emergencies overseas. It would be a serious mistake to reduce funding for exchange programs that have strong bipartisan support. The President requested these funds, and he was right to do so. We cannot only look inward. We must look outward as well. No programs are more effective in countering the negative attitudes about America than the exchanges that bring people here from countries such as Egypt, Indonesia, Lebanon, and Pakistan to meet Americans and experience what life is like in the world's oldest democracy.

I support the intent of the amendment of the Senator from Nevada and will reluctantly vote for it, but if he had been willing, I would have been happy to have worked with him to obtain additional funds for the Marshals Service in the appropriate funding bill. Unfortunately he was not.

Mr. FEINGOLD. Mr. President, I supported that Ensign amendment today because it is vitally important that we protect our children against sexual predators. I did so despite my serious concern about the offset used to pay for the program. We should not be cutting funding from the State Department's Bureau of Education and Cultural Exchange, ECA. I strongly believe that people-to-people exchange is one of the most effective public diplomacy tools we have, and I hope that funding for the ECA will be restored in conference.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Ensign amendment, as modified, is an amendment that is acceptable to this side. I ask my colleague from Nevada if he is willing to take a voice vote.

Mr. ENSIGN. I ask for the yeas and nays.

Mrs. MURRAY. Mr. President, I understand the Senator wants a rollcall vote on this amendment. We will move to that vote. We support the amendment on this side and yield back our time.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mrs. CLINTON) and the Senator from Florida (Mr. NELSON) would each vote ''yea.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—93

| | | |
|---|---|---|
| Akaka | Domenici | Menendez |
| Alexander | Dorgan | Mikulski |
| Allard | Durbin | Murkowski |
| Baucus | Ensign | Murray |
| Bennett | Feingold | Nelson (NE) |
| Biden | Feinstein | Obama |
| Bingaman | Graham | Pryor |
| Bond | Grassley | Reed |
| Boxer | Gregg | Reid |
| Brown | Hagel | Roberts |
| Brownback | Harkin | Rockefeller |
| Bunning | Hatch | Salazar |
| Burr | Hutchison | Sanders |
| Byrd | Inhofe | Schumer |
| Cantwell | Isakson | Sessions |
| Cardin | Kennedy | Shelby |
| Carper | Kerry | Smith |
| Casey | Klobuchar | Snowe |
| Chambliss | Kohl | Specter |
| Coburn | Kyl | Stabenow |
| Cochran | Landrieu | Stevens |
| Coleman | Lautenberg | Sununu |
| Collins | Leahy | Tester |
| Conrad | Levin | Thomas |
| Corker | Lincoln | Thune |
| Cornyn | Lott | Vitter |
| Craig | Lugar | Voinovich |
| Crapo | Martinez | Warner |
| DeMint | McCain | Webb |
| Dodd | McCaskill | Whitehouse |
| Dole | McConnell | Wyden |

NOT VOTING—7

| | | |
|---|---|---|
| Bayh | Inouye | Nelson (FL) |
| Clinton | Johnson | |
| Enzi | Lieberman | |

The amendment (No. 752), as modified, was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, we are moving quickly to finish this bill. It will take the cooperation of all Senators. I ask everyone to make sure you are in the Senate Chamber because rollcall votes will be 10 minutes from here on.

We now turn to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

AMENDMENT NO. 704

Mr. DEMINT. I ask unanimous consent to call up amendment No. 704 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 704.

Mr. DEMINT. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to make payments to certain spinach growers and first handlers)

At the end of chapter 1 of title III, insert the following:

**SEC. 3104. SPINACH.**

No funds made available under this Act shall be used to make payments to growers and first handlers, as defined by the Secretary of Health and Human Services, of fresh spinach that were unable to market spinach crops as a result of the Food and Drug Administration Public Health Advisory issued on September 14, 2006.

Mr. DEMINT. Mr. President, my amendment simply states that no funds in this act shall be used to make payments to spinach producers.

The House version of this bill includes $25 million for spinach growers, which all of us know has no place in this bill. Last week, the Senate spoke unanimously and we voted to block this spending from our budget process last year. I am asking all my colleagues to support the removal of this wasteful spending in this emergency war supplemental bill.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, the amendment by the Senator from South Carolina is a solution looking for a problem. I sit on the Appropriations Committee. I was there throughout the entire committee markup. There was never any money for spinach in the Senate version of this bill. There is not now any money for spinach in the Senate version of this bill, so adoption of this amendment will not change the substance of this bill one iota. But if the Senator insists, we will go ahead and move forward on his amendment. We are happy to take it by a voice vote if the Senator would consider that.

Mr. DEMINT. I think it is important this body be on record. This will be a matter of conference, and I think we all need to be on record showing we do not want it in the final bill.

I ask for the yeas and nays.

Mrs. MURRAY. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute 14 seconds.

Mrs. MURRAY. Mr. President, I tell my colleagues on this side of the aisle, there is no money in the Senate bill for spinach. We do know there are issues out there affecting our agricultural communities across the Nation. The bill that is before us addresses many of those critical issues. This is a supplemental emergency bill, and when there are emergencies, we are responsible for taking care of them. But the amendment of the Senator from South Carolina will make no difference in this bill.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. I will use leader time. Mr. President, we are trying to get a lot of things done today to finish this bill. There are important committees wanting to meet. Everyone should understand every Democrat is going to vote for this amendment. This is a waste of time. Everyone who is going to be on conference knows the Senate is voting for this amendment. I think it is an effort to slow things down today. I think it is unnecessary. We are all going to vote for this, but if we want to waste 15 minutes of the people's time, we can do that. The Senator has that right.

Mr. DEMINT. I thank the Senator. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—97

| | | |
|---|---|---|
| Akaka | DeMint | Lincoln |
| Alexander | Dodd | Lott |
| Allard | Dole | Lugar |
| Baucus | Domenici | Martinez |
| Bennett | Dorgan | McCain |
| Biden | Durbin | McCaskill |
| Bingaman | Ensign | McConnell |
| Bond | Feingold | Menendez |
| Boxer | Feinstein | Mikulski |
| Brown | Graham | Murkowski |
| Brownback | Grassley | Murray |
| Bunning | Gregg | Nelson (FL) |
| Burr | Hagel | Nelson (NE) |
| Byrd | Harkin | Obama |
| Cantwell | Hatch | Pryor |
| Cardin | Hutchison | Reed |
| Carper | Inhofe | Reid |
| Casey | Inouye | Roberts |
| Chambliss | Isakson | Rockefeller |
| Clinton | Kennedy | Salazar |
| Coburn | Kerry | Sanders |
| Cochran | Klobuchar | Schumer |
| Coleman | Kohl | Sessions |
| Collins | Kyl | Shelby |
| Conrad | Landrieu | Smith |
| Corker | Lautenberg | Snowe |
| Cornyn | Leahy | Specter |
| Craig | Levin | Stabenow |
| Crapo | Lieberman | Stevens |
| Sununu | Vitter | Whitehouse |
| Tester | Voinovich | Wyden |
| Thomas | Warner | |
| Thune | Webb | |

NOT VOTING—3

| | | |
|---|---|---|
| Bayh | Enzi | Johnson |

The amendment (No. 704) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. BAUCUS. Mr. President, on rollcall vote No. 123, I voted ''nay.'' It was my intention to vote ''yea.'' Therefore, I ask unanimous consent that I be permitted to change my vote as it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 649

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, the next amendment in order is the Coburn amendment, No. 649. We are ready to take this on a voice vote. If there is no one who wants to speak on the other side, we can move to the amendment.

Mr. President, I yield back all time.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 649) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 737, AS MODIFIED

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, the next amendment in order is the Sanders amendment, No. 737. This amendment has also been agreed to on both sides. If the Senator from Vermont wishes to, he may speak.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I will be very brief.

Pursuant to the agreement reached last night, I call up an amendment I have at the desk, Sanders amendment No. 737, as modified by No. 808.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, Mr. REED, Mr. BINGAMAN, Mr. MENENDEZ, Mr. KERRY, and Mr. HARKIN, proposes an amendment numbered 737.

Mr. SANDERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for the weatherization assistance program)

On page 99, line 4, strike ''ties'' and insert ''ties: *Provided further*, That $229,500,000 of the amount provided shall be used for the weatherization assistance program of the Department of Energy''.

Mr. SANDERS. Mr. President, this amendment is a bipartisan amendment cosponsored by Senators SUNUNU, BINGAMAN, MENENDEZ, KERRY, HARKIN, DODD, WYDEN, and CLINTON. It is also strongly supported by the AARP.

This modification, which has the bipartisan support of the Appropriations Committee, would partially restore funding for weatherization programs. The amendment does not use new money. It simply instructs the Department of Energy to use its fiscal year 2007 appropriations to increase the amount it will spend on weatherization by $25 million over its current plan.

I think all of my colleagues know the weatherization program is important for a number of reasons. First, when people have a limited amount of money, it is absurd that their scarce resources simply go up into the air because they do not have the money to adequately insulate their walls or their roofs.

Secondly, if we are serious about global warming, we had better move toward energy efficiency. We are wasting huge amounts of energy by seeing people living in homes with inadequate weatherization.

I would ask strong support from my colleagues for this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, this amendment has been agreed to on both sides. I believe we can do it on a voice vote.

Mr. President, I yield back all time.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 737) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are moving rapidly to a finish. We have one final amendment that needs to be voted on. Then we will have a manager's package and final passage shortly. I yield to the Senator from Delaware.

AMENDMENT NO. 739

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Mr. President, I call up amendment No. 739.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. KENNEDY, Mr. KERRY, and Mr. DURBIN, proposes an amendment numbered 739.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate an additional $1,500,000,000 for Procurement, Marine Corps, to accelerate the procurement of an additional 2,500 Mine Resistant Ambush Protected vehicles for the Armed Forces)

At the end of chapter 3 of title I, add the following:

**SEC. 1316. ADDITIONAL AMOUNT FOR PROCUREMENT, MARINE CORPS, FOR ACCELERATION OF PROCUREMENT OF ADDITIONAL 2,500 MINE RESISTANT AMBUSH PROTECTED VEHICLES FOR THE ARMED FORCES.**

(a) ADDITIONAL AMOUNT.—The amount appropriated by this chapter under the heading ''PROCUREMENT, MARINE CORPS'' is hereby increased by $1,500,000,000, with the amount of the increase to be available to the Marine Corps for the procurement of an additional 2,500 Mine Resistant Ambush Protected (MRAP) vehicles for the regular and reserve components of the Armed Forces by not later than December 31, 2007.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the procurement of vehicles described in that subsection is in addition to any other amounts available under this chapter for that purpose.

Mr. BIDEN. This amendment is very straightforward. This amendment moves up $1.5 billion into the supplemental from the 2008 budget. The effect will be, it will add an additional 2,500 MRAP vehicles into the field faster. These are the vehicles with the V-shaped hull. This increases the security of our troops inside these vehicles—who are now riding in humvees—three to four times.

What it will mean is it is an opportunity to provide 10,000 to 30,000 of our troops four times more protection than they now get riding around in the humvees when they are attacked by IEDs. That is tens of thousands of Americans who won't be severely injured or killed.

The Commandant of the Marine Corps and the Chief of Staff of the Army both have said they need this money moved up so they can get these additional vehicles into the field earlier. I cannot think of a better way to explain this amendment than using the words of the Commandant of the Marine Corps when I spoke to him yesterday.

He said: Senator, this is the highest moral imperative I have as a Commandant of the Marine Corps.

I hope we will move this money up. I hope we will pass this amendment. It literally, not figuratively, will save lives.

I yield the floor, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Who yields time?

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I yield back all time.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—98

| | | |
|---|---|---|
| Akaka | Domenici | Menendez |
| Alexander | Dorgan | Mikulski |
| Allard | Durbin | Murkowski |
| Baucus | Ensign | Murray |
| Bayh | Feingold | Nelson (FL) |
| Bennett | Feinstein | Nelson (NE) |
| Biden | Graham | Obama |
| Bingaman | Grassley | Pryor |
| Bond | Gregg | Reed |
| Boxer | Hagel | Reid |
| Brown | Harkin | Roberts |
| Brownback | Hatch | Rockefeller |
| Bunning | Hutchison | Salazar |
| Burr | Inhofe | Sanders |
| Byrd | Inouye | Schumer |
| Cantwell | Isakson | Sessions |
| Cardin | Kennedy | Shelby |
| Carper | Kerry | Smith |
| Casey | Klobuchar | Snowe |
| Chambliss | Kohl | Specter |
| Clinton | Kyl | Stabenow |
| Coburn | Landrieu | Stevens |
| Cochran | Lautenberg | Sununu |
| Coleman | Leahy | Tester |
| Collins | Levin | Thomas |
| Conrad | Lieberman | Thune |
| Corker | Lincoln | Vitter |
| Cornyn | Lott | Voinovich |
| Craig | Lugar | Warner |
| Crapo | Martinez | Webb |
| DeMint | McCain | Whitehouse |
| Dodd | McCaskill | Wyden |
| Dole | McConnell | |

NOT VOTING—2

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|---|---|
| Enzi | Johnson |

The amendment (No. 739) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Arizona.

Mr. KYL. Mr. President, I raise a point of order. Under rule XVI, section 1711 of the bill is legislation on an appropriations bill.

Section 1711 of the substitute amendment makes changes to the immigration code's bars on entry to the United States for individuals tied to terrorist activity or groups. Although I agree with the stated purpose of this provision—to allow the Hmong and other groups that do not pose a threat to the United States to enter this country—I object to the language of this provision and have introduced two amendments to correct that language.

Everyone agrees that groups such as the Hmong and the Montagnards, who fought bravely alongside U.S. forces during the Vietnam war, should not be barred from entering this country. If section 1711 were tailored to aid the Hmong and other groups that do not pose a threat to the United States, I would have no objection to such a legislative proposal.

Unfortunately, the text of section 1711 does much more than simply allow the Hmong to remain in this country. The provision in this bill would extend the waiver authority in current law to groups that are definitely not friends of the United States—including to members of groups that the Secretary of State has designated as Foreign Terrorist Organizations.

Current law bars, without exception, anyone who is a member or a representative of a terrorist organization from gaining admission to the United States. Section 1711 would remove this categorical bar and allow members of even Tier I terrorist organizations to seek a waiver and admission to this country.

Tier I terrorist organizations include groups such as the Al-Aqsa Martyrs Brigade, the group that has been responsible for the majority of suicide bombings in Israel in recent years. Section 1711 would extend waiver authority to the Armed Islamic Group and to the Salafist Group for Call and Combat, the two principal terrorist groups that have carried out a bloodthirsty campaign massacres, abductions, and rapes in Algeria over the last 15 years. The provision in the Senate substitute would extend waiver authority to Hamas, Hezbollah, and Palestinian Islamic Jihad, and the Senate bill would even extend waiver authority to al-Qaida.

I do not think that there is a single Member of this body who believes that any member of al-Qaida, Hamas, or Hezbollah should ever be considered for admission to this country. Yet the Senate bill would allow members or representatives of all of these groups to be considered for entry to the United States.

Another problem posed by section 1711 of the Senate bill is that it would also make it very difficult to bar entry to someone who has given material support to a terrorist organization. The section would effectively require the Department of Homeland Security to prove a negative—to show that an individual did not act under duress—when it seeks to bar someone who has given material support to terrorism from entering this country.

Imagine a situation, for example, where DHS learns that an Iraqi seeking admission to this country had helped plant improvised explosive devices in Iraq. Approximately 1,000 U.S. soldiers have been killed by IEDs since the beginning of the Iraq war. And suppose

that this hypothetical individual claimed that he acted under duress—that some unnamed person forced him to plant IEDs. Under the Senate bill, DHS would have to prove that this person did not act under duress in order to bar him from the United States. This makes no sense. If we learn that someone has provided material support to terrorism, and that person seeks a waiver and entry to this country, at the very least, it is that person who should bear the burden of proving that he acted only under duress.

As I mentioned earlier, I have filed two amendments that are designed to address these problems with section 1711. I have concluded, however, that there is no reason at all to enact this provision on the emergency war supplemental. There is no reason that this measure cannot be enacted through regular order. To that end, I will introduce legislation this week that will provide relief from terrorism-related immigration bars to the Hmong and other groups that do not pose a threat to the United States.

Everyone agrees that groups such as the Hmong should not be barred from the United States. Moving such a bill through regular order will also protect the rights of the minority, and allow the full Senate to ensure that this legislation does not include the excesses that appear in section 1711. We all agree that we should help the Hmong. But I would venture that we would also all agree that we should not extend immigration waiver authority to members of Hamas and al-Qaida.

Mr. LEAHY. Mr. President, the supplemental contains a provision, section 1711, which was carefully worked out through discussions between my office, the offices of Senator SPECTER, Senator BROWNBACK, Senator KENNEDY, Senator COLEMAN and Senator FEINGOLD, as well as with representatives of the Department of Homeland Security, the Department of Justice, the Department of State, and the National Security Council.

This provision contains six subsections, (a) through (f).

Subsections (a) and (d) were written by the administration.

Subsections (b) and (f) were written by the Senator from Arizona, Senator KYL.

Subsection (c) provides an exception for cases involving duress, which is consistent with the administration's policy except that this provision would codify it into law.

Section (e) is a reporting requirement.

That is the whole provision. It represents months of discussion and compromise on an issue that has been a focus of concern of faith-based organizations and humanitarian organizations, conservative and liberal, Democratic and Republican.

Here is the background.

Current law, as a result of overbroad amendments in the PATRIOT Act and Real ID Act, has been used to bar refugees and asylum seekers who were either members of groups who fought on the side of the United States, such as the Hmong, the Montagnards, and the Northern Alliance in Afghanistan, or who were the victims of terrorist groups and forced to provide ''material support,'' such as food, shelter, or other services.

Administration officials have acknowledged that they have been inexcusably slow to deal with this problem. Thousands of refugees and hundreds of asylum seekers have been in limbo as a result. We now face the additional problem of Iraqi refugees, 7,000 of whom the President says should be admitted to the United States, being barred from admission unless we fix the law.

After considerable prodding, the administration has moved in the right direction. Two weeks ago, it took another welcome step, although we have not yet seen the results of this reported change of policy.

The number of refugees admitted to the United States would not be increased or decreased by this provision. That is determined by the numerical limit set by the President each year and by the amount we appropriate for refugee admissions.

Numerous editorials have described the horrific consequences for refugees who have been victimized by current law.

Just the titles of these editorials tell the story: ''Shutting Out Terrorism's Victims,'' ''Doctors Without Refuge,'' ''Anti-terror laws keeping out old Vietnam allies,'' ''Punishing the Persecuted,'' ''U.S. denies refuge to friends, the abused,'' ''The Refugee Mess,'' ''Excluding Friends,'' and finally, ''Fix This Law.''

I will ask that just three of these editorials be printed in the RECORD at the close of my remarks.

This provision is a compromise that would get our law back in sync with our values, but now the Senator from Arizona, Mr. KYL, has raised a rule XVI point of order against this provision and had it stricken from the bill.

It is regrettable that one Senator, for whatever reason, has decided to torpedo this bipartisan effort. We have worked with the administration. We have worked with refugee organizations that know the hardship current law is causing for thousands of innocent people, legitimate refugees and asylum seekers, who have been denied admission. We have worked to find a reasonable middle ground.

But that isn't good enough for the Senator from Arizona, so we are back to square one. Individuals who fought alongside the United States in Vietnam, in Afghanistan, and elsewhere will continue to be barred under current law. Our provision would have fixed this illogical, unfair result, but now that provision has been stricken so those former allies—the Hmong, the Montagnards and others—will remain excluded.

Innocent victims of the material support bar will continue to wait for the Federal bureaucracy to address their cases—a wait that is well into its third year. Victims of terrorist groups like the FARC in Colombia or the Lord's Resistance Army in Uganda get no help from the Congress.

I regret this action by the Senator from Arizona. By striking this provision he ensures the perpetuation of a policy that is contrary to our values, to our morals, and to our national traditions.

I wish to thank all Senators who have joined in this effort but particularly Senator BROWNBACK, Senator SPECTER, Senator KENNEDY, Senator COLEMAN, and Senator FEINGOLD. I also wish to thank representatives of the humanitarian and other groups who have provided helpful information and advice, as well as officials in the administration who have made a sincere effort to work with us.

While the Senator from Arizona has singlehandedly prevented us from moving forward at this time, we will continue to work together to fix the law in a manner that reaffirms our commitment to the words that are carved in the Statue of Liberty.

Mr. President, I ask unanimous consent that the aforementioned editorials be printed in the RECORD.

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

[From the Washington Post, Oct. 24, 2006]

THE REFUGEE MESS

The Bush administration planned to admit 70,000 refugees this past fiscal year; Congress provided funding for 54,000. In the event, the United States admitted fewer than 42,000—a figure significantly lower than in either of the previous two years. The main reason for the shortfall in this crucial humanitarian program, according to recent State Department testimony before Congress, is the irrationally broad definitions in current law regarding terrorism, terrorist groups and material support for terrorism—definitions that end up excluding as terrorists people who should be protected.

The law bars as refugees people who have been members or supporters of any group with ''two or more individuals, whether organized or not, [which] engages in, or has a subgroup which engages in'' activities as broad as using an ''explosive, firearm or other weapon or dangerous device.'' The result has kept out the sort of people America's traditionally generous refugee policy was designed to help.

The law gives the administration some waiver flexibility, which it rightly has begun using recently on behalf of many ethnic Karen and Chin victims of the Burmese military junta. But that is only a partial fix, for the administration does not have the power to admit refugees who were members of groups that bore arms—even those allied with this country. So the law continues to keep out what Ellen Sauerbrey, assistant secretary of state in charge of refugees, recently described to a Senate subcommittee as ''other meritorious cases, such as Cuban anti-Castro freedom fighters, Vietnamese Montagnards who fought alongside of U.S. forces and Karen who participated in resistance against brutal attacks on their families and friends by the Burmese regime.''

The administration seems newly open to the idea of fixing the law to give itself flexibility concerning members of groups that meet the absurdly broad definition of terrorist. That would be a breakthrough. A country's willingness to welcome victims of repressive governments and war zones is a measure of its values, and this country has traditionally led the world in refugee resettlement. Not every armed group is a terrorist organization; American policy should not treat victims of the worst sort of violence like perpetrators of it.

[From the New York Times, Apr. 3, 2006]

TERRORISTS OR VICTIMS?

In Sierra Leone there is a woman who was kept captive in her house for four days by guerrillas. The rebels raped her and her daughter and cut them with machetes. Under America's program to resettle refugees, she would be eligible to come to safety in the United States. But her application for refuge has been put on indefinite hold—because American law says that she provided ''material support'' to terrorists by giving them shelter.

This law is keeping out of the United States several thousand recognized refugees America had agreed in principle to shelter. By any reasonable definition, they are victims, not terrorists.

A Liberian woman was kidnapped by a guerrilla group and forced to be a sexual slave for several weeks. She also had to cook and do laundry. These services are now considered material support to terrorists. In Colombia, the United Nations will no longer ask the United States to admit dozens of refugees who are clearly victims, since all their predecessors have been rejected on material support grounds. One is a woman who gave a glass of water to an armed guerrilla who approached her house. Another is a young man who was kidnapped by paramilitary members on a killing spree and forced to dig graves alongside others. The men, many of whom were shot when their work was finished, never knew if one of the graves would become their own.

The law makes no exception for duress. It also treats any group of two or more people fighting a government as terrorists no matter how justified the cause, or how long ago the struggle. So the United States has turned away Chin refugees, for supporting an armed group fighting against the Myanmar dictatorship, which has barred them practicing their religion. The United States has acknowledged that the law would also bar Iraqis who helped American marines find Jessica Lynch.

The law does not formally reject these applicants but places them on indefinite hold. No one accused of material support has ever had that hold lifted. The Department of Homeland Security can supposedly waive the material support provision but has never done so.

Clearly, Congress needs to add an exception for duress, allow the secretary of state to designate armed movements as nonterrorist, and allow supporters of legitimate groups to gain refuge. These changes would pose no risk of admitting terrorists to the United States and would keep America from further victimizing those who have already suffered at the hands of terrorist groups.

[From the Minneapolis Star-Tribune, Jan. 10, 2007]

U.S. DENIES REFUGE TO FRIENDS, THE ABUSED

Franz Kafka, Czech writer of the surreal and absurd, could have imagined this, perhaps: A young Hmong man fights with Americans against the Communist Laotian government. Decades later, he is accepted into the United States as a refugee. But he can't get a green card that will allow him to remain permanently and work in the United States. He's run afoul of an anti-terrorism law prohibiting asylum for people who have provided ''material support'' to terrorists. Incredibly, he's not alone, a situation that requires the remedial action promised by Senate Judiciary Committee Chairman Patrick Leahy, D–Vt.

The issue isn't the law itself but its interpretation by the Department of Homeland Security. The department's definition of ''material support'' for terrorism is so broad it has caught, among others, a refugee nurse from Colombia who was kidnapped and forced to treat a member of a guerrilla group.

Even strong Bush administration supporters—the conservative Hudson Institute; Gary Bauer, president of American Values; and the Southern Baptist Convention's Ethics and Religious Liberty Commission—are outraged by Homeland Security's inflexibility. In words he probably thought he would never utter, the Hudson Institute's Michael Horowitz says, ''The key to ending these policies is in the hands of the new Democratic majority'' in Congress.

Leahy, a persistent critic of the ''material support'' provision, has promised hearings on the issue. He should be pressed to follow through. It's beyond outrageous that a law intended to help protect Americans from terrorists should be used to punish old allies and further terrify victims seeking refuge from the abuse they suffered in their home countries.

The PRESIDING OFFICER. The point of order is well taken.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following amendments be agreed to en bloc: amendment No. 661 by Senator KOHL; amendment No. 664, OBAMA, as modified; No. 677, LEAHY; No. 679, COLLINS, as modified; No. 681, LEAHY, as modified; No. 683, Senator DORGAN; No. 722, Senators DOMENICI and BINGAMAN, as modified; No. 726, KERRY, as modified; No. 728, BOND, as modified; No. 754, MIKULSKI and SHELBY, as modified; No. 757, BYRD; No. 759, CLINTON; No. 771, Senator SNOWE; No. 784, Senator DURBIN; No. 799, Senators LUGAR and KENNEDY, as modified; and ask for their immediate consideration. I send the modifications to the desk.

Mr. COCHRAN. Mr. President, reserving the right to object, I will be compelled to object to that request in that there are some items here that have not been cleared on this side of the aisle. That has just been brought to my attention. To give us an opportunity to check each one of these items in the request, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Having heard the objection, it is unfortunate. We have been trying to work through a number of what we had hoped would be agreed-upon amendments, but since they can't be considered at this time, all debate time has expired, and I understand we will move to third reading.

The PRESIDING OFFICER. The Senator from South Carolina.

CHANGE OF VOTE

Mr. GRAHAM. Mr. President, on rollcall vote 118, I voted ''yea.'' It was my intention to vote ''nay.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I make a point of order that section 431, dealing with the tree assistance program, starting on page 150, line 13 and ending on page 151, line 15, violates rule XVI of the Standing Rules of the Senate.

Mr. COCHRAN. Reserving the right to object, would the Senator state what the substance of this matter is in the bill?

Mr. DEMINT. This section of the bill deals with the tree assistance program. It has no business being in a war supplemental. It is clearly legislating on an appropriations bill, and I believe it violates rule XVI.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I raise the defense of germaneness on this point of order.

The PRESIDING OFFICER. The question is, Is the section germane?

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

The Senator from Kentucky.

Mr. BUNNING. Mr. President, may we have a clarification of what is going on?

The PRESIDING OFFICER. The question is, Is the section germane to language in the underlying House bill?

Mr. BUNNING. Wait a minute. Would you continue? If this language is germane and a point of order has been lodged against it, is that——

The PRESIDING OFFICER. A point of order has been lodged against the section.

Mr. BUNNING. How does the Parliamentarian rule?

The PRESIDING OFFICER. It is a vote of the Senate as to whether there is sufficient language in the House bill for the defense of germaneness.

The question is, Is the section germane?

Mr. BUNNING. In other words, the Parliamentarian is throwing it back to the Senate to vote whether it is germane?

The PRESIDING OFFICER. As required by the rule.

Mr. BUNNING. OK.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, could we ask for a ruling from the Chair on the germaneness of the underlying section?

The PRESIDING OFFICER. The question is, Is the section germane?

Mr. DEMINT. Mr. President, I ask for the yeas and nays and encourage my colleagues to vote ''no.''

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—57

| | | |
|---|---|---|
| Akaka | Durbin | Murray |
| Baucus | Feingold | Nelson (FL) |
| Bayh | Feinstein | Nelson (NE) |
| Biden | Harkin | Obama |
| Bingaman | Hutchison | Pryor |
| Bond | Inouye | Reed |
| Boxer | Kennedy | Reid |
| Brown | Kerry | Rockefeller |
| Byrd | Klobuchar | Salazar |
| Cantwell | Kohl | Sanders |
| Cardin | Landrieu | Schumer |
| Carper | Lautenberg | Smith |
| Casey | Leahy | Specter |
| Clinton | Levin | Stabenow |
| Cochran | Lieberman | Stevens |
| Coleman | Lincoln | Tester |
| Conrad | McCaskill | Webb |
| Dodd | Menendez | Whitehouse |
| Dorgan | Mikulski | Wyden |

NAYS—41

| | | |
|---|---|---|
| Alexander | Dole | McCain |
| Allard | Domenici | McConnell |
| Bennett | Ensign | Murkowski |
| Brownback | Graham | Roberts |
| Bunning | Grassley | Sessions |
| Burr | Gregg | Shelby |
| Chambliss | Hagel | Snowe |
| Coburn | Hatch | Sununu |
| Collins | Inhofe | Thomas |
| Corker | Isakson | Thune |
| Cornyn | Kyl | Vitter |
| Craig | Lott | Voinovich |
| Crapo | Lugar | Warner |
| DeMint | Martinez | |

NOT VOTING—2

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| Enzi | Johnson |

The PRESIDING OFFICER. The section is voted germane and the point of order falls.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, what is the regular order?

The PRESIDING OFFICER. The regular order is that other points of order remain in order.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I raise a point of order that section 3001 constitutes general legislation and is not in order to a general appropriations bill under rule XVI.

The PRESIDING OFFICER. The point of order is sustained. The language is stricken.

Mr. ALEXANDER. I thank the Chair.

Mr. STEVENS. I turn now to an issue that should be of concern to us all, and that is the safe transport of our civilian contractors into and out of Iraq and Afghanistan. On occasion, these U.S. citizens are flying on poorly regulated charter aircraft that are ultimately paid for by funds provided by Congress to the Department of Defense and the Department of State.

Mr. INOUYE. I believe that I recently read about this issue in the press. I am concerned as well that the lack of regulation and oversight of these charter aircraft put our citizens at risk.

Mr. STEVENS. I am also informed that the aircraft, air carriers, and air charter providers being used to provide the charters for our contractors in Iraq are, in some cases, using poorly trained crews to fly outdated and poorly maintained aircraft. The Senate Armed Services Committee will most likely address this matter during their consideration of the fiscal year 2008 Defense authorization bill. We should consider requiring that air charter operates in Iraq and Afghanistan, funded either directly or indirectly by congressional appropriations, meet safety and maintenance standards equal to those required by charters in the U.S.and European Union.

Mr. INOUYE. I agree that air transport safety of our citizens in Iraq and in Afghanistan is an important issue and I endorse your comments on this matter. We should work to take the steps needed to ensure the safety of our civilian contractors.

GEOTHERMAL ENERGY RESEARCH FUNDING

Mr. REID. I rise to enter into a brief colloquy with Senator DORGAN, chairman of the Energy and Water Development Appropriations Subcommittee, regarding section 3201 of title III of Senate amendment No. 641 to H.R. 1591, the emergency supplemental appropriations bill for fiscal year 2007. I thank the Senator for including in the committee's substitute amendment the language that I requested to ensure that important geothermal energy research can continue in fiscal year 2007, instead of being closed down pursuant to the administration's ill-advised spending plan.

Mr. DORGAN. I thank the leader for his support and continuing interest in geothermal and renewable energy. The committee's substitute amendment provides $22,762,000 for geothermal energy research at the Department of Energy in fiscal year 2007. This is the same level of funding as provided in fiscal year 2006. After the administration proposed terminating the geothermal research program in its fiscal year 2007 budget request, the Senate Appropriations Committee rejected that proposal last year in its report accompanying the fiscal year 2007 energy and water appropriations bill, S. Rept. 109–274. Section 3201 will ensure continuation of this vital program.

Mr. REID. I thank the Senator from North Dakota for his support for the geothermal energy program and his leadership on national energy policy. As the Senator knows, geothermal energy is a very important resource for Nevada and all Western States to develop to help address our national energy and environmental security problems. There have been several new reports in the past few months from the Geothermal Energy Association, the National Renewable Energy Laboratory, and the Massachusetts Institute of Technology that show the tremendous untapped potential of this renewable resource. Geothermal energy is clearly an important resource that can provide very valuable clean, baseload power. Its advantages are many and obvious, and the Department of Energy should be expanding its efforts in this area not reducing them.

Given the hostility of the Department of Energy, DOE, and the administration toward expanding our Nation's massive geothermal energy potential through research and deployment, can the chairman of the Energy and Water Subcommittee convey any specific intent about how the appropriated funds in this amendment should be used?

Mr. DORGAN. First of all, the department should continue critical efforts to support new technology and deployment, including funding of existing contracts and awards under previous solicitations, but the department should be rapidly implementing and supporting the geothermal provisions of the Energy Policy Act of 2005.

Based upon the studies and reports the Senator from Nevada has mentioned, it should also be a priority for the department to support resource development and exploration technology, including continued both existing and new Geothermal Resource Exploration and Development, GRED, efforts that are underway at the DOE.

Mr. REID. I thank the Senator from North Dakota for his comprehensive answer. I hope that as we consider the fiscal year 2008 energy and water appropriations bill, Congress will provide expanded support for the geothermal energy program, along with more specific guidance as needed by the distinguished chairman.

Mr. DORGAN. I appreciate the Senator's views on the importance of this program and share the Senator's commitment to ensuring an effective DOE geothermal program that works to expand our Nation's use of this important, renewable energy resource.

Mr. SPECTER. Mr. President, I seek recognition to discuss a matter of the utmost importance, a pay raise for judges and justices of the United States.

The salaries of article III judges are inadequate for the stature and duties that are attendant to the job. The low salaries threaten the independence and excellence of the judiciary.

The Framers sought to ensure that the Federal judges would be independent—free from persuasion—to impartially apply the law. Alexander Hamilton wrote in the Federalist No. 79: ''Next to permanency in office, nothing can contribute more to the independence of the judges than a fixed provision for their support. . . . In the general course of human nature, a

power over a man's subsistence amounts to a power over his will.''

For this reason, though Congress was charged with providing for the judiciary's support, judges were given salary protection in the compensation clause in article III, section 1 of the U.S. Constitution. This clause provides that ''the Judges, both of the supreme and inferior Courts, shall hold their offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.'' The Framers gave judges salary protection so that they could be independent, free from the threat of salary diminution by Congress. They recognized that independence was key to the ability of judges to implement the rule of law without fear or favor. Judicial independence is the cornerstone of our legal system, which has been the model for judiciaries throughout the world.

This constitutional protection against salary diminution, so central to judicial independence, is undermined when judicial salaries are allowed to steadily decline through neglect. And the independent judiciary our forefathers envisioned is undermined when Congress fails to attend to the needs of its principals and insists on tying of their salaries to those of elected leaders.

The last time Congress significantly raised the pay of Federal judges was in 1989, when the Ethics Reform Act raised their salaries by 25 percent. At the same time, however, the act curtailed judges' ability to earn outside income. Although the act provided for annual cost-of-living adjustments, these annual increases have not been realized due to congressional inaction in 5 of the last 13 years. Thus, the real pay of judges has continued to decline—12 percent since the Ethics Reform Act was enacted. The decline of judicial salaries since 1969 is even starker—the real pay of district judges has decreased by nearly 25 percent since 1969. During the same time period, the salary for the average American worker increased by about 19 percent.

Obviously, we cannot equate the judges' pay with that of ordinary working Americans. No one would argue that Federal judges' salaries are worse than those of the vast majority of American taxpayers. However, Federal judges' pay has not kept pace with the salary increases of their peers within the legal profession. In 1969, Federal judges' salaries exceeded those of top law school deans by 21 percent. Today, in contrast, Federal district judges earn about half as much as deans at these law schools. In fact, the salary of a district judge today—$165,200—is a mere $20,000 more than what a first year associate at a New York law firm earns. Partners in law firms often earn an excess of $1 million per year.

Nor have judicial salaries kept up with the salaries of other government servants. The Chief Justice of the United States earns $212,100, while the Chief Learning Officer at the Federal Deposit Insurance Corporation earns up to $257,134. Many other government employees can receive in excess of $200,000 per year in compensation, while judges for the courts of appeal earn $175,100 and district court judges earn $165,200.

Chief Justice Roberts and Justice Kennedy have both recently addressed the toll that these comparatively low judicial salaries are taking on his fellow justices and judges. On February 14, 2007, Justice Kennedy addressed the Judiciary Committee and related that in more than 30 years as a judge, he has never seen his ''colleagues so dispirited as at the present time.'' He testified that ''if there is a continued neglect of compensation needs,'' he is concerned that low morale will lead to a judiciary that ''will be diminished in its stature and its capacity.'' Chief Justice Roberts also addressed this problem, devoting his entire 2006 Year End Report on the Federal Judiciary to the topic. He raised concerns that the low salaries of judges threaten the ability of the judiciary to draw the best and the brightest legal minds into service. The Chief Justice raised the alarm that ''without fair judicial compensation we cannot preserve the quality and independence of our judiciary, which is the model for the world.'' Further, he fears that the relative inadequacy of judicial compensation is cause for judges to leave the bench for more lucrative careers elsewhere. He wrote that ''[i]f judicial appointment ceases to be the capstone of a distinguished career and instead becomes a stepping stone to a lucrative position in private practice, the Framers' goal of a truly independent judiciary will be placed in serious jeopardy.''

On a related note, I would like to address the notion that judicial salaries should be linked to salaries for Senators and Members of the House. Judges should not be held hostage because political winds make it difficult for elected leaders to raise their own salaries. It is high time to dispense with the idea that the two ought to be linked. The judicial branch is separate but equal to the legislative branch, each with its own needs, each of equivalent stature. We cannot continue to humble the judiciary, neglecting our constitutional mandate to provide for its support, ignoring its independence, by tying judges' compensation to our own.

The problems of inadequate judicial compensation and the linking of judicial salaries to those of elected leaders are not new. Chief Justice Rehnquist raised the inadequacy of judicial compensation for nearly 20 years, and the National Commission on the Public Service—the ''Volcker Commission''—addressed judicial pay increases and linkage in its 2003 report on revitalizing the Federal Government. The Commission recommended a substantial pay raise for judges, calling the judicial compensation ''the most egregious example of the failure of federal compensation policies.'' The Commission also recommended breaking the link between salaries for Members of Congress and those for judges. The Commission admonished Congress that ''judicial salaries must be determined by procedures that tie them to the needs of the government, not the career related political exigencies of members of Congress.'' The American Bar Association and the Federal Bar Association have also endorsed increasing judicial salaries and delinking judicial salaries from those of elected leaders.

It is imperative that Congress address a judicial salary increase soon and decouple the salaries of judges with those of Members of Congress. I urge my colleagues to join me in this effort to ensure that the salaries for our judicial brethren are commensurate with the duties and stature of their positions and that salary policy respects the independence of this coequal branch of government. Our failure to act prevents us from showing proper respect to a coordinate branch of our constitutional government.

Mr. McCAIN. Mr. President, this emergency supplemental appropriations bill contains $121.7 billion in funding, approximately $19 billion above the President's request, and is replete with earmarks and other nonemergency spending. Additionally, this bill would establish a timeline for the withdrawal of American troops from Iraq, regardless of the conditions there. Such a mandate would have grave consequences for the future of Iraq, the stability of the Middle East and the security of Americans at home and abroad. For these reasons, I do not support this bill.

I support full funding for our troops in this time of war, and I believe that Congress, which authorized the wars in Iraq and Afghanistan, is obligated to give American troops everything they need to prevail in their missions. Unfortunately, the must-pass nature of this bill has proven all too tempting for Senators who could not restrain their profligate impulses to pile on spending unrelated to fighting the global war on terror.

This bill exhibits little evidence that Congress respects the solemn responsibility to be custodians of the taxpayers' dollars. In a time of war, with large Federal budget deficits, at a time when Americans deserve to keep more of their earnings at home, any rational observer would counsel restraint. Yet this emergency supplemental bill is stuffed with scarce dollars for the special interests, just as the measure approved by the House last week.

The Dallas Morning News editorial board wrote last week with respect to the House-passed bill that ''turning the President's $100 billion supplemental war spending request into a $124.6 billion, pork-laden mess'' is no way to show support for the troops, adding

that ''support for the troops takes the odd form of $25 million for spinach growers . . . $1.48 billion for livestock farmers . . . and $74 million 'to ensure the proper storage of peanuts.' ''

Unfortunately, the Senate has chosen to follow the House's misguided lead by adding a host of nonemergency and unrequested provisions to the measure pending before us—a measure that is desperately needed to fund the ongoing military missions.

Let me mention some of the unrequested items contained in this bill:

There is $3 million for sugar cane growers, of which the entire amount will go to one Hawaiian cooperative. Just last year Congress provided up to $40 million for Florida sugar cane growers in an emergency supplemental bill. I suppose no ''emergency supplemental'' bill is complete without a sweetener for sugar cane growers.

There is $165.9 million for fisheries disasters. Just last year Congress provided $95 million in another emergency supplemental bill to assist fishermen in recovering from fisheries disasters and to aid oyster bed and shrimp ground rehabilitation. This year, Congress's generous aid moved from the eastern seaboard to the west coast with over $60 million alone to assist salmon fishermen in Oregon and California.

There is $3,500,000 for the Capitol Guide Service and Special Services Office, to be available until September 2008. I was unaware that we had emergency tour guide needs in addition to our emergency troops' funding needs.

There is $13 million for research to develop mine safety technology. Congress provided $35 million in last year's emergency supplemental bill to hire an additional 217 mine safety inspectors, and $10 million for mine safety research, so I must question why this latest funding cannot wait for the regular appropriations process.

There is $22.76 million for geothermal energy research. While I support renewable energy research to reduce our dependency on oil, this funding was not part of the administration's budget request. Does geothermal energy research qualify as an emergency spending need? No, it does not.

There is $7 million for water quality research at pig farms in Missouri. Specifically, the bill directs the EPA to provide a $7 million grant to Water Environment Research Foundation in Alexandria, VA, to research water quality issues related to pig farms in Missouri. As many of us have stated, there is true ''pork'' in this bill as this earmark illustrates.

There is $2 million for the University of Vermont's Educational Excellence Program. This project is essentially identical to an earmark that was proposed last year. It was rejected in last year's final bill, and should not be included again this year.

There is $40 million for a ''Tree Assistance Program,'' to aid ''fruit and nut tree producers'' and other producers of a ''Christmas tree'' or ''potted shrub'' or ''ornamental tree.'' This bill is not only a big Christmas gift to special interests, but it also comes with a Christmas tree.

There is $95 million to dairy producers.

There is $20 million for reimbursements to Nevada, Idaho and Utah for ''insect damage'' from grasshoppers, crickets, and others. These pesky insects are now richer than most residents in those States.

There is $24 million to sugar beet producers as compensation for production losses. These producers should be ''beet red'' over this handout.

There is $13 million for the Ewe Lamb Replacement and Retention Program. Under this program, eligible livestock owners receive $18 for each qualifying ewe lamb. That means this provision would cover up to 722,222 sheep. Perhaps my colleagues think increasing our Nation's sheep stocks is somehow a viable alternative to the President's troop increase in Iraq? I doubt the troops appreciate the priority that we have placed on ewe lambs breeding in this bill. It is a ''baad'' earmark.

There is $6 million for crops damaged by floods in North Dakota. Yet another repeated attempt for funding that was rejected in last year's emergency supplemental.

There is $5 million for irrigation repairs in Montana. Of the $35 million provided to the USDA Emergency Conservation Programs, which was not requested by the administration, the bill earmarks $5 million for repairs to damaged irrigation ditches and pipelines in the State of Montana.

There is $30 million for the Farm Service Agency. On top of all the aforementioned programs, the bill provides $30 million for administration costs at the Farm Service Agency to ensure the Federal Government has enough employees to actually carry out all the new programs and new spending under this agriculture title. Here we see the underreported runaway effect of porkbarrel politics: more pork translates into bigger government, bigger government means larger administrative overhead, and large administrative overhead means greater costs to American taxpayers.

There is $388.9 million for funding a backlog of old Department of Transportation highway projects. The taxpayers just provided over $24 billion in unauthorized highway projects in 2005, but Congress in its infinite wisdom has seen fit to provide another $388 million in this bill.

This appropriations bill also includes numerous authorizing provisions, such as section 3001, which uses the emergency supplemental to authorize certain outdoor signs that were damaged, abandoned, or discontinued as a result of a hurricane in certain regions to be repaired, replaced, or reconstructed within 24 months of enactment. The bill also restricts authorization to the Department of Transportation to implement a provision authorized by Congress in the North American Free Trade Agreement that would allow Mexican and U.S. trucks to operate across the border, thereby facilitating free trade and benefiting the economy.

Once again, the appropriators have included a massive agriculture disaster assistance package in the emergency supplemental. The language before us today is strikingly similar to language that appeared in the 2006 emergency supplemental and to an amendment that was rejected just last December. As my colleagues surely remember, the 2006 Senate-passed emergency supplemental faced a veto threat because of the unrequested agricultural disaster package it contained. It faces the same threat today.

Most shockingly still, the bill actually underfunds the Army, Navy, Air Force, Marine Corps and Defense-Wide Operation and Maintenance accounts by nearly $1.4 billion, withholding funds from accounts directly related to fulfilling the wartime needs of the military. This is disgraceful.

This spending would be laughable if it weren't so tragic. We are at war—a war that has cost us a great deal in blood and treasure and which inevitably will cost us more still. Our troops, who fight so bravely on our behalf and who so love their country that they are willing to sacrifice everything—everything—in order to defend it, show incredible courage in carrying out their duties in Iraq and Afghanistan. And so it is only right that we, the elected leaders entrusted to preserve the common welfare, show just a modicum of the sacrifice, courage, and restraint that these warriors exhibit every day.

The Baltimore Sun editorialized last Sunday:

> President Bush requested that Congress quickly fund the troops serving in Iraq and Afghanistan and debate the war strategy separately. Yet Congress chose to hold troop funding hostage to pork-barrel spending and to provide terrorists with a countdown clock to America's exit from Iraq. Lawmakers must show that [past] promises of fiscal restraint were not meaningless by providing a clean bill for President Bush to sign. The troops deserve no less.

I agree it is time to exercise the fiscal discipline commensurate with the responsibilities entrusted to us by the American people and to provide our troops with the support necessary to win the war in Iraq. This bill, which provides insufficient funding for our Armed Forces and a damaging withdrawal deadline, sends the wrong message to our troops, our enemies, and the American taxpayer. The Dallas Morning News continued in its editorial:

> [S]etting an arbitrary date for withdrawal only handcuffs the troops trying to carry out their mission—and gives hope to their ene-

mies . . . We hope—the supplemental war-spending bill does not prove to be a reminder to Americans why the Constitution invested commander-in-chief responsibilities in one president, instead of 435 members of Congress.

This bill will be vetoed, and I will strongly support sustaining that veto. This bill is a perfect example of why I have long supported a President having line-item veto authority. There is some necessary funding in this bill that is urgently needed to support our troops in Iraq, but, unfortunately, the bill is saddled with too much wasteful spending and a regrettable war strategy to allow me to support it.

Mr. REID. Mr. President, I heard the Senator from Tennessee arguing about a provision in the disaster recovery portion of the supplemental relating to the private property rights of billboard owners. First let me note that the bill we voted on was not simply the Iraq supplemental. From the start, it has always been a supplemental that also included provisions for hurricane and natural disaster recovery efforts. Obviously, the Iraq portion of the supplemental is the most important part of the bill, but the supplemental has always also had a disaster recovery title, which is why we saw a majority of members of both Chambers supporting these disaster-related provisions.

I respect the Senator from Tennessee and appreciate his sincerity on the important issue he spoke on. I was disappointed, though, that there was much in what the Senator said that was just plain wrong.

The Senator claimed that the provision at issue was ''amnesty for illegal billboards.'' I don't know what it is these days with the use of the term ''amnesty,'' but some people don't seem to understand what the word means in any context.

All of the billboards affected by the provision are legal. Some of them have been standing legally for decades. But we are not talking about creaky old billboards; many of the billboards at issue are only a few years old, and in more recent years the state they are in happened to changed density or zoning requirements, but sensibly grandfathered in the existing structures.

Many of the billboards at issue provide advertising for small businesses, important information for U.S. drivers, public service announcements, and fuel local tourism industries throughout America. In short, the types of billboards at issue are very common, are a source of information and revenue for States, and are regulated by states.

Saying they are illegal or that we are providing amnesty is a nice rhetorical flourish but is just plain wrong.

The reality is that for decades, the Federal Government, in compliance with law and regulation, deferred to the States in determining whether billboards could be rebuilt or not after a hurricane or other natural disaster. For decades, this issue was not an issue. Then, in recent years, the Federal Government did an about-face and began dictating terms to the States, threatening to withhold Federal highway funds if the States did not trample on private property rights.

Ironically, Tennessee was one of the States that felt the heavy hand of the Federal Government's purse strings. ''Tennessee had a decades-long history of allowing billboards to be rebuilt after natural disasters. There are probably hundreds of letters from Tennessee granting permission to rebuild after natural disasters, including many from within the past year. Recently, however, the Federal Government told Tennessee it needed to change its policies or it would lose millions of dollars in Federal funding. Tennessee felt that it had no choice, so it changed its policy.

The provision at issue is very simple, it returns us to where we were before the Federal Government changed its policy. It respects States rights and private property rights—principles that people in the West understand well. I am surprised that a small group of Members on the other side of the aisle are opposed to States rights and private property rights. This is especially so, since other Members on the other side of the aisle have traditionally supported this provision, including Members from Louisiana and Mississippi, two of the States hit hardest by the new Federal Government stance on this issue.

The proposal ensures that states that want to allow these billboards to be rebuilt will have that option. If the State does not want to allow the billboards, it does not have to. That was the way things worked for decades.

But, under the new approach by the Federal Government, even if a State thinks the billboards provide a valuable source of revenue or public service and wants to allow them to be rebuilt, the Federal Government stands in the way and prohibits the State from allowing the billboard to go back up. It is about states rights.

So the gentlemen from Tennessee, Florida, and Alabama, are all basically taking a position that the Federal Government knows better than their own States.

Further, the proposal is about private property rights. It ensures that companies and small businesses whose billboards have been destroyed by the hurricane will not lose all of the value of their property.

This is just a matter of basic fairness. The Katrina portion of the supplemental included billions of dollars to help people rebuild their houses, to help private schools rebuild their facilities and programs, and to help small businessowners rebuild their businesses. The Katrina portion of the supplemental was all about rebuilding.

But, a small group of my colleagues on the other side of the aisle seems to think that this group of private property owners should be the exception—they should not be able to rebuild and reclaim their property just because their property is disfavored by some. I don't know why these folks are opposed to private property rights and States rights.

Finally, let me note the wide support for this proposal. The Governors of Mississippi and Louisiana support the proposal. The American Hotel Lodging Association supports it. The National Restaurant Association supports it. The Association of National Advertisers supports it. The ''America's Most Wanted'' TV show endorses the proposal because billboards have been helpful in catching criminals. A variety of America's best known brandnames support the proposal, as well—Accor, Best Western, Bob Evans, Cracker Barrel, Dairy Queen, Ford Motor Company, Wendy's, and White Castle.

Ms. SNOWE. Mr. President, I rise today to discuss the way forward for a recapitalization effort critical to our national security and the safety of America's seafarers. I speak of the effort to modernize the fleet of the U.S. Coast Guard known as the Integrated Deepwater Program. There is no question that the Coast Guard desperately requires new assets with which to carry out its missions, and it is our duty to ensure that they receive those tools at the best value to the American taxpayer.

For over two centuries, the Coast Guard has protected our shores, and the service has come a long way from its beginnings under the auspices of the U.S. Revenue Cutter Service and the U.S. Lifesaving Service. Following the events of September 11, 2001, the Coast Guard was transferred from the Department of Transportation to the Department of Homeland Security, a change that brought with it an increase in missions. Today, its roles include search-and-rescue missions and marine safety enforcement; securing our Nation's ports, waterways, and coasts; carrying out drug and illegal immigrant interdiction operations; protecting our marine environment; and ensuring safety and ease of navigation.

President Bush has called the Coast Guard ''the world's premiere lifesaving service,'' and given the new tasks assigned to the service under the Department of Homeland Security, that label now extends far beyond rescuing mariners in duress or stranded hurricane victims. The Coast Guard is also our first line of defense against waterborne terrorist attacks, from suicide bombers such as those who attacked the USS *Cole* in Yemen, to potential weapons of mass destruction that could be brought to our ports on board container ships.

However, the assets we have provided the world's premiere lifesaving service to carry out their critical missions are anything but the world's premiere equipment. The valiant men and women who protect our shores serve aboard vessels that collectively comprise the third oldest naval fleet in the

world. These are the same individuals who rescued over thirty thousand people from the rooftops of the gulf coast after Hurricane Katrina, and who, in a single action just last week, prevented over 4,200 pounds of cocaine from reaching America's streets, and schoolyards—the biggest single drug bust ever recorded. Our service men and women deserve better, and the American people deserve better.

Which is why the Coast Guard has chosen to modernize its fleet using a program of unprecedented scope. This recapitalization effort, called Deepwater, is a single acquisition program designed to completely overhaul the Coast Guard's entire fleet of ships and aircraft, as well as its communications system and interoperability components. In effect, rather than attempting to manage each asset individually, we chose to manage the new system of assets as a whole, allowing the Coast Guard and the taxpayer to reap the benefits of economies of scale and lack of duplicative effort. When the call for proposals was announced, the group Citizens Against Government Waste called Deepwater ''an innovative answer to the federal acquisition process' systematic waste.''

In June of 2002, the Coast Guard awarded a contract to a joint venture comprised of executives from Lockheed Martin and Northup Grumman and representatives from the Coast Guard itself. This entity is called Integrated Cost Guard Systems, or ICGS. And now, not 5 years later, we have arrived at a crossroads with the Deepwater program that has has found itself in rough seas. High-profile failures of acquisitions, such as the 123-foot patrol boats, and questions about the suitability of the new fleet's flagship, the national security cutter, have led Congress to re-examine the acquisition process. An innovative design for one ship, the fast response cutter, has proven to be a failure, and the Coast Guard, to its credit, has removed that ship from ICGS's control, will soon put forth a request for design proposals, and plans to manage that acquisition independently.

Many of these problems stem from the manner in which the Coast Guard structured its Deepwater contract. Too much control was given to ICGS in the contract's first term, including the authority to override Coast Guard engineering decisions, and the ability to ''self-certify'' its own designs and work as meeting the Coast Guard's requirements. To make matters worse, these contracts were structured in such a way that if the assets in development failed to meet the required standards, the contractor would be paid an additional fee to fix the very problem it had created in the first place. I am convinced that it is this contract—and not the concept of a system of systems approach to major acquisitions—that has brought us to where we are today with the Deepwater program.

Now the Coast Guard is in negotiations with ICGS for extension of the contract, and there is no question that oversight of the program must change. Several legislative solutions have been proposed, including provisions in both S. 965 and H.R. 1571. While I am pleased to know that the appropriators in both Houses of Congress recognize the importance of Deepwater to the Coast Guard and to the Nation, I strongly disagree with the way in which they have chosen to handle its revision.

Ultimately, oversight of Deepwater falls not to the appropriators, but to the service's authorizing committee the Committee on Commerce, Science, and Transportation's Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard, on which I serve as the ranking member. The Chair of that Subcommittee, Senator CANTWELL, and I have worked together on innumerable Coast Guard issues for years, and we have a detailed understanding of the intricate issues involved both in management of the Coast Guard as a whole and this program in particular. The language in neither the House nor the Senate Appropriations bill provides the best way forward for Deepwater or the Coast Guard. If passed, either version would lead to delays in production and affiliated increases both in the final delivery cost of the assets, and in the size of any patrol gaps the Coast Guard may experience. In simple terms, the appropriators' language will cost the taxpayers money and weaken the security of our maritime domain.

Senator CANTWELL and I have offered an alternative. Last week, we introduced the Integrated Deepwater Program Reform Act, S. 924. This bill places restrictions on the structure of any agreements between the Coast Guard and its contractors; mandates full and open competition for all Deepwater assets not yet under contract; requires the Coast Guard to conduct an analysis of alternatives to ensure that its Deepwater plan remains the best way to recapitalize the service at the lowest possible cost; and increases reporting requirements to Congress so we can be kept abreast of the program's progress as well as any stumbling blocks that may arise. But most importantly, while this analysis is ongoing, our bill will allow work to continue on assets that have been proven capable of meeting the demands of the Coast Guard's mission portfolio, thereby avoiding costly delays and dangerous patrol gaps.

Despite the mistakes of Deepwater's past, I believe we must move forward with this critical modernization of The Coast Guard's fleet. The simple fact is this: The Coast Guard needs new vessels, and a program run as a system of systems, rather than on an asset-by-asset basis will lead to a more efficient and more cost-effective recapitalization.

I respectfully ask that the members of the Appropriations Committees in both the House and the Senate remove the clauses in their bills that contain authorization language for the Deepwater program and allow the authorizing committee to do its job through passage of S. 924. We have the best interests of the American people at heart, and we have the necessary expertise to ensure that the Coast Guard and our maritime security do not suffer unintended consequences of even the best-intentioned efforts.

Mr. FEINGOLD. Mr. President, I am pleased to vote in favor of the fiscal year 2007 supplemental because it contains binding language that effectively ends the current misguided military mission in Iraq and requires the President to begin withdrawing U.S. troops from Iraq. While this action is long overdue, it is a big step in the right direction and it brings us closer to ending our involvement in this disastrous war.

I am also pleased that the supplemental includes necessary funding to address conflicts throughout the world, especially in Sudan, Somalia, and the Democratic Republic of Congo, to assist Iraqi refugees and internally displaced persons fleeing their homes, and to help pay for U.S. arrears to the U.N.

The supplemental also contains a 1-month extension of the Milk Income Loss Contract, MILC, program, which fixes a quirk that could have put family dairy farmers on unequal footing during the upcoming farm bill debate. I was glad this provision was included in the supplemental and will work with my colleagues to retain it during conference.

I am extremely disappointed at the removal of a provision in the supplemental spending bill that would have fixed a glaring problem in immigration law that effectively labeled the Hmong as terrorists. We will forever be indebted to the Hmong who fought alongside and supported the United States during the Vietnam war. I will continue working to make sure that Hmong and other legitimate refugees who are not threats to our national security do not face lengthy and unnecessary delays as the Federal agencies involved determine whether they are eligible for a waiver that would permit them to resettle in the United States or adjust their immigration status.

I remain concerned at the continued practice of funding the war in Iraq through emergency spending bills. We should not be using such bills to bypass the regular appropriations process. That is why I supported efforts to remove certain spending provisions that do not appear to address true emergencies, including an amendment offered by Senator COBURN to remove funding for next year's political conventions.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—51

| | | |
|---|---|---|
| Akaka | Feingold | Murray |
| Baucus | Feinstein | Nelson (FL) |
| Bayh | Hagel | Nelson (NE) |
| Biden | Harkin | Obama |
| Bingaman | Inouye | Pryor |
| Boxer | Kennedy | Reed |
| Brown | Kerry | Reid |
| Byrd | Klobuchar | Rockefeller |
| Cantwell | Kohl | Salazar |
| Cardin | Landrieu | Sanders |
| Carper | Lautenberg | Schumer |
| Casey | Leahy | Smith |
| Clinton | Levin | Stabenow |
| Conrad | Lincoln | Tester |
| Dodd | McCaskill | Webb |
| Dorgan | Menendez | Whitehouse |
| Durbin | Mikulski | Wyden |

NAYS—47

| | | |
|---|---|---|
| Alexander | DeMint | McCain |
| Allard | Dole | McConnell |
| Bennett | Domenici | Murkowski |
| Bond | Ensign | Roberts |
| Brownback | Graham | Sessions |
| Bunning | Grassley | Shelby |
| Burr | Gregg | Snowe |
| Chambliss | Hatch | Specter |
| Coburn | Hutchison | Stevens |
| Cochran | Inhofe | Sununu |
| Coleman | Isakson | Thomas |
| Collins | Kyl | Thune |
| Corker | Lieberman | Vitter |
| Cornyn | Lott | Voinovich |
| Craig | Lugar | Warner |
| Crapo | Martinez | |

NOT VOTING—2

| | |
|---|---|
| Enzi | Johnson |

The bill (H.R. 1591), as amended, was passed, as follows:

H.R. 1591

*Resolved,* That the bill from the House of Representatives (H.R. 1591) entitled ''An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:*

*TITLE I*

*GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS*

*CHAPTER 1*

*DEPARTMENT OF AGRICULTURE*

*FOREIGN AGRICULTURAL SERVICE*

*PUBLIC LAW 480 TITLE II GRANTS*

*For an additional amount for ''Public Law 480 Title II Grants'', during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $475,000,000, to remain available until expended.*

*GENERAL PROVISION—THIS CHAPTER*

*SEC. 1101. There is hereby appropriated $82,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.*

*CHAPTER 2*

*DEPARTMENT OF JUSTICE*

*GENERAL ADMINISTRATION*

*OFFICE OF THE INSPECTOR GENERAL*

*For an additional amount for ''Office of the Inspector General'', $500,000, to remain available until September 30, 2008.*

*LEGAL ACTIVITIES*

*SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

*For an additional amount for ''Salaries and Expenses, General Legal Activities'', $4,093,000, to remain available until September 30, 2008.*

*SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

*For an additional amount for ''Salaries and Expenses, United States Attorneys'', $12,500,000, to remain available until September 30, 2008.*

*UNITED STATES MARSHALS SERVICE*

*SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE*

*For an additional amount for ''Salaries and Expenses, United States Marshals Service'', $32,500,000, to remain available until September 30, 2008: Provided, That of the amounts made available in this Act for ''Educational and Cultural Exchange Programs'', $15,000,000 is rescinded.*

*NATIONAL SECURITY DIVISION*

*SALARIES AND EXPENSES*

*For an additional amount for ''Salaries and Expenses,'' $1,736,000, to remain available until September 30, 2008.*

*FEDERAL BUREAU OF INVESTIGATION*

*SALARIES AND EXPENSES*

*For an additional amount for ''Salaries and Expenses'', $348,260,000, of which $338,260,000 is to remain available until September 30, 2008 and $10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, ''A Review of the Federal Bureau of Investigation's Use of National Security Letters''.*

*DRUG ENFORCEMENT ADMINISTRATION*

*SALARIES AND EXPENSES*

*For an additional amount for ''Salaries and Expenses'', $25,100,000, to remain available until September 30, 2008.*

*BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES*

*SALARIES AND EXPENSES*

*For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2008.*

*FEDERAL PRISON SYSTEM*

*SALARIES AND EXPENSES*

*For an additional amount for ''Salaries and Expenses'', $17,000,000, to remain available until September 30, 2008.*

*CHAPTER 3*

*DEPARTMENT OF DEFENSE—MILITARY*

*MILITARY PERSONNEL*

*MILITARY PERSONNEL, ARMY*

*For an additional amount for ''Military Personnel, Army'', $8,870,270,000.*

*MILITARY PERSONNEL, NAVY*

*For an additional amount for ''Military Personnel, Navy'', $1,100,410,000.*

*MILITARY PERSONNEL, MARINE CORPS*

*For an additional amount for ''Military Personnel, Marine Corps'', $1,495,827,000.*

*MILITARY PERSONNEL, AIR FORCE*

*For an additional amount for ''Military Personnel, Air Force'', $1,218,587,000.*

*RESERVE PERSONNEL, ARMY*

*For an additional amount for ''Reserve Personnel, Army'', $147,244,000.*

*RESERVE PERSONNEL, NAVY*

*For an additional amount for ''Reserve Personnel, Navy'', $77,523,000.*

*RESERVE PERSONNEL, AIR FORCE*

*For an additional amount for ''Reserve Personnel, Air Force'', $9,073,000.*

*NATIONAL GUARD PERSONNEL, ARMY*

*For an additional amount for ''National Guard Personnel, Army'', $474,978,000.*

*NATIONAL GUARD PERSONNEL, AIR FORCE*

*For an additional amount for ''National Guard Personnel, Air Force'', $41,533,000.*

*OPERATION AND MAINTENANCE*

*OPERATION AND MAINTENANCE, ARMY*

*For an additional amount for ''Operation and Maintenance, Army'', $20,373,379,000.*

*OPERATION AND MAINTENANCE, NAVY*

*(INCLUDING TRANSFER OF FUNDS)*

*For an additional amount for ''Operation and Maintenance, Navy'', $4,865,003,000, of which $120,293,000 shall be transferred to Coast Guard, ''Operating Expenses'', for reimbursement for activities in support of activities requested by the Navy.*

*OPERATION AND MAINTENANCE, MARINE CORPS*

*For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,101,594,000.*

*OPERATION AND MAINTENANCE, AIR FORCE*

*For an additional amount for ''Operation and Maintenance, Air Force'', $6,685,881,000.*

*OPERATION AND MAINTENANCE, DEFENSE-WIDE*

*For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,790,669,000, of which—*

*(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and*

*(2) not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.*

*OPERATION AND MAINTENANCE, ARMY RESERVE*

*For an additional amount for ''Operation and Maintenance, Army Reserve'', $74,049,000.*

*OPERATION AND MAINTENANCE, NAVY RESERVE*

*For an additional amount for ''Operation and Maintenance, Navy Reserve'', $111,066,000.*

*OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

*For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $13,591,000.*

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $10,160,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $83,569,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $38,429,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $5,906,400,000, to remain available until September 30, 2008.

IRAQ SECURITY FORCES FUND

For an additional amount for ''Iraq Security Forces Fund'', $3,842,300,000, to remain available until September 30, 2008.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $455,600,000, to remain available for transfer until September 30, 2008.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,432,800,000, to remain available until September 30, 2009.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $619,750,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $111,473,000, to remain available until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $3,400,315,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $681,500,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $10,589,272,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $963,903,000, to remain available until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $163,813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $159,833,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $722,506,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,703,389,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $1,431,756,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $78,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,972,131,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $903,092,000, to remain available until September 30, 2009.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $1,000,000,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $125,576,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $308,212,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $233,869,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $522,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,000,000.

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,315,526,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $2,466,847,000; of which $2,277,147,000 shall be for operation and maintenance; of which $118,000,000, to remain available for obligation until September 30, 2009, shall be for Procurement; and of which $71,700,000, to remain available for obligation until September 30, 2008, shall be for Research, development, test and evaluation.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $254,665,000, to remain available until expended: Provided, That these funds may be used only for such activities related to Afghanistan and Central Asia: Provided further, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RELATED AGENCY

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for ''Intelligence Community Management Account'', $71,726,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Appropriations provided in this chapter are available for obligation until September 30, 2007, unless otherwise provided in this chapter.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: Provided further, That funds previously transferred to the ''Joint Improvised Explosive Device Defeat Fund'' and the ''Iraq Security Forces Fund'' under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this chapter, or made available by the transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this title under the heading, ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, and Pakistan: Provided, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided

*under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.*

*(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.*

*SEC. 1307. (a) From funds made available for operations and maintenance in this title to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.*

*(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).*

*SEC. 1308. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' in this chapter may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.*

*SEC. 1309. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking ''$310,277,000'' and inserting ''$376,446,000''.*

*SEC. 1310. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:*

*(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.*

*(2) To exercise United States control over any oil resource of Iraq.*

*SEC. 1311. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):*

*(1) Section 2340A of title 18, United States Code;*

*(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and*

*(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).*

*SEC. 1312. Section 9007 of Public Law 109–289 is amended by striking ''20'' and inserting ''287''.*

*SEC. 1313. INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL. (A) PERIODIC INSPECTION REQUIRED.—*

*(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:*

*(A) Each military medical treatment facility.*

*(B) Each military quarters housing medical hold personnel.*

*(C) Each military quarters housing medical holdover personnel.*

*(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.*

*(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:*

*(1) Generally accepted standards for the accreditation of non-military medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.*

*(2) Standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).*

*(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—*

*(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—*

*(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and*

*(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.*

*(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).*

*(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.*

*(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to Congress a report setting forth the plan of the Secretary to ensure—*

*(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—*

*(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and*

*(B) standards under the Americans with Disabilities Act of 1990; and*

*(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.*

*SEC. 1314. From funds made available for the ''Iraq Security Forces Fund'' for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.*

*SEC. 1315. REVISION OF UNITED STATES POLICY ON IRAQ. (a) FINDINGS.—Congress makes the following findings:*

*(1) Congress and the American people will continue to support and protect the members of the United States Armed Forces who are serving or have served bravely and honorably in Iraq.*

*(2) The circumstances referred to in the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243) have changed substantially.*

*(3) United States troops should not be policing a civil war, and the current conflict in Iraq requires principally a political solution.*

*(4) United States policy on Iraq must change to emphasize the need for a political solution by Iraqi leaders in order to maximize the chances of success and to more effectively fight the war on terror.*

*(b) PROMPT COMMENCEMENT OF PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.—*

*(1) TRANSITION OF MISSION.—The President shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in paragraph (2).*

*(2) COMMENCEMENT OF PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this Act, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:*

*(A) Protecting United States and coalition personnel and infrastructure.*

*(B) Training and equipping Iraqi forces.*

*(C) Conducting targeted counter-terrorism operations.*

*(3) COMPREHENSIVE STRATEGY.—Paragraph (2) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.*

*(4) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the progress made in transitioning the mission of the United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required under this subsection, as well as a classified campaign plan for Iraq, including strategic and operational benchmarks and projected redeployment dates of United States forces from Iraq.*

*(c) BENCHMARKS FOR THE GOVERNMENT OF IRAQ.—*

*(1) SENSE OF CONGRESS.—It is the sense of Congress that—*

*(A) achieving success in Iraq is dependent on the Government of Iraq meeting specific benchmarks, as reflected in previous commitments made by the Government of Iraq, including—*

*(i) deploying trained and ready Iraqi security forces in Baghdad;*

*(ii) strengthening the authority of Iraqi commanders to make tactical and operational decisions without political intervention;*

*(iii) disarming militias and ensuring that Iraqi security forces are accountable only to the central government and loyal to the constitution of Iraq;*

*(iv) enacting and implementing legislation to ensure that the energy resources of Iraq benefit all Iraqi citizens in an equitable manner;*

*(v) enacting and implementing legislation that equitably reforms the de-Ba'athification process in Iraq;*

*(vi) ensuring a fair process for amending the constitution of Iraq so as to protect minority rights; and*

*(vii) enacting and implementing rules to equitably protect the rights of minority political parties in the Iraqi Parliament; and*

*(B) each benchmark set forth in subparagraph (A) should be completed expeditiously and pursuant to a schedule established by the Government of Iraq.*

*(2) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces-Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail the current progress being made by the Government of Iraq in meeting the benchmarks set forth in paragraph (1)(A).*

*SEC. 1316. INDEPENDENT ASSESSMENT OF CAPABILITIES OF THE IRAQI SECURITY FORCES. (a) FINDINGS.—Congress makes the following findings:*

*(1) The responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq, relying on the Iraqi Security Forces (ISF).*

*(2) In quarterly reports to Congress, and in testimony before a number of congressional committees, the Department of Defense reported progress towards training and equipping Iraqi Security Forces; however, the subsequent performance of the Iraqi Security Forces has been uneven and occasionally appeared inconsistent with those reports.*

*(3) On November 15, 2005, President Bush said, ''The plan [is] that we will train Iraqi troops to be able to take the fight to the enemy. And as I have consistently said, as the Iraqis stand up, we will stand down''.*

*(4) On January 10, 2007, the President announced a new strategy, which consists of three basic elements: diplomatic, economic, and military; the central component of the military element being an augmentation of the present level of the U.S. military forces with more than 20,000 additional U.S. military troops to Iraq to ''work alongside Iraqi units and be embedded in their formations. Our troops will have a well-defined mission: to help Iraqis clear and secure neighborhoods, to help them protect the local population, and to help ensure that the Iraqi forces left behind are capable of providing the security that Baghdad needs''.*

*(5) The President said on January 10, 2007, that ''I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended'' so as to dispel the contrary impression that exists.*

*(6) The latest National Intelligence Estimate (NIE) on Iraq, entitled ''Prospects for Iraq's Stability: A Challenging Road Ahead,'' released in January 2007, found: ''If strengthened Iraqi Security Forces (ISF), more loyal to the government and supported by Coalition forces, are able to reduce levels of violence and establish more effective security for Iraq's population, Iraqi leaders could have an opportunity to begin the process of political compromise necessary for longer term stability, political progress, and economic recovery''.*

*(7) The NIE also stated that ''[d]espite real improvements, the Iraqi Security Forces (ISF)—particularly the Iraqi police—will be hard pressed in the next 12–18 months to execute significantly increased security responsibilities''.*

*(8) The current and prospective readiness of the ISF is critical to (A) the long term stability of Iraq, (B) the force protection of U.S. forces conducting combined operations with the ISF; and (C) the scale of U.S. forces deployed to Iraq.*

*(b) INDEPENDENT ASSESSMENT OF CAPABILITIES OF IRAQI SECURITY FORCES.—*

*(1) IN GENERAL.—Of the amount appropriated or otherwise made available for the Department of Defense, $750,000 is provided to commission an independent, private-sector entity, which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:*

*(A) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.*

*(B) The training; equipping; command, control and intelligence capabilities; and logistics capacity of the ISF.*

*(C) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by US forces, the continued support of US troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).*

*(2) REPORT.—Not later than 120 days after passage of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations, and Intelligence.*

*SEC. 1317. (a)(1) Notwithstanding any other provision of law, the Secretary of Veterans Affairs (referred to in this section as the ''Secretary'') may convey to the State of Texas, without consideration, all right, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.*

*(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.*

*(b) In carrying out the conveyance under subsection (a), the Secretary—*

*(1) shall not be required to comply with, and shall not be held liable under, any Federal law (including a regulation) relating to the environment or historic preservation; but*

*(2) may, at the discretion of the Secretary, conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.*

*SEC. 1318. REDEVELOPMENT OF INDUSTRIAL SECTOR IN IRAQ. Of the amount appropriated or otherwise made available by this chapter under the heading ''IRAQ FREEDOM FUND'', up to $100,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.*

*SEC. 1319. ADDITIONAL AMOUNT FOR PROCUREMENT, MARINE CORPS, FOR ACCELERATION OF PROCUREMENT OF ADDITIONAL 2,500 MINE RESISTANT AMBUSH PROTECTED VEHICLES FOR THE ARMED FORCES.—(a) ADDITIONAL AMOUNT.—The amount appropriated by this chapter under the heading ''PROCUREMENT, MARINE CORPS'' is hereby increased by $1,500,000,000, with the amount of the increase to be available to the Marine Corps for the procurement of an additional 2,500 Mine Resistant Ambush Protected (MRAP) vehicles for the regular and reserve components of the Armed Forces by not later than December 31, 2007.*

*(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the procurement of vehicles described in that subsection is in addition to any other amounts available under this chapter for that purpose.*

## CHAPTER 4

## DEPARTMENT OF ENERGY

### ATOMIC ENERGY DEFENSE ACTIVITIES

#### NATIONAL NUCLEAR SECURITY ADMINISTRATION

##### DEFENSE NUCLEAR NONPROLIFERATION

*For an additional amount for ''Defense Nuclear Nonproliferation'', $63,000,000.*

## CHAPTER 5

## DEPARTMENT OF HOMELAND SECURITY

### UNITED STATES CUSTOMS AND BORDER PROTECTION

#### SALARIES AND EXPENSES

*For an additional amount for ''Salaries and Expenses'', $140,000,000, to remain available until September 30, 2008.*

#### AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

*For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', for air and marine operations on the Northern Border and the Great Lakes, including the final Northern Border air wing, $75,000,000, to remain available until September 30, 2008.*

### IMMIGRATION AND CUSTOMS ENFORCEMENT

#### SALARIES AND EXPENSES

*For an additional amount for ''Salaries and Expenses'', $20,000,000, to remain available until September 30, 2008.*

### TRANSPORTATION SECURITY ADMINISTRATION

#### AVIATION SECURITY

*For an additional amount for ''Aviation Security'', $660,000,000; of which $600,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; and $60,000,000 shall be for air cargo security, to remain available until September 30, 2008.*

#### FEDERAL AIR MARSHALS

*For an additional amount for ''Federal Air Marshals'', $15,000,000, to remain available until September 30, 2008.*

### PREPAREDNESS

#### MANAGEMENT AND ADMINISTRATION

*For an additional amount for ''Office of the Chief Medical Officer'' for nuclear preparedness and other activities, $18,000,000, to remain available until September 30, 2008.*

#### INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

*For an additional amount for ''Infrastructure Protection and Information Security'' for chemical site security activities, $18,000,000, to remain available until September 30, 2008.*

### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### ADMINISTRATIVE AND REGIONAL OPERATIONS

*For an additional amount for ''Administrative and Regional Operations'' for necessary expenses related to title V of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq. (as amended by section 611 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701 note; Public Law 109–295))), $20,000,000, to remain available until September 30, 2008: Provided, That none of the funds available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure.*

#### STATE AND LOCAL PROGRAMS

*For an additional amount for ''State and Local Programs'', $850,000,000; of which $190,000,000 shall be for port security pursuant to section 70107(l) of title 46 United States Code; $625,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants; and $35,000,000 shall be for regional grants and technical assistance to high risk urban areas for catastrophic event planning and preparedness: Provided, That none of the funds made available under this heading may be obligated for such regional grants and technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: Provided further, That funds for such regional grants and technical assistance shall remain available until September 30, 2008.*

#### EMERGENCY MANAGEMENT PERFORMANCE GRANTS

*For an additional amount for ''Emergency Management Performance Grants'' for necessary expenses related to the Nationwide Plan Review, $100,000,000.*

### UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

*For an additional amount for expenses of ''United States Citizenship and Immigration Services'' to address backlogs of security checks*

associated with pending applications and petitions, $30,000,000, to remain available until September 30, 2008: Provided, That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for ''Research, Development, Acquisition, and Operations'' for air cargo research, $15,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for ''Research, Development, and Operations'' for non-container, rail, aviation and intermodal radiation detection activities, $39,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1501. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

SEC. 1502. Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by adding at the end the following:

''(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State, unless there is an actual conflict between this section and the law of that State.''.

SEC. 1503. LINKING OF AWARD FEES UNDER DEPARTMENT OF HOMELAND SECURITY CONTRACTS TO SUCCESSFUL ACQUISITION OUTCOMES. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 1504. DOMESTIC PREPAREDNESS EQUIPMENT TECHNICAL ASSISTANCE PROGRAM. (a) ADDITIONAL AMOUNT FOR STATE AND LOCAL PROGRAMS.—The amount appropriated or otherwise made available by this chapter under the heading ''STATE AND LOCAL PROGRAMS'' is hereby increased by $5,000,000.

(b) AVAILABILITY FOR DOMESTIC PREPAREDNESS EQUIPMENT TECHNICAL ASSISTANCE PROGRAM.—Of the amount appropriated or otherwise made available by this chapter under the heading ''STATE AND LOCAL PROGRAMS'', as increased by subsection (a), $5,000,000 shall be available for the Domestic Preparedness Equipment Technical Assistance Program (DPETAP).

(c) OFFSET.—The amount appropriated or otherwise made available by this chapter under the heading ''UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES'' is hereby reduced by $5,000,000.

CHAPTER 6

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,261,390,000, to remain available until September 30, 2008: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, $280,300,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $347,890,000, to remain available until September 30, 2008: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $34,700,000, to remain available until September 30, 2008: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

CHAPTER 7

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $815,796,000, to remain available until September 30, 2008, of which $70,000,000 for World Wide Security Upgrades is available until expended: Provided, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: Provided further, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: Provided further, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading ''Emergencies in the Diplomatic and Consular Service'' for emergency evacuations: Provided further, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $36,500,000, to remain available until December 31, 2008: Provided, That of the funds appropriated under this heading, not less than $1,500,000 shall be made available for activities related to oversight of assistance furnished for Iraq and Afghanistan with funds appropriated in this Act and in prior appropriations Acts: Provided further, That $35,000,000 of these funds shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $25,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $59,000,000, to remain available until September 30, 2008.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $200,000,000, to remain available until September 30, 2008.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

FOREIGN OPERATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for ''Child Survival and Health Programs Fund'', $161,000,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, funds made available under the heading ''Millennium Challenge Corporation'' and ''Global HIV/AIDS Initiative'' in prior Acts making appropriations for foreign operations, export financing and related programs may be made available to combat the avian influenza, subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $187,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, not less than $65,000,000 shall be made available for assistance for internally displaced persons in Iraq, not less than $18,000,000 shall be made available for emergency shelter, fuel and other assistance for internally displaced persons in Afghanistan, not less than $10,000,000 shall be made available for assistance for northern Uganda, not less than $10,000,000 shall be made available for assistance for eastern Democratic Republic of the Congo, and not less than $10,000,000 shall be made available for assistance for Chad.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $5,700,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $4,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $3,000,000 shall be made available for activities related to oversight of assistance furnished for Iraq with funds appropriated in this Act and in prior appropriations Acts, and not less than $1,000,000 shall be made available for activities related to oversight of assistance furnished for Afghanistan with funds appropriated in this Act and in prior appropriations Acts.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $2,602,200,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading that are available for assistance for Iraq, not less than $100,000,000 shall be made available to the United States Agency for International Development for continued support for its Community Action Program in Iraq, of which not less than $5,000,000 shall be made available for the fund established by section 2108 of Public Law 109–13: Provided further, That of the funds appropriated under this heading that are available

*for assistance for Afghanistan, not less than $10,000,000 shall be made available to the United States Agency for International Development for continued support for its Afghan Civilian Assistance Program: Provided further, That of the funds appropriated under this heading, not less than $6,000,000 shall be made available for assistance for elections, reintegration of ex-combatants, and other assistance to support the peace process in Nepal: Provided further, That of the funds appropriated under this heading, not less than $3,200,000 shall be made available, notwithstanding any other provision of law, for assistance for Vietnam for environmental remediation of dioxin storage sites and to support health programs in communities near those sites: Provided further, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from other governments, multilateral organizations, and private sources: Provided further, That of the funds made available under this heading, not less than $6,000,000 shall be made available for typhoon reconstruction assistance for the Philippines: Provided further, That of the funds made available under this heading, not less than $110,000,000 shall be made available for assistance for Pakistan, of which not less than $5,000,000 shall be made available for political party development and election monitoring activities: Provided further, That of the funds appropriated under this heading, not less than $2,000,000 shall be made available to support the peace process in northern Uganda: Provided further, That of the funds made available under the heading ''Economic Support Fund'' in Public Law 109–234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.*

*DEPARTMENT OF STATE*

*ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES*

*For an additional amount for ''Assistance for Eastern Europe and the Baltic States'', $214,000,000, to remain available until September 30, 2008, for assistance for Kosovo.*

*DEMOCRACY FUND*

*For an additional amount for ''Democracy Fund'', $465,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $385,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, for democracy, human rights, and rule of law programs in Iraq: Provided further, That prior to the initial obligation of funds made available under this heading for Iraq for the Political Participation Fund or the National Institutions Fund, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for media and reconciliation programs in Somalia.*

*INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT*

*(INCLUDING RESCISSION OF FUNDS)*

*For an additional amount for ''International Narcotics Control and Law Enforcement'', $210,000,000, to remain available until September 30, 2008.*

*Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109–234, $13,000,000 are rescinded.*

*MIGRATION AND REFUGEE ASSISTANCE*

*For an additional amount for ''Migration and Refugee Assistance'', $143,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $65,000,000 shall be made available for assistance for Iraqi refugees including not less than $5,000,000 to rescue Iraqi scholars, and not less than $18,000,000 shall be made available for assistance for Afghan refugees.*

*UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND*

*For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $55,000,000, to remain available until expended.*

*NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS*

*For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $27,500,000, to remain available until September 30, 2008.*

*DEPARTMENT OF THE TREASURY*

*INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE PROGRAM*

*For an additional amount for ''International Affairs Technical Assistance'', $2,750,000, to remain available until September 30, 2008.*

*MILITARY ASSISTANCE*

*FUNDS APPROPRIATED TO THE PRESIDENT*

*FOREIGN MILITARY FINANCING PROGRAM*

*For an additional amount for ''Foreign Military Financing Program'', $220,000,000, to remain available until September 30, 2008, for assistance for Lebanon.*

*PEACEKEEPING OPERATIONS*

*(INCLUDING TRANSFER OF FUNDS)*

*For an additional amount for ''Peacekeeping Operations'', $323,000,000, to remain available until September 30, 2008, of which up to $128,000,000 may be transferred, subject to the regular notification procedures of the Committees on Appropriations, to ''Contributions to International Peacekeeping Activities'', to be made available, notwithstanding any other provision of law, for assessed costs of United Nations Peacekeeping Missions: Provided, That of the funds appropriated under this heading, not less than $45,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform.*

*GENERAL PROVISIONS—THIS CHAPTER*

*AUTHORIZATION OF FUNDS*

*SEC. 1701. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).*

*EXTENSION OF AVAILABILITY OF FUNDS*

*SEC. 1702. Section 1302(a) of Public Law 109–234 is amended by striking ''one additional year'' and inserting in lieu thereof ''two additional years''.*

*EXTENSION OF OVERSIGHT AUTHORITY*

*SEC. 1703. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), is amended by inserting ''or fiscal year 2007'' after ''fiscal year 2006''.*

*DEBT RESTRUCTURING*

*SEC. 1704. Amounts appropriated for fiscal year 2007 for ''Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring'' may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.*

*JORDAN*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 1705. Of the funds appropriated by this Act for assistance for Iraq under the heading ''Economic Support Fund'' that are available to support Provincial Reconstruction Team activities, up to $100,000,000 may be transferred to, and merged with, funds appropriated by this Act under the headings ''Foreign Military Financing Program'' and ''Nonproliferation, Anti-terrorism, Demining and Related Programs'' for assistance for Jordan: Provided, That funds transferred pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.*

*LEBANON*

*SEC. 1706. Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings ''Foreign Military Financing Program'' and ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity: Provided, That this section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007, as amended.*

*HUMAN RIGHTS AND DEMOCRACY FUND*

*SEC. 1707. The Assistant Secretary of State for Democracy, Human Rights and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor.*

*INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN*

*SEC. 1708. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the ''Inspector General'') may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.*

*(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:*

*(1) The Inspector General determines that existing personnel resources are insufficient.*

*(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 2 additional years.*

*(3) Not more than 20 individuals may be employed at any time as personal services contractors under the program.*

*(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2008. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.*

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES

SEC. 1709. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

''Diplomatic and Consular Programs''.

''Educational and Cultural Exchange Programs''.

''International Disaster and Famine Assistance''.

''Economic Support Fund''.

''Assistance for Eastern Europe and Baltic States''.

''Democracy Fund''.

''Migration and Refugee Assistance''.

''Nonproliferation, Anti-Terrorism, Demining and Related Programs''.

''Peacekeeping Operations''.

(b) Any proposed increases or decreases to the amounts contained in the tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

BENCHMARKS FOR CERTAIN RECONSTRUCTION ASSISTANCE FOR IRAQ

SEC. 1710. (a) BENCHMARKS.—Notwithstanding any other provision of law, fifty percent of the funds appropriated by this Act for assistance for Iraq under the headings ''Economic Support Fund'' and ''International Narcotics and Law Enforcement'' shall be withheld from obligation until the President certifies to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives that the Government of Iraq has—

(1) enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis;

(2) adopted legislation necessary for the conduct of provincial and local elections, taken steps to implement such legislation, and set a schedule to conduct provincial and local elections;

(3) reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws;

(4) amended the Constitution of Iraq consistent with the principles contained in Article 137 of such constitution; and

(5) allocated and begun expenditure of $10,000,000,000 in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

(b) EXEMPTIONS.—The requirement to withhold funds from obligation pursuant to subsection (a) shall not apply with respect to funds made available under the heading ''Economic Support Fund'' that are administered by the United States Agency for International Development for continued support for the Community Action Program, assistance for civilian victims of the military operations, and the Community Stabilization Program in Iraq, or for programs and activities to promote democracy, governance, human rights, and rule of law.

(c) REPORT.—At the time the President certifies to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives that the Government of Iraq has met the benchmarks described in subsection (a), the President shall submit to such Committees a report that contains a detailed description of the specific actions that the Government of Iraq has taken to meet each of the benchmarks referenced in the certification.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1711. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the headings ''International Disaster and Famine Assistance'', ''Office of the United States Agency for International Development Inspector General'', and ''Office of the Inspector General'': Provided, That funds appropriated under the headings in this chapter, except for funds appropriated under the headings named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

CIVILIAN RESERVE CORPS

SEC. 1712. Of the funds appropriated by this Act under the headings ''DIPLOMATIC AND CONSULAR PROGRAMS'' and ''ECONOMIC SUPPORT FUND'' (except for the Community Action Program), up to $50,000,000 may be made available to support and maintain a civilian reserve corps. Funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

## TITLE II

## KATRINA RECOVERY, VETERANS' CARE AND FOR OTHER PURPOSES

## CHAPTER 1

## GENERAL PROVISION—THIS CHAPTER

EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM

SEC. 2101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking ''During calendar year 2006, the'' and inserting ''The''.

## CHAPTER 2

## DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968, notwithstanding the provisions of section 511 of said Act, $170,000,000, to remain available until September 30, 2008: Provided, That of the amount made available under this heading, $70,000,000 shall be for local law enforcement initiatives in the gulf coast region related to the aftermath of Hurricanes Katrina and Rita, of which no less than $55,000,000 shall be for the State of Louisiana: Provided further, That of the amount made available under this heading, $100,000,000 shall be for reimbursing State and local law enforcement entities for security and related costs, including overtime, associated with the 2008 Presidential Candidate Nominating Conventions, of which $50,000,000 shall be for the city of Denver, Colorado and $50,000,000 shall be for the city of St. Paul, Minnesota: Provided further, That the Department of Justice shall report to the Committees on Appropriations of the House and the Senate on a quarterly basis on the expenditure of the funds provided in the previous proviso.

## DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', for necessary expenses related to fisheries disasters, $165,900,000, to remain available until September 30, 2008: Provided, That of the amount provided under this heading, the National Marine Fisheries Service shall cause $60,400,000 to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006: Provided further, That of the amount provided under this heading, $105,500,000 shall be for necessary expenses related to the consequences of Hurricanes Katrina and Rita on shrimp and fishing industries.

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', for necessary expenses related to disaster response and preparedness of the Gulf of Mexico coast, $6,000,000, to remain available until September 30, 2008.

FISHERIES DISASTER MITIGATION FUND

For an additional amount for a ''Fisheries Disaster Mitigation Fund'', $50,000,000, to remain available until expended for use in mitigating the effects of commercial fisheries failures and fishery resource disasters as determined under the Magnuson Stevens Act (16 U.S.C. 1801 et seq.) or the Interjurisdictional Fisheries Act (16 U.S.C. 4101 et seq.): Provided, That the Secretary of Commerce shall obligate funds provided under this heading according to the Magnuson Stevens Conservation Act, as amended, the Interjurisdictional Fisheries Act, as amended, or other Acts as the Secretary determines to be appropriate.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

## CHAPTER 3

## DEPARTMENT OF DEFENSE—CIVIL

## DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $150,000,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation channels related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,557,700,000, to remain available until expended: Provided, That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures to provide the level of protection necessary to achieve the certification required for the 100-year level of flood protection in accordance with the national flood insurance program under the base flood elevations in existence at the time of construction of the enhancements for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading ''Flood Control and Coastal Emergencies'', in chapter 3 of Public Law 109–148: Provided further, That $150,000,000 of the amount provided may be used to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law: Provided further, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially

*in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled ''Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi'': Provided further, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing any lands, easements, rights-of-way, disposal areas, and relocations required for construction of the project and for all costs associated with operation and maintenance of the project: Provided further, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.*

*DEPARTMENT OF INTERIOR*

*BUREAU OF RECLAMATION*

*WATER AND RELATED RESOURCES*

*For an additional amount for ''Water and Related Resources'', $18,000,000, to remain available until expended for drought assistance: Provided, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.*

*GENERAL PROVISIONS—THIS CHAPTER*

*SEC. 2301. The Secretary is authorized and directed to reimburse local governments for expenses they have incurred in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area, provided the Secretary determines those elements of work and related expenses to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.*

*SEC. 2302. The limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2008 to any water resources project for which funds were made available during fiscal year 2007.*

*SEC. 2303. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading ''Flood Control and Coastal Emergencies'' for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.*

*(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.*

*(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized. Reallocation of funds in excess of $250,000,000 or 50 percent, whichever is less, of the individual amounts specified in chapter 3 of Public Law 109–234 require notifications of the House and Senate Committees on Appropriation.*

*SEC. 2304. The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges; and the advantages, disadvantages and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the three outfall canals: Provided, That the analysis should be conducted at Federal expense: Provided further, That the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.*

*SEC. 2305. Using funds made available in Chapter 3 under title II of Public Law 109–234 (120 Stat. 453), under the heading ''Investigations'', the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall accelerate completion as practicable the final report of the Chief of Engineers recommending a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf Outlet: Provided, That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.*

*SEC. 2306. (a) Section 111 of Public Law 108–137 (117 Stat. 1835) is amended by—*

*(1) adding the following language at the end of subsection (a):*

*''Such activities also may include the provision of financial assistance to facilitate the buyout of properties located in areas identified by the State of Oklahoma as areas that are or will be at risk of damage caused by land subsidence and other necessary and closely associated properties otherwise identified by the State of Oklahoma; however, any buyout of such properties shall not be considered to be part of a Federally assisted program or project for purposes of 42 U.S.C. 4601 et. seq., consistent with section 2301 of Public Law 109–234 (120 Stat. 455–456).''; and*

*(2) striking the first sentence of subsection (d) and inserting the following language in lieu thereof:*

*''(d) Non-Federal interests shall be responsible for operating and maintaining any restoration alternatives constructed or carried out pursuant to this section.''.*

*CHAPTER 4*

*SMALL BUSINESS ADMINISTRATION*

*DISASTER LOANS PROGRAM ACCOUNT*

*(INCLUDING TRANSFER OF FUNDS)*

*For an additional amount for ''Disaster Loans Program Account'' for administrative expenses to carry out the disaster loan program, $25,069,000, to remain available until expended, which may be transferred to and merged with ''Small Business Administration, Salaries and Expenses''.*

*GENERAL PROVISIONS—THIS CHAPTER*

*SEC. 2401. ECONOMIC INJURY DISASTER LOANS. (a) DEFINITIONS.—In this section—*

*(1) the term ''Administrator'' means the Administrator of the Small Business Administration;*

*(2) the term ''covered small business concern'' means a small business concern—*

*(A) that is located in any area in Louisiana or Mississippi for which the President declared a major disaster because of Hurricane Katrina of 2005 or Hurricane Rita of 2005;*

*(B) that has not more than 50 full-time employees; and*

*(C) that—*

*(i)(I) suffered a substantial economic injury as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005, because of a reduction in travel or tourism to the area described in subparagraph (A); and*

*(II) demonstrates that, during the 1-year period ending on August 28, 2005, not less than 45 percent of the revenue of that small business concern resulted from tourism or travel related sales; or*

*(ii)(I) suffered a substantial economic injury as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005; and*

*(II) operates in a parish or county for which the population on the date of enactment of this Act, as determined by the Administrator, is not greater than 75 percent of the population of that parish or county before August 28, 2005, based on the most recent United States population estimate available before August 28, 2005;*

*(3) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and*

*(4) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).*

*(b) APPROPRIATION.—*

*(1) IN GENERAL.—There are appropriated, out of any money in the Treasury not otherwise appropriated, $25,000,000 to the Administrator, which, except as provided in paragraph (2) or (3), shall be used for loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to covered small business concerns.*

*(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1), not more than $8,750,000 may be transferred to and merged with ''Salaries and Expenses'' to carry out the disaster loan program of the Small Business Administration.*

*(3) OTHER USES OF FUNDS.—The Administrator may use amounts made available under paragraph (1) for other purposes authorized for amounts in the ''Disaster Loans Program Account'' or transfer such amounts to and merge such amounts with ''Salaries and Expenses'', if—*

*(A) such amounts are—*

*(i) not obligated on the later of 5 months after the date of enactment of this Act and August 29, 2007; or*

*(ii) necessary to provide assistance in the event of a major disaster; and*

*(B) not later than 5 days before any such use or transfer of amounts, the Administrator provides written notification of such use or transfer to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.*

*SEC. 2402. OTHER PROGRAMS. (a) HUBZONES.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—*

*(1) in paragraph (1)—*

*(A) in subparagraph (D), by striking ''or'';*

*(B) in subparagraph (E), by striking the period at the end and inserting ''; or''; and*

*(C) by adding at the end the following:*

*''(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8).''; and*

*(2) by adding at the end the following:*

*''(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—*

*''(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and*

*''(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.''.*

*(b) TERMINATION OF PROGRAM.—Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after ''January 1, 1989'' the following: '', and shall terminate on the date of enactment of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007''.*

*SEC. 2403. RESERVIST PROGRAMS. (a) DEFINITIONS.—In this section—*

*(1) the term ''activated'' means receiving an order placing a Reservist on active duty;*

*(2) the term ''active duty'' has the meaning given that term in section 101 of title 10, United States Code;*

*(3) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;*

*(4) the term ''Reservist'' means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;*

*(5) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));*

*(6) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);*

*(7) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and*

*(8) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).*

*(b) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking ''90 days'' and inserting ''1 year''.*

*(c) PRE-CONSIDERATION PROCESS.—*

*(1) DEFINITION.—In this subsection, the term ''eligible Reservist'' means a Reservist who—*

*(A) has not been ordered to active duty;*

*(B) expects to be ordered to active duty during a period of military conflict; and*

*(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.*

*(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a pre-consideration process, under which the Administrator—*

*(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and*

*(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.*

*(d) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—*

*(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the ''program'') to—*

*(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and*

*(B) provide technical assistance to a small business concern applying for a loan under that section.*

*(2) COMPONENTS.—The program shall—*

*(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and*

*(B) require that information on the program is made available to small business concerns directly through—*

*(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and*

*(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.*

*(3) REPORT.—*

*(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.*

*(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—*

*(i) for the 6-month period ending on the date of that report—*

*(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));*

*(II) the number of loans disbursed under that section; and*

*(III) the total amount disbursed under that section; and*

*(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.*

## CHAPTER 5

## DEPARTMENT OF HOMELAND SECURITY

### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### DISASTER RELIEF

*For an additional amount for ''Disaster Relief'' for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,310,000,000, to remain available until expended.*

### GENERAL PROVISIONS—THIS CHAPTER

*SEC. 2501. (a) IN GENERAL.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Alabama, and Texas in connection with Hurricanes Katrina and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.*

*(b) APPLICABILITY.—*

*(1) IN GENERAL.—Subject to paragraph (2), the Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.*

*(2) LIMITATION.—In the case of disaster assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Federal share provided by subsection (a) shall be limited to assistance provided for projects for which applications have been prepared for the Federal Emergency Management Agency before the date of enactment of this Act.*

*SEC. 2502. (a) Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061) is amended by striking '': Provided further, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled''.*

*(b) Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 471) is amended under the heading ''Disaster Assistance Direct Loan Program Account'' under the heading ''Federal Emergency Management Agency'' under the heading ''Department of Homeland Security'', by striking ''Provided further, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:''.*

*SEC. 2503. Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 460) is amended by striking ''12 months'' and inserting ''24 months''.*

## CHAPTER 6

## DEPARTMENT OF THE INTERIOR

### BUREAU OF LAND MANAGEMENT

#### WILDLAND FIRE MANAGEMENT

##### (INCLUDING TRANSFER OF FUNDS)

*For an additional amount for ''Wildland Fire Management'', $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.*

### UNITED STATES FISH AND WILDLIFE SERVICE

#### RESOURCE MANAGEMENT

*For an additional amount for ''Resource Management'' for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.*

### NATIONAL PARK SERVICE

#### OPERATION OF THE NATIONAL PARK SYSTEM

*For an additional amount for ''Operation of the National Park System'' for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.*

#### HISTORIC PRESERVATION FUND

*For an additional amount for the ''Historic Preservation Fund'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $15,000,000, to remain available until September 30, 2008: Provided, That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: Provided further, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: Provided further, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.*

### UNITED STATES GEOLOGICAL SURVEY

#### SURVEYS, INVESTIGATIONS, AND RESEARCH

*For an additional amount for ''Surveys, Investigations, and Research'' for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.*

## DEPARTMENT OF AGRICULTURE

### FOREST SERVICE

#### NATIONAL FOREST SYSTEM

*For an additional amount for ''National Forest System'' for the implementation of a nationwide initiative to increase protection of national forest lands from foreign drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.*

#### WILDLAND FIRE MANAGEMENT

##### (INCLUDING TRANSFER OF FUNDS)

*For an additional amount for ''Wildland Fire Management'', $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression will be*

*exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.*

*GENERAL PROVISIONS—THIS CHAPTER*

*SEC. 2601. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM. (a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:*

***"SECTION 1. SHORT TITLE.***

*''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.*

***"SEC. 2. PURPOSES.***

*''The purposes of this Act are—*

*''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;*

*''(2) to make additional investments in, and create additional employment opportunities through, projects that—*

*''(A)(i) improve the maintenance of existing infrastructure;*

*''(ii) implement stewardship objectives that enhance forest ecosystems; and*

*''(iii) restore and improve land health and water quality;*

*''(B) enjoy broad-based support; and*

*''(C) have objectives that may include—*

*''(i) road, trail, and infrastructure maintenance or obliteration;*

*''(ii) soil productivity improvement;*

*''(iii) improvements in forest ecosystem health;*

*''(iv) watershed restoration and maintenance;*

*''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;*

*''(vi) the control of noxious and exotic weeds; and*

*''(vii) the reestablishment of native species; and*

*''(3) to improve cooperative relationships among—*

*''(A) the people that use and care for Federal land; and*

*''(B) the agencies that manage the Federal land.*

***"SEC. 3. DEFINITIONS.***

*''In this Act:*

*''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—*

*''(A) the number equal to the quotient obtained by dividing—*

*''(i) the base share for the eligible county; by*

*''(ii) the income adjustment for the eligible county; by*

*''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.*

*''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—*

*''(A) the quotient obtained by dividing—*

*''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by*

*''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and*

*''(B) the quotient obtained by dividing—*

*''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by*

*''(ii) the amount equal to the sum of the averages calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.*

*''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).*

*''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—*

*''(A) contains Federal land (as defined in paragraph (7)); and*

*''(B) elects to receive a share of the State payment or the county payment under section 102(b).*

*''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.*

*''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.*

*''(7) FEDERAL LAND.—The term 'Federal land' means—*

*''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and*

*''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.*

*''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—*

*''(A) the number equal to the quotient obtained by dividing—*

*''(i) the 50-percent base share for the eligible county; by*

*''(ii) the income adjustment for the eligible county; by*

*''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.*

*''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—*

*''(A) the quotient obtained by dividing—*

*''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by*

*''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and*

*''(B) the quotient obtained by dividing—*

*''(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by*

*''(ii) the amount equal to the sum of the averages calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.*

*''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).*

*''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—*

*''(A) $526,079,656 for fiscal year 2007;*

*''(B) $520,000,000 for fiscal year 2008; and*

*''(C) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.*

*''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—*

*''(A) the per capita personal income for each eligible county; by*

*''(B) the median per capita personal income of all eligible counties.*

*''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.*

*''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).*

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

*''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and*

*''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).*

*''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).*

*''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).*

***"TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND***

***"SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.***

*''(a) STATE PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—*

*''(1) the adjusted share for each eligible county within the eligible State; by*

*''(2) the full funding amount for the fiscal year.*

*''(b) COUNTY PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—*

*''(1) the 50-percent adjusted share for the eligible county; by*

*''(2) the full funding amount for the fiscal year.*

***"SEC. 102. PAYMENTS TO STATES AND COUNTIES.***

*''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—*

*''(1) a State an amount equal to the sum of the amounts elected under subsection (b) by each county within the State for—*

*''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or*

*''(B) the share of the State payment of the eligible county; and*

*''(2) a county an amount equal to the amount elected under subsection (b) by each county for—*

*''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or*

*''(B) the county payment for the eligible county.*

*''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—*

*''(1) ELECTION; SUBMISSION OF RESULTS.—*

*''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2007, and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.*

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

''(B) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i)(I) of paragraph (1) shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

**''SEC. 103. TRANSITION PAYMENTS TO THE STATES OF CALIFORNIA, OREGON, AND WASHINGTON.**

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2007—

''(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2007; and

''(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2007;

''(B) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(C) for fiscal year 2009, 81 percent of—

''(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(D) for fiscal year 2010, 73 percent of—

''(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Oregon, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2007 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable, from funds in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT IN OREGON AND WASHINGTON.—It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the States of Oregon and Washington for each of fiscal years 2007 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties in fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

## ''TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

**''SEC. 201. DEFINITIONS.**

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974l (16 U.S.C. 1604).

**''SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.**

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

**''SEC. 203. SUBMISSION OF PROJECT PROPOSALS.**

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2007, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

**''SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.**

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2007, 25 percent.

''(ii) For fiscal year 2008, 35 percent.

''(iii) For fiscal year 2009, 45 percent.

''(iv) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2009, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

**''SEC. 205. RESOURCE ADVISORY COMMITTEES.**

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, an advisory committee established before the date of enactment of this Act, or an advisory committee determined by the Secretary concerned to meet the requirements of this section before the date of enactment of this Act may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office (or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

''(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

**''SEC. 206. USE OF PROJECT FUNDS.**

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

**''SEC. 207. AVAILABILITY OF PROJECT FUNDS.**

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved

by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

**''SEC. 208. TERMINATION OF AUTHORITY.**

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

## ''TITLE III—COUNTY FUNDS

**''SEC. 301. DEFINITIONS.**

''In this title:

''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

**''SEC. 302. USE.**

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

**''SEC. 303. CERTIFICATION.**

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

**''SEC. 304. TERMINATION OF AUTHORITY.**

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

## ''TITLE IV—MISCELLANEOUS PROVISIONS

**''SEC. 401. REGULATIONS.**

''The Secretary of Agriculture and the Secretary of the Interior shall jointly issue regulations to carry out the purposes of this Act.

**''SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2007 through 2011.

''(b) EMERGENCY DESIGNATION.—Of the amounts authorized to be appropriated under subsection (a) for fiscal year 2007, $425,000,000 is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

**''SEC. 403. TREATMENT OF FUNDS AND REVENUES.**

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

**''§ 6906. Funding**

''For each of fiscal years 2008 through 2012, such sums as are authorized under this chapter shall be made available to the Secretary of the Interior, out of any amounts in the Treasury not otherwise appropriated, for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(d) INCREASE IN INFORMATION RETURN PENALTIES.—

(1) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(A) IN GENERAL.—Section 6721(a)(1) of the Internal Revenue Code of 1986 is amended—

(i) by striking ''$50'' and inserting ''$250'', and

(ii) by striking ''$250,000'' and inserting ''$3,000,000''.

(B) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(i) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) of such Code is amended—

(I) by striking ''$15'' and inserting ''$50'',

(II) by striking ''$50'' and inserting ''$250'', and

(III) by striking ''$75,000'' and inserting ''$500,000''.

(ii) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) of such Code is amended—

(I) by striking ''$30'' and inserting ''$100'',

(II) by striking ''$50'' and inserting ''$250'', and

(III) by striking ''$150,000'' and inserting ''$1,500,000''.

(C) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) of such Code is amended—

(i) in subparagraph (A)—

(I) by striking ''$100,000'' and inserting ''$1,000,000'', and

(II) by striking ''$250,000'' and inserting ''$3,000,000'',

(ii) in subparagraph (B)—

(I) by striking ''$25,000'' and inserting ''$175,000'', and

(II) by striking ''$75,000'' and inserting ''$500,000'', and

(iii) in subparagraph (C)—

(I) by striking ''$50,000'' and inserting ''$500,000'', and

(II) by striking ''$150,000'' and inserting ''$1,500,000''.

(D) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) of such Code is amended—

(i) by striking ''$100'' in paragraph (2) and inserting ''$500'',

(ii) by striking ''$250,000'' in paragraph (3)(A) and inserting ''$3,000,000''.

(2) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(A) IN GENERAL.—Section 6722(a) of the Internal Revenue Code of 1986 is amended—

(i) by striking ''$50'' and inserting ''$250'', and

(ii) by striking ''$100,000'' and inserting ''$1,000,000''.

(B) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) of such Code is amended—

(i) by striking ''$100'' in paragraph (1) and inserting ''$500'', and

(ii) by striking ''$100,000'' in paragraph (2)(A) and inserting ''$1,000,000''.

(3) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$100,000'' and inserting ''$1,000,000''.

(4) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

(e) REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.—

(1) IN GENERAL.—Section 6404 of the Internal Revenue Code of 1986 is amended by striking subsection (g).

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of this Act.

(B) EXCEPTION FOR CERTAIN TAXPAYERS.—The amendment made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or

*other amount is in effect on the date which is 6 months after the date of the enactment of this Act.*

*(f) PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.—*

*(1) IN GENERAL.—Section 402A(e)(1) of the Internal Revenue Code of 1986 (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:*

*''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.*

*(2) ELECTIVE DEFERRALS.—Section 402A(e)(2) of the Internal Revenue Code of 1986 (defining elective deferral) is amended to read as follows:*

*''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—*

*''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and*

*''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.*

*(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2007.*

*SEC. 2602. Disaster relief funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, ''National Park Service—Historic Preservation Fund,'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: Provided, That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, that the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.*

## CHAPTER 7

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### CENTERS FOR DISEASE CONTROL AND PREVENTION

#### DISEASE CONTROL, RESEARCH AND TRAINING

*For an additional amount for ''Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training'', to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: Provided, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: Provided further, That the amount provided under this heading shall remain available until September 30, 2008.*

### ADMINISTRATION FOR CHILDREN AND FAMILIES

#### LOW-INCOME HOME ENERGY ASSISTANCE

*For an additional amount for ''Low-Income Home Energy Assistance'' under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), $320,000,000.*

*For an additional amount for ''Low-Income Home Energy Assistance'' under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $320,000,000.*

### OFFICE OF THE SECRETARY

#### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

##### (INCLUDING TRANSFER OF FUNDS)

*For an additional amount for ''Public Health and Social Services Emergency Fund'' to prepare for and respond to an influenza pandemic, $820,000,000, to remain available until expended: Provided, That this amount shall be for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided further, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.*

#### COVERED COUNTERMEASURE PROCESS FUND

*For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $50,000,000, to remain available until expended.*

### DEPARTMENT OF EDUCATION

#### HIGHER EDUCATION

*For an additional amount under part B of title VII of the Higher Education Act of 1965 (''HEA'') for institutions of higher education (as defined in section 102 of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to hurricanes in the Gulf of Mexico in calendar year 2005, $30,000,000: Provided, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: Provided further, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA.*

#### HURRICANE EDUCATION RECOVERY

*For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, principals, school leaders, and other educators for positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, and relocation costs, with priority given to teachers and school leaders who were displaced from, or lost employment in, Louisiana, Mississippi, or Alabama by reason of Hurricane Katrina or Hurricane Rita and who return to and are rehired by such State or local educational agency; Provided, That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity of such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school leaders; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: Provided further, That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds, on a competitive basis, to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State educational agency: Provided further, That, in the case of a State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act and after consultation with, as applicable, local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, such State shall establish and implement a rating system for such performance bonuses based on strong learning gains for students and growth in student achievement, based on classroom observation and feedback at least 4 times annually, conducted by multiple sources (including principals and master teachers), and evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).*

#### HURRICANE EDUCATION RECOVERY

##### PROGRAMS TO RESTART SCHOOL OPERATIONS

*Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e) for the following costs: (1) recruiting, retaining and compensating new and current teachers, principals, school leaders, other school administrators, and other educators for positions in reopening public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies and relocation costs; and (2) activities to build*

*the capacity of reopening such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school leaders; and paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: Provided further, That in the case of a State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act and after consultation with, as applicable, local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, such State shall establish and implement a rating system that shall be based on strong learning gains for students and growth in student achievement, based on classroom observation and feedback at least 4 times annually, conducted by multiple sources (including principals and master teachers), and evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).*

*GENERAL PROVISIONS—THIS CHAPTER*

*SEC. 2701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: ''With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008.''*

*(INCLUDING RESCISSION)*

*SEC. 2702. (a) From unexpended balances of the amounts made available in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38) for the Employment Training Administration, Training and Employment Services under the Department of Labor, $3,589,000 are rescinded.*

*(b) For an additional amount for the Centers for Disease Control and Prevention for carrying out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148), $3,589,000.*

*SEC. 2703. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading ''Social Services Block Grant'' in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2008.*

*SEC. 2704. ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS FOR FISCAL YEAR 2007. (a) ELIMINATION OF REMAINDER OF FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—*

*(1) in the heading for paragraph (2), by striking ''REMAINDER OF REDUCTION'' and inserting ''PART''; and*

*(2) by striking paragraph (4) and inserting the following:*

*''(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—*

*''(A) IN GENERAL.—The Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.*

*''(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—*

*''(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;*

*''(ii) the amount of the State's allotment for fiscal year 2007; and*

*''(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).*

*''(C) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments to remaining shortfall States under this paragraph there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary for fiscal year 2007.''.*

*(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—*

*(1) in paragraph (1)(B), by striking ''subject to paragraph (4)(B) and'';*

*(2) in paragraph (2)(B), by striking ''subject to paragraph (4)(B) and'';*

*(3) in paragraph (5)(A), by striking ''and (3)'' and inserting ''(3), and (4)''; and*

*(4) in paragraph (6)—*

*(A) in the first sentence—*

*(i) by inserting ''or allotted'' after ''redistributed''; and*

*(ii) by inserting ''or allotments'' after ''redistributions''; and*

*(B) by striking ''and (3)'' and inserting ''(3), and (4)''.*

*(c) GENERAL EFFECTIVE DATE; APPLICABILITY.—Except as otherwise provided, the amendments made by this section take effect on the date of enactment of this Act and apply without fiscal year limitation.*

*SEC. 2705. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 2 years after the date of enactment of this Act, take any action to finalize, or otherwise implement provisions—*

*(1) contained in the proposed rule published on January 18, 2007, on pages 2236 through 2258 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule that would affect the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act in a similar manner; or*

*(2) restricting payments for graduate medical education under the Medicaid program.*

*(a) MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATION.—Section 405(h) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2269) is amended by adding at the end the following new paragraph:*

*''(3) EXCEPTION.—*

*''(A) STATE OF MINNESOTA.—The amendment made by paragraph (1) shall not apply to the certification by the State of Minnesota on or after January 1, 2006, under section 1820(c)(2)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (B) and is located in Cass County, Minnesota, as a necessary provider of health care services to residents in the area of the hospital.*

*''(B) CRITERIA DESCRIBED FOR HOSPITAL IN MINNESOTA.—A hospital meets the criteria described in this subparagraph if the hospital—*

*''(i) has been granted an exception by the State to an otherwise applicable statutory restriction on hospital construction or licensing prior to the date of enactment of this subparagraph; and*

*''(ii) is located on property which the State has approved for conveyance to a county within the State prior to such date of enactment.*

*''(C) STATE OF MISSISSIPPI.—The amendment made by paragraph (1) shall not apply to the certification by the State of Mississippi on or after April 1, 2007, under section 1820(c)(2)(b)(i)(II) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (D) and is located in Kemper County, Mississippi, as a necessary provider of health care services to residents in the area of the hospital.*

*''(D) CRITERIA DESCRIBED FOR HOSPITAL IN MISSISSIPPI.—A hospital meets the criteria described in this subparagraph if the hospital—*

*''(i) meets all other criteria for designation as a critical access hospital under section 1820(c)(2)(b) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B));*

*''(ii) has satisfied the requirement of the certificate of need laws and regulations of the State of Mississippi; and*

*''(iii) will be constructed on property that will be conveyed by the Kemper County Board of Supervisors within the State of Mississippi.''.*

*(b) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—Section 1927(c)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(B)(i)) is amended—*

*(1) in subclause (IV), by striking ''and'' after the semicolon;*

*(2) in subclause (V)—*

*(A) by inserting ''and before April 1, 2007,'' after ''1995,''; and*

*(B) by striking the period and inserting ''; and''; and*

*(3) by adding at the end the following:*

*''(VI) after March 31, 2007, is 20 percent.''.*

*SEC. 2705. (a) For grant years beginning in 2006–2007, the Secretary of Health and Human Services may waive the requirements of, with respect to Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas, the following sections of the Public Health Service Act:*

*(1) Section 2612(e)(1) of such Act (42 U.S.C. 300ff–21(b)(1)).*

*(2) Section 2617(b)(7)(E) of such Act (42 U.S.C. 300ff–27(b)(7)(E)).*

*(3) Section 2617(d) of such Act (42 U.S.C. 300ff–27(d)), except that such waiver shall apply so that the matching requirement is reduced to $1 for each $4 of Federal funds provided under the grant involved.*

*(b) If the Secretary of Health and Human Services grants a waiver under subsection (b), the Secretary—*

*(1) may not prevent Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas from receiving or utilizing, or both, funds granted or distributed, or both, pursuant to title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) because of the failure of Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas to comply with the requirements of the sections listed in paragraphs (1) through (3) of subsection (a);*

*(2) may not take action due to such noncompliance; and*

*(3) shall assess, evaluate, and review Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area's eligibility for funds under such title XXVI as if Louisiana, Mississippi, Alabama, and Texas or such eligible metropolitan area had fully complied with the requirements of the sections listed in paragraphs (1) through (3) of subsection (a).*

*(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under*

*title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).*

*CHAPTER 8*

*LEGISLATIVE BRANCH*

*ARCHITECT OF THE CAPITOL*

*CAPITOL POWER PLANT*

*For an additional amount for ''Capitol Power Plant'', $25,000,000, for emergency utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: Provided, That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.*

*GOVERNMENT ACCOUNTABILITY OFFICE*

*SALARIES AND EXPENSES*

*For an additional amount for ''Salaries and Expenses'' of the Government Accountability Office, $374,000, to remain available until expended.*

*CHAPTER 9*

*DEPARTMENT OF DEFENSE*

*MILITARY CONSTRUCTION*

*MILITARY CONSTRUCTION, AIR FORCE RESERVE*

*(INCLUDING RESCISSION OF FUNDS)*

*For an additional amount for ''Military Construction, Air Force Reserve'', $3,096,000, to remain available until September 30, 2011: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.*

*Of the funds appropriated for ''Military Construction, Air Force Reserve'' under Public Law 109–114, $3,096,000 are hereby rescinded.*

*DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005*

*For deposit into the Department of Defense Base Closure Account 2005, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended.*

*DEPARTMENT OF VETERANS AFFAIRS*

*VETERANS HEALTH ADMINISTRATION*

*MEDICAL SERVICES*

*For an additional amount for ''Medical Services'', $454,131,000, to remain available until expended, of which $50,000,000 shall be for the establishment of new Level I comprehensive polytrauma centers; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $20,000,000 shall be for additional transition caseworkers; $30,000,000 shall be for substance abuse treatment programs; $20,000,000 for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 for additional polytrauma points of contacts; and $201,335,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans.*

*MEDICAL ADMINISTRATION*

*For an additional amount for ''Medical Administration'', $250,000,000, to remain available until expended.*

*MEDICAL FACILITIES*

*For an additional amount for ''Medical Facilities'', $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma rehabilitation centers and the polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: Provided, That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner outside of the Veterans Equitable Resource Allocation and specific to the needs and geographic distribution of Operation Enduring Freedom and Operation Iraqi Freedom veterans: Provided further, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for non-recurring maintenance prior to obligation.*

*MEDICAL AND PROSTHETIC RESEARCH*

*For an additional amount for ''Medical and Prosthetic Research'', $30,000,000, to remain available until expended, which shall be used for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.*

*DEPARTMENTAL ADMINISTRATION*

*GENERAL OPERATING EXPENSES*

*For an additional amount for ''General Operating Expenses'', $46,000,000, to remain available until expended, for the hiring and training of new pension and compensation claims processing personnel.*

*INFORMATION TECHNOLOGY SYSTEMS*

*For an additional amount for ''Information Technology Systems'', $36,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of OIF/OEF veterans benefits claims, including making electronic DOD medical records available for claims processing and enabling electronic benefits applications by veterans; $1,000,000 shall be for the digitization of benefits records; and $15,100,000 shall be for electronic data breach and remediation and prevention.*

*CONSTRUCTION, MINOR PROJECTS*

*For an additional amount for ''Construction, Minor Projects'', $355,907,000, to remain available until expended, of which $36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.*

*GENERAL PROVISIONS—THIS CHAPTER*

*SEC. 2901. (a) Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to downsize staff or to close, realign or phase out essential services at Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped, and until the Secretary of Defense has certified in writing to the Congress that:*

*(1) the new facilities at Walter Reed National Military Medical Center at Bethesda and/or the Fort Belvoir Community Hospital are complete and fully operational, and*

*(2) replacement medical facilities at Walter Reed National Military Medical Center at Bethesda have adequate capacity to meet both the existing and projected demand for complex medical care and services, including outpatient and medical hold facilities, for combat veterans and other military personnel.*

*(b) Not later than 30 days after enactment of this Act, the Secretary of Defense shall provide to the Committees on Appropriations of the Senate and House of Representatives a report and proposed timetable outlining the Department's plan to transition patients, staff and medical services to the new facilities at Bethesda and Fort Belvoir without compromising patient care, staffing requirements or facility maintenance at the Walter Reed Medical Center.*

*(c) To ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to continue the maximum level of inpatient and outpatient services.*

*SEC. 2902. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate the functions of the Armed Forces Institute of Pathology (AFIP) until the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and relocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study being prepared by the Government Accountability Office (GAO), provided that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consults that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the option selected by the Secretary.*

*SEC. 2903. Within existing funds appropriated to Departmental Administration, General Operating Expenses for fiscal year 2007, and within 30 days after enactment of this Act, the Department of Veterans Affairs shall contract with the National Academy of Public Administration for the purpose of conducting an independent study and analysis of the organizational structure, management and coordination processes, including Seamless Transition, utilized by the Department of Veterans affairs to:*

*(1) provide health care to active duty and veterans of Operation Enduring Freedom and Operation Iraqi Freedom; and*

*(2) provide benefits to veterans of Operation Enduring Freedom and Operation Iraqi Freedom.*

*SEC. 2904. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next ten years.*

*CHAPTER 10*

*DEPARTMENT OF TRANSPORTATION*

*FEDERAL HIGHWAY ADMINISTRATION*

*FEDERAL-AID HIGHWAYS*

*EMERGENCY RELIEF PROGRAM*

*(INCLUDING RESCISSION OF FUNDS)*

*For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $388,903,000, to remain available until expended: Provided, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $388,903,000 are rescinded: Provided further, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title: Provided further, That section 4103 of title III of this Act shall not apply to the first proviso under this paragraph.*

*FEDERAL TRANSIT ADMINISTRATION*

*FORMULA GRANTS*

*For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $75,000,000, for the operating and capital costs of transit services, to remain available until expended: Provided, That the Federal share for*

*any project funded from this amount shall be 100 percent.*

*DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT*

*OFFICE OF INSPECTOR GENERAL*

*For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $5,000,000, to remain available until expended.*

*GENERAL PROVISIONS—THIS CHAPTER*

*SEC. 3001. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: '': Provided further, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) shall receive funding for calendar year 2007 based on the amount such public housing agencies were eligible to receive in calendar year 2006''.*

*TITLE III*

*OTHER MATTERS*

*CHAPTER 1*

*DEPARTMENT OF AGRICULTURE*

*FARM SERVICE AGENCY*

*SALARIES AND EXPENSES*

*For an additional amount for ''Salaries and Expenses'' of the Farm Service Agency, $75,000,000, to remain available until expended: Provided, That this amount shall only be available for the modernization and repair of the computer systems used by the Farm Service Agency (including all software, hardware, and personnel required for modernization and repair): Provided further, That of this amount $27,000,000 shall be made available 60 days after the date on which the Farm Service Agency submits to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Government Accountability Office a spending plan for the funds.*

*GENERAL PROVISIONS—THIS CHAPTER*

*(RESCISSION)*

*SEC. 3101. Of the unobligated balances of funds made available pursuant to section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401G(a)), $75,000,000 are rescinded.*

*SEC. 3102. (a) Section 1237A(f) of the Food Security Act of 1985 (16 U.S.C. 3837a(f)) is amended in the first sentence by striking ''fair market value of the land less the fair market value of such land encumbered by the easement'' and inserting ''fair market value of the land as determined in accordance with the method of valuation used by the Secretary as of January 1, 2003''.*

*(b) Section 1238I(c)(1) of the Food Security Act of 1985 (16 U.S.C. 3838i(c)(1)) is amended by inserting at the end the following:*

*''(C) VALUATION.—The Secretary shall determine fair market value under this paragraph in accordance with the method of valuation used by the Secretary as of January 1, 2003.''.*

*SEC. 3103. Subsection (b)(1) of section 313A of the Rural Electrification Act shall not apply in the case of a cooperative lender that has previously received a guarantee under section 313A and such additional guarantees shall not exceed the amount provided for in Public Law 110–5.*

*SEC. 3104. SPINACH. No funds made available under this Act shall be used to make payments to growers and first handlers, as defined by the Secretary of Health and Human Services, of fresh spinach that were unable to market spinach crops as a result of the Food and Drug Administration Public Health Advisory issued on September 14, 2006.*

*CHAPTER 2*

*GENERAL PROVISIONS—THIS CHAPTER*

*SEC. 3201. Section 20314 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by striking ''Resources.'' and inserting in lieu thereof: ''Resources: Provided, That $22,762,000 of the amount provided be for geothermal research and development activities: Provided further, That $229,500,000 of the amount provided shall be used for the weatherization assistance program of the Department of Energy.''.*

*SEC. 3202. Hereafter, federal employees at the National Energy Technology Laboratory shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).*

*SEC. 3203. PROHIBITION ON CERTAIN USES OF FUNDS BY BPA. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the ''Administrator'') or for an appropriated Federal Columbia River Power System investment, if the payment is both—*

*(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and*

*(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.*

*CHAPTER 3*

*GENERAL PROVISIONS—THIS CHAPTER*

*SEC. 3301. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110–5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.*

*SEC. 3302. Funds made available in section 21075 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) shall be made available to a 501(c)(3) entity: (1) with a wide anti-drug coalition network and membership base, and one with a demonstrated track record and specific expertise in providing technical assistance, training, evaluation, research, and capacity building to community anti-drug coalitions; (2) with authorization from Congress, both prior to fiscal year 2007, and in fiscal years 2008 through 2012, to perform the duties described in subsection (1) of this section; and (3) that has previously received funding from Congress, including through a competitive process as well as direct funding, for providing the duties described in subsection (1) of this section: Provided, That funds appropriated in section 21075 shall be obligated within sixty days after enactment of this Act.*

*SEC. 3303. Funds made available under section 613 of Public Law 109–108 (119 Stat. 2338) for Nevada's Commission on Economic Development shall be made available to the Nevada Center for Entrepreneurship and Technology (CET).*

*SEC. 3304. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.*

*SEC. 3305. None of the funds appropriated or otherwise made available in section 21063 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) for the ''General Services Administration, Real Property Activities, Federal Buildings Fund'', may be obligated for design, construction, or acquisition until the House and Senate Committees on Appropriations approve a revised detailed plan, by project, on the use of such funds: Provided, That the new plan shall include funding for completion of courthouse construction projects which received funding in fiscal year 2006 above a level of $5,000,000: Provided further, That such plan shall be provided by the Administrator of the General Services Administration to the House of Representatives and the Senate Committees on Appropriations within seven days of enactment.*

*SEC. 3306. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109–115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.*

*SEC. 3307. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House of Representatives Committee on Appropriations, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee an unclassified report, suitable to be made public, that contains the names of (1) all companies trading in securities that are registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, conduct business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals; and (2) the names of all other companies, which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, conduct business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.*

*(b) Not later than 20 days after enactment, the Secretary of the Treasury shall inform the aforementioned committees of Congress of any statutory or other legal impediments to the successful completion of this report.*

*(c) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress of the companies, nature of the contract, and dollar amounts involved.*

*(INCLUDING RESCISSION)*

*SEC. 3308. (a) Of the funds provided for the General Services Administration, ''Office of Inspector General'' in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $8,000,000 are rescinded.*

*(b) For an additional amount for the General Services Administration, ''Office of Inspector General'', $8,000,000, to remain available until September 30, 2008.*

*SEC. 3309. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5)*

is amended by adding a new subsection (j) as follows:

''(j) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this division for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.''.

SEC. 3310. Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 2007 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3401. Any unobligated balances remaining from prior appropriations for United States Coast Guard, ''Retired Pay'' shall remain available until expended in the account and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose.

SEC. 3402. INTEGRATED DEEPWATER SYSTEM. (a) COMPETITION FOR ACQUISITION AND MODIFICATION OF ASSETS.—

(1) IN GENERAL.—The Commandant of the Coast Guard shall utilize full and open competition for any contract entered into after the date of enactment of this Act that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater System Program of the Coast Guard.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following:

(A) The acquisition or modification of the following asset classes for which assets of the class and related systems and components under the Integrated Deepwater System are under a contract for production:

(i) National Security Cutter;

(ii) Maritime Patrol Aircraft;

(iii) Deepwater Command, Control, Communications, Computer, Intelligence, Surveillance, and Reconnaissance (C4ISR) System; and

(iv) HC–130J Fleet Introduction.

(B) The modification of any legacy asset class under the Integrated Deepwater System Program being performed by a Coast Guard entity.

(b) CHAIR OF PRODUCT AND OVERSIGHT TEAMS.—The Commandant of the Coast Guard shall assign an appropriate officer or employee of the Coast Guard to act as chair of each of the following:

(1) Each integrated product team under the Integrated Deepwater System Program.

(2) Each higher-level team assigned to the oversight of a product team referred to in paragraph (1).

(c) LIFE-CYCLE COST ESTIMATE.—The Commandant of the Coast Guard may not enter into a contract for lead asset production under the Integrated Deepwater System Program until the Commandant obtains an independent estimate of life-cycle costs of the asset concerned.

(d) REVIEW OF ACQUISITIONS AND MAJOR DESIGN CHANGES.—

(1) IN GENERAL.—With the exception of assets covered under (a)(2) of this section, the Commandant of the Coast Guard may not carry out an action described in paragraph (2) unless an independent third party with no financial interest in the development, construction, or modification of any component of the Integrated Deepwater System Program, selected by the Commandant for purposes of the subsection, determines that such action is advisable.

(2) COVERED ACTIONS.—The actions described in the paragraph are as follows:

(A) The acquisition or modification of an asset under the Integrated Deepwater System Program.

(B) The implementation of a major design change for an asset under the Integrated Deepwater System Program.

(e) LINKING OF AWARD FEES TO SUCCESSFUL ACQUISITION OUTCOMES.—The Commandant of the Coast Guard shall require that all contracts under the Integrated Deepwater System Program that provide award fees link such fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(f) CONTRACTUAL AGREEMENTS.—

(1) IN GENERAL.—The Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under the Integrated Deepwater System Program unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions.

(2) EXCEPTION.—A contract, task or delivery order, letter contract, modification thereof, or other similar contract described in paragraph (1) may be awarded or issued if the head of contracting activity of the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(g) DESIGNATION OF TECHNICAL AUTHORITY.—The Commandant of the Coast Guard shall designate the Assistant Commandant of the Coast Guard for Engineering and Logistics as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater System Program.

(h) REPORT ON PERSONNEL REQUIRED FOR ACQUISITION MANAGEMENT.—Not later than 30 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater System Program.

(i) COMPTROLLER GENERAL REPORT ON PROGRESS.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress of the Coast Guard in complying with the requirements of this section.

SEC. 3403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, the Coast Guard Academy and the Coast Guard Research and Development Center, except as specifically authorized by a statute enacted after the date of enactment of this Act.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: ''; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109–54''.

SEC. 3502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: '', of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required''.

SEC. 3503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after $55,663,000: ''of which $13,000,000 shall be for Save America's Treasures''.

SEC. 3504. Of the funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading ''Land Acquisition'', not to exceed $1,980,000 may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

SEC. 3505. The Administrator of the Environmental Protection Agency shall grant to the Water Environment Research Foundation (WERF) such sums as were directed in fiscal year 2005 and fiscal year 2006 for the On-Farm Assessment and Environmental Review program: Provided, That not less than 95 percent of funds made available shall be used by WERF to award competitively a contract to perform the program's environmental assessments: Provided further, That WERF shall not retain more than 5 percent of such sums for administrative expenses.

SEC. 3506. In providing any grants for small and rural community technical and compliance assistance under the Fiscal Year 2007 Operating Plan of the Environmental Protection Agency, the Administrator of the Environmental Protection Agency shall give priority to small systems and qualified (as determined by the Administrator) organizations that have the most need (or a majority of need) from small communities in each State.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 for ''National Institute of Allergy and Infectious Diseases'', $49,500,000 shall be transferred to ''Public Health and Social Services Emergency Fund'' to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 3601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after ''$5,000,000'': ''(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost)''.

SEC. 3602. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking ''$7,172,994,000'' and inserting ''$7,176,431,000'';

(2) amending subparagraph (A) to read as follows:

''(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;''; and

(3) amending subparagraph (C) to read as follows:

''(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;''.

SEC. 3603. (a) From the amounts available for Department of Education, Safe Schools and Citizenship Education as provided by the Continuing Appropriations Resolution, 2007, $321,500,000 shall be available for Safe and Drug-Free Schools State Grants and $247,335,000 shall be available for Safe and Drug-Free Schools National Programs.

(b) Of the amount available for Safe and Drug-Free National Programs, not less than $25,000,000 shall be for competitive grants to local educational agencies to address youth violence and related issues.

(c) The competition under subsection (b) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

SEC. 3604. The provision in the first proviso under the heading ''Rehabilitation Services and Disability Research'' in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

(TRANSFER OF FUNDS)

SEC. 3605. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading ''National and Community Service Programs, Operating Expenses'' under the heading ''Corporation for National and Community Service'', to the account under the heading ''Salaries and Expenses'' under the heading ''Corporation for National and Community Service''.

SEC. 3606. Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall be effective 30 days after enactment of this Act except that any vehicles in use to transport Head Start children as of January 1, 2007, shall not be subject to a requirement under that part regarding rear emergency exit doors for two years after the date of enactment.

The Secretary of Health and Human Services shall revise the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) to exempt from Federal seat spacing requirements and supporting seating requirements related to compartmentalization any vehicle used to transport children for a Head Start program if the vehicle meets federal motor vehicle safety standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling). Such revision shall be made in a manner consistent with the findings of the National Highway Traffic Safety Administration, pursuant to its study on occupant protection on Head Start transit vehicles, related to the Government Accountability Office report GAO–06–767R.

(INCLUDING RESCISSION)

SEC. 3607. (a) From the amounts made available by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, as amended by the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $1,000,000 are rescinded.

(b) For the activities carried out by the Secretary of Education under section 3(a) of Public Law 108–406 (42 U.S.C. 15001 note), $1,000,000.

(INCLUDING RESCISSION)

SEC. 3608. (a) From the amounts made available by the Continuing Appropriations Resolution, 2007 for ''Department of Education, Student Aid Administration'', $2,000,000 are rescinded.

(b) For an additional amount for ''Department of Education, Higher Education'' under part B of title VII of the Higher Education Act of 1965 which shall be used to make a grant to the University of Vermont for the Educational Excellence Program, $2,000,000.

SEC. 3609. Section 1820 of the Social Security Act (42 U.S.C. 1395i–4) is amended—

(1) by redesignating subsection (j) as subsection (k); and

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

''(j) DELTA HEALTH INITIATIVE.—

''(1) IN GENERAL.—The Secretary is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region, to solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, planning, construction, and the equipment of public health-related facilities in the Mississippi Delta region.

''(2) FEDERAL INTEREST IN PROPERTY.—With respect to funds used under this subsection for construction or alteration of property, the Federal interest in the property shall last for a period of 1 year following completion or until the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection in fiscal year 2007 and in each of the five succeeding fiscal years.''.

SEC. 3610. Not withstanding any other provision of this Act, section 3608(b) of this Act shall not take effect.

## CHAPTER 7

## GENERAL PROVISIONS—THIS CHAPTER

SEC. 3701. Section 2(c) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 121d(c)) is amended by adding at the end the following:

''(3) The Secretary of the Senate may transfer from the fund to the Senate Employee Child Care Center proceeds from the sale of holiday ornaments by the Senate Gift Shop for the purpose of funding necessary activities and expenses of the Center, including scholarships, educational supplies, and equipment.''.

(INCLUDING RESCISSION)

SEC. 3702. (a) Of the funds provided for the ''Capitol Guide Service and Special Services Office'' in section 20703(a) of the Continuing Appropriations Resolution, 2007 (as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)), $3,500,000 are rescinded.

(b) For an additional amount for ''Capitol Guide Service and Special Services Office'', $3,500,000, to remain available until September 30, 2008.

## CHAPTER 8

## GENERAL PROVISION—THIS CHAPTER

SEC. 3801. Notwithstanding any other provision of law, appropriations made by Public Law 110–5, or any other Act, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

## CHAPTER 9

## GENERAL PROVISIONS—THIS CHAPTER

CONSULTATION REQUIREMENT

SEC. 3901. Of the funds provided in the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5) for the United States-China Economic and Security Review Commission, $1,000,000 shall be available for obligation only in accordance with a spending plan submitted to and approved by the Committees on Appropriations which addresses the recommendations of the Government Accountability Office's audit of the Commission.

TECHNICAL AMENDMENT

SEC. 3902. (a) Notwithstanding any other provision of law, subsection (c) under the heading ''Assistance for the Independent States of the Former Soviet Union'' in Public Law 109–102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B) as amended by Public Laws 109–369, 109–383, and 110–5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended, in the second proviso, by inserting after ''subsection (b) of that section'' the following: ''and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section''.

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), the amount of funds appropriated for ''Foreign Military Financing Program'' pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

## CHAPTER 10

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $4,800,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109–115: Provided, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

## GENERAL PROVISIONS—THIS CHAPTER

SEC. 4001. Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexican motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107–87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

SEC. 4002. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–

5) is amended by adding after the second proviso: '': Provided further, That paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'', the heading ''Housing Certificate Fund'', and the heading ''Project-Based Rental Assistance'' for fiscal year 2006 and prior fiscal years: Provided further, That paragraph (3) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $47,500,000: Provided further, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: Provided further, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance''.

SEC. 4003. The dates for subsidy reductions and demonstrations for discontinuance of reductions in operating subsidy under the new operating fund formula, pursuant to HUD regulations at 24 CFR 990.230, shall be moved forward so that the first demonstration date for asset management compliance shall be September 1, 2007, and reductions in subsidy for calendar year 2007 shall be limited to the 5 percent amount referred to in such regulations. Any public housing agency that has filed information to demonstrate compliance on or prior to April 15, 2007 shall be permitted to re-file the same or different information to demonstrate such compliance on or before September 1, 2007.

CHAPTER 11

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 4101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION FOR TITLE I

SEC. 4102. Amounts provided in title I of this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EMERGENCY DESIGNATION FOR TITLE II

SEC. 4103. Amounts provided in title II of this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## TITLE IV—EMERGENCY FARM RELIEF

**SEC. 401. SHORT TITLE.**

This title may be cited as the ''Emergency Farm Relief Act of 2007''.

**SEC. 402. DEFINITIONS.**

In this title:

(1) ADDITIONAL COVERAGE.—The term ''additional coverage'' has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) APPLICABLE CROP.—The term ''applicable crop'' means 1 or more crops planted, or prevented from being planted, during, as elected by the producers on a farm, 1 of—

(A) the 2005 crop year;

(B) the 2006 crop year; or

(C) that part of the 2007 crop year that takes place before the end of the applicable period.

(3) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning on January 1, 2005 and ending on February 28, 2007.

(4) DISASTER COUNTY.—The term ''disaster county'' means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(5) HURRICANE-AFFECTED COUNTY.—The term ''hurricane-affected county'' means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(6) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(7) LIVESTOCK.—The term ''livestock'' includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) poultry;

(D) sheep;

(E) swine; and

(F) other livestock, as determined by the Secretary.

(8) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means a natural disaster declared by the Secretary during the applicable period under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(9) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

### Subtitle A—Agricultural Production Losses

**SEC. 411. CROP DISASTER ASSISTANCE.**

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 55 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—For producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 20 percent of the established price, instead of 50 percent.

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar beets, that incurred qualifying quantity or quality losses for the applicable crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—In addition to any payment received under subsection (b), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments to producers on a farm described in subsection (a) that incurred a quality loss for the applicable crop of a commodity in an amount equal to the product obtained by multiplying—

(A) the payment quantity determined under paragraph (2);

(B)(i) in the case of an insurable commodity, the coverage level elected by the insured under the policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the applicable coverage level for the payment quantity determined under paragraph (2); by

(C) 55 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B)(i) in the case of an insurable commodity, the actual production history for the commodity by the producers on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the established yield for the crop for the producers on the farm under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) PAYMENT RATE.—

(A) IN GENERAL.—For the purpose of paragraph (1)(B), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between (as determined by the applicable State committee of the Farm Service Agency)—

(i) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(ii) the per unit market value of the units of the crop affected by the quality loss.

(B) FACTORS.—In determining the payment rate for quality losses for a crop of a commodity on a farm, the applicable State committee of the Farm Service Agency shall take into account—

(i) the average local market quality discounts that purchasers applied to the commodity during the first 2 months following the normal harvest period for the commodity;

(ii) the loan rate and repayment rate established for the commodity under the marketing loan program established for the commodity under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.);

(iii) the market value of the commodity if sold into a secondary market; and

(iv) other factors determined appropriate by the committee.

(4) ELIGIBILITY.—

(A) IN GENERAL.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under this subsection—

(i) the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be reduced by the amount of any indemnification received by the producers on the farm for quality loss adjustment for the commodity under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the remainder shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(B) INELIGIBILITY.—If the amount of a quality loss payment for a commodity for the producers on a farm determined under this paragraph is

*equal to or less than zero, the producers on the farm shall be ineligible for assistance for the commodity under this subsection.*

*(5) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.*

*(e) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than 1 of the crop years during the applicable period, the producers on a farm shall elect to receive assistance under this section for losses incurred in only 1 of the crop years.*

*(f) PAYMENT LIMITATION.—*

*(1) LIMITATION.—Assistance provided under this section to the producers on a farm for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.*

*(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:*

*(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producers on the farm receive for losses to the same crop.*

*(B) The value of the crop that was not lost (if any), as estimated by the Secretary.*

*(g) TIMING.—*

*(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.*

*(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.*

***SEC. 412. DAIRY ASSISTANCE.***

*The Secretary shall use $95,000,000 of funds of the Commodity Credit Corporation to make payments to dairy producers for dairy production losses in disaster counties.*

***SEC. 413. MILK INCOME LOSS CONTRACT PROGRAM.***

*Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—*

*(1) in subparagraph (A), by adding ''and'' at the end;*

*(2) in subparagraph (B), by striking ''August'' and all that follows through the end and inserting ''September 30, 2007, 34 percent.''; and*

*(3) by striking subparagraph (C).*

***SEC. 414. LIVESTOCK ASSISTANCE.***

*(a) LIVESTOCK COMPENSATION PROGRAM.—*

*(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during the applicable period for losses (including losses due to blizzards that began in calendar year 2006 and continued in January 2007) due to a disaster, as determined by the Secretary, except that the payment rate shall be 80 percent of the payment rate established for the 2002 Livestock Compensation Program.*

*(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant for livestock losses during the applicable period that—*

*(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or*

*(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));*

*(B) demonstrates to the Secretary that the applicant suffered a material loss of pasture or hay production, or experienced substantially increased feed costs, due to damaging weather or a related condition during the calendar year, as determined by the Secretary; and*

*(C) meets all other eligibility requirements established by the Secretary for the program.*

*(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.*

*(4) PAYMENTS FOR REDUCTION IN GRAZING ON FEDERAL LAND.—*

*(A) IN GENERAL.—In carrying out this subsection, the Secretary shall make payments to livestock producers that are in proportion to any reduction during calendar year 2007 in grazing on Federal land in a disaster county leased by the producers a result of actions described in subparagraph (B).*

*(B) FEDERAL ACTIONS.—Actions referred to in subparagraph (A) are actions taken during calendar year 2007 by the Bureau of Land Management or other Federal agency to restrict or prohibit grazing otherwise allowed under the terms of the lease of the producers in order to expedite the recovery of the Federal land from drought, wildfire, or other natural disaster declared by the Secretary during the applicable period.*

*(5) LIMITATION.—The Secretary shall ensure, to the maximum extent practicable, that producers on a farm do not receive duplicative payments under this subsection and another Federal program with respect to any loss.*

*(b) LIVESTOCK INDEMNITY PAYMENTS.—*

*(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during the applicable period (including losses due to blizzards that began in calendar year 2006 and continued in January 2007) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, wildfires, and extreme heat.*

*(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.*

*(c) EWE LAMB REPLACEMENT AND RETENTION.—*

*(1) IN GENERAL.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments to producers located in disaster counties under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006, by the producers.*

*(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).*

*(d) ELECTION OF PRODUCTION YEAR.—If a producer incurred qualifying production losses in more than one of the production years, the producers on a farm shall elect to receive assistance under this section in only one of the production years.*

*(e) EXCEPTION.—Notwithstanding any other provision of this section, livestock producers on a farm shall be eligible to receive assistance under subsection (a) or livestock indemnity payments under subsection (b) if the producers on a farm—*

*(1) have livestock operations in a county included in the geographic area covered by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to blizzards, ice storms, or other winter–related causes during the period of December 2006 through January 2007; and*

*(2) meet all eligibility requirements for the assistance or payments other than the requirements relating to disaster declarations by the Secretary under subsections (a) and (b)(1).*

***SEC. 415. FLOODED CROP AND GRAZING LAND.***

*(a) IN GENERAL.—The Secretary shall compensate eligible owners of flooded crop and grazing land in the State of North Dakota.*

*(b) ELIGIBILITY.—*

*(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.*

*(2) INCLUSIONS.—Land described in paragraph (1) shall include—*

*(A) land that has been flooded;*

*(B) land that has been rendered inaccessible due to flooding; and*

*(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.*

*(3) ADMINISTRATION.—The Secretary may establish—*

*(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and*

*(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.*

*(c) SIGN-UP.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.*

*(d) COMPENSATION PAYMENTS.—*

*(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.*

*(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.*

*(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—*

*(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);*

*(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or*

*(C) any Federal agricultural crop disaster assistance program.*

*(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment*

yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

**SEC. 416. SUGAR BEET AND SUGAR CANE DISASTER ASSISTANCE.**

(a) IN GENERAL.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the applicable crop.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(c) HAWAII.—The Secretary shall use $3,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).

(d) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the crop years during the applicable period, the producers on a farm shall elect to receive assistance under this section for losses incurred in only one of the crop years.

**SEC. 417. NONINSURED CROP ASSISTANCE PROGRAM.**

Section 196(c) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(c)) is amended by adding at the end the following:

''(5) LOSS ASSESSMENT FOR GRAZING.—The Secretary shall permit the use of 1 claims adjustor certified by the Secretary to assess the quantity of loss on the acreage or allotment of a producer devoted to grazing for livestock under this section.''.

**SEC. 418. REDUCTION IN PAYMENTS.**

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006;

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418); or

(4) the Livestock Assistance Grant Program announced by the Secretary on August 29, 2006.

**Subtitle B—Small Business Economic Loss Grant Program**

**SEC. 421. SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM.**

(a) DEFINITION OF QUALIFIED STATE.—In this section, the term ''qualified State'' means a State in which at least 50 percent of the counties of the State were declared to be primary agricultural disaster areas by the Secretary during the applicable period.

(b) GRANTS TO QUALIFIED STATES.—

(1) IN GENERAL.—The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to make grants to State departments of agriculture or comparable State agencies in qualified States.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allocate grants among qualified States described in paragraph (1) based on the average value of agricultural sector production in the qualified State, determined as a percentage of the gross domestic product of the qualified State.

(B) MINIMUM AMOUNT.—The minimum amount of a grant under this subsection shall be $500,000.

(3) REQUIREMENT.—To be eligible to receive a grant under this subsection, a qualified State shall agree to carry out an expedited disaster assistance program to provide direct payments to qualified small businesses in accordance with subsection (c).

(c) DIRECT PAYMENTS TO QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—In carrying out an expedited disaster assistance program described in subsection (b)(3), a qualified State shall provide direct payments to eligible small businesses in the qualified State that suffered material economic losses during the applicable period as a direct result of weather-related agricultural losses to the crop or livestock production sectors of the qualified State, as determined by the Secretary.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a direct payment under paragraph (1), a small business shall—

(i) have less than $15,000,000 in average annual gross income from all business activities, at least 75 percent of which shall be directly related to production agriculture or agriculture support industries, as determined by the Secretary;

(ii) verify the amount of economic loss attributable to weather-related agricultural losses using such documentation as the Secretary and the head of the qualified State agency may require;

(iii) have suffered losses attributable to weather-related agricultural disasters that equal at least 50 percent of the total economic loss of the small business for each year a grant is requested; and

(iv) demonstrate that the grant will materially improve the likelihood the business will—

(I) recover from the disaster; and

(II) continue to service and support production agriculture.

(B) EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.—

(i) Funds made available by this subtitle may be used to carry out assistance programs in States that are consistent with the purpose and intent of the program authorized at section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a).

(ii) In carrying out this subparagraph, a qualified State may waive the gross income requirement at subparagraph (A)(i) of this paragraph.

(3) REQUIREMENTS.—A direct payment to small business under this subsection shall—

(A) be limited to not more than 2 years of documented losses; and

(B) be in an amount of not more than 75 percent of the documented average economic loss attributable to weather-related agriculture disasters for each eligible year in the qualified State.

(4) INSUFFICIENT FUNDING.—If the grant funds received by a qualified State agency under subsection (b) are insufficient to fund the direct payments of the qualified State agency under this subsection, the qualified State agency may apply a proportional reduction to all of the direct payments.

**Subtitle C—Forestry**

**SEC. 431. TREE ASSISTANCE PROGRAM.**

(a) DEFINITION OF TREE.—In this section, the term ''tree'' includes—

(1) a tree (including a Christmas tree, ornamental tree, nursery tree, and potted tree);

(2) a bush (including a shrub, nursery shrub, nursery bush, ornamental bush, ornamental shrub, potted bush, and potted shrub); and

(3) a vine (including a nursery vine and ornamental vine).

(b) PROGRAM.—Except as otherwise provided in this section, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the terms and conditions of the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.) to—

(1) producers who suffered tree losses in disaster counties; and

(2) fruit and tree nut producers in disaster counties.

(c) COSTS.—Funds made available under this section shall also be made available to cover costs associated with tree pruning, tree rehabilitation, and other appropriate tree-related activities as determined by the Secretary.

(d) SCOPE OF ASSISTANCE.—Assistance under this section shall compensate for losses resulting from disasters during the applicable period.

**Subtitle D—Conservation**

**SEC. 441. EMERGENCY CONSERVATION PROGRAM.**

The Secretary shall use an additional $35,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures, including wildfire recovery efforts in Montana and other States, identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), of which $3,000,000 shall be to repair broken irrigation pipelines and damaged and collapsed water tanks, $1,000,000 to provide emergency loans for losses of agricultural income, and $2,000,000 to repair ditch irrigation systems in conjunction with the Presidential declaration of a major disaster (FEMA–1664–DR), dated October 17, 2006, and related determinations issued under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act): Provided, That the Secretary may transfer a portion of these funds to the Natural Resources Conservation Service, to include Resource Conservation and Development councils.

**SEC. 442. EMERGENCY WATERSHED PROTECTION PROGRAM.**

The Secretary shall use an additional $50,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

**SEC. 443. CONSERVATION SECURITY PROGRAM.**

Section 20115 of Public Law 110–5 is amended by striking ''section 726'' and inserting in lieu thereof ''section 726; section 741''.

### Subtitle E—Farm Service Agency

**SEC. 451. FUNDING FOR ADDITIONAL PERSONNEL AND ADMINISTRATIVE SUPPORT.**

The Secretary shall use $30,000,000 of funds of the Commodity Credit Corporation—

(1) of which $9,000,000 shall be used to hire additional County Farm Service Agency personnel to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this title; and

(2) to be used as the Secretary determines to be necessary to carry out this and other agriculture and disaster assistance programs.

### Subtitle F—Miscellaneous

**SEC. 461. CONTRACT WAIVER.**

In carrying out this title and section 101(a)(5) of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005 (Public Law 108–324; 118 Stat. 1233), the Secretary shall not require participation in a crop insurance pilot program relating to forage.

**SEC. 462. INSECT INFESTATIONS.**

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Animal and Plant Health Inspection Service, shall use not less than $20,000,000 of funds made available from the Commodity Credit Corporation for the Animal and Plant Health Inspection Service to survey and control insect infestations in the States of Nevada, Idaho, and Utah.

(b) USE OF FUNDS.—Funds described in subsection (a) shall be used in a manner that promotes cooperative efforts between Federal programs (including the plant protection and quarantine program of the Animal and Plant Health Inspection Service) and State and local programs carried out, in whole or in part, with Federal funds to fight insect outbreaks.

**SEC. 463. FUNDING.**

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

**SEC. 464. REGULATIONS.**

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

### Subtitle G—Emergency Designation

**SEC. 471. EMERGENCY DESIGNATION.**

The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

## TITLE V—FAIR MINIMUM WAGE AND TAX RELIEF

### Subtitle A—Fair Minimum Wage

**SEC. 500. SHORT TITLE.**

This subtitle may be cited as the ''Fair Minimum Wage Act of 2007''.

**SEC. 501. MINIMUM WAGE.**

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

''(B) $6.55 an hour, beginning 12 months after that 60th day; and

''(C) $7.25 an hour, beginning 24 months after that 60th day;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

**SEC. 502. APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(1) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(2) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

### Subtitle B—Small Business Tax Incentives

**SEC. 510. SHORT TITLE; AMENDMENT OF CODE.**

(a) SHORT TITLE.—This subtitle may be cited as the ''Small Business and Work Opportunity Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

## PART I—SMALL BUSINESS TAX RELIEF PROVISIONS

### Subpart A—General Provisions

**SEC. 511. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.**

Section 179 (relating to election to expense certain depreciable business assets) is amended by striking ''2010'' each place it appears and inserting ''2011''.

**SEC. 512. EXTENSION AND MODIFICATION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.**

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(b) MODIFICATION OF TREATMENT OF QUALIFIED RESTAURANT PROPERTY AS 15-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION DEDUCTION.—

(1) TREATMENT TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

''(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building (or its structural components) or an improvement to such building if more than 50 percent of such building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting '', and'', and by adding at the end the following new clause:

''(ix) any qualified retail improvement property placed in service before January 1, 2009.''.

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:

''(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

''(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

''(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator,

''(iii) any structural component benefitting a common area, or

''(iv) the internal structural framework of the building.''.

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

''(I) Qualified retail improvement property described in subsection (e)(8).''.

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

(E)(ix) ..... 39''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 513. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.**

(a) CASH ACCOUNTING PERMITTED.—

(1) IN GENERAL.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

''(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

''(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

''(2) ELIGIBLE TAXPAYER.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

''(A) for each of the prior taxable years ending on or after the date of the enactment of this subsection, the taxpayer (or any predecessor) met the gross receipts test in effect under section 448(c) for such taxable year, and

''(B) the taxpayer is not subject to section 447 or 448.''.

(2) EXPANSION OF GROSS RECEIPTS TEST.—

(A) IN GENERAL.—Paragraph (3) of section 448(b) (relating to entities with gross receipts of not more than $5,000,000) is amended to read as follows:

''(3) ENTITIES MEETING GROSS RECEIPTS TEST.—Paragraphs (1) and (2) of subsection (a) shall not apply to any corporation or partnership for any taxable year if, for each of the prior taxable years ending on or after the date of the enactment of the Small Business and Work Opportunity Act of 2007, the entity (or any predecessor) met the gross receipts test in effect under subsection (c) for such prior taxable year.''.

(B) CONFORMING AMENDMENTS.—Section 448(c) of such Code is amended—

(i) by striking ''$5,000,000'' in the heading thereof,

(ii) by striking ''$5,000,000'' each place it appears in paragraph (1) and inserting ''$10,000,000'', and

(iii) by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount contained in paragraph (1) shall 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 in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

''If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—

(1) IN GENERAL.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

''(1) IN GENERAL.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

''(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after the date of the enactment of this subsection, such property shall be treated as a material or supply which is not incidental.

''(3) QUALIFIED TAXPAYER.—For purposes of this subsection, the term 'qualified taxpayer' means—

''(A) any eligible taxpayer (as defined in section 446(g)(2)), and

''(B) any taxpayer described in section 448(b)(3).''.

(2) CONFORMING AMENDMENTS.—

(A) Subpart D of part II of subchapter E of chapter 1 is amended by striking section 474.

(B) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by striking the item relating to section 474.

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

**SEC. 514. EXTENSION AND MODIFICATION OF COMBINED WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.**

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking ''2007'' and inserting ''2012''.

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

''(5) DESIGNATED COMMUNITY RESIDENTS.—

''(A) IN GENERAL.—The term 'designated community resident' means any individual who is certified by the designated local agency—

''(i) as having attained age 18 but not age 40 on the hiring date, and

''(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

''(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE, COMMUNITY, OR COUNTY.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

''(C) RURAL RENEWAL COUNTY.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

''(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

''(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.''.

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

''(D) a designated community resident,''.

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.''.

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking ''agency as being a member of a family'' and all that follows and inserting ''agency as—

''(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

''(ii) entitled to compensation for a service-connected disability incurred after September 10, 2001.''.

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

''(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.''.

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' before the period at the end, and

(B) by striking ''**ONLY FIRST** $6,000 of'' in the heading and inserting ''**LIMITATION ON**''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 515. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.**

(a) EMPLOYMENT TAXES.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

**''SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.**

''(a) GENERAL RULES.—For purposes of the taxes, and other obligations, imposed by this subtitle—

''(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

''(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

''(b) SUCCESSOR EMPLOYER STATUS.—For purposes of sections 3121(a)(1), 3231(e)(2)(C), and 3306(b)(1)—

''(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

''(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

''(c) LIABILITY OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION.—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

''(1) a certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (f)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

''(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

''(d) TREATMENT OF CREDITS.—

''(1) IN GENERAL.—For purposes of any credit specified in paragraph (2)—

''(A) such credit with respect to a work site employee performing services for the customer applies to the customer, not the certified professional employer organization,

''(B) the customer, and not the certified professional employer organization, shall take into account wages and employment taxes—

''(i) paid by the certified professional employer organization with respect to the work site employee, and

''(ii) for which the certified professional employer organization receives payment from the customer, and

''(C) the certified professional employer organization shall furnish the customer with any information necessary for the customer to claim such credit.

''(2) CREDITS SPECIFIED.—A credit is specified in this paragraph if such credit is allowed under—

''(A) section 41 (credit for increasing research activity),

''(B) section 45A (Indian employment credit),

''(C) section 45B (credit for portion of employer social security taxes paid with respect to employee cash tips),

''(D) section 45C (clinical testing expenses for certain drugs for rare diseases or conditions),

''(E) section 51 (work opportunity credit),

''(F) section 51A (temporary incentives for employing long-term family assistance recipients),

''(G) section 1396 (empowerment zone employment credit),

''(H) 1400(d) (DC Zone employment credit),

''(I) Section 1400H (renewal community employment credit), and

''(J) any other section as provided by the Secretary.

''(e) SPECIAL RULE FOR RELATED PARTY.—This section shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in

*section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting '10 percent' for '50 percent'.*

*''(f) SPECIAL RULE FOR CERTAIN INDIVIDUALS.—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer's trade or business is not a work site employee with respect to remuneration paid by a certified professional employer organization.*

*''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.*

*(b) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION DEFINED.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:*

***''SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS DEFINED.***

*''(a) IN GENERAL.—For purposes of this title, the term 'certified professional employer organization' means a person who has been certified by the Secretary for purposes of section 3511 as meeting the requirements of subsection (b).*

*''(b) GENERAL REQUIREMENTS.—A person meets the requirements of this subsection if such person—*

*''(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,*

*''(2) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,*

*''(3) agrees that it will satisfy the bond and independent financial review requirements of subsection (c) on an ongoing basis,*

*''(4) agrees that it will satisfy such reporting obligations as may be imposed by the Secretary,*

*''(5) agrees to verify on such periodic basis as the Secretary may prescribe that it continues to meet the requirements of this subsection, and*

*''(6) agrees to notify the Secretary in writing within such time as the Secretary may prescribe of any change that materially affects whether it continues to meet the requirements of this subsection.*

*''(c) BOND AND INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—*

*''(1) IN GENERAL.—An organization meets the requirements of this paragraph if such organization—*

*''(A) meets the bond requirements of paragraph (2), and*

*''(B) meets the independent financial review requirements of paragraph (3).*

*''(2) BOND.—*

*''(A) IN GENERAL.—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an amount at least equal to the amount specified in subparagraph (B).*

*''(B) AMOUNT OF BOND.—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—*

*''(i) 5 percent of the organization's liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed $1,000,000), or*

*''(ii) $50,000.*

*''(3) INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—A certified professional employer organization meets the requirements of this paragraph if such organization—*

*''(A) has, as of the most recent review date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant that the certified professional employer organization's financial statements are presented fairly in accordance with generally accepted accounting principles, and*

*''(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.*

*Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.*

*''(4) CONTROLLED GROUP RULES.—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.*

*''(5) FAILURE TO FILE ASSERTION AND ATTESTATION.—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.*

*''(6) REVIEW DATE.—For purposes of paragraph (3)(A), the review date shall be 6 months after the completion of the organization's fiscal year.*

*''(d) SUSPENSION AND REVOCATION AUTHORITY.—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.*

*''(e) WORK SITE EMPLOYEE.—For purposes of this title—*

*''(1) IN GENERAL.—The term 'work site employee' means, with respect to a certified professional employer organization, an individual who—*

*''(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and*

*''(B) performs services at a work site meeting the requirements of paragraph (3).*

*''(2) SERVICE CONTRACT REQUIREMENTS.—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—*

*''(A) assume responsibility for payment of wages to such individual, without regard to the receipt or adequacy of payment from the customer for such services,*

*''(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to such individual's wages, without regard to the receipt or adequacy of payment from the customer for such services,*

*''(C) assume responsibility for any employee benefits which the service contract may require the organization to provide, without regard to the receipt or adequacy of payment from the customer for such services,*

*''(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer's responsibility for hiring, firing and recruiting workers,*

*''(E) maintain employee records relating to such individual, and*

*''(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.*

*''(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).*

*''(f) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.*

*''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.*

*(c) CONFORMING AMENDMENTS.—*

*(1) Section 3302 is amended by adding at the end the following new subsection:*

*''(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a customer of such organization, makes a contribution to the State's unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such contribution.''.*

*(2) Section 3303(a) is amended—*

*(A) by striking the period at the end of paragraph (3) and inserting ''; and'' and by inserting after paragraph (3) the following new paragraph:*

*''(4) if the taxpayer is a certified professional employer organization (as defined in section 7705) that is treated as the employer under section 3511, such certified professional employer organization is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.'', and*

*(B) in the last sentence—*

*(i) by striking ''paragraphs (1), (2), and (3)'' and inserting ''paragraphs (1), (2), (3), and (4)'', and*

*(ii) by striking ''paragraph (1), (2), or (3)'' and inserting ''paragraph (1), (2), (3), or (4)''.*

*(3) Section 6053(c) (relating to reporting of tips) is amended by adding at the end the following new paragraph:*

*''(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this subsection, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.''.*

*(d) CLERICAL AMENDMENTS.—*

*(1) The table of sections for chapter 25 is amended by adding at the end the following new item:*

*''Sec. 3511. Certified professional employer organizations''.*

*(2) The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:*

*''Sec. 7705. Certified professional employer organizations defined''.*

*(e) REPORTING REQUIREMENTS AND OBLIGATIONS.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with the amendments made by this section with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall be designed in a manner*

which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and record-keeping obligations of the certified professional employer organization.

(f) USER FEES.—Subsection (b) of section 7528 (relating to Internal Revenue Service user fees) is amended by adding at the end the following new paragraph:

''(4) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The fee charged under the program in connection with the certification by the Secretary of a professional employer organization under section 7705 shall not exceed $500.''.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to wages for services performed on or after January 1 of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) CERTIFICATION PROGRAM.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986, as added by subsection (b), not later than 6 months before the effective date determined under paragraph (1).

(h) NO INFERENCE.—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by this section), or

(2) for purposes of any other provision of law.

**SEC. 516. ACCELERATED DEPRECIATION FOR INVESTMENT IN HIGH OUT-MIGRATION COUNTIES.**

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

''(m) RURAL INVESTMENT PROPERTY.—

''(1) IN GENERAL.—For purposes of subsection (a), the applicable recovery period for qualified rural investment property shall be determined in accordance with the table contained in paragraph (2) in lieu of the table contained in subsection (c).

''(2) APPLICABLE RECOVERY PERIOD FOR RURAL INVESTMENT PROPERTY.—For purposes of paragraph (1)—

| " "In the case of: | The applicable recovery period is: |
|---|---|
| 3-year property | 2 years |
| 5-year property | 3 years |
| 7-year property | 4 years |
| 10-year property | 6 years |
| 15-year property | 9 years |
| 20-year property | 12 years |
| Nonresidential real property | 22 years. |

''(3) QUALIFIED RURAL INVESTMENT PROPERTY DEFINED.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified rural investment property' means property which is property described in the table in paragraph (2) and which is—

''(i) used by the taxpayer predominantly in the active conduct of a trade or business within a high out-migration county,

''(ii) not used or located outside such county on a regular basis,

''(iii) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)), and

''(iv) not property (or any portion thereof) placed in service for purposes of operating any racetrack or other facility used for gambling.

''(B) HIGH OUT-MIGRATION COUNTY.—The term 'high out-migration county' means any county which—

''(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

''(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.

''(4) TERMINATION.—This subsection shall not apply to property placed in service after March 31, 2008.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

**SEC. 517. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.**

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking ''this subsection, the term'' and inserting ''this subsection—

''(A) IN GENERAL.—The term'', and

(2) by adding at the end the following new subparagraph:

''(B) EXTENSION FOR CERTAIN PROPERTY.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

''(i) without regard to subsection (d)(6), and

''(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.''.

## Subpart B—Subchapter S Provisions

**SEC. 521. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.**

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

''(B) PASSIVE INVESTMENT INCOME DEFINED.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

''(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

''(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

''(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

''(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

''(I) interest income earned by such bank or company, or

''(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.''.

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking ''section 1362(d)(3)(C)'' and inserting ''section 1362(d)(3)(B)''.

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

**SEC. 522. TREATMENT OF BANK DIRECTOR SHARES.**

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

''(f) RESTRICTED BANK DIRECTOR STOCK.—

''(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

''(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

''(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

''(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

''(3) CROSS REFERENCE.—

''For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)''.

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

''(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

''(1) shall be includible in gross income of the director, and

''(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

**SEC. 523. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.**

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

''(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

**SEC. 524. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.**

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking ''For purposes of this title,'' and inserting the following:

''(i) IN GENERAL.—For purposes of this title,'', and

(2) by inserting at the end the following new clause:

''(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

''(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

''(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006 .

**SEC. 525. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.**

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

**SEC. 526. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.**

(a) NO LOOK THROUGH FOR ELIGIBILITY PURPOSES.—Clause (v) of section 1361(c)(2)(B) is amended by adding at the end the following new sentence: ''This clause shall not apply for purposes of subsection (b)(1)(C).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

**SEC. 527. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.**

(a) IN GENERAL.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

''(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

## PART II—REVENUE PROVISIONS

**SEC. 531. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.**

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

''(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

**SEC. 532. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.**

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

''(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

''(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

''(A) IN GENERAL.—If—

''(i) paragraph (1) does not apply to a foreign corporation, but

''(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

''(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

''(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

''(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

''(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

''(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

''(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

**SEC. 533. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.**

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

(C) by adding at the end the following new paragraph:

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

**''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.**

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

**SEC. 534. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.**

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

''(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to—

''(A) the violation of any law, or

''(B) an investigation or inquiry into the potential violation of any law which is initiated by such government or entity.

''(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

''(A) the taxpayer establishes—

''(i) constitutes restitution (or remediation of property) for damage or harm caused by, or which may be caused by, the violation of any law or the potential violation of any law, or

''(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

''(B) is identified as an amount described in clause (i) or (ii) of subparagraph (A), as the case may be, in the court order or settlement agreement, except that the requirement of this subparagraph shall not apply in the case of any settlement agreement which requires the taxpayer to pay or incur an amount not greater than $1,000,000.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation unless such amount is paid or incurred for a cost or fee regularly charged for any routine audit or other customary review performed by the government or entity.

''(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

''(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

''(A) a nongovernmental entity which exercises self-regulatory powers (including imposing

sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

''(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

''(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.''.

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

**''SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.**

''(a) REQUIREMENT OF REPORTING.—

''(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

''(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

''(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

''(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

''(2) SUIT OR AGREEMENT DESCRIBED.—

''(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

''(i) it is—

''(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

''(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

''(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

''(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

''(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

''(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

''(B) the date specified by the Secretary.

''(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

''(1) the name of the government or entity, and

''(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

''(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.''.

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

''Sec. 6050W. Information with respect to certain fines, penalties, and other amounts''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

**SEC. 535. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.**

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

**''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.**

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

''(B) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2007, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

''(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

''(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

''(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

''(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

''(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

''(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

''(7) INTEREST.—For purposes of section 6601—

''(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

''(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(c) COVERED EXPATRIATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

''(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

''(A) the individual—

''(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

''(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

''(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

''(1) EXEMPT PROPERTY.—This section shall not apply to the following:

''(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

''(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

''(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

''(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

''(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

''(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

''(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

''(D) APPLICABLE PLANS.—This paragraph shall apply to—

''(i) any qualified retirement plan (as defined in section 4974(c)),

''(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

''(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes citizenship, and

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

''(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

''(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

''(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

''(i) paragraph (1) and subsection (a) shall not apply, and

''(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

''(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

''(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

''(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

''(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

''(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

''(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

''(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

''(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

''(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

''(E) TAX DEDUCTED AND WITHHELD.—

''(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

''(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

''(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

''(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

''(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

''(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

''(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

''(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

''(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

''(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

''(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

''(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

''(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

''(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

''(B) OTHER DETERMINATIONS.—For purposes of this section—

''(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(I) the methodology used to determine that taxpayer's trust interest under this section, and

''(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

''(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) IMPOSITION OF TENTATIVE TAX.—

''(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

''(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

''(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

''(1) IMPOSITION OF LIEN.—

''(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

''(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

''(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

''(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

''(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

''(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

''(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

''(1) TREATMENT OF GIFTS AND INHERITANCES.—

''(A) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date.

''(B) DETERMINATION OF BASIS.—Notwithstanding sections 1015 or 1022, the basis of any property described in subparagraph (A) in the hands of the donee or the person acquiring such property from the decedent shall be equal to the fair market value of the property at the time of the gift, bequest, devise, or inheritance.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

''(A) the gift, bequest, devise, or inheritance is—

''(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

''(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

''(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.

''(3) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

''(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.''.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).''.

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking ''or (20)'' each place it appears and inserting ''(20), or (21)''.

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

''(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.''.

(2) Section 2107 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.''.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

''(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.''.

(4) Section 6039G(a) is amended by inserting ''or 877A'' after ''section 877(b)''.

(5) The second sentence of section 6039G(d) is amended by inserting ''or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))'' after ''section 877(a))''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an

*individual whose expatriation date (as so defined) occurs after such date.*

*(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.*

***SEC. 536. LIMITATION ON ANNUAL AMOUNTS WHICH MAY BE DEFERRED UNDER NONQUALIFIED DEFERRED COMPENSATION ARRANGEMENTS.***

*(a) IN GENERAL.—Section 409A(a) of the Internal Revenue Code of 1986 (relating to inclusion of gross income under nonqualified deferred compensation plans) is amended—*

*(1) by striking ''and (4)'' in subclause (I) of paragraph (1)(A)(i) and inserting ''(4), and (5)'', and*

*(2) by adding at the end the following new paragraph:*

*''(5) ANNUAL LIMITATION ON AGGREGATE DEFERRED AMOUNTS.—*

*''(A) LIMITATION.—The requirements of this paragraph are met if the plan provides that the aggregate amount of compensation which is deferred for any taxable year with respect to a participant under the plan may not exceed the applicable dollar amount for the taxable year.*

*''(B) INCLUSION OF FUTURE EARNINGS.—If an amount is includible under paragraph (1) in the gross income of a participant for any taxable year by reason of any failure to meet the requirements of this paragraph, any income (whether actual or notional) for any subsequent taxable year shall be included in gross income under paragraph (1)(A) in such subsequent taxable year to the extent such income—*

*''(i) is attributable to compensation (or income attributable to such compensation) required to be included in gross income by reason of such failure (including by reason of this subparagraph), and*

*''(ii) is not subject to a substantial risk of forfeiture and has not been previously included in gross income.*

*''(C) AGGREGATION RULE.—For purposes of this paragraph, all nonqualified deferred compensation plans maintained by all employers treated as a single employer under subsection (d)(6) shall be treated as 1 plan.*

*''(D) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph—*

*''(i) IN GENERAL.—The term 'applicable dollar amount' means, with respect to any participant, the lesser of—*

*''(I) the average annual compensation which was payable during the base period to the participant by the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) and which was includible in the participant's gross income for taxable years in the base period, or*

*''(II) $1,000,000.*

*''(ii) BASE PERIOD.—*

*''(I) IN GENERAL.—The term 'base period' means, with respect to any computation year, the 5-taxable year period ending with the taxable year preceding the computation year.*

*''(II) ELECTIONS MADE BEFORE COMPUTATION YEAR.—If, before the beginning of the computation year, an election described in paragraph (4)(B) is made by the participant to have compensation for services performed in the computation year deferred under a nonqualified deferred compensation plan, the base period shall be the 5-taxable year period ending with the taxable year preceding the taxable year in which the election is made.*

*''(III) COMPUTATION YEAR.—For purposes of this clause, the term 'computation year' means any taxable year of the participant for which the limitation under subparagraph (A) is being determined.*

*''(IV) SPECIAL RULE FOR EMPLOYEES OF LESS THAN 5 YEARS.—If a participant did not perform services for the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) during the entire 5-taxable year period referred to in subparagraph (A) or (B), only the portion of such period during which the participant performed such services shall be taken into account.''.*

*(b) EFFECTIVE DATE.—*

*(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006, except that—*

*(A) the amendments shall only apply to amounts deferred after December 31, 2006 (and to earnings on such amounts), and*

*(B) taxable years beginning on or before December 31, 2006, shall be taken into account in determining the average annual compensation of a participant during any base period for purposes of section 409A(a)(5)(D) of the Internal Revenue Code of 1986 (as added by such amendments).*

*(2) GUIDANCE RELATING TO CERTAIN EXISTING ARRANGEMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance providing a limited period during which a nonqualified deferred compensation plan adopted before December 31, 2006, may, without violating the requirements of section 409A(a) of such Code, be amended—*

*(A) to provide that a participant may, no later than December 31, 2007, cancel or modify an outstanding deferral election with regard to all or a portion of amounts deferred after December 31, 2006, to the extent necessary for the plan to meet the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section), but only if amounts subject to the cancellation or modification are, to the extent not previously included in gross income, includible in income of the participant when no longer subject to substantial risk of forfeiture, and*

*(B) to conform to the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section) with regard to amounts deferred after December 31, 2006.*

***SEC. 537. MODIFICATION OF CRIMINAL PENALTIES FOR WILLFUL FAILURES INVOLVING TAX PAYMENTS AND FILING REQUIREMENTS.***

*(a) INCREASE IN PENALTY FOR ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 (relating to attempt to evade or defeat tax) is amended—*

*(1) by striking ''$100,000'' and inserting ''$500,000'',*

*(2) by striking ''$500,000'' and inserting ''$1,000,000'', and*

*(3) by striking ''5 years'' and inserting ''10 years''.*

*(b) MODIFICATION OF PENALTIES FOR WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—*

*(1) IN GENERAL.—Section 7203 (relating to willful failure to file return, supply information, or pay tax) is amended—*

*(A) in the first sentence—*

*(i) by striking ''Any person'' and inserting the following:*

*''(a) IN GENERAL.—Any person'', and*

*(ii) by striking ''$25,000'' and inserting ''$50,000'',*

*(B) in the third sentence, by striking ''section'' and inserting ''subsection'', and*

*(C) by adding at the end the following new subsection:*

*''(b) AGGRAVATED FAILURE TO FILE.—*

*''(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—*

*''(A) 'felony' for 'misdemeanor',*

*''(B) '$250,000 ($500,000' for '$50,000 ($100,000', and*

*''(C) '5 years' for '1 year'.*

*''(2) FAILURE DESCRIBED.—A failure described in this paragraph is—*

*''(A) a failure to make a return described in subsection (a) for any 3 taxable years occurring during any period of 5 consecutive taxable years if the aggregate tax liability for such period is not less than $50,000, or*

*''(B) a failure to make a return if the tax liability giving rise to the requirement to make such return is attributable to an activity which is a felony under any State or Federal law.''.*

*(2) PENALTY MAY BE APPLIED IN ADDITION TO OTHER PENALTIES.—Section 7204 (relating to fraudulent statement or failure to make statement to employees) is amended by striking ''the penalty provided in section 6674'' and inserting ''the penalties provided in sections 6674 and 7203(b)''.*

*(c) FRAUD AND FALSE STATEMENTS.—Section 7206 (relating to fraud and false statements) is amended—*

*(1) by striking ''$100,000'' and inserting ''$500,000'',*

*(2) by striking ''$500,000'' and inserting ''$1,000,000'', and*

*(3) by striking ''3 years'' and inserting ''5 years''.*

*(d) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—Section 7206 (relating to fraud and false statements), as amended by subsection (a)(3), is amended—*

*(1) by striking ''Any person who—'' and inserting ''(a) IN GENERAL.—Any person who—'', and*

*(2) by adding at the end the following new subsection:*

*''(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.''.*

*(e) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.*

***SEC. 538. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.***

*(a) DETERMINATION OF PENALTY.—*

*(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—*

*(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and*

*(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.*

*(2) APPLICABLE TAXPAYER.—For purposes of this subsection—*

*(A) IN GENERAL.—The term ''applicable taxpayer'' means a taxpayer which—*

*(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—*

*(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or*

*(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and*

*(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003–11 nor*

*voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.*

*(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.*

*(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—*

*(i) communicates to the taxpayer knowledge about the specific item, or*

*(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.*

*(b) APPLICABLE PENALTY.—For purposes of this section, the term ''applicable penalty'' means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.*

*(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.*

***SEC. 539. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.***

*(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—*

*(1) by striking ''$750'' and inserting ''$1,250'', and*

*(2) by striking ''$15'' and inserting ''$25''.*

*(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.*

***SEC. 540. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.***

*(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—*

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

*''(1) IN GENERAL.—The Secretary'', and*

*(2) by adding at the end the following new paragraph:*

*''(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—*

*''(A) IN GENERAL.—In the case of a debt instrument which—*

*''(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and*

*''(ii) provides for 1 or more contingent payments,*

*any regulations which require original issue discount to be determined by reference to the comparable yield of a fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a fixed-rate debt instrument which is convertible into stock.*

*''(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.''.*

*(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:*

*''For the treatment of contingent payment convertible debt, see section 1275(d)(2).''.*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.*

***SEC. 541. EXTENSION OF IRS USER FEES.***

*Subsection (c) of section 7528 (relating to Internal Revenue Service user fees) is amended by striking ''September 30, 2014'' and inserting ''September 30, 2016''.*

***SEC. 542. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.***

*(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—*

*(1) by striking ''; or'' at the end of paragraph (1) and inserting a comma,*

*(2) by adding ''or'' at the end of paragraph (2), and*

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

*''(3) the Secretary has served a levy in connection with the collection of taxes under chapter 21, 22, 23, or 24,''.*

*(b) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued on or after the date that is 120 days after the date of the enactment of this Act.*

***SEC. 543. MODIFICATIONS TO WHISTLEBLOWER REFORMS.***

*(a) MODIFICATION OF TAX THRESHOLD FOR AWARDS.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking ''$2,000,000'' and inserting ''$20,000''.*

*(b) WHISTLEBLOWER OFFICE.—*

*(1) IN GENERAL.—Section 7623 is amended by adding at the end the following new subsections:*

*''(c) WHISTLEBLOWER OFFICE.—*

*''(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—*

*''(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,*

*''(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,*

*''(C) shall monitor any action taken with respect to such matter,*

*''(D) shall inform such individual that it has accepted the individual's information for further review,*

*''(E) may require such individual and any legal representative of such individual to not disclose any information so provided,*

*''(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and*

*''(G) shall determine the amount to be awarded to such individual under subsection (b).*

*''(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.*

*''(3) REQUEST FOR ASSISTANCE.—*

*''(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.*

*''(B) FUNDING OF ASSISTANCE.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).*

*''(d) REPORTS.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—*

*''(1) an analysis of the use of this section during the preceding year and the results of such use, and*

*''(2) any legislative or administrative recommendations regarding the provisions of this section and its application.''.*

*(2) CONFORMING AMENDMENT.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).*

*(3) REPORT ON IMPLEMENTATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.*

*(c) PUBLICITY OF AWARD APPEALS.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:*

*''(4) APPEAL OF AWARD DETERMINATION.—*

*''(A) IN GENERAL.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).*

*''(B) PUBLICITY OF APPEALS.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.''.*

*(d) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.*

*(2) PUBLICITY OF AWARD APPEALS.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.*

***SEC. 544. MODIFICATIONS OF DEFINITION OF EMPLOYEES COVERED BY DENIAL OF DEDUCTION FOR EXCESSIVE EMPLOYEE REMUNERATION.***

*(a) IN GENERAL.—Paragraph (3) of section 162(m) is amended to read as follows:*

*''(3) COVERED EMPLOYEE.—For purposes of this subsection, the term 'covered employee' means, with respect to any taxpayer for any taxable year, an individual who—*

*''(A) was the chief executive officer of the taxpayer, or an individual acting in such a capacity, at any time during the taxable year,*

*''(B) is 1 of the 4 highest compensated officers of the taxpayer for the taxable year (other than the individual described in subparagraph (A)), or*

*''(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2006.*

*''In the case of an individual who was a covered employee for any taxable year beginning after December 31, 2006, the term 'covered employee' shall include a beneficiary of such employee with respect to any remuneration for services performed by such employee as a covered employee (whether or not such services are performed during the taxable year in which the remuneration is paid).''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.*

***SEC. 545. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.***

*(a) IN GENERAL.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:*

*''(A) such child—*

*''(i) has not attained age 18 before the close of the taxable year, or*

*''(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and*

*''(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5) (without regard to subparagraph (A) thereof) for such taxable year,''.*

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

***SEC. 546. INCREASE IN INFORMATION RETURN PENALTIES.***

*(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—*

*(1) IN GENERAL.—Section 6721(a)(1) is amended—*

*(A) by striking ''$50'' and inserting ''$250'', and*

*(B) by striking ''$250,000'' and inserting ''$3,000,000''.*

*(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—*

*(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—*

*(i) by striking ''$15'' and inserting ''$50'',*

*(ii) by striking ''$50'' and inserting ''$250'', and*

*(iii) by striking ''$75,000'' and inserting ''$500,000''.*

*(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—*

*(i) by striking ''$30'' and inserting ''$100'',*

*(ii) by striking ''$50'' and inserting ''$250'', and*

*(iii) by striking ''$150,000'' and inserting ''$1,500,000''.*

*(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—*

*(A) in subparagraph (A)—*

*(i) by striking ''$100,000'' and inserting ''$1,000,000'', and*

*(ii) by striking ''$250,000'' and inserting ''$3,000,000'',*

*(B) in subparagraph (B)—*

*(i) by striking ''$25,000'' and inserting ''$175,000'', and*

*(ii) by striking ''$75,000'' and inserting ''$500,000'', and*

*(C) in subparagraph (C)—*

*(i) by striking ''$50,000'' and inserting ''$500,000'', and*

*(ii) by striking ''$150,000'' and inserting ''$1,500,000''.*

*(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—*

*(A) by striking ''$100'' in paragraph (2) and inserting ''$500'',*

*(B) by striking ''$250,000'' in paragraph (3)(A) and inserting ''$3,000,000''.*

*(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—*

*(1) IN GENERAL.—Section 6722(a) is amended—*

*(A) by striking ''$50'' and inserting ''$250'', and*

*(B) by striking ''$100,000'' and inserting ''$1,000,000''.*

*(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—*

*(A) by striking ''$100'' in paragraph (1) and inserting ''$500'', and*

*(B) by striking ''$100,000'' in paragraph (2)(A) and inserting ''$1,000,000''.*

*(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—*

*(1) by striking ''$50'' and inserting ''$250'', and*

*(2) by striking ''$100,000'' and inserting ''$1,000,000''.*

*(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.*

***SEC. 547. E-FILING REQUIREMENT FOR CERTAIN LARGE ORGANIZATIONS.***

*(a) IN GENERAL.—The first sentence of section 6011(e)(2) is amended to read as follows: ''In prescribing regulations under paragraph (1), the Secretary shall take into account (among other relevant factors) the ability of the taxpayer to comply at reasonable cost with the requirements of such regulations.''.*

*(b) CONFORMING AMENDMENT.—Section 6724 is amended by striking subsection (c).*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after December 31, 2008.*

***SEC. 548. EXPANSION OF IRS ACCESS TO INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES FOR TAX ADMINISTRATION PURPOSES.***

*(a) IN GENERAL.—Paragraph (3) of section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended to read as follows:*

*''(3) ADMINISTRATION OF FEDERAL TAX LAWS.—The Secretary of the Treasury shall have access to the information in the National Directory of New Hires for purposes of administering the Internal Revenue Code of 1986.''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.*

***SEC. 549. DISCLOSURE OF PRISONER RETURN INFORMATION TO FEDERAL BUREAU OF PRISONS.***

*(a) DISCLOSURE.—*

*(1) IN GENERAL.—Subsection (l) of section 6103 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:*

*''(22) DISCLOSURE OF RETURN INFORMATION OF PRISONERS TO FEDERAL BUREAU OF PRISONS.—*

*''(A) IN GENERAL.—Under such procedures as the Secretary may prescribe, the Secretary may disclose return information with respect to persons incarcerated in Federal prisons whom the Secretary believes filed or facilitated the filing of false or fraudulent returns to the head of the Federal Bureau of Prisons if the Secretary determines that such disclosure is necessary to permit effective tax administration.*

*''(B) DISCLOSURE BY AGENCY TO EMPLOYEES.—The head of the Federal Bureau of Prisons may redisclose information received under subparagraph (A)—*

*''(i) only to those officers and employees of the Bureau who are personally and directly engaged in taking administrative actions to address violations of administrative rules and regulations of the prison facility, and*

*''(ii) solely for the purposes described in subparagraph (C).*

*''(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used only for the purposes of—*

*''(i) preventing the filing of false or fraudulent returns; and*

*''(ii) taking administrative actions against individuals who have filed or attempted to file false or fraudulent returns.''.*

*(2) PROCEDURES AND RECORD KEEPING RELATED TO DISCLOSURE.—Subsection (p)(4) of section 6103 is amended—*

*(A) by striking ''(14), or (17)'' in the matter before subparagraph (A) and inserting ''(14), (17), or (22)'', and*

*(B) by striking ''(9), or (16)'' in subparagraph (F)(i) and inserting ''(9), (16), or (22)''.*

*(3) EVALUATION BY TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Paragraph (3) of section 7803(d) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ''; and'', and by adding at the end the following new subparagraph:*

*''(C) not later than 3 years after the date of the enactment of section 6103(l)(22), submit a written report to Congress on the implementation of such section.''.*

*(b) ANNUAL REPORTS.—*

*(1) IN GENERAL.—The Secretary of the Treasury shall submit to Congress and make publicly available an annual report on the filing of false and fraudulent returns by individuals incarcerated in Federal and State prisons.*

*(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall contain statistics on the number of false or fraudulent returns associated with each Federal and State prison and such other information that the Secretary determines is appropriate.*

*(3) EXCHANGE OF INFORMATION.—For the purpose of gathering information necessary for the reports required under paragraph (1), the Secretary of the Treasury shall enter into agreements with the head of the Federal Bureau of Prisons and the heads of State agencies charged with responsibility for administration of State prisons under which the head of the Bureau or Agency provides to the Secretary not less frequently than annually the names and other identifying information of prisoners incarcerated at each facility administered by the Bureau or Agency.*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures on or after January 1, 2008.*

***SEC. 550. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.***

*(a) APPLICATION OF RETURN PREPARER PENALTIES TO ALL TAX RETURNS.—*

*(1) DEFINITION OF TAX RETURN PREPARER.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—*

*(A) by striking ''income'' each place it appears in the heading and the text, and*

*(B) in subparagraph (A), by striking ''subtitle A'' each place it appears and inserting ''this title''.*

*(2) CONFORMING AMENDMENTS.—*

*(A)(i) Section 6060 is amended by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**''.*

*(ii) Section 6060(a) is amended—*

*(I) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',*

*(II) by striking ''each income tax return preparer'' and inserting ''each tax return preparer'', and*

*(III) by striking ''another income tax return preparer'' and inserting ''another tax return preparer''.*

*(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.*

*(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**''.*

*(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.*

*(B) Section 6103(k)(5) is amended—*

*(i) by striking ''income tax return preparer'' each place it appears and inserting ''tax return preparer'', and*

*(ii) by striking ''income tax return preparers'' each place it appears and inserting ''tax return preparers''.*

*(C)(i) Section 6107 is amended—*

*(I) by striking ''**INCOME TAX RETURN PREPARER**'' in the heading and inserting ''**TAX RETURN PREPARER**'',*

*(II) by striking ''an income tax return preparer'' each place it appears in subsections (a) and (b) and inserting ''a tax return preparer'',*

(III) by striking ''INCOME TAX RETURN PREPARER'' in the heading for subsection (b) and inserting ''TAX RETURN PREPARER'', and

(IV) in subsection (c), by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking ''Income tax return preparer'' and inserting ''Tax return preparer''.

(D) Section 6109(a)(4) is amended—

(i) by striking ''an income tax return preparer'' and inserting ''a tax return preparer'', and

(ii) by striking ''INCOME RETURN PREPARER'' in the heading and inserting ''TAX RETURN PREPARER''.

(E) Section 6503(k)(4) is amended by striking ''Income tax return preparers'' and inserting ''Tax return preparers''.

(F)(i) Section 6694 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARER**'' in the heading and inserting ''**TAX RETURN PREPARER**'',

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(III) in subsection (c)(2), by striking ''the income tax return preparer'' and inserting ''the tax return preparer'',

(IV) in subsection (e), by striking ''subtitle A'' and inserting ''this title'', and

(V) in subsection (f), by striking ''income tax return preparer'' and inserting ''tax return preparer''.

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''income tax return preparer'' and inserting ''tax return preparer''.

(G)(i) Section 6695 is amended—

(I) by striking ''**INCOME**'' in the heading, and

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer''.

(ii) Section 6695(f) is amended—

(I) by striking ''subtitle A'' and inserting ''this title'', and

(II) by striking ''the income tax return preparer'' and inserting ''the tax return preparer''.

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''income''.

(H) Section 6696(e) is amended by striking ''subtitle A'' each place it appears and inserting ''this title''.

(I)(i) Section 7407 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**'',

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(III) by striking ''income tax preparer'' both places it appears in subsection (a) and inserting ''tax return preparer'', and

(IV) by striking ''income tax return'' in subsection (a) and inserting ''tax return''.

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(J)(i) Section 7427 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**'', and

(II) by striking ''an income tax return preparer'' and inserting ''a tax return preparer''.

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

''Sec. 7427. Tax return preparers.''.

(b) MODIFICATION OF PENALTY FOR UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.—Subsections (a) and (b) of section 6694 are amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

''(A) $1,000, or

''(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

''(A) the tax return preparer knew (or reasonably should have known) of the position,

''(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

''(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

''(ii) there was no reasonable basis for the position.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

''(b) UNDERSTATEMENT DUE TO WILLFUL OR RECKLESS CONDUCT.—

''(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

''(A) $5,000, or

''(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) WILLFUL OR RECKLESS CONDUCT.—Conduct described in this paragraph is conduct by the tax return preparer which is—

''(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

''(B) a reckless or intentional disregard of rules or regulations.

''(3) REDUCTION IN PENALTY.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

**SEC. 551. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.**

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

**''SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.**

''(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

''(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

''(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit on which a penalty is imposed under part II of subchapter A of chapter 68.''.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

''Sec. 6676. Erroneous claim for refund or credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim—

(1) filed or submitted after the date of the enactment of this Act, or

(2) filed or submitted prior to such date but not withdrawn before the date which is 30 days after such date of enactment.

**SEC. 552. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.**

(a) IN GENERAL.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking ''18-month period'' and inserting ''36-month period''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of this Act.

(2) EXCEPTION FOR CERTAIN TAXPAYERS.—The amendments made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of this Act.

**SEC. 553. ADDITIONAL REASONS FOR SECRETARY TO TERMINATE INSTALLMENT AGREEMENTS.**

(a) IN GENERAL.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

''(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

''(D) to file a return of tax imposed under this title by its due date (including extensions), or''.

(b) CONFORMING AMENDMENT.—The heading for paragraph (4) of section 6159(b) is amended by striking ''FAILURE TO PAY AN INSTALLMENT OR ANY OTHER TAX LIABILITY WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION'' and inserting ''FAILURE TO MAKE PAYMENTS OR DEPOSITS OR FILE RETURNS WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

**SEC. 554. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS-IN-COMPROMISE.**

(a) IN GENERAL.—Section 7122(b) (relating to record) is amended by striking ''Whenever a compromise'' and all that follows through ''his delegate, with his reasons therefor'' and inserting ''If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion, with the reasons therefor''.

(b) CONFORMING AMENDMENTS.—Section 7122(b) is amended by striking the second and third sentences.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

**SEC. 555. AUTHORIZATION FOR FINANCIAL MANAGEMENT SERVICE RETENTION OF TRANSACTION FEES FROM LEVIED AMOUNTS.**

(a) IN GENERAL.—Subsection (h) of section 6331 (relating to continuing levy on certain payments) is amended by adding at the end the following new paragraph:

''(4) IMPOSITION OF FINANCIAL MANAGEMENT SERVICES TRANSACTION FEES.—If the Secretary

approves a levy under this subsection, the Secretary may impose on the taxpayer a transaction fee sufficient to cover the full cost of implementing the levy under this subsection. Such fee—

''(A) shall be treated as an expense under section 6341,

''(B) may be collected through a levy under this subsection, and

''(C) shall be in addition to the amount of tax liability with respect to which such levy was approved.''.

(b) RETENTION OF FEES BY FINANCIAL MANAGEMENT SERVICE.—The Financial Management Service may retain the amount of any transaction fee imposed under section 6331(h)(4) of the Internal Revenue Code of 1986. Any amount retained by the Financial Management Service under that section shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of title 31, United States Code.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts levied after the date of the enactment of this Act.

**SEC. 556. AUTHORITY FOR UNDERCOVER OPERATIONS.**

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking ''2007'' both places it appears and inserting ''2008''.

**SEC. 557. INCREASE IN PENALTY EXCISE TAXES ON THE POLITICAL AND EXCESS LOBBYING ACTIVITIES OF SECTION 501(c)(3) ORGANIZATIONS.**

(a) TAXES ON DISQUALIFYING LOBBYING EXPENDITURES OF CERTAIN ORGANIZATIONS.—

(1) IN GENERAL.—Section 4912(a) (relating to tax on organization) is amended by striking ''5 percent'' and inserting ''10 percent''.

(2) TAX ON MANAGEMENT.—Section 4912(b) is amended by striking ''5 percent'' and inserting ''10 percent''.

(b) TAXES ON POLITICAL EXPENDITURES OF SECTION 501(c)(3) ORGANIZATIONS.—

(1) IN GENERAL.—Section 4955(a) (relating to initial taxes) is amended—

(A) in paragraph (1), by striking ''10 percent'' and inserting ''20 percent'', and

(B) in paragraph (2), by striking ''2½ percent'' and inserting ''5 percent''.

(2) INCREASED LIMITATION FOR MANAGERS.—Section 4955(c)(2) is amended—

(A) by striking ''$5,000'' and inserting ''$10,000'', and

(B) by striking ''$10,000'' and inserting ''$20,000''.

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

**SEC. 558. INCREASED PENALTY FOR FAILURE TO FILE FOR EXEMPT ORGANIZATIONS.**

(a) IN GENERAL.—Subparagraph (A) of section 6652(c)(1) (relating to annual returns under section 6033(a)(1) or 6012(a)(6)) is amended by adding at the end the following new sentence: ''In the case of an organization having gross receipts exceeding $25,000,000 for any year, with respect to the return so required, the first sentence of this subparagraph shall be applied by substituting '$250' for '$20' and, in lieu of applying the second sentence of this subparagraph, the maximum penalty under this subparagraph shall not exceed $125,000.''.

(b) CONFORMING AMENDMENT.—The third sentence of section 6652(c)(1)(A) is amended by inserting ''but not exceeding $25,000,000'' after ''$1,000,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

**SEC. 559. PENALTIES FOR FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.**

(a) IN GENERAL.—Part I of subchapter A of chapter 68 (relating to additions to the tax, additional amounts, and assessable penalties) is amended by inserting after section 6652 the following new section:

**''SEC. 6652A. FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.**

''(a) IN GENERAL.—If a person fails to file a return described in section 6651 or 6652(c)(1) in electronic form as required under section 6011(e)—

''(1) such failure shall be treated as a failure to file such return (even if filed in a form other than electronic form), and

''(2) the penalty imposed under section 6651 or 6652(c), whichever is appropriate, shall be equal to the greater of—

''(A) the amount of the penalty under such section, determined without regard to this section, or

''(B) the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the penalty determined under this subsection is equal to $40 for each day during which a failure described under subsection (a) continues. The maximum penalty under this paragraph on failures with respect to any 1 return shall not exceed the lesser of $20,000 or 10 percent of the gross receipts of the taxpayer for the year.

''(2) INCREASED PENALTIES FOR TAXPAYERS WITH GROSS RECEIPTS BETWEEN $1,000,000 AND $100,000,000.—

''(A) TAXPAYERS WITH GROSS RECEIPTS BETWEEN $1,000,000 AND $25,000,000.—In the case of a taxpayer having gross receipts exceeding $1,000,000 but not exceeding $25,000,000 for any year—

''(i) the first sentence of paragraph (1) shall be applied by substituting '$200' for '$40', and

''(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $100,000.

''(B) TAXPAYERS WITH GROSS RECEIPTS OVER $25,000,000.—Except as provided in paragraph (3), in the case of a taxpayer having gross receipts exceeding $25,000,000 for any year—

''(i) the first sentence of paragraph (1) shall be applied by substituting '$500' for '$40', and

''(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $250,000.

''(3) INCREASED PENALTIES FOR CERTAIN TAXPAYERS WITH GROSS RECEIPTS EXCEEDING $100,000,000.—In the case of a return described in section 6651—

''(A) TAXPAYERS WITH GROSS RECEIPTS BETWEEN $100,000,000 AND $250,000,000.—In the case of a taxpayer having gross receipts exceeding $100,000,000 but not exceeding $250,000,000 for any year—

''(i) the amount of the penalty determined under this subsection shall equal the sum of—

''(I) $50,000, plus

''(II) $1,000 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

''(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $200,000.

''(B) TAXPAYERS WITH GROSS RECEIPTS OVER $250,000,000.—In the case of a taxpayer having gross receipts exceeding $250,000,000 for any year—

''(i) the amount of the penalty determined under this subsection shall equal the sum of—

''(I) $250,000, plus

''(II) $2,500 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

''(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $250,000.

''(C) EXCEPTION FOR CERTAIN RETURNS.—Subparagraphs (A) and (B) shall not apply to any return of tax imposed under section 511.''.

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 68 is amended by inserting after the item relating to section 6652 the following new item:

''Sec. 6652A. Failure to file certain returns electronically.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

**PART III—GENERAL PROVISIONS**

**SEC. 561. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.**

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

''(a) COMPLIANCE GUIDE.—

''(1) IN GENERAL.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

''(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

''(A) the posting of the guide in an easily identified location on the website of the agency; and

''(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

''(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

''(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

''(B) not later than the date on which the requirements of that rule become effective.

''(4) COMPLIANCE ACTIONS.—

''(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

''(B) EXPLANATION.—The explanation under subparagraph (A)—

''(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

''(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

''(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

''(i) shall be suggestions to assist small entities; and

''(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

''(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

''(6) REPORTING.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting ''and entitled'' after ''designated''.

**SEC. 562. SMALL BUSINESS CHILD CARE GRANT PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT AND PERIOD OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATIONS.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term ''covered entity'' means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term ''Indian community'' means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ''Indian tribe'' and ''tribal organization'' have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term ''small business'' means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term ''State'' has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term ''State'' includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term ''State'' includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term ''State-level activities'' includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

**SEC. 563. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

**SEC. 564. SENSE OF THE SENATE CONCERNING PERSONAL SAVINGS.**

(a) FINDINGS.—The Senate finds that—

(1) the personal saving rate in the United States is at its lowest point since the Great Depression, with the rate having fallen into negative territory;

(2) the United States ranks at the bottom of the Group of Twenty (G–20) nations in terms of net national saving rate;

(3) approximately half of all the working people of the United States work for an employer that does not offer any kind of retirement plan;

(4) existing savings policies enacted by Congress provide limited incentives to save for low- and moderate-income families; and

(5) the Social Security program was enacted to serve as the safest component of a retirement system that also includes employer-sponsored retirement plans and personal savings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress should enact policies that promote savings vehicles for retirement that are simple, easily accessible and provide adequate financial security for all the people of the United States;

(2) it is important to begin retirement saving as early as possible to take full advantage of the power of compound interest; and

(3) regularly contributing money to a financially-sound investment account is one important method for helping to achieve one's retirement goals.

**SEC. 565. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.**

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

''(m) CONTINUED FUNDING FOR CENTERS.—

''(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

''(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

''(3) APPLICATION AND APPROVAL CRITERIA.—

''(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

''(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

''(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

''(4) AWARD OF GRANTS.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

''(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

''(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

''(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

''(5) RENEWAL.—

''(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

''(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

''(n) PRIVACY REQUIREMENTS.—

''(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

''(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

''(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

''(A) restrict Administration access to program activity data; or

''(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

''(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).''.

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

**SEC. 566. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.**

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(a) IN GENERAL.—Notwithstanding''; and

(2) by adding at the end the following:

''(b) REPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

''(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

''(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

''(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

''(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

''(D) a summary of—

''(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

''(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

''(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

''(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

**SEC. 567. SENSE OF THE SENATE REGARDING REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.**

It is the sense of the Senate that Congress should repeal the 1993 tax increase on Social Security benefits and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

**SEC. 568. SENSE OF THE SENATE REGARDING PERMANENT TAX INCENTIVES TO MAKE EDUCATION MORE AFFORDABLE AND MORE ACCESSIBLE FOR AMERICAN FAMILIES.**

It is the sense of the Senate that Congress should make permanent the tax incentives to make education more affordable and more accessible for American families and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such incentives and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

**SEC. 569. RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.**

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

''(10) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

''(A) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

''(i) IN GENERAL.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

''(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

''(iii) WAIVER.—

''(I) AUTHORITY.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

''(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

''(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

''(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

''(i) IN GENERAL.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

''(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of

*the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.*

*''(iii) WAIVER.—*

*''(I) AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.*

*''(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.*

*''(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.*

*''(C) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.''.*

***SEC. 570. DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.***

*(a) IN GENERAL.—Section 6306 (relating to qualified tax collection contracts) is amended—*

*(1) by striking ''Nothing'' in subsection (a) and inserting ''Except as provided in subsection (c), nothing'',*

*(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively, and*

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

*''(c) DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.—*

*''(1) IN GENERAL.—The Secretary shall provide a qualifying disability preference to any program under which any qualified tax collection contract is awarded on or after the effective date of this subsection and shall ensure compliance with the requirements of paragraph (3).*

*''(2) QUALIFYING DISABILITY PREFERENCE.—*

*''(A) IN GENERAL.—For purposes of this subsection, the term 'qualifying disability preference' means a preference pursuant to which at least 10 percent (in both number and aggregate dollar amount) of the accounts covered by qualified tax collection contracts are awarded to persons satisfying the following criteria:*

*''(i) Such person employs within the United States at least 50 severely disabled individuals.*

*''(ii) Such person shall agree as an enforceable condition of its bid for a qualified tax collection contract that within 90 days after the date such contract is awarded, not less than 35 percent of the employees of such person employed in connection with providing services under such contract shall—*

*''(I) be hired after the date such contract is awarded, and*

*''(II) be severely disabled individuals.*

*''(B) DETERMINATION OF SATISFACTION OF CRITERIA.—Within 60 days after the end of the period specified in subparagraph (A)(ii), the Secretary shall determine whether such person has met the 35 percent requirement specified in such subparagraph, and if such requirement has not been met, shall terminate the contract for nonperformance. For purposes of determining whether such 35 percent requirement has been satisfied, severely disabled individuals providing services under such contract shall not include any severely disabled individuals who were counted toward satisfaction of the 50-employee requirement specified in subparagraph (A)(i), unless such person replaced such individuals by hiring additional severely disabled individuals who do not perform services under such contract.*

*''(3) PROGRAM-WIDE EMPLOYMENT OF SEVERELY DISABLED INDIVIDUALS.—Not less than 15 percent of all individuals hired by all persons to whom tax collection contracts are issued by the Secretary under this section, to perform work under such tax collection contracts, shall qualify as severely disabled individuals.*

*''(4) SEVERELY DISABLED INDIVIDUAL.—For purposes of this subsection, the term 'severely disabled individual' means any one of the following:*

*''(A) Any veteran of the United States Armed Forces with—*

*''(i) a disability determined by the Secretary of Veterans Affairs to be service-connected, or*

*''(ii) a disability deemed by statute to be service-connected.*

*''(B) Any individual who is a disabled beneficiary (as defined in section 1148(k)(2) of the Social Security Act (42 U.S.C. 1320b–19(k)(2)) or who would be considered to be such a disabled beneficiary but for having income or assets in excess of the income or asset eligibility limits established under title II or XVI of the Social Security Act, respectively.''.*

*(b) REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.—*

*(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the effectiveness and efficiency of the use of private contractors for Internal Revenue Service debt collection. The study required by this paragraph shall be completed in time to be taken into account by Congress before any new contracting is carried out under section 6306 of the Internal Revenue Code of 1986 in years following 2008.*

*(2) STUDY OF COMPARABLE EFFORTS.—As part of the study required under paragraph (1), the Comptroller General shall—*

*(A) make every effort to determine the relative effectiveness and efficiency of debt collection contracting by Federal staff compared to private contractors, using a cost calculation for both Federal staff and private contractors which includes all benefits and overhead costs,*

*(B) compare the cost effectiveness of the contracting approach of the Department of the Treasury to that of the Department of Education's Office of Student Financial Assistance, and*

*(C) survey State tax debt collection experiences for lessons that may be applicable to the Internal Revenue Service collection efforts.*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any tax collection contract awarded on or after the date of the enactment of this Act.*

*This Act may be cited as the ''U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007''.*

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, there will be no more votes today. I express my appreciation to the managers of the bill. Senator BYRD, because of his other responsibilities, couldn't be here. The Senator from Washington, Mrs. MURRAY, worked hard on this bill. She has done a wonderful job. We are all indebted to her. Senator THAD COCHRAN is always very good, thorough, direct, and to the point. We appreciate very much his being the person he is.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees with a ratio of 15 to 14.

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

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, let me also congratulate Senator MURRAY for her work and particularly my good friend, the ranking member of the Appropriations Committee, Senator COCHRAN, for his usual flawless effort in moving legislation across the floor. This was a challenging bill with a lot of interesting issues that divide the Senate in many ways. I express my gratitude and appreciation for the fine work of Senator COCHRAN.

Mr. REID. Mr. President, on behalf of the majority, I know conferees will be all of the Democratic members of the Appropriations Committee.

Mr. MCCONNELL. Mr. President, I will also be sending a list of conferees to the Chair.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Alabama is recognized.

## SUPPLEMENTAL APPROPRIATIONS

Mr. SHELBY. Mr. President, today, just a few minutes ago, we voted on the emergency supplemental appropriations bill. I voted against the bill.

From the beginning, I have tried to support our troops both morally and materially. It has always been my goal to ensure that our Armed Forces have a clearly defined mission, realistic military objectives, and the best equipment available. Yet, today, I believe we have reached a point where political infighting has led to bartering for bullets. We have tied vital military funding for our troops to an arbitrary date of withdrawal.

The Senate, with this vote today—passing this supplemental spending bill with a date of withdrawal—has named the date for defeat in Iraq, if it were to stand. We have taken a step backward. We have put an arbitrary deadline on our military. It is the wrong message at the wrong time. Surely, this will embolden the enemy and will not help our troops in any way. It is a big mistake.

I hope the President will veto this bill as soon as he gets it to his desk. I

did not support this supplemental because I remain committed to our troops, first and foremost.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, the Senate has just made a tremendous effort in moving forward to make sure we support our troops in every sense of the word. I thank all of my colleagues who voted ''aye'' in moving this forward.

It is important to remember that this is an emergency supplemental bill. I have heard others on the other side call it a war supplemental. It is true, indeed, that over the last several years, the President has insisted that we pay for the war in Iraq on an emergency supplemental. But I remind everyone that there are countless emergencies across this country, and we, as Democrats, believe it is critical that we address those concerns—whether it is our agricultural industry, which has faced drought, severe weather, family farms which have been inundated and unable to continue to provide the crops all of us rely on to feed our families; whether it is our veterans who, as the occupant of the chair well knows as a member of the Veterans' Committee, have been left behind time and time again.

We all know of the Walter Reed issue that hit the papers several weeks ago. But this is not a new issue for many of us who have been following this issue for some time. We have men and women serving in Iraq and Afghanistan who are coming home and have severe traumatic brain injuries. They have been lost in the system. We are now starting the fifth year of this war, and to date this President has not planned and supported funding to make sure those men and women—whether it is traumatic brain injury or whether they lost a limb or whether they have posttraumatic stress syndrome or whether it is just coming home and being able to find another job—have been paid attention to.

In this supplemental, we say we are going to pay for all costs of the war and certainly pay for those men and women who paid the ultimate price, along with their families, and taking care of them is part of that cost of war. In this critical bill which the Democrats voted for, we make sure they are a part of this.

So we provide funding to repair the facilities at Walter Reed and also to make sure that across the country the Walter Reed syndrome is paid attention to. Those veterans facilities we have gotten the reports from—the 1,100 sightings of mold on the walls, of bats that have not been gotten rid of in the Oregon VA facility, of peeling paint on the walls—these kinds of conditions are not ones we as Americans should allow to continue.

In the supplemental bill, we say we are going to take care of those issues, and we require specifically that the VA come back to us in 60 days and identify every one of those 1,100 sightings and say whether they have fixed those facilities. If they have not, we want to know the exact cost, because we are not going to let those men and women sit in those deplorable conditions.

Under this bill, we address the issue that has faced many of our soldiers who have returned home with traumatic brain injury. Many of us saw the Bob Woodruff special several weeks ago, a reporter who was in Iraq and who suffered a traumatic brain injury. We saw how he struggled with his recovery and now has presented an amazing news story to let all of us know what is happening not just with him but to men and women across this country as they come home. It is true when a soldier is in a vehicle that is immediately affected by a blast, they often know they have traumatic brain injury. It is also true soldiers who may be 100 or 150 yards away from that blast may also receive an injury but may not know it.

We have all talked to these men and women when we go home, and their wives normally say to us, my husband can't remember where he put a piece of paper I just handed to him, not realizing he had been a victim of a blast and that his injury had caused brain damage. We need to make sure those soldiers are treated and are treated well, and that we have the research and the capability to make sure they are not lost when they come home from service to this country. That funding is in this bill, and that funding was voted on by a majority of Senators in this body. We are going to keep working to make sure it is there.

We also have in this bill money for Katrina. It seems a long time ago now that our country was stunned by the impact of Katrina and other hurricanes in the gulf coast. Americans across the country said, what are we going to do? We know since that time there have been major stumbles. As Democrats, we are not stepping back. We believe that is as much an emergency as what the President has asked for in this emergency supplemental focusing only on Iraq, the war, and the reconstruction efforts there.

We have a reconstruction effort that is absolutely critical here in this country. Democrats are standing up and saying we are going to take responsibility and pay for it. There is $6.7 billion in here for the victims of Hurricane Katrina and Hurricane Rita. I believe that is as much a critical emergency spending item as the reconstruction dollars the President has asked for in the supplemental, and that is why we are supporting this bill.

This bill also addresses the issue of homeland security. We have heard a lot of rhetoric about homeland security and protecting our own. That is an emergency because that funding has not been there. Rhetoric protects no one here at home. We provide $2 billion, critical infrastructure dollars, for port security, mass transit security, and explosive detection equipment at our airports. We are putting it into this bill because it has not yet been funded, and across this country Americans are at risk without that funding.

We have heard a lot of talk on this floor over the last several days about extra porkbarrel spending. Well, I would say to all of my colleagues there is $4.2 billion that is provided for Americans here at home—not for reconstruction efforts out in the world but for right here at home, $4.2 billion.

Senator BOXER from California was out here yesterday showing tremendous pictures of the agricultural disasters that have occurred in California. These are farmers whom we rely on as Americans when we go to our grocery stores to be able to buy food to feed our families. If their farms are lost because they do not have the support after a disaster that has affected them, every one of us suffers. As Democrats, we say that is as much an emergency as what we are putting into this bill for reconstruction in Iraq. We need to reconstruct here at home.

On this side we are playing catchup. For a number of years now we have seen emergency supplementals that were just war supplementals. We are saying that, as Democrats, we know we have to invest in ourselves across the country. We have to invest in our future. We will only be as strong abroad as we are at home. If we abandon our farmers, if we abandon our children because they do not have health care—and there is SCHIP funding in this bill—if we abandon our gulf coast residents, who have not yet been able to rebuild their homes and their infrastructure, if we abandon our veterans when they come home and don't take care of them, if we abandon our military personnel without the proper equipment and supplies, then we are not doing the job we have been sent here to do.

We are proud of this supplemental we are putting forward because, in addition to everything else, we are taking a major step forward and saying we are no longer going to idly stand by without any debate, without any consequences, and move continuously to increase the war in Iraq. We have said it is time for us as a nation to tell the Iraqi people they need to stand up for themselves. That language is critical in this bill.

We have worked with colleagues on all sides to put together what I think is a very important, very critical bill for us here in America—here at home. We are going to work very hard now in conference with our House colleagues to come together with a bill to bring back to the Senate and then to send to the President. I understand the President is saying he is going to veto the

bill, but I ask the President to listen to us, to sit down in the way we are supposed to here in Congress, and work with us to find agreement so we can move this bill forward. That is my hope for us here, and it is my hope for Americans across this country.

I am proud of the bill we have put forward in addressing the critical infrastructure investments here at home, and I hope as we move forward in this process in a few weeks we will be able to have a conference committee bill that will be sent to the President and that he will agree to so we can then move on to the other issues facing this Nation.

I also take this opportunity to thank a number of people who worked on this bill, but particularly Chairman BYRD, who led us throughout this debate. I thank Senator COCHRAN, my ranking member, who has been out here on the floor late nights working with us to help keep an orderly process.

I also thank all of our full committee staff, Terry Sauvain and Bruce Evans, all of their staff, who have worked countless hours. I am not sure they even went home last night before they came in this morning to help us get to the point we are today, and I thank all the staff of all the Appropriations subcommittees, who have worked very hard on this bill.

I also thank our floor staff, because without their work and their support, none of us would be able to complete the work we do. They are the silent workers who sit in front of us and who have done such a tremendous job to help us get through this process.

At the end of the day, I want my colleagues and I want America to know we in the majority here in the Senate believe an emergency spending bill should be just that. There are numerous emergencies across this country, investing in Americans who have suffered tremendously, and we are working hard to make sure their issues are finally addressed. Importantly, we are telling the President that our veterans and those who serve us in Iraq and Afghanistan, when they come home, their issues are going to be addressed as part of the cost of the war and as part of this emergency supplemental.

Mr. DODD. Mr. President, the emergency supplemental appropriations legislation which passed the Senate today, the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act of 2007, provides $625 million in security funding to better protect the millions of Americans who ride public transportation. I thank Senator SHELBY, who as both the ranking member on the Banking Committee and a member of the Appropriations Committee has been a tireless advocate on behalf of mass transit and specifically on the issue of transit security. I commend Senators BYRD and COCHRAN who serve, respectively, as both chairman and ranking member of the full Appropriations Committee and the Homeland Security Subcommittee. They were instrumental in deciding to increase our investment in securing our public transportation systems. The issue of transit security requires coordination between both homeland security agencies and committees and those transportation agencies and committees. Thus, I also commend Senators MURRAY and BOND who serve as chair and ranking member on the Appropriations Transportation, Housing and Urban Development, and Related Agencies Subcommittee.

Our Nation's public transit systems are inadequately prepared to minimize the threat and impact of potential terrorist attacks. Since the terrorist attacks of September 11, 2001, the Federal Government has invested nearly $24 billion in aviation security—protecting the 1.8 million people who fly on an average day. At the same time, our National Government has invested only $386 million, before the 110th Congress began, in transit security to protect the 14 million people who ride transit on an average workday. Put another way, since 2001, our Nation has spent over $7.50 per passenger on aviation security, but less than one penny per transit rider on transit security. I am not suggesting that we ought to be investing equally, but clearly this is not the appropriate balance.

As chairman of the Senate Banking, Housing and Urban Affairs Committee, I have made improving our national security a top priority. The very first hearing that I held as chairman focused on increasing the security of our Nation's 14 million daily transit passengers. The very first legislation that the committee considered during my Chairmanship was the Public Transit Terrorism Prevention Act of 2007, which was passed by the Banking Committee unanimously on February 8. The legislation authorizes the distribution of $3.5 billion in security funds, over the next 3 fiscal years, on the basis of risk directly to transit agencies.

The Public Transit Terrorism Prevention Act of 2007 was included as title XV of the 9/11 bill, which the Senate passed on March 13. Senator SHELBY and I worked with Senator BYRD and Senator COCHRAN to include language in the legislation to allow for such sums as necessary to be appropriated in this fiscal year to address the critical needs of our Nation's transit systems. The $625 million included in this appropriations act is a significant investment towards our goal of better securing our Nation's rail and transit systems. This investment builds on the $175 million that was included in the fiscal year 2007 continuing resolution. Combined, these investments are greater than all of the investments that were made between the terrorist attacks of September 11 and the beginning of this new Congress.

We must make sure that we use these funds wisely. It is my desire that the Congress quickly reconcile both the transit security legislation and the supplemental funding that has passed each Chamber so that this supplemental funding will be distributed in accordance with the new authorization. I once again thank all of the members of the Banking and Appropriations Committees who have worked so hard to advance us to where we are today.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Georgia is recognized.

## UNANIMOUS CONSENT REQUESTS—S. 1022 AND S. 1023

Mr. CHAMBLISS. Mr. President, I rise today to delineate exactly why I voted against this supplemental. We are in some very difficult and complex times in the world today, and certainly the situation in Iraq is right at the forefront.

Americans have always stood tall when someone tries to interrupt our ability to exercise our rights of freedom, and right now we are fighting a global war on terrorism, with Iraq being at the center of it. For individuals in this body to think we can micromanage a military conflict from the floor of the Senate or the House of Representatives is simply wrong.

We have military leadership on the ground in Iraq. That leadership is recommending against imposing timelines. We have civilian leaders who have significant military experience, both from the State Department level as well as the Pentagon level. These leaders have testified before the Senate Armed Services Committee, and every single one of those individuals, whether they were Republican or Democrat, has said imposing timelines is not the way to go. Every military officer who has come to testify before the Senate Armed Services Committee has said imposing timelines for withdrawal from Iraq will simply embolden the enemy. The enemy will lay in wait until we remove ourselves from Iraq and then all genocide will break loose in Iraq.

The Baker-Hamilton commission—which so many people have relied upon—clearly stated that imposing timelines for withdrawal in Iraq is not the way to go. This vote today is simply the wrong signal to send to an enemy. The message needs to be that we are going to take you out; that we are not going to let you impose yourself on freedom and democracy. This vote today simply does not do that.

I very strongly disagree with the provisions in this supplemental relative to the withdrawal of troops from Iraq, and that is the reason I did vote against this supplemental we so desperately need to fund our troops, to fund the operation in Iraq, as well as to take care of some other measures. One of those other measures included in this supplemental is critically important to my State, and it has to do with the SCHIP program, the State Children's Health

Insurance Program, which was designed to help uninsured children across America.

Unfortunately, it has gotten into the arena now of not only providing coverage for children but also coverage for some adults. Frankly, I don't agree with that, but I don't have a problem with it in this supplemental. We will deal with that issue in the reauthorization of this program. We do have a provision in the supplemental that would cover the shortfall for the SCHIP program, which in Georgia we refer to as PeachCare. It would have provided the money to fund a shortfall in SCHIP between now and the end of the fiscal year for States such as mine that are going to experience this shortfall. Georgia happens to be the first of 14 States that is going to have this shortfall, and we have had to take measures—and our legislature, thank goodness, has done that—to make up this shortfall. In the interim, between now and the time this bill is going to come back to this body for reconsideration after being vetoed by the President, Georgia's taxpayers are going to have to fund a greater portion of the SCHIP program than they should have to. So I have filed a bill today that is going to take care of that. It is going to provide immediate funding for the shortfall in Georgia, as well as all of the other shortfall States in the country today that, while they may not experience a shortfall as we speak, it is coming within the next 30 to 60 to 90 days to 13 other States.

On behalf of Senator ISAKSON and myself, I would ask unanimous consent that the Senate proceed to the immediate consideration of S. 1022, introduced earlier today; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, unfortunately, I must object to the Senator's request. We passed money for the shortfall in the supplemental and we should not extend the program at the expense of the current coverage.

I look forward to working with the Senator from Georgia on reauthorization that preserves the program and the coverage that is needed, and toward that end, I ask unanimous consent that my bill dealing with SCHIP, introduced earlier today, S. 1023, be considered, read a third time, passed, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. First, the Chair notes the objection of the Senator from New Jersey.

Is there objection to the motion of the Senator from New Jersey?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection of the Senator from South Carolina is heard.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

## UNANIMOUS CONSENT REQUEST—S. RES. 123

Mr. DEMINT. Mr. President, earlier this year the Senate worked together to change the way we appropriate money in Congress. One of the big showdowns that we had earlier in the year with the new majority was the discussion of earmarks and how we would disclose them and be more transparent to the American people. We worked hard. I introduced an amendment that would provide disclosure at the committee level and asked that the committee put any earmarks on the Internet and tell who offered the earmark and what it would go for, to make sure there is no conflict of interest.

Originally, the majority tried to table that motion, but once we worked together on language and worked out every detail, that amendment was agreed to 98 to 0. It was unanimous that we should stop earmarking the way we are today and use commonsense disclosure rules for America to know how we are spending its money.

Unfortunately, that amendment is part of the lobbying reform, ethics reform bill that has gone to conference with the House that apparently is not going to act on it at all. My proposal has been that we take what we passed in the Senate. We are beginning the appropriations process again. Unless we impose these rules on ourselves, rules that we all agreed on, we are going to go through the same thing we did last year where we put all these bills together, with thousands of earmarks, and at the end of the year some of us are going to be forced to try to stop the whole process, which, hopefully, we will not do.

What I would like to do today to fix this problem is take the amendment we have passed unanimously before and bring it up and pass it in the Senate as a Senate rule so we would operate under the rules that we have all agreed to during this appropriations season. The resolution number is 123, so fixing the current appropriations problem and earmark problem is as easy as 1, 2, 3.

Mr. President, I ask unanimous consent the Rules Committee be discharged from further consideration, and the Senate now proceed to S. Res. 123; further, that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? The Senator from New Jersey is recognized.

Mr. MENENDEZ. I believe there is an appropriate process to consider the Senator's request, but at this time I object.

Mr. DEMINT. Mr. President, I am certainly disappointed. This is something to which we have agreed. We worked out the language with the majority. Certainly, we should be operating under the rules that we have agreed to during this appropriations season.

It is very unfortunate. I am very disappointed. I guess I have no choice, if the majority is going to object.

I yield and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia is recognized.

## EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Mr. President, the fiscal year 2007 Emergency Supplemental Appropriations bill, just approved by the Senate, includes over $96 billion for the troops. It includes increases above the President's request for the Department of Defense, including increases of $1.3 billion for defense health, $1 billion for equipping the National Guard and Reserve, and $1.1 billion for military housing.

The bill includes $6.7 billion for rebuilding the gulf coast region following Hurricanes Katrina, Rita, and Wilma. It includes $4.2 billion for agricultural disaster relief. It includes nearly $1.8 billion for the VA to make sure that we meet our moral obligation to provide first-class health care to our wounded veterans.

Most importantly, with passage of this bill, the Senate sends a clear message to the President that we must take the war in Iraq in a new direction. Setting a goal for getting most of our troops out of Iraq is not cutting and running. The new direction provides incentives to the Iraqi people to settle their differences, to end their civil war, and to pursue reconciliation. One fact is plainly clear: The President wants to run his war his way, without anyone asking any questions or requiring any standards of progress.

That is the kind of attitude that has resulted in the chaos we see in Iraq each day. President Bush does not want anyone to hold him accountable for the failures in Iraq. He does not want anyone to hold him responsible for our troops remaining caught in the escalating Iraqi civil war. The President has his eyes closed to the truth in Iraq.

Let me read excerpts from a letter I recently received from soldiers serving in and around Baghdad:

> We write you this letter. . . , Senator Byrd, because of your prominent role as Chairman of the Appropriations Committee, and because of your documented observation of the alarming lack of debate within the Senate over the Iraq War.
>
> So much of the controversy surrounding the proposed surge strategy has hinged on ''support for our troops.'' Yet, the voice of the individual trooper is not heard. As volunteer members of the military, we waive certain civil rights. We cannot quit. We have a legal and moral responsibility to carry out

the orders given. We offer our bodies and minds, but sacrifice our voices. Our voice is in our vote. Last November, we voted for a Congress that would halt the disastrous Iraq War. . . .

Some of us are on our first tour, some our second or third, and for one of us, fifth. We have done our duty, and will continue to do so until our obligation is complete. Upon completion of our obligation, we hope to close this unhappy chapter in our lives and move forward. . . .

Listening to the ongoing debate in the news, and the conflicting views of our lawmakers, we hear again and again accusations by one side of the other side's desire to undercut the troops. We see these accusations as moral blackmail. For it is overwhelmingly clear from all of our experiences that despite the unpopularity of this war, the American people have provided unfaltering moral support to the men and women of the military. We implore lawmakers to abandon these hollow accusations, and to focus on the national interest as a whole. We earnestly hope for the enactment of the recommendations of the Iraq Study Group, particularly those concerning the de-escalation of the war and direct diplomatic engagement of Syria and Iran. We encourage Congress to obstruct the escalation of this war by any means possible.

Continuing to read from the letter, these solders said:

Since the tragic events of September 11, 2001, we have become painfully aware of our own vulnerability. We have spent vast resources preparing for unknown disaster, fighting an enemy that is ubiquitous, but not clearly defined. We are fighting the specter of fear. This is an internal struggle that we must reconcile. Our vision of the future has grown clouded and ominous. We face a situation in Iraq that leaves us with little hope for a satisfying outcome. As a nation, we must recover from the trauma of 9/11 and abandon the misguided policies we have pursued in its wake. Using the military as our primary foreign policy tool has isolated us and fueled worldwide resentment of us, and has not increased our sense of security. Halting the Iraq war is America's opportunity to change direction, to reengage the world, and discourage terrorism and extremism by showing the world the ingenuity of our people and our commitment to freedom and democracy.

These are the written words of soldiers now serving in Iraq.

The American people want our troops out of Iraq. The Congress has said very clearly that we want our military to refocus on Osama bin Laden and his terrorist bases in Afghanistan. The President has said he will veto this bill. His administration has asserted that adding funds for caring for our wounded veterans, for rebuilding the gulf coast, for securing the homeland, and for agricultural disaster assistance is playing politics. What nonsense. With approval of this bill, Congress will have appropriated $448 billion for the war in Iraq, including $38 billion for rebuilding Iraq. Certainly if we can spend $38 billion on rebuilding Baghdad, we can spend money on rebuilding the gulf coast, taking care of our veterans and protecting our agricultural economy.

I hope that the President will drop his rhetoric and instead work with Congress to craft a responsible plan to transition our forces from Iraq and refocus on bin Laden and his base of operations.

Instead of demonizing the Congress and engaging in rhetorical finger-pointing, the President ought to work with Congress on legislation that is in the best interests of the country. I want to thank Senator COCHRAN, Senator MURRAY, Senator REID, and Senator MCCONNELL for their efforts this week in moving this bill through the Senate. I also want to thank the Appropriations Committee staff, including Terry Sauvain, Charles Kieffer, Peter Rogoff, B.G. Wright, Kate Fitzpatrick, Bruce Evans, Blake Thompson, and all of the Subcommittee staffs for their hard work on this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak in morning business for up to 15 minutes.

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

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1036 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BROWNBACK. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COLEMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

## REINTEGRATION OF RETURNING TROOPS

Mr. COLEMAN. Madam President, I rise to speak about an issue that is very dear to me and my home State of Minnesota: the reintegration of our returning soldiers into their families and their communities.

I begin my remarks by citing a letter to the editor published in the St. Paul Pioneer Press last Saturday by Army National Guard Chaplain MAJ John Morris. The letter is titled, ''It Takes Communities To Bring Soldiers All The Way Home.'' I ask unanimous consent to have the letter printed in the RECORD.

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

IT TAKES COMMUNITIES TO BRING SOLDIERS ALL THE WAY HOME

(By John Morris)

[From the TwinCities.com–Pioneer Press, Mar. 17, 2007]

I am watching the growing furor over the shortcomings in the Veterans Administration system and the fallout from Walter Reed Army Hospital with growing alarm. I am concerned that we are going to fix the crisis and forget the problem.

The problem is how to help warriors, and their families, successfully reintegrate back into our communities, and their homes, after combat. A portion of that problem is health care related. For a majority of combat vets, however, only a small part of their reintegration challenge has to do with health care for physical injuries. Behavioral and mental health are bigger issues. And for most, the biggest challenge is relational: rebuilding marriages, reconnecting with children, rejoining friends, rejoining the global economy, getting back to the communities of faith we left, etc.

The problem with focusing on the VA is we may well fix the VA only to convince ourselves that the reintegration of our combat veterans is a government program, not a community process. If we expect the government to take care of everything, we will have failed our combat veterans and their families as well as ourselves.

We have sent our precious men and women to war. The VA can't bring them home. Only we can. We have a moral obligation to insure that all of our combat veterans come all the way home to their families, their jobs, their schools and their communities.

A government program can't do that. A community can.

That means each of us needs to roll up our sleeves and do more than castigate the VA. It means the following:

If you are a health care provider in Minnesota, do the right thing: Become a Tricare provider. Tricare is the insurance the government issues to mobilized reservists and guardsmen.

Two-thirds of Minnesota health care providers are not Tricare providers. The result: We do not have an in-patient chemical dependency treatment center in Minnesota that is a Tricare provider. We have a dire shortage of behavioral mental health providers who are Tricare providers. The VA can't fix this we can.

If you are an educator, sign up for an Operation Military Kids workshop and learn about the daunting challenges our 7,000 Minnesota military kids face when their parent marches off to war, and when they return. Help our children while we are at war. Parent educators, we need you to offer classes in every school district in Minnesota, for military families. We need your help in learning how to parent our children again.

If you are a member of the clergy, learn all you can about the toll combat takes on marriages, families, mothers and fathers of military personnel. You don't have to support the foreign policy to pray for us while we are in harm's way and to visit our parents, our spouses and our children while we are gone. When we come home, we need your help in putting our marriages, families and lives back together.

If you are an employer, please give my spouse some grace. She or he is juggling a job, a family, a home and a huge heartache. There are no laws to protect them while we are at war, as there are to protect my job when I come back. They struggle mightily and may need some special attention and some extra time off. Do the right thing—help them.

If you are a social service provider, learn all you can about combat operational stress,

the challenges of reintegration for combat veterans and the impact of war on the family system. You are our ''first call for help;'' don't fail us because you choose not to invest in your professional development.

If you are a politician, don't politicize the shortfalls in the VA or the military medical system. We aren't pawns in an election cycle; we are your constituents, and we are counting on you to fix the problems. Energize the community on our behalf to do right by us. We're not asking for showy programs. We are asking for tangible signs of support in terms of services offered.

If you are our neighbors, and you are, don't ''victimize'' us. Most combat veterans come home without PTSD, mental disorders, physical wounds or destroyed lives. We generally readjust well and go on to live productive lives. Expect great contributions to society from us. We won't disappoint you. Challenge us to greatness; we know how to serve.

Watch over our families while we are gone. Extend a warm welcome home when we return. Walk with us through the months of readjustment, and make a place for us in the community.

If we are among the tragic few who come home physically or mentally wounded, help us by connecting us to local, county, state and federal resources.

Certainly, address the problems with the VA, the military medical system and other systemic issues that face us.

But, above all bring us all the way home. A program can't do that. You can.

Mr. COLEMAN. Major Morris is a member of the Minnesota Army National Guard. There are currently 2,600 members of the Minnesota National Guard serving in Iraq as members of the 134th Brigade Combat Team. They were deployed to Iraq last March after spending 6 months at Camp Shelby, MN. When I visited them in December in Fallujah, Taqqadum, and Tallil, Iraq they were all very excited to return home this month to see their families—some of them returning home for the first time since September of 2005.

But they didn't get to come home this month. On January 10 of this year it was announced the 134th would be extended 125 days, hopefully returning home sometime later this summer. With this additional deployment time, the deployment of the 134th in Iraq will be 35 days longer than that of any other unit that has served in Iraq. That is a long time.

It is interesting to talk to our National Guard folks. They are not complaining. They are doing their duty. But I know it weighs heavily on my fellow Minnesotans, on their families, and those of us who get to represent them in the Congress.

When the extension was announced, I shared the great frustration over the fact that our young men and women would not be coming home as scheduled, and we had deep concerns about the way it was noticed. I think the families heard about it before the folks in Iraq heard about it, and heard about it watching a press conference. The Army apologized. Certainly we have to do better when issues such as this come up. I struggled to find the best way forward as the troops I had visited weeks earlier would not be coming home until much later than they had planned. I struggled to find ways to ease the hurt.

But now the initial shock and frustration of the extension has subsided, and it is time to address the challenges they and their families have faced since their deployment and the challenges they will face when they return home.

In the last few weeks, many of my colleagues have taken to the floor and to the airwaves to speak about the commitment we must make to our returning heroes. There aren't many things we can agree on here in this body, but I think all 100 of us agree we need to support our troops when they come home just as much as we support them when they are defending our Nation and our freedom abroad. We need to support our troops and their families before, during, and after their deployments.

So the question is not if we should maintain this strong commitment to our returning warriors but, rather, how. How do we provide the highest level of medical care to our soldiers, our veterans? How do we assist military families that are readjusting to their loved one returning home—a difficult readjustment. How do we streamline the bureaucratic challenges our soldiers face? How do we sustain our support over the long haul? As these young men and women are returning home, some of them are badly wounded. How do we sustain our support over the long haul? As Chaplain Morris states in his letter:

> If you are a politician, don't politicize the shortfalls in the VA or the military medical system. We aren't pawns in an election cycle; we are your constituents and we are counting on you to fix the problems. Energize the community on our behalf to do right by us. We're not asking for showy programs. We are asking for tangible signs of support in terms of services offered.

The challenges our returning heroes face are not going to be solved simply by throwing more money at the problem. They aren't going to be solved by finger pointing and playing the blame game. They are going to be solved with thoughtful and concentrated efforts aimed at fixing the problems we face one at a time.

I have been seeking answers to these challenges and others by reaching out to leaders in my State on this issue and the leadership of those involved in the VA health care system. I have had long conversations with directors of VA hospitals in Minneapolis, St. Cloud, and Fargo, ND to see if there is anything we can do to help deliver the highest level of care. One of the good things that came out of the horrible stories we heard about what was happening in one of the outpatient buildings at Walter Reed is in my State and the Chair's State, folks went back and they did a room-by-room review to find the failings and the things that needed to be fixed. How can we improve the quality of our care? I can tell you in Minnesota, folks have a high degree of confidence in the care at our VA facilities in Minneapolis and in St. Cloud, and we count Fargo as ours because it services so many Minnesotans.

I met with veterans organizations, including the VFW, the Minnesota American Legion, and the Minnesota Paralyzed Veterans, to hear their questions and concerns. Most importantly, I spent some time over the last few weeks touring my State to meet with military families, to talk to active-duty soldiers, National Guard members, and veterans. Many of them have a loved one stationed overseas, while others have a loved one who has just returned. There are tremendous support groups in our State for those who have a lot of pressures. Many families didn't know each other beforehand and they have united now with a special bond. A lot of them were saying they and their husbands didn't know each other before the deployment, but now we are friends. So they have now a new kind of almost extended family. I wish to say that the good Lord gave us all two ears and one mouth and it is amazing what can happen when we use them in that fashion.

I wish to take some time to talk about some of the many concerns I hear from folks across my State and how we can better address them. More than anything else, one thing has been made clear by our military families: Education benefits for our soldiers continue to be of paramount importance.

Unfortunately, the National Guard and Army Reserve are still operating under an antiquated system of education benefits that does not reflect the additional and critical role they are playing in the global war on terror. Under current policy, our National Guard and Reserve soldiers have to use their education benefits while they are actually in the National Guard and Reserve. I had the mother of a National Guard soldier visit my office in Washington and tell my staff about her son's particular situation. Her son had been in the National Guard for almost 6 years. His 6-year investment ends in September of this year. In 6 years he has been deployed to Bosnia and now Iraq with substantial ''uptraining'' time spent away from home within the United States.

Because of his extension, he will not be able to finish school before his enlistment ends, and because National Guard troops cannot use their education benefits after separating from the service, we will leave him on his own to find a way to pay for the remainder of his studies and his graduate school, should he choose that path; all this after serving extended time on active duty defending our country.

There is a bill in the Senate to correct this discrepancy. It is my honor to join Senator LINCOLN on her Total Force Education Assistance Enhancement and Integration Act. That is a mouthful, but it is important. This bill would allow National Guard and Reserve troops to use their education benefits up to 10 years from the time they separate from their service. It also increases their benefits commensurate with their time on active duty. This is

a good start to adjusting education benefits in a changing environment.

Another concern I heard during this listening session was about the difficulty our troops are having applying for college when they are overseas. Many of our troops want to begin their education, but going through the college application process is hard enough if you are working on your home computer in your living room. It is even harder if you are stationed 7,000 miles away from home with limited access to phone, e-mail, or free time for that matter.

We need to find a way to help our deployed soldiers utilize their education benefits by helping them through the difficult application process. Not only will this improve participation in the program, it will improve our soldiers' morale and their ability to reintegrate when returning home. One of the good things I heard is that some of the colleges are getting this. Some in the State system and now even the private college system in Minnesota are understanding these challenges and are becoming more flexible on the public side, and I applaud this kind of public-private partnership.

A final note on education is the lack of benefit structure or program for spouses—for spouses of those who are now in the Armed Forces.

With over 2,600 Minnesotans currently stationed in Iraq, we have hundreds of military spouses working to keep their families together while their loved one is overseas. Many of them, by the way, were going to school, but now their husband or wife is overseas and they have to take a job and give up their education. They have less income, but they have to take care of their families. One spouse told me at one of our listening sessions she had been both a single mom and a military wife while trying to go to school, and being a single mom was much easier.

We need to look at ways to extend benefits to military spouses who are working at home to keep their families together while they try to continue their education. We all know the importance of investment in education. Why should we deny benefits to military spouses who have sacrificed so much?

Another critical issue I continue to hear about is health care for our returning soldiers and veterans. Again, we were all shocked to see the conditions revealed at Walter Reed Hospital at the end of February, and I am pleased those who are responsible are being held to account. While the conditions at the outpatient facility at Walter Reed are being fixed, it is a good time to revisit the overall structure of health care for our troops and our veterans. I share the concern Chaplain Morris states in his letter to the Pioneer Press that we will: ''Fix the crisis and forget the problems'' in regard to health care and what I hope can be done to fix them.

I continue to hear about the difficulties associated with Tricare. On my visits around the State, I learned that only 40 percent of healthcare providers in Minnesota are Tricare providers. Though this is an improvement from the past, it is still unacceptable. From our healthcare providers, we hear that the program is painful and cumbersome to work with, and it costs them significant amounts in staff time and energy to navigate the paperwork. For our military families, especially those in rural areas, traveling to a provider that will take Tricare is often a lengthy process that is simply not possible.

We need to look at ways to streamline the Tricare system, and, if necessary, further incentivize providers to accept Trice.

Another problem I heard from my visits around the State is the inability of returning troops to have marriage counseling covered by their benefit plans. Under current regulations, Tricare does not cover the counseling that is often necessary when our warriors return to their homes and families. Many of our troops have been deployed for extended periods of time, and when they return home, it is difficult to readjust into life with their families.

If a returning soldier wanted to receive marriage counseling, for instance, they must go to their family doctor and get a referral for mental health issues caused by marriage. Then, after substantial effort and delay, it becomes possible for a soldier to act on the referral for stress and mental health concerns and see a marriage and family therapist. We have to do better than this for our returning warriors.

Another major issue we confront with Tricare is the lack of Tricare-certified Chemical Dependency Treatment Centers. Because of the burdensome certification process for these centers, we have 257 Chemical Dependency Treatment Centers that are certified by the State of Minnesota but not a single one of them is certified by Tricare. So if any of our returning heroes comes home and develops a problem with substance abuse, there is not a single place in Minnesota they can go for help. This is a critical oversight which needs to be corrected.

Another issue we need to be prepared to handle is post traumatic stress disorder, PTSD. We all know PTSD is going to be an issue we will face for years to come as more of our soldiers return from abroad. And if we are committed to dealing with it, we need to be committed to the facilities and the people who will be working to cure the disorder on a daily basis.

One way we can do this is to incentivize mental health care professionals to join our veterans and military hospital system. I have learned in my outreach across the State that it is difficult to recruit these professionals, especially qualified psychiatrists, to VA and military hospitals in rural areas. I have always said that the quality of your healthcare should not depend on your ZIP Code, and this is especially true for our veterans and military families.

We also need to make sure we have adequate facilities for the influx of participation in veterans' programs for the next few years. While most of the veterans I have spoken with over the past months have told me that the care they receive at the facilities in Minnesota is nothing short of excellent, we need to plan for the strain an increasing number of veterans will have on our facilities that are operating near capacity .

Finally, I would like to address the importance of a comprehensive strategy for reintegrating our returning heroes into society. Quite frankly, this is bigger than any one single issue confronting our veterans and military families, but it encompasses everything I have talked about so far today.

In my home State of Minnesota, the National Guard has developed an innovative program known as Beyond the Yellow Ribbon to conduct reintegration academies for the families and their loved ones who are returning from Iraq. We have watched with great pleasure as this program has helped countless families deal with the everyday challenges that are not touched by Washington rhetoric. Through this program, we have been able to engage our families, our communities, and most importantly, our returning heroes, to ensure that they are comfortably shifting back to life out of the combat zone.

I will continue to work with our Minnesota National Guard and the families, communities, and veterans across our State so that we can continue this program and use the experience we gain from it to benefit our Nation as a whole.

Inscribed on the base of the Korean War Memorial is the following: ''Our nation honors her sons and daughters who answered the call to defend a country they never knew and a people they never met.'' These words ring true today as so many of our service men and women are fighting overseas in the war on terror.

We need to make sure the sacrifice they make is met by a commitment here to do all we can to ease their reentry and take care of their concerns as they return.

We need to provide support for these soldiers. We need to provide support for their families. And we need to do it before, during, and after they return from abroad. It is not about rhetoric, and it is not about politics. It is about a commitment to listen and a commitment to get things done. I look forward to working with my colleagues to this end during the coming months and years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

## TRADE AGREEMENTS

Mr. BROWN. Madam President, last month, at a Senate Agriculture Committee hearing, Rhonda Stewart, a single mother from Hamilton, OH, Butler

County, testified that despite working full time, caring for her 9-year-old son Wyatt—even serving as president of the PTA—she and her son must rely on food stamps to survive.

At the end of each month, she told us, she must forgo dinner so her son can eat because the food stamps, which is about $6 a day, don't go far enough. She told us that at the beginning of the month, he gets pork chops. He knows he eats better in the beginning of the month than at the end of the month when she is running out of money. At the end of the month, she sits and tells him she is not really hungry, as her son eats, because she wants him to have enough, even when she doesn't.

On the same day that Ms. Steward testified, U.S. Treasury Secretary Paulson told the Senate Banking Committee that the economy was doing well. He said over and over that the GDP was up 3 percent for the quarter. He kept insisting: Senator, you don't understand, things are going very well in this country. GDP is up 3 percent. People are making money and companies are profitable.

When you think about all of that, here is the story: Profits are up. The stock market is doing well. Millionaires are enjoying exorbitant tax breaks. Worker productivity is up, but the workers are not sharing in the increasing profits most corporations are making. Workers across the country too often are losing their jobs, and a single mother working full time cannot afford to eat dinner—even with the $6 a day in food stamps.

A Wall Street Journal article reported this week that since 2001, the economy has grown by 16 percent—16 percent since 2001—while worker pay, after inflation, has grown less than 1 percent—16 percent growth in the economy, profits up, workers gaining less than 1 percent.

Wrongheaded economic policies and job-killing trade agreements have fueled income disparity at home and abroad.

A few years ago, after the North American Free Trade Agreement passed, Congress was considering another one of these job-killing trade agreements. I traveled to McAllen, TX, where I crossed the border into Reynosa, Mexico. I rented a car with some friends and went to visit some families in Mexico just a couple of miles on the other side of the American border. There I met a husband and wife who worked for General Electric, Mexico. They lived in a shack that was about 20-by-20 feet, with no running water, no electricity, dirt floors. When it rained hard, the floors turned to mud. They worked 10 hours a day, 6 days a week, and each made less than a dollar an hour. Behind their shack was a ditch that was about 3 feet wide, perhaps, which was full of who-knows-what—perhaps human and industrial waste. The children played in this ditch. The American Medical Association has said that along that border is one of the most toxic places in the entire Western Hemisphere.

We visited an auto plant nearby, a modern, high-tech auto plant. The plant in Mexico looked just like an auto plant in Lordstown, OH, or Avon Lake or Cincinnati. The workers were working hard, the floors were clean, the technology was up-to-date, and the productivity was very good. But there was one difference between the Mexican auto plant and the one you would see in Ohio. That difference was the Mexican auto plant didn't have a parking lot. The Mexican workers were not making enough to buy the cars they made.

You can go halfway around the world to Malaysia to a Motorola plant, where the workers are not making enough to buy the cell phones they make, or you can go to Costa Rica, where workers at a Disney plant don't make enough to buy the toys they make. In China, workers at a Nike plant are not making enough to buy those shoes they make. These workers are not sharing in the wealth they create for their employers.

That is why these job-killing trade agreements don't work. Only when workers share in the wealth they create will we know our trade policy is working. In fact, when the poor in the developing world—those people who are working hard, working 50 to 60 hours a week, with their hands—only when the poor in those countries are able to buy the products they are making for us will we know our trade policy in the United States is actually working.

During the fight against the Central American Free Trade Agreement 2 years ago, the largest ever bipartisan fair-trade group was formed. Democrats and Republicans, environmental groups, religious groups, labor organizations, and business groups united and we changed forever the debate on trade. That coalition is alive and well, not just in the House of Representatives but also for the first time in the Senate. They are already working to revamp our Nation's trade policy and working to establish a manufacturing policy.

Senators BYRON DORGAN, LINDSEY GRAHAM, and I have introduced legislation that would ban imports from sweatshops. We have called for tougher World Trade Organization action to be taken against China, a country where, at least in 2005, 5,000 political prisoners were executed. The human rights violations continue in China. The oppression of workers continues in China. The kinds of values we hold dear in this country are violated every day by that Government and every day by these companies doing business in China, a country that manipulates its currency and continues to exploit its workers.

Our Government must renegotiate these trade agreements so that they lift up workers here and abroad, reward U.S. businesses that stay here, reward U.S. businesses that produce here, and reward U.S. businesses that create jobs here. That means doing away with current fast-track authority. That means doing away with the fundamentally flawed North American Free Trade Agreement, NAFTA model trade agreements. Make no mistake, we want trade. We want more of it, but we want fair trade. It is not a matter of if we revamp U.S. trade policy; it is when and who benefits from that.

America is a nation of innovation. The future of our manufacturing policy is firmly planted in the research and development of alternative energy. Today, I spoke with several people from Ohio—business owners and plant managers—who are part of a group called the Manufacturing Extension Partnership. It is a relatively small government program that helps small manufacturers, small businesses in Ohio and across the country, learn to compete better, helps them learn to cut their health care costs, helps them to be more energy efficient, and helps them learn how to export some of their products. We have a long way to go.

Oberlin College, not far from where I live, is home to the largest building in the United States on a college campus that is completely powered by solar energy. However, when that college built this building, they had to buy the components of the solar panels from Japan and Germany because we don't make enough of them in this country.

The same is true when you talk about wind turbines. In Ashtabula, OH, they make components for wind-turbine manufacturing. So do some other places around the country. But they do not make enough. More and more wind turbines are being built in this country, and it is a great opportunity, as all of alternative energy production is, for us as a nation to use that, in part, to help rebuild our manufacturing capabilities, to cut energy prices, and to do the right thing for the environment. It works in every way.

That is why as we, in the next couple of months, move toward votes on trade promotion authority, as we move forward, perhaps, on votes on bilateral trade agreements with Colombia, Peru, Korea, Panama, and other countries, perhaps, it is time that we pass trade agreements in this country that lift up workers, help our small manufacturers, that help us continue to preserve and expand our manufacturing base.

It is an American value to reward hard work. This Congress has a real opportunity not just to talk about a different trade regimen but to go in a different direction, to replace trade promotion authority with a trade promotion authority legislation model that will help to lift our workers up, create jobs in this country, help the developing world lift up their living standards so that we can continue to reward work and continue to fight for our values as a nation.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I ask unanimous consent that upon completion of my remarks, Senator ALEXANDER of Tennessee be recognized for 20 minutes.

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

## SUPPLEMENTAL APPROPRIATIONS

Mr. REED. Madam President, the emergency appropriations bill passed by the Senate this morning is urgently needed for our troops in Iraq and Afghanistan, for our wounded veterans, and for scores of Americans facing natural disasters on the homefront.

I commend Chairman BYRD and Senator COCHRAN for their hard work and close collaboration. As the acting chairman of the Military Construction, Veterans Affairs, and Related Agencies Subcommittee, I also wish to thank Senator HUTCHISON and her able staff, along with my committee staff, for the help they gave in crafting the portions of the supplemental which dealt with military construction and veterans affairs.

The total for military construction and veterans affairs in this supplemental is $6.548 billion. It includes in title I $1.644 billion for military construction. Also contained in this section is a proviso restricting the obligation of $280 million until the Secretary of Defense certifies that none of the funds will be used for the purpose of establishing permanent U.S. military bases in Iraq. I think that is an important point to clarify.

Title II of the recommendation includes a total of $4.9 billion for military construction and also for activities at the Department of Veterans Affairs. This includes $3.137 billion to restore funding for BRAC, which is very important to reset our forces as they are returned from overseas and to help reconfigure all of the services. This fully funds the request of the Department of Defense for fiscal year 2007 for this account and will keep the BRAC process on track.

Because the costs of the war are not associated strictly with activities on the battlefield, the recommendation includes $1.767 billion for the Department of Veterans Affairs.

In crafting the VA portion of this bill, we targeted the funding specifically for purposes of building capacity to deal with the influx of OEF and OIF veterans, hiring claims adjudicators and leveraging technology to expedite benefit claims, and upgrading existing VA facilities.

The VA health care system is one of the best in the world. It has specialties in a number of areas, including spinal cord injury and blind rehabilitation. Because of these specialties, the VA has become a great resource for the treatment of troops wounded in Iraq and Afghanistan. However, due to the nature of combat in Iraq and Afghanistan, coupled with the advances in battlefield medicine, both the DOD health care system and the VA health care system are treating more military personnel with complex and multiple wounds and particularly traumatic brain injuries.

In response to this, in 2005, the Congress provided funding to the Department of Veterans Affairs to establish polytrauma centers. The funding contained in this bill builds on the success of these centers by providing a total of over $163 million in polytrauma care for services ranging from establishing more level 1 comprehensive polytrauma centers to creating polytrauma residential transition rehabilitation programs, to upgrading the entire polytrauma network system.

The bill also adds $150 million for enhancements to readjustment counseling, substance abuse programs, and mental health treatment capacity. These are specialty areas that the VA will need to continue to expand to deal with readjustment issues facing veterans returning from the war zone. In order to begin making progress toward deficiencies identified by the VA's facilities condition assessment and to prevent a possible Walter Reed Building 18 situation, the recommendation includes $550 million in nonrecurring maintenance and $356 million in minor construction.

In addition to funding provided to the Department, the supplemental also includes a general provision directing the National Academy of Public Administration to conduct an independent analysis of the management, structure, and processes that are in place at the VA with regard to providing health care to active duty and veterans of the wars in Afghanistan and Iraq, as well as providing benefits to veterans of these conflicts. This study will assist the VA and Congress in identifying the cumbersome bureaucratic redtape that far too many of our soldiers go through in their transition to the VA.

The bill also includes a provision requiring the Congressional Budget Office to conduct a budget study of the current and future long-term budget impacts of OEF and OIF on the Department of Veterans Affairs. We know with a number of these young men and women who have been severely injured—many with brain injuries and likely lifespans of 50 or 60 more years—that we will have to provide long-term, consistent, robust funding. We should identify that number now and provide that continuing support for the next several decades.

This supplemental marks the continuing high priority the Senate places on ensuring that yesterday's, today's, and tomorrow's soldiers are cared for in the highest manner once they have done their duty and once they have come home to America.

Let me make one other point. I was somewhat disappointed in this bill because I was attempting to include an amendment to rehabilitate a levee system in Woonsocket, RI, to ensure it is up to Federal standards.

This amendment would have provided $3.25 million for the city of Woonsocket to rehabilitate the levee, including replacing important gate cables. The present cables are about 40 years old. According to the Army Corps of Engineers, failure of a cable during operation could result in an uncontrolled discharge downstream of the dam. Woonsocket is an old industrial city, densely populated, and these levees protect that city.

The Woonsocket project was built between December 1963 and April 1967 by the Army Corps of Engineers. The Corps estimates that cumulative flood control benefits for the Blackstone Valley project are more than $82 million. This project in place protects at least $82 million worth of property.

Given the importance of this flood protection to Woonsocket and communities on the Blackstone River, I believe Federal assistance is warranted to protect life and property.

These deficiencies were discovered as a direct result of Katrina. We learned in Katrina there were projects, levees that were unsatisfactory. They failed and they caused billions of dollars of damages. Being forewarned—I hope we are forewarned—that having studied these problems, I hope we can now come together in Congress to provide the resources and help these local communities, many of which do not have the resources to sustain this kind of immediate and rapid expenditure.

A recent assessment by the Corps found that the Woonsocket levee and dam is in need of repairs. The Corps has given the city until February 2008 to make these repairs, otherwise the project will no longer be eligible for Federal construction funding through the Army Corps of Engineers.

In addition, if these repairs are not made, the Federal Emergency Management Agency could, and likely will, determine the levee no longer offers adequate flood protection and could require residents to buy flood insurance, which is a very expensive proposition. The city of Woonsocket is economically distressed. It needs Federal assistance. There are other communities around the country that might be in a similar situation.

The devastation wrought by Katrina in New Orleans shows us what could happen. Now we have the knowledge—the foreknowledge—and now we have to act. I am disappointed we did not act in this situation to protect this complex of levees.

I will continue to bring this issue to the attention of my colleagues again and again because I believe that with this knowledge, action is required—prompt, appropriate action—to ensure this community is protected.

I wish to make a final point because my colleague has been very patient and very considerate in allowing me to go ahead.

We have included in this supplemental language with respect to our

policy in Iraq which I think is important, indeed, perhaps historical. It recognizes that we should begin a phased redeployment of our forces. It recognizes that we also must maintain certain missions in Iraq—counterterrorism operations, training Iraqi security forces, and protecting our forces. But it does emphasize we should begin on a date certain going forward to take out our forces at a pace and a level decided by operational commanders. There is a goal—not a fixed deadline—but a goal that our combat forces—those not performing these residual missions—should be out of Iraq by March 31, 2008.

This is a solution proposed essentially by the Iraq Study Group. It has been recommended, endorsed by the public sentiment of the American people by a wide margin. It allows us to continue missions that are critical to the safety and security of not only ourselves but of the region, but it does, we hope, disengage us from a potential and sometimes very real civil war in Iraq.

I hope that in the deliberations with the House, we can come up with a measure that combines the best elements of both versions of the spending bill. I hope we can bring this to the President and discuss it with him. It does represent, I think, the sentiment of the American people. It does represent not only the sentiment that we change course in Iraq, but, as this budget does, we fully fund our forces in Iraq.

I am hopeful we can make progress and that we can send to the President a bill, after discussing it with him, that could be signed rather than vetoed. That is my hope at this moment.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I believe I am to be recognized for 20 minutes.

The PRESIDING OFFICER. That is correct.

## THE GREAT AMERICAN OUTDOORS

Mr. ALEXANDER. Mr. President, I wish to make remarks about three matters of importance to the great American outdoors, all of which have been happening this week and which are important for our country.

First, I wish to comment on a provision the Senate struck from the Iraq supplemental appropriations bill this morning when we were considering it. We struck it in a procedural move based upon a point of order I raised. The provision was a billboard amnesty proposal that was inserted into the middle of legislation that was supposed to be in support of our troops.

I called it a billboard amnesty proposal because it suddenly would have treated as legal billboard sites that have been illegal for 40 years and effectively would have gutted the Highway Beautification Act of 1965, which is one of the legacies of a former First Lady, Lady Bird Johnson.

I think this deserves a little attention and a little explanation before we leave it because it was a full-scale assault on one of the most important pieces of legislation that helps keep our country beautiful at a time when we are growing and struggling to preserve open spaces.

There are three problems with this billboard amnesty proposal, as I saw it. First, the proposal would have done for the billboard industry something the law doesn't allow for churches, doesn't allow for schools, doesn't allow for businesses, doesn't allow for any other structures that since 1965 have been on illegal or nonconforming sites.

This is what was happening. In 1965, at the urging of President Johnson and Mrs. Johnson, the Nation decided it would restrict billboards, both in terms of their location and their size. As we often do with legislation, we looked ahead and said the billboards could not be located in some places and had to be within a certain size. As the interstate system grew across the country, much of it is relatively free of large billboards or has a limited number of billboards.

The question then arose about what do we do about the billboards and signs that were already up prior to 1965. The decision was made by the Congress at that time to say we will leave those signs up, we will grandfather them in. As long as they stay up, they are fine, but when they fall down, they will be gone. In other words, we have been waiting for 40 years for those sites to die a natural death. That was the compromise in 1965. Many of these billboards are large billboards and are in places we don't want—rural areas, scenic areas across the country—but that was the decision we made.

The problem with this legislation, as it came into the supplemental appropriations bill for troops, is it said suddenly all the billboards in 13 States that are on sites where it would be illegal to put a new billboard were suddenly legal. In other words, it was instant amnesty, overnight amnesty for illegal billboards.

There are a lot of billboards like this. For example, in the State of Tennessee, there are nearly 3,000 billboards on sites where they would not be permitted under current law, but when those billboards fall down, they can't ever put them back up. We have known that for 40 years. In North Carolina, there are probably 2,600 illegal sites, in the sense that when the billboards wear out, fall down, act of God knocks them out, they can't be put back up. In South Carolina, there are 2,200; in Florida, 6,000; in Oklahoma, 1,400; and in Alabama, 912. In a moment, I will put in the list of those in each State.

What the provision that we struck from the bill said was, because there were some hurricanes down South, in all these places where billboards on illegal sites were knocked down by a hurricane, they could be put back up. That raises a lot of questions. What is the difference between a billboard being destroyed by a hurricane and being destroyed by lightning, or it becoming water damaged, or it falling down because it is rotting, or some other act of God?

The whole idea in 1965 was when the billboards wore out, or an act of God destroyed them, they were gone. They were gone. We have been waiting for 40 years for that to happen. So in comes the billboard lobby and, suddenly, we have first a proposal to exempt all these billboards across the country—instant billboard amnesty for all the billboards in every State—even though the hurricanes were in the South.

Finally, that original proposal from the billboard industry got narrowed down to 13 States, which included Tennessee—we don't have a lot of hurricanes in Tennessee—and Kentucky. Hurricanes in Kentucky?

I think what is happening here is the billboard lobby is doing its best to reclaim all those billboards that have been illegal for 40 years by saying because of this hurricane or that drought or that lightning strike, suddenly we want them rebuilt in every State. That is a pretty good thing for all the billboard companies, because by and large they have bought them up from all the small farmers. They weren't worth very much because the owners knew when they fell down, the billboards could never be replaced. So what could be better for the big billboard lobby than to suddenly get instant amnesty for all these sites and instant riches overnight for those companies?

I don't blame them for trying, but I think the Senate was exactly right to say, wait a minute, we can't do this. Not only is it an affront to the troops to be cavalierly talking about a wet kiss to the billboard lobby in the middle a debate when we are supposed to be helping the troops in Iraq, I think it is an affront to Lady Bird Johnson and all those across America who, for 40 years, have tried to keep our country, about which we sing, beautiful. One of our greatest values is we sing and believe in America the beautiful.

This motion was put into the legislation by the Democratic leader. I want to make very clear I don't question his motives, and I respect what he does. I appreciate the courteous way in which he treated the discussion he and I had on this. I told him if there were some injustices that have to do with States in the South that have been somehow unevenly treated by the law or impacted by the hurricanes in a way nobody anticipated, I would be glad to work with him and other members of the Environment and Public Works Committee, on which I serve, to correct those injustices. But the Senator from Florida, Mr. MARTINEZ, was a cosponsor of my amendment to get rid of this provision. The Senator from Alabama, Mr. SHELBY, was a cosponsor of my amendment to stop this billboard amnesty. So who is the billboard lobby trying to protect here, when the Senators from those States—Tennessee,

Alabama, and Florida—say we don't need that sort of protection? But I am happy and willing to work on that legislation.

I also wish to make it clear to my colleagues this is not a new subject for me. In the 1980s, when I was Governor of Tennessee, the legislature and I—and the legislature was Democratic at the time—made 10,000 of our State roads scenic highways. We put little mockingbirds up, and we said no new billboards and no new junkyards. Tennessee is a beautiful State, and we wanted people to enjoy it as they drove across the country. The only regret I have is we didn't think of cell towers being invented. We all use them, for our cell phones and our BlackBerries. In Tennessee, they seem to be having a contest to see who can invent the biggest and the ugliest cell tower and stick it in the most scenic place. But we created those scenic highways in a bipartisan way.

In the mid-1980s, I was chairman of the President's Commission on Americans Outdoors, with Gilbert Grosvenor, the head of National Geographic, and Pat Noonan, president of The Conservation Fund, and one of our major recommendations was a system of scenic byways, which the Congress has now created across our country.

Our people want to see our beautiful country and they want reasonable limits on what we are doing. They certainly don't want to see us, in the middle of legislation to support our troops, to have suddenly attached to the appropriations bill an instant billboard amnesty proposal. I am glad that is out of the bill, and I congratulate the Senate for doing what we did this morning. It will come up through the regular committee, if we ever need to do that. The proposal was a big wet kiss to the billboard lobby, and a kissing line in which I don't care to stand, and I appreciate the Senate action.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from several organizations—Scenic America, the U.S. Conference of Mayors, the National League of Cities, the American Planning Association, and other groups—expressing their deep concern about the provision we knocked out of the supplemental appropriations bill that would have gutted the Highway Beautification Act.

Following that, I wish to include a chart from Scenic America that has a list of the number of nonconforming billboards in every State. There are 63,000 of those sites where it would be illegal to put up new billboards. The whole thrust of this billboard amnesty proposal would have been to turn those illegal sites into legal sites overnight, beginning with these 13 States and perhaps expanding to other States in the future.

Also, I wish to include two newspaper articles, one from the Washington Post and one from USA Today, which alerted the Senate this week to this provision in the appropriations bill, which slipped in very quietly under the heading of ''highway signs.''

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

MARCH 27, 2007.

Hon. LAMAR ALEXANDER,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR ALEXANDER: We are writing to express our deep concern about a provision related to the Highway Beautification Act's rules governing the destruction of nonconforming signs by hurricanes that was added to the Senate's supplemental appropriation bill. We strongly believe this legislation would do significant harm to the core principles underlying this 42-year-old law and will impair the ability of state and local governments to remove nonconforming billboards from their communities. Moreover, it will also undermine local governments' ability to regulate nonconforming land uses in general by carving out an exception to long-standing legal and regulatory practices not available to any other business entity. Because this is a substantive measure that properly belongs within the jurisdiction of the Environment and Public Works Committee, and because it would be extraordinarily damaging to communities in 13 states, we urge you to seek the removal of this provision from the final bill.

As you know, this is the third attempt within the past year to weaken this important provision of the HBA and, once again, the offending legislation avoided the formal scrutiny of the authorizing committees with jurisdiction. Policy matters of this importance deserve to be dealt with directly through appropriate legislative channels, not through nongermane appropriations measures.

But this legislation is wrong not just procedurally, it is wrong on its merits. This measure permits state legislatures in FEMA Regions IV and VI to opt-out of one of the last remaining effective provisions of the Highway Beautification Act, which is already heavily weighted to the advantage of the outdoor advertising industry. One of the principal compromises made at the time of the HBA's passage was that nonconforming signs would be removed by attrition over time. These signs, often many decades old, are located in places that no longer permit them and are, by definition, undesirable. Like all nonconforming land uses they are subject to permanent removal when they are destroyed by acts of God. They cannot be replaced or rebuilt for the simple reason that it is now illegal to build a new sign at that location.

Each state currently defines what constitutes ''destroyed'' in its agreement with the federal government implementing the law. Usually, ''destruction'' is defined as some percentage of the structure or the value of the sign. When a nonconforming sign is harmed in a storm, and crosses the threshold from merely damaged to destroyed, its permit is revoked and it must be permanently removed, just as any nonconforming structure would be under similar circumstances. Case law and common practice have long held that the owner of a nonconforming destroyed structure is not entitled to compensation and certainly cannot rebuild it. Billboards are—and should be—no exception. Congress should not treat billboard companies differently from any other business that owns nonconforming structures destroyed in hurricanes.

We are deeply concerned that the continued weakening of the enforcement provisions of the HBA will render the nonconforming designation meaningless, in effect converting these signs into permanent structures. Incidentally the legislative language permits these signs to be rebuilt with modern materials that will make them virtually indestructible, a notion completely at odds with the original intention of the law. The crippling of the storm-destruction provision effectively removes any hope that the thousands of old, nonconforming billboards littering our highways will ever be removed. Many of these signs are over 30 years old; some, much older. They were purchased with full knowledge that they were subject to destruction by natural causes and ultimate removal, and should not be granted special protection, particularly given their notoriously adverse impact on the quality of community life.

The provision requires state legislative action in order to take effect, and in virtually every instance in recent years state legislation dealing with billboards overrides local authority. Ultimately, local prerogatives will almost certainly be trampled, and, in fact, will need to be in order for the bill to have its intended effect of protecting the interests of billboard companies. This is an instance where a federal standard protects local governments better than a policy crafted in state legislatures.

In addition, you should be aware that the outdoor advertising industry has been embroiled in significant legal and administrative disputes involving the potentially improper rebuilding of nonconforming signs destroyed in recent hurricane seasons. This measure is a transparent effort to short-circuit ongoing court cases as well as administrative disputes between FHWA and state departments of transportation and between state DOT's and the industry. Further, Congress should not be swayed by spurious claims of hardships faced by sign companies or advertisers in the wake of recent storms. Most of the destroyed signs are owned by very large media corporations which purchased the signs from the original owners with full knowledge of their nonconforming status, and affected local businesses face no shortage of alternative signs for their advertising messages.

This provision is an affront to the core principles of well-established federal law and threatens local authority, and represents a violation of congressional procedures and basic democratic principles. A supplemental appropriation bill should not be used to make substantive changes to a policy that is completely nongermane to its purpose. Citizens and stakeholders should not be frozen out of the legislative process in an effort to promote the interests of a powerful industry. We strongly urge you to protect American communities, the prerogatives of local governments, and the long-standing federal interest in the beautification of our national highway system by seeking the removal of this provision from the supplemental appropriations bill.

If you would like further information about this issue and its implications, please don't hesitate to contact Kevin Fry, the president of Scenic America.

Thank you for your consideration of this important matter.

Sincerely,

Scenic America, The United States Conference of Mayors, National League of Cities, The American Planning Association, The American Society of Landscape Architects, The American Institute of Architects, The Surface Transportation Policy Partnership, The National Association of Towns and Townships.

## BILLBOARDS IN EVERY STATE

(Source: Scenic America)

| STATE | CONFORMING | NONCONFORMING | TOTAL |
|---|---|---|---|
| Alabama | 4,697 | 912 | 5,609 |
| Alaska | 0 | 0 | 0 |
| Arizona | 1,788 | 444 | 2,232 |
| Arkansas | | | |
| California | 8,081 | 2,919 | 11,000 |
| Colorado | 1,162 | 501 | 2,200 (incl.others) |
| Connecticut | | | |
| Delaware | 6,168 | 11 | 6,179 |
| Florida | 15,455 | 6,033 | 21,488 |
| Georgia | 7,717 | 1,545 | 9,262 |
| Hawaii | 0 | 0 | 0 |
| Idaho | 1,183 | 96 | 1,279 |
| Illinois | 13,000 | 2,000 | 15,000 |
| Indiana | unknown | unknown | unknown |
| Iowa | unknown | unknown | 3,700 |
| Kansas | 2,938 | 2,469 | 5,407 |
| Kentucky | 2,621 | 563 | 3,184 |
| Louisiana | 3,663 | 775 | 4,438 |
| Maine | 0 | 0 | 0 |
| Maryland | unknown | unknown | 4,194 |
| Massachusetts | unknown | unknown | 4,104 |
| Michigan | 14,240 | 3,293 | 17,533 |
| Minnesota | | | approx. 5,000 |
| Mississippi | unknown | unknown | 4,000 |
| Missouri | 2,855 | 8,696 | 11,551 |
| Montana | unknown | unknown | 3,156 |
| Nebraska | 4,137 | 1,365 | 5,502 |
| Nevada | 1,171 | 17 | 1,188 |
| New Hampshire | 385 | 172 | 557 |
| New Jersey | unknown | unknown | unknown |
| New Mexico | unknown | unknown | unknown |
| New York | 2,744 | 1,702 | 4,446 |
| North Carolina | 5,892 | 2,684 (?) | 8,576 |
| North Dakota | 2,537 | 691 | 3,228 |
| Ohio | 5,758 | 5,278 | 11,036 |
| Oklahoma | 3,626 | 1,401 | 5,027 |
| Oregon | 1,601 | 149 | 1,750 |
| Pennsylvania | 8,838 | 3,219 | 12,057 |
| Rhode Island | 64 | 41 | 105 (?) |
| South Carolina | 4,234 | 2,214 | 6,448 |
| South Dakota | 3,500 | 2,500 | 6,000 |
| Tennessee | 7,512 | 2,988 | 10,500 (est.) |
| Texas | 14,529 | 930 | 15,459 |
| Utah | 818 | 145 | 1,144 |
| Vermont | 0 | 0 | 0 |
| Virginia | 4,121 | 2,247 | 6,368 |
| Washington | unknown | unknown | 1,950 |
| West Virginia | unknown | unknown | unknown |
| Wisconsin | 7,177 | 4,677 | 11,854 |
| Wyoming | 1,365 | 1,147 | 2,512 |
| TOTAL | 165,577 | 63,824 | 256,223 |

[From washingtonpost.com, March 27, 2007]

BILLBOARD KING REID LOOKS TO LEAVE MARK ON SENATE WAR FUNDING MEASURE

(By Elizabeth Williamson)

In a (quite) large sign that protecting U.S. troops isn't the only thing on Senate Majority Leader Harry Reid's mind these days, the Nevada Democrat inserted an item into the Senate's Iraq war funding bill—safeguarding billboards.

Senate debate began yesterday on the bill, which provides $122 billion for the wars in Iraq and Afghanistan; sets a goal of March 31, 2008, for withdrawing U.S. troops from Iraq; and—if Reid has his way—allows thousands of billboards destroyed by bad weather to be rebuilt.

For the senator, who has referred to himself as the King of Billboards, ''it's a constituent issue, but it's a value that he believes in,'' said Reid spokesman Jon Summers.

The battle over billboards began in 1965, when the Highway Beautification Act set a policy that ''nonconforming'' billboards—defined by states but usually meaning those packed closely together, or in scenic areas—would be allowed to die of natural causes. As storms and other acts of God destroyed them, their owners would not be permitted to replace them. Recent hurricanes have fueled a fight between the powerful Outdoor Advertising Association of America (OAAA), which wants to roll back the federal law, and opponents led by Washington-based Scenic America, which decry billboards as ''visual pollution.''

On March 15, Reid wrote Senate Appropriations Committee Chairman Robert Byrd (D–W.Va) asking for a provision that ''clarifies'' the rules governing rebuilding of ''outdoor structures'' after natural disasters.

''This is a matter of personal importance to me,'' the majority leader wrote, a comment that ''goes back to the values,'' Summers said. Meaning that out west, ''there's a big sense of independence, and your property is your property,'' Summers said.

About 40 billboard companies operate in Nevada. Over the past two years, Reid's Searchlight Leadership Fund has received $6,000 in contributions from the OAAA's political action committee.

The OAAA represents a booming industry that earned $7 billion nationwide in revenue last year, but it emphasizes the role of billboards in advertising local businesses. Association spokesman Ken Klein said Reid's amendment aims to reverse ''a pattern of overreaching'' by the federal government, which threatened to withhold highway funds to Florida when companies rebuilt nonconforming billboards hit by hurricanes in 2004. Reid's bill would have prevented such actions.

Kevin Fry, president of Scenic America, said: ''The bill carves out an exception to local land-use rules for a single industry that is not available to any other . . . One might reasonably ask why legislation affecting the South and Southeast was introduced by a senator from Nevada.''

Reid's request went to the Appropriations subcommittee on transportation, which pared it back to apply to 13 mostly hurricane-prone states, instead of all 50. The law would come up for renewal in 24 months.

Scenic America is fighting the amendment, which ''sets a destructive precedent that will certainly be revisited anytime natural disasters take their toll on nonconforming billboards,'' Fry said. ''The two-year time frame is a joke.''

The OAAA sees the measure as a ''positive step,'' Klein said. ''Senator Reid is a longtime supporter of mobility, tourism and property rights. We appreciate those principles.''

[From USA TODAY, March 27, 2007]

BILL WOULD SHELTER UNSIGHTLY BILLBOARDS

(By Kathy Kiely)

WASHINGTON.—A bill the Senate takes up today to provide emergency funds for military operations and Katrina victims also would help billboard advertisers that donated tens of thousands of dollars to Democrats and Republicans for the 2006 election.

A provision tucked into the $122 billion measure at the request of Senate Majority Leader Harry Reid, D–Nev., would exempt older billboards in 13 Southern states, stretching from Florida to New Mexico, from regulation under the 1965 Highway Beautification Act.

The provision would let billboard companies rebuild signs damaged by hurricanes even if the new ones violate laws regulating the size and placement of outdoor advertising. Reid says he's trying to protect the rights of businesses hurt by the storms: ''Why shouldn't they be able to replace their property like anybody else?''

Kevin Fry of Scenic America, a non-profit group that opposes Reid's move, says there's a good reason: The billboards are eyesores that would be barred today.

Fry says Reid's efforts would be ''a grotesque weakening'' of the Highway Beautification Act, a legacy of President Lyndon Johnson's wife, Lady Bird. It lets states regulate billboards along federal highways.

Fry says states often prohibit signs that are too large, too close together or located along rural and scenic routes. About 75,000 signs built before the regulations remain, Fry says: ''It's the worst kind of blight.''

Hurricanes destroyed some in Florida and Gulf Coast states in 2004 and 2005. Hal Kilshaw, vice president of Lamar Advertising of Baton Rouge, one of the advertising firms pushing to rebuild, says, ''States should be able to decide,'' not Washington.

For the 2006 election, the Outdoor Advertising Association's political action committee (PAC) gave $143,000 to Republican and Democratic candidates for Congress, according to PoliticalMoneyLine, a non-partisan group that tracks contributions. Lamar gave $70,000 to congressional candidates, the group says.

Reid's PAC received $16,000 from outdoor advertisers, according to PoliticalMoneyLine. In a letter to senators last week, Reid said the exemption ''is a matter of personal importance to me.''

Mr. ALEXANDER. Mr. President, I wish to, in the remaining time, mention two other proposals that have to do with the great American outdoors.

Yesterday, a group of 17 Senators and Congressmen from North Carolina and Tennessee took a historic step by writing a letter to Secretary of the Interior Dirk Kempthorne about the so-called ''Road to Nowhere'' through the Great Smoky Mountains National Park.

The point of the letter was to suggest to the Secretary three things:

No. 1, Mr. Secretary, bring to a conclusion within 30 days the environmental impact statement that has been going on for several years about whether to build this road—the $600 million ''road to nowhere'' through the park—and recommend, Mr. Secretary, that no road should be built. That is the first step.

The second step is one we can take ourselves in the Congress once the Department of the Interior has said that no proposal for road construction would be appropriate environmentally. The 17 of us believe we should reprogram the remaining money from the environmental impact statement, which we judge to be $5 million, $6 million or $7 million, and give it to the citizens of Swain County, NC, who have waited since 1943 for just compensation for the promise the Government made to them at that time to compensate them for the road that was flooded when Fontana Dam was built.

The third thing we asked the Secretary to do was in the next administration budget for fiscal year 2009, recommend to us what the rest of the cash settlement should be to Swain County, and include the next installment of that settlement in the budget, but without taking the money from the National Park budget.

What is historic about this is it was not just the number of Senators and Congressmen, it was the fact it was Senator DOLE from North Carolina as well as Senator CORKER from Tennessee. It was Congressman SHULER, a Democrat from North Carolina, as well as DAVID DAVIS, a Republican from Tennessee. We also have support from the Governors of both Tennessee and North Carolina for the proposed cash settlement to Swain County in lieu of the road.

The road is a bad idea. It has been a bad idea for a long time. The Great Smoky Mountains National Park is the largest, most visited national park in the United States by a factor of three, with 10 million visitors a year. It is managed as if it were a wilderness area. This road, costing more than $600 million, would go straight through the most pristine part of the largest wilderness area in the eastern United States. And $600 million I believe is an understatement of what it might cost. There would be very difficult places to go through. It is hard to think it could be built without spending a lot more money.

I congratulate the Congressman from North Carolina, Mr. SHULER. He grew up on one side of the Great Smoky Mountains in Swain County, and I grew up on the other side in Blount County. Fifteen years ago, I was president of the University of Tennessee and he was its quarterback. Today, he is now the Democratic Congressman from Swain County and that area, and I am the Republican Senator from east Tennessee. We agree on what to do, and we believe it is time for the Secretary of the Interior to accept our suggestion, say there will be no road, and let us get busy giving the people of Swain County $6 million or $7 million this year, and in future years compensate them properly.

Also Congressman SHULER and I and others say that in this process we must do a better job of helping the descendants of those who once lived in what is today the Great Smoky Mountains National Park to be able to get across Fontana Lake to the gravesites. That may seem a small matter to those who have not heard of this before, but that

park was taken, by land condemnation oftentimes, from those people and their families and their ancestors. It was then given to the Federal Government. There is a great sense of ownership of that park by the people of North Carolina and Tennessee, and it is only right that as a part of this settlement we make it easier for Swain County to help descendants of those who once lived within the park to get to their historic gravesites.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a copy of the letter from the 17 Members of Congress from North Carolina and Tennessee to the Secretary of the Interior.

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

CONGRESS OF THE UNITED STATES,
*Washington, DC, March 28, 2007.*

Hon. DIRK KEMPTHORNE,
*Secretary, Department of the Interior, Washington, DC.*

DEAR MR. SECRETARY: Considering the significant environmental and economic costs associated with building the North Shore Road—or the so-called ''Road to Nowhere'' through the Great Smoky Mountains National Park—we ask that you begin immediately to work with us to provide a cash settlement to the citizens of Swain County, North Carolina, rather than further constructing the road.

We recommend these three steps:

First, within the next 90 days, the National Park Service's Environmental Impact Statement (EIS) should endorse a cash settlement to Swain County instead of any further construction on the North Shore Road.

Second, upon completion of the EIS, the Administration should support legislation that will be introduced in Congress to reprogram the funds remaining from those originally appropriated for the EIS, currently about $6 million, and give those funds to Swain County as the first installment of the settlement.

Third, in January 2008, as a part of its fiscal year 2009 budget request to Congress, the Administration should include in its budget the next installment of the full cash settlement to Swain County. This funding should come from outside the National Park Service budget in the form of a special request.

The United States made a commitment to Swain County in 1943, when it flooded a highway in connection with the creation of the Fontana Dam, to build a new road through what had become the Great Smoky Mountains National Park. The U.S. Supreme Court, however, held in 1946 that there is no legal obligation to satisfy that commitment by building another road. A cash settlement instead of a road is precisely the kind of ''common sense adjustment'' that the Supreme Court envisioned.

A road through the Park would damage the largest and most pristine wilderness area in the eastern United States. Such a road would cost at least $600 million, more than 75 times the annual roads budget of the Great Smoky Mountains National Park. In addition, a good highway now exists outside the Park between Bryson City and Fontana.

This sort of settlement has been recommended by the elected Swain County Commission and the governors of North Carolina and Tennessee, and is supported by the undersigned members of the North Carolina and Tennessee congressional delegations.

After over 60 years of controversy, it is time to bring this matter to a close. The solution we are endorsing will protect America's most visited national park, save taxpayers hundreds of millions of dollars, and fulfill a promise to the citizens of Swain County, North Carolina.

Sincerely,

Lamar Alexander, Elizabeth Dole, Bob Corker, U.S. Senators; Heath Shuler, David Davis, G.K. Butterfield, Zach Wamp, Bob Etheridge, Lincoln Davis, Walter Jones, Bart Gordon, Mike McIntyre, Jim Cooper, Brad Miller, John Tanner, David Price, Steve Cohen, Members of Congress.

Mr. ALEXANDER. Finally, Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. ALEXANDER. Mr. President, last night I attended the annual meeting of the National Parks Conservation Association, and I spoke to them, and I wish to repeat a suggestion and a proposal I made there.

I said to these leading conservationists from across the country that 22 years ago, in 1985, President Reagan asked me to head up what we called the President's Commission on Americans Outdoors. It was to be a successor to Laurance Rockefeller's Commission on Outdoors a generation earlier. The Rockefeller Commission was one that was remembered for advocating a lot of Federal action, such as the Land and Water Conservation Act and the Wild and Scenic Rivers legislation.

Our commission in the mid-1980s looked around the country and called for a prairie fire of concern and investment community by community to keep our outdoors great. We identified threats to the outdoors at that time: exotic pollutants, loss of space through urban growth, and the disappearance of wetlands. We recommended some strategies for dealing with the future, which have become fixtures in the outdoor movement, such as conservation easements, scenic byways and greenways, and we recommended $1 billion a year from the sale of renewable assets, such as oil, to succeed the Land and Water Conservation Fund.

Mr. President, since I see no one here, may I ask unanimous consent for an additional 5 minutes to complete my remarks?

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

Mr. ALEXANDER. Mr. President, another generation has passed. There are new challenges and new opportunities. My proposal to the conservationists last night was it is now time for a third President's Commission on Americans Outdoors to follow the Rockefeller Commission in the 1960s and our commission in the 1980s. It would be an opportunity to look ahead for another generation and tell our country what we need to do to create places for us to enjoy the outdoors in appropriate ways, an opportunity to create a new conservation agenda.

There is some unfinished business that is obvious. Special Federal support for conservation easements expires this year. The conservation royalty, which we enacted in the last Congress, giving one-eighth of the money we acquire from drilling in the Gulf of Mexico to the Land and Water Conservation Fund, is only a beginning to fully funding land and water conservation. We need to codify the Environmental Protection Agency's new clean air rules about sulfur and nitrogen, which are so important to the Great Smoky Mountains National Park, as an example. Urban growth is still swallowing up open space.

There are new challenges and opportunities that were barely on the agenda 25 years ago: Climate change, the 100th birthday of the National Park System in 2016, invasive species, and new technology which offers both promise and challenge.

For example, in terms of promise, carbon recapture from electricity plants fueled by coal—that could help make us energy independent, clean the air, and deal with global warming all at once; or at the John Smith National Water Trail in Virginia, Verizon has a wireless system so you can learn about 400 years of history as you go along the water trail, using your cell phone.

On the other hand, technology threatens America's landscape, the landscape of which we sing. I mentioned earlier that 25 years ago the Tennessee Legislature and I created 10,000 miles of scenic parkways with no new junkyards or billboards, and I didn't think of cell towers at the time. We now have 190,000 cell tower sites nationwide, many of them in scenic places, many of them ugly. That is unnecessary. If we had thought about it, cell towers could be camouflaged, colocated on a single structure, or located below the ridge tops. We should have thought about it and made more of a policy about it.

At the same time, while it gives many in the conservation movement a stomach ache to think about it, we are about to add to the American landscape tens of thousands of giant wind turbines that are twice as tall as the Neyland Football Stadium at the University of Tennessee, with turbines that stretch from 10-yard line to 10-yard line. Obviously, there is a place for wind power in our energy future, but isn't it right that we should stop and say: Do we want them on our seashores and the foothills of the Great Smokies and along the rim of the Grand Canyon? I don't think we would. It would be a chance for us to have a consensus about the blessings of technology and a consensus about view sheds and landscape conservation; in short, a new strategy and consensus for America, the beautiful.

I think this is our greatest opportunity to get around the table and take advantage of different ideas, put them together, and go ahead. We did that 20 years ago. We had private property advocates and open space enthusiasts and conservationists and outdoor recreation people. We were all around the

same table. We had a pretty good rapport. I think we made a difference over the last two decades.

The other day, Tennessee's unusually Democratic newspaper, the Tennessean, in Nashville, praised President Bush's centennial initiative for national parks—$100 million a year, $3 billion over 10 years—to help celebrate the 100th birthday of our park system, which some have called the best idea America ever had. The Tennessean said in its editorial, and cautioned its readers:

Just because George Bush said it, doesn't mean it's wrong.

Sometimes I think I need to say the same thing to my Republican friends about climate change. Just because Al Gore said it, doesn't mean it is wrong. I think we ought to work together to celebrate the 100th anniversary of the parks, to figure out what we want to do about climate change, scenic byways, open space, protecting private property rights, and providing more outdoor recreation opportunities. We can do that and now is a good time to do it. Why not have a Third President's Commission on Americans Outdoors? I believe the next President should appoint that commission and that we who care about those issues should take time to help him or her be ready with an agenda.

For me, the great American outdoors is not about policy and politics. I grew up hiking on the edge of the Great Smoky Mountains, camping there on a regular basis. I still live there. I breathe the air I try to keep clean and hike in the park I want to maintain. I want to protect the views of the foothills because I look at them when I am home, where I am going tomorrow morning. I enjoy riding on the scenic parkways and walking on the greenways, and every summer for 25 years, our family has gone to the Boundary Waters canoe area in Minnesota because it is quiet and clean and we like to catch and eat walleyes.

I believe there is a huge conservation majority in our country, and I believe the next President can capture that majority and help us create a new conservation agenda. It is time to create a Third President's Commission on Americans Outdoors.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ISAKSON. Mr. President, I ask to address the Senate as if in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

## HOME OWNERSHIP

Mr. ISAKSON. Mr. President, I rise to address a very serious subject. A lot of times when we come down here to speak, we are given speeches to make, and a lot of times on topics we don't know very much about.

In my professional career, in my life before I got into politics, I spent 33 years selling houses. I had a company that sold thousands of houses every year in Atlanta, GA. I understand the joy of home ownership, the responsibility of home ownership, and the huge benefit of home ownership, I guess, as well as anybody.

I have always said that the thing which separates the United States of America from every other country in the world is the fact that we are a nation of homeowners, and the rest of the world, substantially, is nations of renters. We all know that when you have an investment in something and you own it versus you are just leasing it, you take a lot better care of it.

The single-family housing industry, the principle of our Constitution for the wide diversity in private ownership of land, is the single most important asset that binds our country together. It is the common interest that every citizen has, and it has become known, as we all know, as the American dream.

Today, the Washington Times, Washington Post, New York Times, all have carried articles regarding predatory lending, subprime mortgage markets. The Federal Reserve Chairman, Ben Bernanke, has made a statement that they will be looking at regulations to deal with the subprime market. I think that is appropriate, but it is very important we understand what the problem really is.

There are a lot of people who will tell you the problem is predatory lending. Well, predatory lending is a horrible thing, but it is like the term ''obscenity'' was referred to in the Supreme Court, something that is in the eyes of the beholder—you cannot necessarily define it but you know it when you see it.

The subprime market has in some cases been referred to as ''predatory lending,'' and it is not. In fact, it is interesting history, where the subprime market came from.

Fannie Mae, which was headed about 10 years ago by Jim Johnson, who wrote a book, ''Showing America a New Way Home,'' committed itself to widening the ownership of single-family housing. They recognized that in some cases, single-family housing was out of the reach of certain parts of society, so they created mortgage-backed securities to buy mortgages in the subprime market. The subprime market is subprime because the borrower is not necessarily a grade-A credit risk. But as we all know, at one time or another in our lives, none of us have always been a grade-A credit risk. It proliferated. That is why home ownership in the United States of America went from 67 percent of the public live in a home they own to now to 70 percent of the public live in a home they own.

What has happened in recent months, because of some factors I am going to address, is the foreclosure rates have skyrocketed and the vast proportion of those loans that have been foreclosed on are subprime loans.

There are a lot of people rushing to talk about doing away with subprime loans. There are a lot of people talking about calling them predatory loans and regulating whether they can exist, and they are, with all due respect, missing the point. The mortgage industry has made some mistakes, but it is not the mistake of trying to show Americans a new way home; it is a mistake in five areas which I want to delineate for one second.

During the course of the subprime market's evolution and the wider distribution of home ownership, the underwriting of loans became less than what it should have been. Some examples: no documentation, where people could qualify for the loan and have it underwritten on documentation that was based basically on what they said they made and what they said they were worth; no-downpayment loans, where people could make loans with no downpayment, no equity. I want to talk about that subject for just one second.

I entered the business in 1967, and the Congress, in its wisdom—to widen the dispersity of home ownership—created the 235 FHA Program. They would loan you up to $18,500, which doesn't sound like a lot, but that would buy a lot of house in 1967. You could borrow it for $200 down, and the rest of it was a loan. If you did not have the $200, they allowed sweat equity, which meant you and your wife could go in and paint the living room, dining room, and kitchen, and they would give you that credit. The loans proliferated and home ownership expanded, but because they really had no equity in the property, those houses started going into foreclosure, and the next year was one of the roughest—1969—one of the roughest years in the market.

Congress held congressional investigations. What had turned out was that an attempt to originally expand home ownership had become an opportunity to make less than good loans to a lot of people who were not ready to borrow those funds.

There is a third reason—the proliferation of loans like interest-only. Interest-only is a very sophisticated way to borrow. I understand real estate investment, and real estate investment is best when leveraged but only when leveraged right. When you loan someone 100 percent of the value of what they are buying, you have to be very careful in your underwriting criteria or else they really do not feel like they have equity in the proposition.

ARMs and variable-rate mortgages, adjustable and variable rate mortgages—they are sophisticated lending

tools and are very effective and very good loans, but they are complicated because after an initial low rate of interest, on alternating years, like every other year or the fifth year or whatever it might be, the loans adjust to the marketplace and the interest rate can go up or it can go down, but generally it is going to go up because it is generally a lower teaser rate going in than the market exists at that time.

Home ownership is a responsibility. Another thing that has happened in the marketplace is that a lot of loans have been made to people with very little regard to whether they were prepared for the responsibility of home ownership.

So my suggestion to the Fed and to all of those looking into this issue—I know Senator SCHUMER, Senator CLINTON, Senator GRASSLEY, Senator BAUCUS, and many Members of this Chamber are talking about: What are we going to do about this subprime dilemma? The first thing I hope they will look at is underwriting standards. The second thing I hope they will look at is a clear understanding through truth and disclosure and Regulation Z of borrower disclosures so that people know what they are getting into and a true look at whether borrowing 100 percent is the ideal thing to do.

I do not think we need to have an overreaction to what is obviously a problem. Instead, what we need to do is try to perfect the process so that we can continue to show Americans a new way home but have a loan that responds to those people's needs. Those needs are better documentation, better appraisals and certifications, making sure there is equity in the investment and, most importantly of all, making sure they understand the responsibilities of that home ownership.

As I said at the outset of my remarks, the wide diversity of the ownership of land and home ownership is what separates America from the rest of the world. We have the largest diversity of ownership of our land, the most homeowners, percentage-wise. In most of the world, all of the people who live there rent from someone else. It separates our country, and it separates us in a very good way.

As we deal with the subprime market, we want to make sure we do not throw the baby out with the bathwater. It is important to correct the documentation and the underwriting but not destroy what has been a tool to expand the ownership of homes to people who never thought they could live the American dream.

Let's make sure, when we underwrite them, we underwrite them right and the people who are borrowing the money understand the responsibility of the mortgage instrument and the value of home ownership.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## APPOINTMENT OF CONFEREES—H.R. 1591

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED of Rhode Island, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CRAIG, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALLARD, Mr. ALEXANDER, and Mr. GRASSLEY conferees on the part of the Senate.

Mr. NELSON of Nebraska. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

## KOREAN FREE TRADE AGREEMENT

Ms. STABENOW. Mr. President, I rise today to urge the Bush administration to look beyond the next 48 hours. Right now, in Seoul, Korea, U.S. negotiators are meeting nonstop with South Korean officials to finish up the so-called Korean Free Trade Agreement. They are rushing because if they don't finish it by Saturday night at midnight, the trade agreement would not be eligible for fast-track authority. My colleagues understand what that means. They would not be eligible to move it through in a way that would not allow us to change the agreement in any way but puts it on fast-track authority so that if many of us believe there are concerns with it, we would not have the full range of options that we normally do in the Senate to be able to correct it or object to it.

Mr. President, these negotiators are not discussing some minor trade deal. They are debating what could be the largest U.S. trade agreement since NAFTA, the North American Free Trade Agreement. I urge the White House and its negotiators to look beyond the final hours left on the fast-track clock. What happens in the next 48 hours could affect the American economy, American businesses, the American auto industry, and American workers for decades to come. The goal is not to race to the finish line. The goal should be to have the very best possible trade agreement—an agreement that raises the standards of living for everybody by creating a level playing field, an agreement that ensures market access for both countries—not just South Korea.

This cannot be a one-way deal. It has to be an opening of markets for both American businesses, American agriculture, as well as South Korean agriculture and business, and so on, including the industry that has built the middle class of this country, which is the U.S. auto industry.

There seems to be an agreement that upholds the value of what has made this country successful. Fair competition, competition that rewards hard work, deserves our attention, and it is based very simply on what we happen to think in Michigan is just plain common sense, having the rules be the same. It is pretty simple, but even though they are basic, right now there is a question as to whether they will be included in this rush to this final trade agreement, to beat the clock.

We don't need an agreement that sells out American workers or pits American companies against foreign governments that cheat the system. In this rush to the finish line, this administration has failed to remember that there is an alternative. This Congress will pass good trade agreements without fast track. We have done it before. I have supported good trade agreements. I want to vote for good trade agreements. We want to export our products, not our jobs. That is fundamentally what is at stake in this negotiation that is going on right this minute.

I believe we must be a key player in the global economy. We are a key player, and trade agreements are part of that role. In fact, the old argument of protectionism versus free trade doesn't fit anymore. When you Blackberry your phone, the Internet can jump any wall that could be put up. There is a fundamental question for us today: How are we going to compete in a global economy and keep the middle class of this country, keep our way of life in this country? That is what is at stake in the negotiations going on right now.

Unfortunately, fast-track authority has been used in the past to pass bad agreements through Congress. We undermine the integrity of our trade policy if the administration's agreements sell out our workers or export our middle class.

Sadly, this administration makes it even worse by not enforcing our trade laws. We all know about what is happening when other countries, such as China or Japan, manipulate their currency—or, in some cases, even South Korea. We all know what happens when there are counterfeit products brought into this country and our ideas and patents are stolen, when other countries don't follow the rules. We need to make sure the rules are working and they are being enforced right now as we look to expand any agreements.

We are talking about the next 48 hours. Simply put, racing to the finish

line right now could very well, and likely will, result in a very bad trade agreement that will not allow our country to continue to have the edge, a bad trade agreement that will allow others to continue to cheat the international system, and a bad agreement for the people who are working hard at this moment, counting on us to get it right, counting on us to fight for a level playing field, so whether they own a business or whether they work for a business or whether they grow crops in the field, they can count on the rules being fair, the playing field level, and that we will enforce those rules on their behalf.

South Korea is really the first test of this administration with the new Congress. Will this administration sell out American workers? Will they ignore the history of bilateral agreements with South Korea? Or will they work with us to get it right? The American people are counting on us to get it right. Eighty-two percent of the trade deficit with South Korea is in the automobile industry. Coming from the great State of Michigan, that matters to me. I hope it matters also to all of my colleagues, since this is the industry on which the middle class of this country has been built.

Eighty-two percent of the trade deficit with South Korea is in the auto industry. That is because we have had two failed agreements with South Korea which have allowed cars to come into the United States while South Korea keeps its markets virtually closed. That doesn't make any sense. In fact, South Korea is the least open market for autos of any industrialized country. Meanwhile, South Korea continues to export 7 out of 10 of their vehicles. So they make 10 and ship 7 outside of the country.

The United States has a 12-year history and two auto-specific bilateral agreements with South Korea in an attempt to open their auto import market so we can sell to them. In 1995 and 1998, the United States attempted to level the playing field by instituting two memoranda of understanding that clearly stated the need to increase ''foreign-made vehicle market access.'' But despite these attempts from the U.S. Government, both Republican and Democratic Presidents, nothing has changed with South Korea as it relates to our automobile industry.

This chart is pretty clear as to what has happened. In 2006, Korea imported to us 749,822 automobiles. That is what came to us. And how many were we allowed to ship to them, built in America? Mr. President, 4,556 vehicles. I don't think it takes a rocket scientist to figure out that is not a level playing field, that is not fair. Who in their right mind would negotiate a continuation of that situation? I can assure my colleagues, if that is what comes back or anything even close to it from this agreement, this Senator from Michigan will do everything I can possibly do to stop it from being enacted.

In addition, South Korea has an 8-percent tariff on U.S. auto imports, three times the U.S. tariff, which is 2.5 percent. We have had two different agreements to fix this situation, and instead, we continue with tariffs that are so different: 8 percent that we pay, 2.5 percent that they pay. Then on top of that, they do things such as make sure that our automobiles, foreign imports, have higher insurance rates or get audited or have other kinds of barriers on them, while we have an open marketplace and they come in unimpeded.

I remind our negotiators, we have plenty of time to develop a good trade agreement. If we fix this situation, if we have something that truly is in the interest of Americans, of American workers, businesses, and farmers, I will be first on the floor to support it. But this is not fair. Something that maybe inches this up from 4,500 to 5,000 or 6,000, while Korean imports continue to go up will not be fair.

We have to have an open process so we have the same kind of access to their market that they have to ours. I thought that is what trade agreements were supposed to be about.

There is no need to rush. There is no need to sell out our auto industry in America or our workers or any other group.

I know there are other concerns as well from rice farmers and beef interests and others. Certainly, I don't think we should be in a situation where any of our American interests are put at risk because of a trade agreement. All we want is a level playing field. All we want is the ability to have the same rules apply no matter where one lives, and to have those rules enforced.

Right now, as I said before, we have a 48-hour time period. We know at this moment there are people negotiating, trying to beat the clock in the next 48 hours. It won't work unless this is an agreement that works for America. And from my standpoint, it won't work unless it works for the American auto industry. These kinds of numbers make no sense whatsoever.

I am very hopeful folks will stop and take a deep breath for a moment and look at what needs to be done, and then have faith in us, in Congress, that we will work with the administration to put together a good deal. If it is a good deal, if it is a good deal for American businesses, if it is a good deal for American workers, then it will sail through. But if it continues the bad deal we have had now for the last 12 years trying to work with South Korea, there are going to be serious objections.

As I said so many times before, American workers and American businesses can compete with anybody, but we have to have a level playing field. We have to require that other countries play by the same rules we do and that we negotiate agreements that make sense, where the tariffs are the same and the rules are the same and the market access is the same. That is all I wish to see happen as a Senator from Michigan, and I know that is what we are all hoping will happen for those we represent.

The next 48 hours are critically important for our working men and women in this country and American businesses, doing business here, that want to remain here, that want to remain in the business of providing good work with good pay and good benefits in the United States. That is what this is about.

Again, we want to export our products, not our jobs. What happens in the next 48 hours will determine whether we are going to be able to work together with the administration to get this right.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCONNELL. Madam President, I assume we are in morning business.

The PRESIDING OFFICER. We are.

## EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. MCCONNELL. Madam President, 2 months ago, GEN David Petraeus came to Capitol Hill to explain the situation in Baghdad and to outline his plan for improving it. And then we ratified that plan. A Democratic-controlled Senate sent General Petraeus to Iraq—without dissent.

There were no illusions about what the mission would involve: We would demand greater cooperation from the Iraqi Government, and they would get greater security in return. If they gave us room to help secure the capital city, they would have room to build a civil society.

Now that mission is underway. Security is improving and political reforms have followed.

We were told there would be no political reforms in Iraq without basic security first. But if we could secure the capital, then we could expect to see reforms. That is what General Petraeus told us. That is the story he told us we could hope to see unfold, and if it did, we would have reason to hope for success, we would have a chance to win this.

Right now we have that chance. The question is, will we fan this spark of hope or will we smother it?

The Democratic leadership has a different view. They do not seem to think situations can change. They have made no allowance for improvements in Iraq. They call for a change in course, but the only change in course they seem to approve of is retreat.

The bill they sent the President today says one of two things: It says they are either determined to lose this war or they are convinced it is already lost. There is no other way to look at it.

Nothing good can come from this bill. It all but guarantees a delay in the delivery of supplies and equipment to the troops on the ground. It is loaded with pork that has no relation to our efforts in Iraq or Afghanistan. And it includes a deadline for evacuation that amounts to sending a ''save the date'' card to al-Qaida—a date that is not tied to circumstances on the ground, a date that is completely arbitrary—pulled out of thin air—a date the terrorists have already marked on their calendars.

This bill is the document of our defeat. That is why the President has said for weeks he would not sign it. Because it has no chance of becoming law, because the Democrats knew it never had a chance of becoming law, it is nothing more than a political statement—a political statement that says the Democrats have traded in the possibility of military victory for the promise of political victory here at home.

They have said as much. Earlier this week, one of the Democratic leaders said this about the emergency supplemental bill. He said:

It's not one battle. It's a long-term campaign.

So what is the aim of this long-term campaign? To pressure the President to retreat. The Democratic leadership is telling the President to retreat through a spending bill that is meant to deliver emergency equipment and supplies to our troops.

But I ask you: If the war is already lost, if it is already time to declare defeat, then why wait another year to do it? Why not simply vote against funding now? Would anyone disagree that it is wrong to ask American soldiers to stick it out for another year if you think the battle is already over? If Democrats want to end this war, they should vote against funding it. That would clearly end the war. But apparently that is not what is going to happen. They will wait another year. They will supply and equip our soldiers to fight a war they think we have already lost, and they will use the spending bill that funds that extra year of fighting as a vehicle for pork.

There is more than $20 billion of spending in this bill that has nothing whatsoever to do with the war in Iraq or Afghanistan, and most of it simply should not be there.

The senior Senator from Nevada has said repeatedly that this spending bill is serious.

How serious is $2.5 million for tours of the Capitol? Is $3 million for sugarcane serious? Is $22.8 million for geothermal research or $13 million for ewe replacement and retention? Is all of that serious?

This bill was intended to fund and equip American men and women who have left their families to risk their lives overseas. But in some ways, it has become a bit of a joke. It has ballooned into a gravy train for Members. It absurdly broadcasts to our enemies a date certain for the withdrawal of U.S. troops from Iraq. And it is designed to draw a veto, risking that the very supplies it means to deliver would not even get there in time.

The American people are watching this charade. They have reason to be confused. They even have reasons to be angry.

I am pleased my colleagues voted against this bill to show it is right for the President to veto it and to show we will proudly sustain that veto. Then we can get about our real mission to fund the troops. Let's hope the President gets this bill as quickly as possible, so he can do with it what it deserves. No bill has deserved the veto pen more than this one.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## GENOCIDE ACCOUNTABILITY ACT OF 2007

Mr. DURBIN. Madam President, with the beginning of this new Congress, Senator PATRICK LEAHY, chairman of the Judiciary Committee, honored my request to create a new subcommittee, entitled Human Rights and the Law. It is the first time in Senate history we have designated a subcommittee with that jurisdiction. Of course, the Foreign Relations Committee has responsibility for foreign policy, but what we are trying to focus on in this subcommittee I chair are laws that relate to fundamental human rights.

The subcommittee's first hearing, seven weeks ago, was on the law relating to genocide and the situation in Darfur. We had spectacular witnesses: Diane Orentlicher, an American University law school professor; Sigal Mandelker, a representative from the administration; Don Cheadle, the star in ''Hotel Rwanda,'' who has become a strong advocate for ending the genocide in Darfur; Romeo Dallaire, a Senator in Canada, who in 1994 was the head of the U.N. Peacekeeping Force in Rwanda during the onset of the massacre. Their testimony was electrifying. It pointed not only to the experience in Rwanda but to what we face today in Darfur.

I still recall—and it bears repeating every time I come to the floor—that at the time of the Rwanda genocide, there were very few Senators paying attention.

One of my mentors and friends, Paul Simon, my predecessor, was the chairman of the Africa Subcommittee of the Foreign Relations Committee. He knew what was happening. He turned to his friend, Jim Jeffords, then a Republican from Vermont, and said: We have to do something. They called General Dallaire in Kigali, Rwanda, and asked: What can we do? The general said: If you would send me 5,000 armed soldiers, I can stop this massacre right now. So Senators Jeffords and Simon called the Clinton White House and asked for help. Sadly, there was no response.

Later on, President Clinton, after he finished his term in office, said it was the biggest mistake of his administration not to respond to the Rwandan genocide. It was a reminder to me that we do have the power as Senators and Congressmen, and many others, to make a difference, and we should never accept as inevitable things such as the genocide that occurred in this faraway country of Rwanda.

I was reminded of that during testimony just a few weeks ago. We talked about Darfur and the fact that 4 years ago, President Bush declared a genocide in Darfur. It is rare that the United States acknowledges a genocide. I applauded President Bush and his leadership for making this acknowledgment, but I have said to the President and on this floor many times: It is not enough to just declare a genocide. If innocent people are being killed, if they are being displaced from their homes and you have the power to do something about it, how can you stand by and do nothing? Sadly, that is what has happened for 4 straight years. We have done nothing—declaring a genocide and doing nothing.

I am reminded of a personal experience I had many years ago as a student at Georgetown University. I was in the School of Foreign Service and had as a professor Dr. Jan Karski from Poland. He was an inspiring man. He spoke with an accent. He came to his class with a suit and tie on every day, ramrod, military bearing, and told the story of his life in between lessons.

His story was that he was a member of the Polish underground fighting the Nazis in World War II. He saw Polish people swept out of the Warsaw ghetto, taken away. He finally realized that they were taken to concentration camps to be killed.

Determined to do something about it, Jan Karski found his way to Washington in the 1940s, even found his way to the office of President Franklin Roosevelt, and told him about the Holocaust, told him what was happening in the concentration camps.

Unfortunately, just as in Rwanda, the President at that time did nothing. Jan Karski returned to Poland crestfallen that he had finally alerted this great power, the United States of America, and nothing was going to be done.

I sat there as a student at the time and thought: How can that be? How can you hear that thousands of people are

being killed and do nothing? It happened then. It happened in Rwanda. It shouldn't happen again.

The purpose of the hearing on Darfur was to try to finally spark some action by this Congress and by this administration to do something. After 4 years of declaring a genocide, it is about time we rolled up our sleeves and did something. And there are things we can do.

Certainly, we can look at our own personal responsibility. Divestment means selling off or not buying investments in a country. In this case, the country of Sudan, with the capital of Khartoum, has a vibrant oil industry. Major companies in Sudan are owned by China, India, and Malaysia. Petro China is the Chinese oil company that is the largest oil company in the Sudan.

I have encouraged everyone, including the universities and colleges in Illinois, to divest themselves of any known holdings in companies doing business in Sudan. Maybe it is a small thing, maybe it is only symbolic, but for goodness' sake, shouldn't we do something on an individual and personal basis?

After I issued a press release, incidentally, calling for divestment, an enterprising reporter took a look at the mutual funds my wife and I own and said: One of your mutual funds owns stock in Petro China. I quickly sold it. It didn't change my net worth much, I can tell you, but it is a symbolic and personal thing. I am glad we did it. Others need to do it as well. Pension funds, governments, major companies—if they divest themselves of these Sudanese investments, maybe those companies will get the message that there is something wrong with Sudan and we shouldn't do business as usual with a country that won't allow peacekeeping forces to come in to save and help victims in Darfur.

There are other actions we can take as well. This subcommittee on human rights and law tried to focus on specific legislation we could enact. As a result of our hearing, 2 weeks ago we introduced the Genocide Accountability Act of 2007. S. 888, the Genocide Accountability Act, would close a legal loophole that prevents the U.S. Justice Department from prosecuting people in our country who have committed genocide. While genocide rages in Darfur, we have to make clear our commitment to hold accountable those who commit the ultimate crime.

The Genocide Accountability Act is the first legislation produced by the Senate Judiciary Committee's new Subcommittee on Human Rights and the Law. S. 888 is a bipartisan bill introduced by myself, as chairman of the subcommittee; Senator TOM COBURN, the ranking Republican member on this same subcommittee; Senator PAT LEAHY, chairman of the Judiciary Committee; and Senator JOHN CORNYN, a Republican from Texas.

The Genocide Accountability Act has been endorsed by numerous organizations, and I thank them for their support and encouragement. They include Africa Action, the American Jewish World Service, Amnesty International USA, the Armenian Assembly of America, the Armenian National Committee of America, the Genocide Intervention Network, Human Rights First, Human Rights Watch, Physicians for Human Rights, Refugees International, and the Save Darfur Coalition.

Why is it necessary to change the law? Because under current law, genocide is only a crime in the eyes of America if it is committed within the United States or by a U.S. national outside the United States.

In contrast, the laws on torture, material support for terrorism, terrorism financing, hostage taking, and many other Federal crimes allow for extraterritorial jurisdiction for crimes committed outside the United States by non-U.S. nationals.

This loophole in the law has real-life consequences. The Justice Department has identified individuals who participated in the Rwandan and Bosnian genocides and who live in the United States under false pretenses. Under current law, these individuals cannot be arrested or prosecuted because they are not U.S. nationals and the genocides in which they were involved didn't take place in the United States.

Now let's go to the Sudan and Darfur. Salah Abdallah Gosh, the head of security in the Sudanese Government, has reportedly played a key role in that nation's genocidal campaign in Darfur. Just 2 years ago, Mr. Gosh came to Washington to meet with senior administration officials. Under current law, the FBI could not even interview him about his involvement in the Darfur genocide, much less charge him with a crime.

The Genocide Accountability Act changes that. It would close this loophole. It amends 18 U.S.C. 1091, the Genocide Convention Implementation Act, to allow prosecution of non-U.S. nationals who are in the United States for genocide committed outside the United States.

The United States should have this authority and ability to prosecute genocidaires who find safe haven or at least seek safe haven in this country. The Genocide Accountability Act would end this impunity gap in genocide law.

What we are saying to those around the world who are engaged in uncivilized and barbaric conduct is do not even consider coming to the United States as your retirement home. It is never going to be a safe haven. There is no place for you to hide.

The Genocide Accountability Act gives our Government the power to stop those who seek to do that.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 89, S. 888.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 888) to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

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

Mr. LEAHY. Mr. President, I am glad that today the Senate is considering the Genocide Accountability Act, which closes a loophole in current law which has until now allowed those who commit or incite genocide to seek refuge in our country without fear of prosecution for their actions. This bill is the first legislation resulting from the work of the Judiciary Committee's new Subcommittee on Human Rights and the Law. I thank Subcommittee Chairman DURBIN for introducing the bill, and I was pleased to join him, along with subcommittee Ranking Member COBURN and Senators FEINGOLD, CORNYN, and KENNEDY in cosponsoring the bill. I have long called for greater U.S. involvement in resolving the crisis in Darfur and worked for greater accountability for those who commit war crimes. This bill is an important next step in working to do all we can to combat genocide throughout the world.

Too often, we in this country, the richest and most powerful Nation on Earth, have done too little to stop human rights atrocities in Sudan and elsewhere around the world. Many more lives could have been saved if we and other nations had shown stronger leadership. During the last 5 years, America's reputation has suffered tremendously. Some of our ability to lead on human rights issues has been needlessly and carelessly squandered. Abu Ghraib and Guantanamo have tarnished that role and that tradition. The secret prisons that the President confirmed last year and this administration's role in sending people to other countries where they would be tortured have led to condemnation by our allies, to legal challenges, and to criminal charges.

I was proud to work with Senator DURBIN to create the Human Rights and the Law Subcommittee, which is helping us to better fulfill our role in a challenging global environment. This subcommittee will continue to closely examine some of the important and difficult legal issues that have increasingly been a focus of the Judiciary Committee and will work to reverse and correct the damaging policies established by this administration over the last 6 years.

The Genocide Accountability Act is a perfect example of the bipartisan, consensus legislation that this subcommittee was created to produce. The bill allows for prosecution of those found in the United States who have participated in horrific acts against humanity in places such as Bosnia, Rwanda, and Darfur, and gives Federal prosecutors the tools they need to bring these people to justice. This bill

would amend 18 U.S.C. 1091, the Genocide Convention Implementation Act—the Proxmire Act—to allow prosecution of non-U.S. nationals who are in the United States for genocide committed outside the country. In the past, Federal investigators have identified perpetrators of genocide, including the Rwandan and Bosnian genocides, who have come to the United States under false pretenses and have found safe haven here. Unfortunately, the Justice Department has not been able to prosecute these individuals because the Proxmire Act only criminalizes genocide committed by U.S. nationals or in the United States.

The Genocide Accountability Act would close this loophole, allowing Federal prosecutors to prosecute those who have committed or incited genocide who are in our country. This change would make the genocide statute conform with numerous existing Federal crimes that allow for similar extraterritorial jurisdiction if the offender is found in The United States, including torture, piracy, material support to terrorists, terrorism financing, and hostage taking.

I commend Senators DURBIN and COBURN for holding a hearing on this important issue and for their diligent work to ensure that that this loophole in our law is closed. I urge my colleagues to support this legislation to ensure that the United States takes this significant step in combating genocide worldwide.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

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

The bill (S. 888) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 888

*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 ''Genocide Accountability Act of 2007''.

**SEC. 2. GENOCIDE.**

Section 1091 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance referred to in subsections (a) and (c) is that—

''(1) the offense is committed in whole or in part within the United States;

''(2) the alleged offender is a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

''(3) the alleged offender is an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

''(4) the alleged offender is a stateless person whose habitual residence is in the United States; or

''(5) after the conduct required for the offense occurs, the alleged offender is brought into, or found in, the United States, even if that conduct occurred outside the United States.''.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## CATASTROPHIC DISASTER RECOVERY FAIRNESS ACT OF 2007

Ms. LANDRIEU. Mr. President, I intend, in a few minutes, to call up a bill for passage, and I think I will be joined on the floor by Senator REID at the appropriate time. The bill I am going to speak about in a minute is the Catastrophic Disaster Recovery Fairness Act of 2007, which I am proud to cosponsor with Senator LOTT and others. We have been working on trying to get this bill cleared, and I will come back to that in a moment, but before I call this bill up for final passage, I would like to speak for a moment about the emergency supplemental bill that we passed.

The Congress must—and usually does—and is required to take care of emergency issues. These are situations that, by the nature of emergencies, we cannot plan for. The war we are prosecuting and trying to win has extended well beyond the boundaries that many of us believed initially, so there are new costs associated with that war. There have been emergencies right here in the country that have taken place that could never have been predicted or anticipated.

We are still recovering, as you know, from two of those very terrible storms, two of the worst to ever hit the United States of America, Hurricanes Katrina and Rita. The aftermath of those storms was the multiple failure of a levee system that has protected this great community for over 300 years. It is not just any city or any region, it is a very special historic city and region, the city of New Orleans. It is also of great economic significance for the Nation.

We could not necessarily predict this in our regular budgets, and so it is appropriate that we provide emergency funding for emergencies, and that is what the supplemental is. It isn't a war spending bill, it is an emergency bill. There are things associated with the ongoing war in Iraq and Afghanistan that are emergencies, but there are things happening in the United States also that are emergencies.

For Senators to come to this floor and argue over the last 2 weeks that there are no emergencies in the United States that we need to take care of and that all we need to do is to focus on the war in Iraq, I would ask them to go home and talk to their constituents because that is not what my constituents are saying, Republicans and Democrats. I don't think that is what anyone is saying, any constituent in anybody's State. I think they are saying, whatever their feelings are about the war and how we should prosecute it, there are most certainly emergencies right here in the United States that need to be dealt with.

I am proud that many of us on the Democratic side, as well as some of our Republican friends, decided to put some money in this emergency supplemental bill to take care of real American emergencies right here on the home soil—right here in America. One of those emergencies is the ongoing attempts to rebuild the gulf coast, primarily in Louisiana and Mississippi, but we also have friends in the southern part of Texas who are still hurting and also in the southern part of Alabama and through some parts of Florida. So I like to always say we are fighting hard for the gulf coast and trying to rebuild the gulf coast.

This Congress has been generous, has been innovative, and has been trying to think outside of the box to respond to an unprecedented disaster. Again, the scope of this disaster is beyond anything we have attempted. You know the long and sorry record: When we went to call on FEMA, it showed up but it was weak, anemic, underled, and underresourced. When we called on the Red Cross, as respectable as that organization and that name is, and they have done remarkable work, they too were overwhelmed. This is a job that was beyond the ability of the tools that we normally have to rebuild, and so we have been scrambling as a Congress to redesign tools. Some we have done a good job on and some we haven't.

There is a lot of redtape we unwittingly created, and not with any ill intent, but that has been the consequences of many of the things we have passed. And so people are caught up in a lot of bureaucracy and a lot of redtape. There has been a lot of money thrown at them, which is very frustrating because they hear about it, they think they are going to get it, but they can't feel it because the bureaucracy has it basically tied up.

So part of what we have done in this supplemental, which is very good, is we have removed some of the redtape and added some additional funding where we thought we were short, so that the hundreds of thousands of people on the gulf coast who have lost their homes, who have lost their businesses, who have seen everything they have worked for, some for 50 years or 60 years, literally washed away by floodwaters or collapsed levees, they could have a chance to rebuild.

I feel very strongly about this. I have been very generous as an appropriator with help to foreign countries. I have helped send money to Afghanistan, to countries in Africa, and to South America. I was one of the first Senators on the ground when Hurricane

Mitch hit Honduras. I believe in helping people when they are in their hour of need. But I can tell you people on the gulf coast are starting to ask: Does anybody remember that we are here in the United States and we need help as well?

So that is what this supplemental bill did. Let me say a couple of things we tried to do in it.

We passed in this supplemental emergency spending bill for the United States of America a waiver of a 10-percent match. In every disaster, we require the locals to put up money. It makes sense, and normally it works, and that is appropriate. But in a case where the disaster is so catastrophic, let's say in St. Bernard Parish, which is the parish I represent, there were 67,000 people who lived there before the storm. It was a middle-class, working-class community. Every single home was destroyed. Every fire station was destroyed. Every police station was destroyed.

The sheriff had to swim out of the second floor with his deputies. He is a big, strong sheriff, thank goodness, and a good swimmer. If he wasn't, he would have drowned—Jack Stevens, my good friend. He swam out, literally saving his deputies. His headquarters was destroyed.

Now, I ask you: How is St. Bernard Parish going to come up with a 10-percent match? It sounds reasonable, but in this case it is not.

No. 2, these 10-percent waivers, or matches, have been waived before. In 32 of the last 38 disasters, they have been waived. I asked the administration and others to waive this one. They said ''no.'' So we have done it now, as a matter of fact, in this bill. Congress said yes, it is right that this be waived. It will not only provide several hundred million dollars more in emergency disaster money for Louisiana and Mississippi, but, most importantly, it will completely eliminate the 10-percent match requirement which is required on each individual project worksheet.

Now, somebody may ask how many project worksheets we have, which means how many individual public entities have requested rebuilding, whether it is a library or half a library; a wing of a school or a whole school; a light post or a sewer system. We have 23,000 of those project worksheets pending for Louisiana alone. Because of this 10-percent requirement, there is a NEPA review, a FEMA review, a HUD review—we are being reviewed to death. We can't do this in this fashion. We have to waive this 10 percent.

Not only will $750 million be immediately available, but more than the money, the redtape goes away. Ninety percent of the redtape goes away, and we can actually do what we say we are going to do, which is rebuilding the gulf coast, one fire station, one police station, one library at a time. This is not theory, this is practical. If you want to rebuild a city, you have to rebuild the fire stations, you have to rebuild the police stations, you have to actually rebuild homes, pave streets, et cetera, et cetera. All of this is at a slow crawl because of this 10 percent.

So I am proud of my colleagues who voted for this supplemental, because we waived this big piece of redtape, and I wish to thank them. I hope the President does not veto this bill because of that. I hope to be negotiating with the President and the administration in good faith to perhaps explain some things he is not quite understanding about the difficulty we are facing in the gulf coast and see if he can work with us to keep this waiver in place.

In addition, we put in the supplemental $1.3 billion for levees. One of the most memorable speeches the President made was in Jackson Square, and I was pleased he came down right after the storms and spoke in Jackson Square when there weren't many lights on in the whole region. We put up lights that night for that speech. Generators were brought in to turn the lights on so the President could be seen when he made the speech. The rest of the French Quarter was completely dark. If you were in the city that night he made that speech, you wouldn't have been able to see your hand in front of your face, but the world saw the President because we got generators to turn those lights on so he could be seen. When he stood there in the dark, he said he would do whatever his administration needed to do to rebuild the levees in this metropolitan area.

I am not talking about little rinky-dink levees, I am talking about federally authorized levees that collapsed because they were not funded correctly, they were not maintained correctly, and the Corps of Engineers has admitted it was their fault and they need to fix it. Where I come from, if you break something, you fix it. The Corps of Engineers' levees collapsed, and they need to fix them.

So here comes the supplemental request, and lo and behold there is no new money for levees. We get a request from the administration that it wanted to move $1.3 billion from one set of projects to another, claiming this set of projects isn't ready to go, and they want to move it from the east bank to the west bank. Senator VITTER and I discussed this, and we said ''no.'' The days of moving money from the east bank to the west bank, in hopes that next year we would come back and find some new money for the east bank, are over with. We did that for the last 40 years, and then 18 months ago New Orleans and the surrounding area went underwater.

No more moving the money. No more shell games. This supplemental says ''no,'' and we put in an additional $1.3 billion. We are not moving levee monies from one of our constituent groups to another constituent group in hopes we will come back next year and fill in the pot. It is akin to musical chairs. You keep moving chairs, and when the music stops, somebody is going to be without a chair. I am not doing that anymore.

Every person in south Louisiana and in Mississippi who deserves a federally protected levee is going to get it. Those levees are going to hold, and we are not moving this money around anymore. So that money is in the supplemental, and I thank Senator BYRD and Senator MURRAY and Senator DORGAN particularly for their strong support of that principle.

Two more things, and then I will call up this bill for discussion.

We also got some funding—and I thank Senator KENNEDY particularly for his help in this—for recruiting teachers. I can't tell you how difficult it has been for our teachers, our parents, and our students. We did have a happy success story, though, regarding education. Since I have talked about things that didn't work, let me spend a minute talking about something that did work.

On Monday morning, when the city of New Orleans was 80 percent underwater, and we looked up and millions of people had fled their homes along the gulf coast, we realized there were about 330,000 children who had no school to go to on Monday morning. I want that to sink in for a minute. There were 330,000 children, from kindergarten to 12th grade, who had no school to go to on Monday morning. That was a problem, and we had no solution for it.

There was no tool in the toolbox. FEMA didn't have a plan. There was nothing we could do. So we thought for a minute, and between the work of this Congress, the administration, and the good people down in Louisiana and Mississippi, we came up with a plan that basically said this: If every parent will show up at a school and get your child registered, the Federal Government will send that school a check. Don't worry about it. You don't have to pay for it, we will take care of it.

It was a most extraordinary effort because, you know what, it worked. For the most part, after this major disaster, almost all of those 330,000 children actually attended school somewhere last year and the schools were actually reimbursed. So when people tell me Congress can't do anything well, I like to point this out, to say: Yes, sometimes we actually manage to do something really well. And that worked.

What we failed to realize, though, is it was not just the tuition for the children we had to send—whether they left parochial school and went to public or public school and went to parochial, we covered it, no questions asked. But what we didn't think about is what happens to the thousands of teachers whose schools were ruined, whose homes were flooded, whose churches were destroyed, and they had to move—but they want to come back now and teach—how do we get them to come back and live in a community that is so destroyed? What incentives can we give them to come back?

Many of these teachers are very dedicated, and many of them have come back under harsh conditions. But we think it might be wise, when you are trying to rebuild from a nuclear bomb explosion—and we hope that never happens—or a dirty bomb or Tsunami or major terrorist attack or perhaps just a terrible storm or tornado or hurricane, if you have to rebuild a devastated area, you need to encourage some key people to come back: doctors, nurses, teachers. We have some money in this bill to give the appropriate incentives for teachers to come back.

We are not just going to build the old school system we had which was failing students and disappointing parents and not really a very successful story. We are in the process, with the help of Republicans and Democrats here, of building a new kind of public school system.

So this money in this supplemental will help us to recruit quality teachers, to acknowledge what we are asking of them. Teaching under normal circumstances is difficult. To teach children in a classroom that is a temporary and sometimes wholly inadequate structure, where these children are living in trailers at night, where the teachers themselves have to live in 16-by-8 trailers—the least we could do is give them some financial incentive to just make it through the next year or two until we can stabilize the situation and rebuild the infrastructure of this city. I am excited about that.

I am not going to go into any more detail about the historic preservation funding. Obviously, people in America know that New Orleans and south Louisiana have some of the most historic structures in the Nation and that they are at risk. This additional funding helps us preserve that.

We also have some funding in here for our fisheries. Our fishermen are small businesspeople, many of them. They don't work on the land; they work on the water. They don't work in an office; they work on their boats. Their boats were destroyed. We don't think of them as businesspeople, but they are. Our disaster assistance has to take care of our farmers, our ranchers, our urban and rural—and our fisheries. We have determined we had not done enough for them and for their needs, so we have some money to help them.

People say: Where do we get this funding? It comes off budget. This country is a great country. It is one of the great benefits of belonging to a great and powerful nation—if your region gets devastated, the rest of the country's money will be pooled to help you. If something happens—and it did in New York—we all pool our resources to help out. Now New York is doing magnificently. There was a question, after 9/11, as to what would happen, but because we all helped and they did a great job, that area is being rebuilt. Even though we still mourn the loss of those 3,000 Americans who lost their lives and it is still a very sad thing for us to think about, we are proud of helping to rebuild that great city.

If something were to happen, Mr. President, in your State—and your State is a coastal State as well; you have had your share of disasters—even though your State is tiny and you might not be able to bail yourself out, you are part of a great nation that will step up and help you as well.

I would like to speak for a minute about the Catastrophic Disaster Recovery Fairness Act. I will ask, at the appropriate time, for this bill to be called up and to clear it by unanimous consent. This particular bill was not included in the supplemental. It has not been included in any other major legislation. This bill will eliminate a great barrier to construction of homes in the gulf coast.

People ask me all the time: Senator, how is it possible that we have sent over $100 billion and yet we cannot seem to get massive rebuilding underway? This is one of the answers, and I hope I can explain this simply and clearly because it will help people understand.

The Small Business Administration, in a disaster, will lend money to people if they qualify for a small business disaster loan, and 81,000 people in my State qualified and have received approval for a loan—81,000. That is a huge number of homes. That is not all the homes which were destroyed. We had 250,000 homes destroyed. Of those, 81,000 families qualified for a home loan through the Small Business Administration.

It was painfully slow. It took months for these applications to get out, with us beating them every day and working with them and pushing, pushing, with Senator KERRY and Senator SNOWE, who were, together, terrific to push the SBA. Then we got rid of the SBA Director, we got a new SBA Director, and they pushed those loans out the door. The good news is 81,000 people have gotten loans. The bad news is that as soon as these same people get their Road Home grants, which they are entitled to under another program we created, the SBA is interpreting their law so as to require these homeowners to immediately pay back their loan.

This bill which I am sponsoring with Senator LOTT will release the homeowners, the borrowers, from that obligation. They must repay the loan. This is not a loan-forgiveness program. If you borrowed money, you must repay it under the terms you borrowed it. This is not a charity. This is not loan forgiveness. You must repay it under the terms of your loan. But you don't have to pay it today. You don't have to pay it next week when you get your Road Home money. You can pay it under the terms that it was lent to you, whether it was 5 years or 20 years, whether it was at 2 percent or 4 percent or 6 percent.

Mr. President, 81,000 people in Louisiana and 31,000 people in Mississippi have been told: The good news is you got an SBA loan; the bad news is the minute you get your Road Home Program money from the Federal Government, you have to pay this loan in full.

Believe me, this was not our intention when we passed these community development block grants. I do not believe there is a Senator in this Chamber who would expect that of a homeowner who has lost everything. In some cases, they had insurance. In some cases, they didn't. In most cases, neither their insurance nor the money we are giving them is making them whole. There is no coverage for contents. This is not for contents. Some people might have $100,000 of contents in their home. Some people might have $200,000 of contents. Some people might have only $25,000 of contents. We are not even covering contents.

We are not covering the expedited or accelerated cost of labor and materials. So people are already with no coverage for contents. Unless they had insurance, they have lost that. We are not covering the 30-percent increase in labor costs or the 30-percent increase in cost of supplies. That is not calculated.

This loan is very important for people. It is saving many of them from bankruptcy. If they manage to get their loan, we most certainly do not want them to have to pay their loan back in full when they get their Road Home grant. This is for Louisiana and for Mississippi. If you add up 81,000 people in Louisiana and 31,000, this is over 100,000 families—110,000 families. That is probably affecting more than a quarter of a million people. That is a lot of people.

When this bill passes, which it will—it may not pass today, but I wish it would. I wish no one would object to it. But when this bill passes, 250,000 people are actually going to be able to see the light at the end of the tunnel, and they will be able to say: This is hard. I don't know if I can rebuild. I don't know if I want to rebuild. But at least I have a fighting chance to make that decision. If this bill does not pass, these 200,000-plus people who live in my State and Mississippi—I predict many of them will have to file bankruptcy.

I have said this before and I am going to say it again. The people I represent who lived behind these levees were not sunbathing when these levees broke. They were loading tankers on the river. They were working at the docks. They were drilling and exploring for oil and gas in the gulf. They were going to work at hospitals and nursing homes and teaching and running our libraries. This is not a resort community. These levees were not protecting a beach. These levees were protecting a port, and the levees failed.

In working-class neighborhoods, Black and White, in rich and poor neighborhoods, people's homes were destroyed, homes that had never had an inch of water. Let me repeat that. People's homes were destroyed, homes that had never had an inch of water. They were not in a flood plain.

When you lose everything you have—and for most Americans, their largest

asset is their home—it is our obligation to think about ways we can strengthen the insurance system; strengthen our levees so they do not break again and while people are struggling give them a hand.

Again, I am not asking for loan forgiveness. They have to pay back every penny. But let's give them a fighting chance to pay it back, over 10 years or 15 years. Let's not require them to take one grant program we have given them to build their home and the same day take it away because they have to fully pay their small business loan.

I understand Senator REID is going to call up this bill and try to get it passed. I surely hope nobody objects to it. It is a Landrieu-Lott bill, with Senator VITTER as well. Senator REID is going to call it up in a few minutes, and I hope nobody objects to it. But if they do object, I can promise you I am going to spend every day on the floor until this bill is passed, sometime before we go home—not this week but before we go home for the next break.

I do not think this is unreasonable. We are going to ask for everybody's support. Senator LOTT will be happy to explain, when he has an opportunity, about the 31,000 families in Mississippi. But I am going to leave this here, and Senator REID is going to come down and ask it be passed. I hope we can get it done today. If not, we will ask for it tomorrow. If not, we will continue to ask for it until we get it.

We are asking for fairness, not charity, and for justice for the people in the gulf coast.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ANIMAL FIGHTING PROHIBITION

Ms. CANTWELL. Mr. President, I rise this evening to talk about House bill H.R. 137, which has a companion Senate bill, S. 261, the Animal Fighting Prohibition Enforcement Act. This is legislation that both the House and Senate have had much discussion on in the last several years, and something I hope will make its way to the consent calendar and final action this evening.

I come to the floor tonight as someone who has been a cosponsor of this legislation for several years now, and as someone who has seen the impact of animal fighting in the state of Washington where animal fighting organizations have not only been a source of all sorts of cruel and inhumane treatment of animals, but also other illegal activity. To me this is legislation that is much needed, and we have passed similar legislation in the State of Washington. It is something we should have a strong Federal statute on.

During October of 2004, there was a major raid in Vancouver, WA, where police found 21 pit bulls, as well as training logs and other evidence of animal fighting. It got quite a bit of attention as well because there were very high-profile people involved with the animal fighting ring.

There is a long list of other incidents that have happened in Washington State, other activity in Yakima, WA, where various animal fighting organizations were discovered by law enforcement who have done a terrific job of uprooting these organizations in our State. It is important we take an aggressive stance and pass this legislation.

The House bill we are talking about, H.R. 137, recently passed the House of Representatives, I believe with over 300 cosponsors. I am sure it had quite a few others who actually supported the legislation as it passed. We have over 35 cosponsors here with S. 261.

When I look at the legislative history of this bill, it has had remarkably broad bipartisan support. It was passed by both the House and the Senate in the past. It was passed in both Chambers in 2001 and then struck in the conference report. It passed in 2003 in the Senate. It passed in 2005 again in the Senate, a unanimous measure. As I mentioned, it passed the House of Representatives. I think it is fitting that it should be on our consent calendar and hopefully pass this body this evening.

The bottom line is, there are many organizations across the country that have seen the inhumane treatment of animals and have supported this legislation. The American Veterinary Medical Association supports the bill, obviously. The National Sheriffs Association supports this legislation. Police departments have been working in every part of the country and have endorsed this legislation because they see what kind of criminal activity is associated with animal fighting—gambling, drugs, and in one case in Washington State actual murder. The Federal antianimal fighting legislation is important. While we already have a Federal statute on the books, what we don't have is a Federal statute that effectively helps law enforcement meet this growing challenge. That is, with a simple misdemeanor, which is currently on the Federal books, sometimes it takes law enforcement as many as 7 to 8 months to investigate these kinds of crimes. To investigate and put that kind of energy into fighting this kind of criminal activity in our States, and then to have a maximum penalty of only up to 1 year is not adequate.

In fact, in Washington State, in response to the activities that occurred in Vancouver and other parts of our State, our Governor signed an antianimal fighting bill that has been a great model for what we should be doing at the Federal level. As Washington did, this bill would make sure this crime is a felony and that it has adequate penalties. In fact, when the current Federal animal fighting law was enacted in 1976, only one State made it a felony. Today dogfighting is a felony in 48 States. We need to make sure that it is also a felony at the Federal level for transporting these animals and products associated with animal fighting across State lines. In fact, we are seeing that in many cases.

In Washington State and in Oregon, we have seen this activity, because people in several States are joining together to locate and to make a profit and make investments in these kinds of criminal activities.

We want to make sure we are stamping out this activity. With this legislation, we believe we have a very good chance to say that the Federal Government views this kind of animal fighting as cruel and inhumane, that we consider it a serious criminal activity to drug and force animals to fight and then to enclose them in pits while spectators engage in all sorts of gambling, narcotics trafficking, public corruption, and, in some cases, even violence toward people. That is something we ought to take a tough stance against.

I urge my colleagues to support this legislation. I hope we can consider it in tonight's consent calendar, given how the Judiciary Committee has supported this legislation, and how it has passed both the House and Senate in the past.

EASTER

Mr. BYRD. Mr. President, the poet Alfred Edward Housman, 1859–1936, wrote in his poem, ''A Shropshire Lad,'' the following verse:

Loveliest of trees, the cherry now
Is hung with bloom along the bough,
And stands about the woodland ride
Wearing white for Eastertide.

The trees are in bloom. In Washington, the annual cherry blossom festival begins this Saturday, March 31, and runs through April 15. It is always a beautiful sight, whether viewed under warm and sunny skies or as the blossoms fall like rain on a misty morning. It is a lovely celebration of Spring and a welcome complement to Easter.

This year Easter falls on April 8, when the Senate will not be in session. Each year, of course, Easter falls on a different day, sometimes with many weeks' difference from year to year. Easter is a very moveable feast and has been throughout its long history. The calculation of when to celebrate Easter has varied through the centuries, being settled for just over 1,427 years by the Council of Nicea in 325 A.D. But even today, Easter remains a moveable feast.

The Roman Emperor Constantine convoked the Council of Nicea in 325 A.D. to resolve a number of important differences between the religious practices across his empire. The council decided that the Easter festival should be celebrated on the first Sunday after the full moon following the vernal equinox, thus eternally linking the return of spring with the resurrection of Christ. If the full moon occurred on a

Sunday and thereby coincided with the Passover festival, council further decided that Easter would be commemorated on the following Sunday. The council also declared that the calendar date of Easter would be calculated at Alexandria, in Egypt, which was the leading astronomical center of the fourth century world.

This attempt to reconcile Easter celebrations proved difficult, however, as fourth century astronomy lacked the knowledge to resolve a discrepancy between the solar and lunar years. As a result, the differences between the true astronomical year and the Julian calendar then in use continued to grow. By 387 A.D., churches in France and Egypt were celebrating Easter on dates 35 days apart. In 465 A.D., the church adopted a reformed calendar that fixed the date of Easter, but churches in what is now the United Kingdom refused to adopt the changes.

In 1582, Pope Gregory XIII reformed the Julian calendar yet again, resulting in the calendar in use in much of the West today—the Gregorian calendar. This new calendar corrected many of the difficulties in fixing the date of Easter and other important ecclesiastical dates. When Great Britain and Ireland adopted the Gregorian calendar in 1752, Easter was celebrated on the same day in the Western part of the Christian world. However, the Eastern churches did not adopt the Gregorian calendar, and celebrate Easter on different dates. Occasionally, the two churches' calculations coincide, and Easter is celebrated on the same date throughout the world. The last time that happened was in 1963.

All of these details are fascinating, at least to a longtime fan of the study of history. I find it thought-provoking to consider how the study of astronomy and the development of calendars has affected our daily lives today, as they have the daily life of so many who have come before us. But does it matter, Mr. President, when we celebrate Easter? In the long run, I think, the celebration of that momentous moment in history is far more important than precision on the day of the week. Few events in history have had a more profound impact on our lives. You do not have to be a Christian or an adherent of any particular church or faith, to recognize the impact of Christ's life upon world history, regardless of which day of the week or week of the year it took place.

Christ's message, brought home by His sacrifice at Easter time and His subsequent resurrection, changed the lives of billions of people over the years. In Matthew 28:5–6, we are told, ''The angel said to the women, 'Do not be afraid, for I know that you are looking for Jesus, who was crucified. He is not here; He has risen, just as He said.' '' That much change is bound to have an effect on everyone else.

The rise of a new religion and the power and passion of its churches has changed empires, international boundaries, customs, and lifestyles. The Christian religion has grown and spread across the globe, sweeping old religions away.

On this Sunday, Christians observe Palm Sunday, recalling Christ's triumphant entry into Jerusalem with crosses made of palm leaves like those that were laid across Christ's path to welcome Him. Next Friday, Christians will commemorate Christ's sacrifice on Good Friday, when He took up His crown of thorns and carried His own cross on that long, sad, walk to be crucified. Then on April 8, church bells will ring, and sunrise services will celebrate His resurrection from the dead and His ascension into heaven with the rising sun. It is a deeply moving and uplifting period, Mr. President, and it does not matter when it happens—only that it did happen. Beautiful, blessed Easter, giving hope to us all.

Mr. President, I wish you and yours all the blessings of Easter, with all of its promise of everlasting life spent in the love of the Lord. I close with a poem by Louise Lewin Matthews, called ''Easter Morn.''

EASTER MORN

(By Louise Lewin Matthews)

Easter morn with lilies fair
Fills the church with perfumes rare,
As their clouds of incense rise,
Sweetest offerings to the skies.
Stately lilies pure and white
Flooding darkness with their light,
Bloom and sorrow drifts away,
On this holy hallow'd day.
Easter lilies bending low
In the golden afterglow,
Bear a message from the sod
To the heavenly towers of God.

## TRIBUTE TO MICHAEL A. PARKER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a dedicated public servant and a true friend to the people of Kentucky, Mr. Michael A. Parker. After years of exemplary work as the program manager for the Assembled Chemical Weapons Alternatives Program at the Department of Defense, Mr. Parker is retiring, and I want to express to him my thanks for his service.

Mr. Parker has held the post of program manager since December 1996. In that role, he consistently worked hard toward the goal of safely and expeditiously disposing of the dangerous chemical agents stored at the Blue Grass Army Depot in Madison County, KY. The people of Madison County are living right next door to over 500 tons of the deadliest material ever conceived by man. Understandably, they would like to see these weapons disposed of as safely and quickly as possible. Mike has been a key player in working toward that goal.

Mike appreciates the unique culture at the Assembled Chemical Weapons Alternatives Program and understands the need to work closely with the local community to reach acceptable solutions. The people of the Madison County area are going to miss Mike, as will I.

Proof of Mike's drive for excellence in his work lies in his numerous honors and awards. He holds the Presidential Rank Award at both the Distinguished and Meritorious levels. He also holds the Defense Department Distinguished Civilian Service Award, the Army Decoration for Exceptional Civilian Service, the Army Research and Development Achievement Award, the Army Commander's Medal, and the Army Meritorious Civilian Service Award.

Mr. President, Kentucky has been lucky to have such a friend in Michael A. Parker, and I speak for many in the Commonwealth when I say he will be missed. I ask my fellow Senators to join me in thanking Mike for his years of dedication and service and in wishing him good luck in his future endeavors.

## VOTE EXPLANATION

Mr. SPECTER. Mr. President, I voted against the supplemental appropriations bill because of the provision which specifies a withdrawal date. With President Bush's statement that he will veto the bill, it will be returned to Congress so that we can negotiate with the White House to provide funding to support the troops without a withdrawal date which allows our enemies to wait us out.

I voted against the supplemental appropriations bill for the same reasons that I voted in favor of Senator COCHRAN's amendment to strike a withdrawal date, which amendment failed. The full statement of my reasons appear in the CONGRESSIONAL RECORD in the proceedings on March 28, 2007, in relation to the Cochran amendment.

## IRAQI TRANSLATOR LEGISLATION

Mr. KENNEDY. Mr. President, I strongly support legislation that would increase the number of visas available for Iraqi and Afghan translators.

America has a strong obligation to keep faith with the Iraqis and Afghans who have worked so bravely with us—and have often paid a terrible price for it. Translators have been the eyes and ears of our military, and they have saved American lives. They now have a target on their backs because of their service to our country, and we need to protect them by granting them safe refuge in the United States.

Under the current program, only 50 translators a year from Iraq and Afghanistan are eligible for admission to the United States. So far this year, we have already admitted 50, and 450 more are waiting for admission under the program. At the current rate, that is a 9-year backlog.

These men and women are in mortal danger every day and they should be permitted to come to the United States without delay. They have been recommended by the American military. The Department of Homeland Security agreed that they are eligible for admission to the United States. To ensure

that these courageous allies are able to come to America this year, the Lugar-Kennedy bill authorizes 500 visas a year for the current fiscal year 2007 and for the next 2 years so that this critical lifeline will continue to be available. Under the bill's provisions, persons who served as translators or interpreters either for our military or for the Department of State can qualify.

The bill is not intended to address the much broader massive refugee crisis unfolding in Iraq. Already more than 2 million Iraqis have fled the country, and nearly 2 million more have been displaced internally.

Each refugee is a personal story of courage, loyalty, heroism, and tragedy. We have a special duty to protect all of them and their loved ones who are being targeted by insurgents and sectarian death squads either because of their faith or because of their association with the United States. Obviously, we cannot take all of these refugees into America, but we have an obligation to lead an international effort to solve this dangerous crisis as well.

Legislation is essential to address this problem, and I am hopeful we can enact it soon. But it is especially urgent that we act now to protect the lives of the translators who have served us so well in Iraq and Afghanistan.

## OUR CHILDREN PAY THE PRICE

Mr. LEVIN. Mr. President, the increase in gun violence that affects towns, cities, and rural areas across this Nation takes a particularly heavy toll on our most precious resource, our children and grandchildren. Since 1979, over 101,000 children and teenagers have been killed by firearms. This staggering figure clearly illustrates the inadequacy of Congress's efforts to address the issue of gun violence.

On March 7, 2007, in the small city of Midland, MI, a 17-year-old male shot a 17-year-old female student before turning the gun on himself, committing suicide in the young girl's high school parking lot. Reports indicate the male drove to the school to talk with the female student. After arranging to meet her in the school parking lot, he shot her four times, while her mother watched in horror. He then turned the gun on himself. The very same day, in Greenville, TX, a city of only 26,000 people, a 16-year-old student fatally shot himself inside his high school's hallway.

These are just two examples of the misery gun violence inflicts. According to data collected by the U.S. Centers for Disease Control and Prevention, every day, on average, nearly eight children or teens are killed by gun violence in America. In 2004, 58 preschoolers were killed by firearms. Furthermore, for every child or teen death caused by a gun, there are nearly five nonfatal injuries. According to the Journal of the American Medical Association, the average cost per gunshot victim, excluding rehabilitation and long-term care, is $45,000. A single year's worth of gunshot injuries adds up to approximately $2.3 billion in lifetime medical costs, half of which is paid for by taxpayers.

The Children's Defense Fund, in their 2007 report on gun violence, makes a number of recommendations to protect children from gun violence. Among other things, the CDF recommends parents remove guns from their homes, schools provide nonviolent conflict resolution courses for all students, and communities create positive activities for children and teenagers to reduce the influence of gangs and drugs. Congress must also take an active role. We should pass commonsense gun safety legislation, support law enforcement and community programs, and help focus media and public attention on causes and consequences of gun violence.

I am hopeful the 110th Congress will work to break the cycle of gun violence that plagues so many of our communities and our children and grandchildren.

## WHITE SANDS MISSILE RANGE

Mr. DOMENICI. Mr. President, I rise today to commemorate an event that occurred 25 years ago in New Mexico.

Most of my colleagues know White Sands Missile Range, WSMR, NM, is a premier test, evaluation and research site, but WSMR's role in the 1982 landing of the Space Shuttle Columbia is less well known.

WSMR's gypsum landing strips visible from space and the excellent weather in New Mexico have made WSMR a potential Space Shuttle launch and landing site since the beginning of NASA's Space Shuttle Program. However, WSMR has never been NASA's first choice for a landing site. But in March of 1982, the preferred landing site at Edwards Air Force Base was soaked with heavy rains. Because it was unclear when the runway surface would be dry enough to support Columbia's landing, WSMR was chosen as an alternative landing site.

Commander Jack R. Lousma and pilot C. Gordon Fullerton landed the Space Shuttle Columbia on WSMR's Northrup Strip at 9:05 a.m. on Tuesday, March 30, 1982. About 4,000 individuals witnessed the landing, and another 90,000 had the opportunity to see the Space Shuttle Columbia at WSMR before its return to Kennedy Space Center. I remember this event as a day of pride for me and my fellow New Mexicans, as our home State played such a visible role in the U.S. space mission.

Today I wish to commemorate this important part of White Sands Missile Range's history and honor the men and women who were a part of the Space Shuttle Columbia's landing at WSMR. While the Space Shuttle Columbia has been the only shuttle to land at WSMR, New Mexico stands ready to serve NASA again should the need arise. In fact, as recently as December 2006 NASA officials considered landing the Space Shuttle Discovery at WSMR because of poor conditions at Kennedy Space Center and Edwards Air Force Base. WSMR prepared for that situation, and I have full confidence that they will continue to work to support NASA and other Federal entities as needed.

## CYPRUS ENERGY EXPLORATION

Mr. BIDEN. Mr. President, the island of Cyprus has a longstanding reputation as a place of natural beauty and rich history. It is now emerging as a potential source of energy as well. Developed responsibly, oil and gas deposits under the island's southern continental shelf could provide an alternative source of hydrocarbons at a time when many European countries are struggling to diversify their energy supplies. If this ambition is realized, Cyprus could play an important role in promoting regional energy security.

The Government of the Republic of Cyprus, ROC, is working to establish partnerships with foreign companies and countries in an effort to bring these energy resources online. This process is being needlessly complicated, however, by individuals in Turkey and the Turkish Cypriot community who are discouraging foreign partners from working with the ROC. In view of this behavior, I believe it is important to affirm the ROC's right to search for and develop resources located under Cyprus' continental shelf.

Under international law, there is no question about the legality of the Cypriot Government's activities. The legal principles at issue are codified in the United Nations Convention on the Law of the Sea, to which Cyprus is a party. The ROC has entered into agreements delineating its Exclusive Economic Zone, EEZ, with Egypt and Lebanon and the areas under consideration for development are well within these boundaries. There is simply no juridical basis to dispute Cyprus' claims or actions.

I hope that both Ankara and leaders of the Turkish Cypriot community will cease their efforts to obstruct the exploration of Cypriot waters. Strong-arm diplomacy aimed at scaring away potential Cypriot business partners will only delay the peaceful reunification of Cyprus—and with it the day when all Cypriots can benefit from the island's energy resources.

I want to reiterate my longstanding call for both Cypriot communities to push forward with the technical talks and negotiations that I believe can reunify the island. However, in doing so, I want to caution that attempts to interfere in Cyprus' legitimate energy exploration activities will only complicate negotiations to end the estrangement of the island's peoples.

The country of Cyprus has long been a key partner for the United States, and our friendship rests on the bedrock

of shared democratic values. In a global energy market dominated by authoritarian regimes, I believe it is important for Cyprus to push forward with plans to survey its energy assets. I sincerely hope that other parties will respect Cyprus' right to pursue this undertaking.

Mr. MENENDEZ. Mr. President, in an era of energy insecurity, countries around the world are constantly being challenged to come up with new ways to meet the energy needs of their citizens. The Republic of Cyprus is currently working to develop the oil and gas deposits under the island's southern continental shelf in order to expand and diversify its energy supplies. If successful, Cyprus will also be in a position to aid its neighbors in addressing their energy needs.

Unfortunately, these plans are being hindered by individuals in Turkey and the Turkish Cypriot community who are trying to dissuade foreign partners from working with Cyprus. I believe that the Republic of Cyprus has the right to explore the natural resources located in Cypriot waters, and it is my understanding that international law would support Cyprus's actions. It is my hope that the Turkish government and members of the Turkish Cypriot community will accept Cyprus's legal right to explore these resources and will cease their attempts to sabotage future business partnerships. After years of strained relations between the Cypriot communities, I fear that such provocations will only serve to augment divisions and prevent future reunification of the island.

Cyprus's peaceful energy initiatives will promote economic development for the country and its neighbors, and it is important that such efforts proceed uninhibited. Additionally, I believe these efforts must be taken in an environmentally responsible manner. I hope that those persons currently working to derail this process will come to their senses and realize the positive effects that increased energy supplies will have on the stability and prosperity of the entire region.

## 25TH ANNIVERSARY OF THE VIETNAM VETERANS MEMORIAL

Mr. AKAKA. Mr. President, last week I was pleased to join Senator HAGEL and 66 other Senators in introducing S. Res. 122, commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial. As the unanimous approval of this resolution suggests, showing respect for the memorial and those it honors is a unifying action.

But I remember that it has not always been so. For a time, it was controversial to speak in support of the memorial that honors and recognizes the more than 58,000 servicemembers who gave their lives in Vietnam and the more than 3 million men and women who served there. In fact, for some time it was even controversial to support the war's veterans themselves. As our troops returned home from Vietnam, far too many returned to face the ridicule and contempt of their fellow Americans. When the Vietnam Veterans Memorial Fund was organized in 1979 for the purpose of establishing a memorial for those who served in the war, both living and dead, it faced an uphill battle. We can all be grateful that supporters persevered.

In the 25 years since the Vietnam Veterans Memorial was dedicated, we have made much progress as a country and can now honor Vietnam veterans and the memorial that honors them without dissension. Known to many as ''the Wall,'' it has become the most popular memorial in our Nation's Capital, attracting an estimated 4.4 million visitors each year. Many of them leave behind offerings to the men and women lost in Vietnam, such as letters, medals, birthday cards and roses. These offerings, which now number more than 100,000, are preserved at the Vietnam Veterans Memorial Collection.

People visit the Wall for many reasons: to honor, to heal, and to be reminded of the human costs of war. One veteran described the Memorial this way: ''It's a quiet place where I can stand and remember my friends. And that's all I would like to do.''

Like so many other Americans, I am grateful for the healing power of the Wall. May it continue to honor, heal, and remind us all of the consequences of war.

## TRIBUTE TO SUE GLYNN

Ms. STABENOW. Mr. President, I rise today in celebration of my longtime friend and staff member, Sue Glynn. After serving on my staff in the Michigan State Legislature, the U.S. House of Representatives and the U.S. Senate, Sue has decided to join her husband, Dale, in a well-deserved retirement.

Before joining my staff, Sue worked for the Michigan Democratic Party and other members of the Michigan State Legislature. I consider myself very fortunate that she chose to be a part of my staff and stay with me for over 20 years. She has worn many hats while working for me, including scheduler, regional manager and office manager. She has handled each one with professionalism and grace.

Sue is well known for her incredible organizational skills, and I have relied on her in so many ways. She is leaving very big shoes to fill.

Both Sue and her husband have dedicated themselves to public service—Sue in government and Dale with the public school system. As a couple and individually, they are well-respected community leaders. I know their commitment will continue into retirement.

My staff and I will miss her presence in the office and her outstanding work ethic. She is a woman of strong values and integrity. She approaches her work in a serious manner but also is very fun-loving. I know that the many people in Michigan, whose lives she has touched through her work, will miss her as well.

Upon leaving the Senate, Sue has many exciting plans and will probably be busier than she is now. She enjoys golfing, bowling, gardening, spending time with her daughter and son and their families, traveling and being with friends.

Mr. President, I am sad because I am losing a trusted and valued member of my staff, but I am happy to see a dear friend move on to new life experiences after a long and distinguished career. She deserves the best of everything and I will always value our friendship in the years to come.

## ADDITIONAL STATEMENTS

### DEPUTY SHERIFF MANUEL VILLEGAS

● Mrs. BOXER. Mr. President, today I honor the memory of deputy sheriff Manuel Villegas, a dedicated public servant committed to protecting the safety of his community, the State of California, and the Nation. Just 17 months into his tenure with the Riverside County Sheriff's Department, Deputy Villegas tragically lost his life in an automobile collision while en route to a domestic violence call on March 19, 2007. It is testament to the heroism and commitment to duty of this young deputy sheriff that he died while trying to protect someone in need.

A native of Lindsay, CA, Deputy Villegas served honorably in both the U.S. Marine Corps and the U.S. Army before joining the Riverside County Sheriff's Department. Deputy Villegas's exceptional work ethic and performance in the Army Airborne School earned him the parachutist rating and enabled him to join the selective ranks of the Army's paratroopers. For his service in the Army Special Forces Group, 307th Infantry Battalion and the Special Forces, 2nd Battalion, Deputy Villegas was awarded numerous distinctions including the Bronze Star Medal, the Army Commendation Medal, the Army Good Conduct Medal, and the National Defense Medal. He also earned campaign medals for his service in Afghanistan and Kuwait.

Deputy Villegas' decorated service in the U.S. Armed Forces was followed by an equally distinguished record at the Sheriff's Basic Academy. He proved to be an exemplary recruit upon entering the academy on November 14, 2005. He graduated first in his class and was awarded the California Academy Directors Association Award for serving as a model of excellence to fellow students and encouraging others to strive for success. Athletically talented, Deputy Villegas even set the Basic Academy's record for the mile-and-a-half run.

Deputy Villegas is described by his colleagues as having been an exemplary deputy sheriff who was well respected and highly invested in making

a difference in the lives of others through his career in law enforcement. Deputy Villegas demonstrated a commitment to the highest standards of his profession and continually sought to distinguish his service to his community and country through hard work and perseverance. He serves as a shining example of the talent, bravery, and richness of our Nation's law enforcement officials and military personnel.

The impact of Deputy Villegas' loss will have an immeasurable impact on the lives of his loved ones. His wife Xochitl, four children, Stacie Lee, Ezequiel, Xavier and Israel, and his colleagues at the Riverside County Sheriff's Department have lost a beloved husband, devoted father, and cherished friend. I am saddened to lose this exceptional public servant, yet I am grateful for the heroic sacrifice that he made to protect his community.●

## CENTENNIAL CELEBRATION AT THE UNIVERSITY OF HAWAII

● Mr. INOUYE. Mr. President, today I wish to recognize the University of Hawaii at Manoa's College of Tropical Agriculture and Human Resources, CTAHR, as they commemorate their upcoming centennial. I am pleased to join them in their celebration of a significant milestone that salutes their illustrious achievements in the past, and serves as an enduring foundation for many more in their future.

CTAHR was established as a land-grant institution in 1907, and at the time, it was known as the College of Agriculture and Mechanical Arts. This nascent institution of higher education was dedicated to research, academic instruction, and community outreach. The first students that enrolled during the college's inaugural academic year received instruction in agriculture, household economics, science, and engineering, all of which are still offered to students by the University of Hawaii. Faculty members and students identified the necessity for a curriculum that focused on subtropical climates in order to assist Hawaii's farmers. Their initiative and perseverance subsequently led to the development of a tropical agriculture curriculum, a legacy that over the last century lent itself to CTAHR's name, and benefited people in Hawaii, the Pacific region, and around the world.

CTAHR's successes are numerous, and those in agriculture range from laying the basis of the macadamia nut industry world-wide, to cultivating Hawaii's robust anthurium cut-flower crop, and developing a seed corn crop export utilizing Hawaii's year-round growing season that was valued at $70 million during the 2005–2006 crop year. In addition, their accomplishments include researching remedies to the environmental problems caused by invasive species such as fruit flies, termites, and the papaya ringspot virus. Originally, these pests were eliminated using toxic pesticides that inflicted damaged Hawaii's precious and beautiful environment. CTAHR's research and development led to nationally honored alternative nontoxic treatments used by farmers and residents.

This dedication to the health and well-being of Hawaii's residents extends beyond the laboratory and is demonstrated in their community outreach. In the 1920's CTAHR's Chair in the Home Economics Department was correct and prescient, when she advocated against the reliance on processed foods, and was essential in the nutritional assessment of readily available tropical and sub-tropical fruits and vegetables. World War II starkly highlighted Hawaii's precarious sustainability situation when ships once used to shuttle goods between the islands were serving our country in a wartime capacity. CTAHR stepped in to increase food production, analyze potable water, and help residents adapt to shortages and blackout conditions. Their outreach continues today, and it is exemplified by the 1991 establishment of ''The Center on the Family.'' This Center bolsters Hawaii's families by gathering information on everything from child development to elder care using an interdisciplinary approach of research, education, and service. All of the information they compile is available to families, public servants, service providers, educators, and students via the award-winning online database maintained by the center.

None of these outstanding distinctions could have been reached if CTAHR did not promote and sustain their tradition of academic excellence. The element fundamental to all of their accolades since their beginning in 1907, and that continues to be at the heart of CTAHR's success is their commitment to meet the highest standards of their federally mandated charge to conduct academic instruction. I would like to thank Dean Andrew G. Hashimoto and his predecessors for their wisdom and leadership over the last 100 years. It is with great hope, and my best wishes for CTAHR to carry on their established legacy of achievement in all their future endeavors.●

● Mr. AKAKA. Mr. President, I also wish to honor the centennial celebration of the University of Hawaii's College of Tropical Agriculture and Human Resources. The College of Tropical Agriculture and Human Resources, CTAHR, is the founding college of the University of Hawall system and its flagship campus, the University of Hawaii at Manoa.

In 1907, the Hawaii Territorial Legislature established the College of Agriculture and Mechanical Arts under the auspices of the Morrill Act as a land-grant college. The first year that classes were offered, in 1908, the college provided agriculture, household economics, science, and engineering classes, all of which remain part of CTAHR's academic programs to this day.

From its humble beginnings in 1907 to today, CTAHR continues to provide an excellent education and career development opportunities for students. CTAHR has developed a solid foundation in research and educational programs that support tropical agricultural systems and in turn foster viable communities, a diversified economy, and a healthy environment. CTAHR's researchers, instructors, and extension personnel continue to research and develop new crops that will reduce our reliance on imported foods, improve food security, and diversify Hawaii's agriculture to explore alternative markets. In addition, the college has played an integral role in further enhancing our understanding of environmental science and advancing agricultural and resource management approaches that conserve and protect Hawaii's natural resources.

CTAHR offers a diverse curriculum that continues to prepare an educated and experienced workforce to meet the State of Hawaii's environmental, agricultural, animal science, dietetic, engineering, and human resource industry needs. CTAHR empowers both students and the public to learn about and proactively engage in better managing the limited resources of our islands. Research conducted by its faculty and through its undergraduate, master, and doctoral programs contribute not only to our local knowledge but in many cases represent field breakthroughs and establishment of cutting edge technologies. CTAHR will continue to not only enhance the physical landscape of our islands and improve the quality of life for all in Hawaii and across the Nation.

Again, I honor the University of Hawaii's College of Tropical Agriculture and Human Resources for 100 years of service to the people of Hawaii, the Pacific region, and the Nation in its dedication to the development of sustainable agriculture and human resources programs to meet the needs of our changing communities. ●

## WILLIAM O. ''DOC'' FARBER

● Mr. THUNE. Mr. President, today I wish to recognize the passing of William O. ''Doc'' Farber of Vermillion, SD. Doc Farber passed away this week at the age of 96. He was a selfless educator who dedicated his time and energy to encouraging those around him to strive for success. He will be dearly missed by family, friends, and students, but his legacy will live on for generations to come.

William O. Farber was born in 1910 in Geneseo, IL, and graduated from Geneseo Public High School as valedictorian in 1928. He went on to receive his B.A. and M.A. from Northwestern University in Chicago, where he graduated with honors, was a member of Phi Beta Kappa, and was a Harris Scholar. After earning his Ph.D. from the University of Wisconsin, Farber came to the University of South Dakota, USD, as an assistant professor in 1935. He left USD for a department

chairmanship at North Dakota State in 1937, but returned a year later to serve as chair of the Department of Government, a position he held for 38 years. Along with teaching, Farber was heavily involved in state government and national service. He helped create USD's Government Research Bureau, served as the first director of the South Dakota Legislative Research Council, and was a member of South Dakota's Constitutional Revision and Local Government Study Commissions.

Throughout his 70 years at the University of South Dakota, Farber influenced numerous well-known graduates, including many state and national leaders. Six of his former students were Rhodes Scholars and two of his students, Larry Pressler and TIM JOHNSON, became U.S. Senators. NBC anchor Tom Brokaw, USA Today founder Al Neuharth, and media personality Pat O'Brien also took classes from the famed professor. Farber was not just an educator, but served as a friend and mentor to many of his students. According to Brokaw, the advice he received from Farber while in college helped him turn his life around. Always looking out for his students, Doc even drove Brokaw to a job interview in Omaha because the future newsman's car had broken down.

Doc Farber was an amazing teacher, a committed public servant, and an all-around remarkable person. South Dakota has lost a truly outstanding man who inspired countless students to broaden their horizons and to make a difference in the world. While Doc Farber will be greatly missed by all who knew him, he will forever be remembered for the life he led.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 12:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1538. An act to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes.

The message further announced that pursuant to 22 U.S.C. 276th, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. PASTOR of Arizona, Chairman, Ms. LINDA T. SÁNCHEZ of California, Vice Chairman, Mr. FILNER or California, Mr. REYES of Texas, Ms. SOLIS of California, Mr. RODRIGUEZ of Texas, and Ms. GIFFORDS of Arizona.

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At 3:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 103. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1538. An act to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes; to the Committee on Armed Services.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 29, 2007, she had presented to the President of the United States the following enrolled bill:

S. 494. An act to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1221. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Gypsy Moth Generally Infested Areas; Addition of Areas in Virginia'' (Docket No. APHIS–2006–0171) received on March 27, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1222. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of a breach in Average Procurement Unit Cost for the Joint Primary Aircraft Training System; to the Committee on Armed Services.

EC–1223. A communication from the Assistant Secretary, Office of Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Transportation Security Administration's Voluntary Provision of Emergency Services Program; to the Committee on Commerce, Science, and Transportation.

EC–1224. A communication from the Acting Assistant Secretary (Fish and Wildlife and Parks), National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Dry Tortugas National Park—Special Regulations'' (RIN1024–AD45) received on March 27, 2007; to the Committee on Energy and Natural Resources.

EC–1225. A communication from the Acting Assistant Secretary (Fish and Wildlife and Parks), National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Boating and Water Use Activities'' (RIN1024–AD07) received on March 27, 2007; to the Committee on Energy and Natural Resources.

EC–1226. A communication from the Acting Assistant Secretary (Fish and Wildlife and Parks), National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Native American Graves Protection and Repatriation Act Regulations—Future Applicability'' (RIN1024–AD84) received on March 27, 2007; to the Committee on Energy and Natural Resources.

EC–1227. A communication from the Acting Assistant Secretary (Fish and Wildlife and Parks), National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Curecanti National Recreation Area, Personal Watercraft Use'' (RIN1024–AC99) received on March 27, 2007; to the Committee on Energy and Natural Resources.

EC–1228. A communication from the Acting Assistant Secretary (Fish and Wildlife and Parks), National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Cape Lookout National Seashore, Personal Watercraft Use'' (RIN1024–AD44) received on March 27, 2007; to the Committee on Energy and Natural Resources.

EC–1229. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Missouri Regulatory Program'' (MO–039–FOR) received on March 27, 2007; to the Committee on Energy and Natural Resources.

EC–1230. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana'' (FRL No. 8284–5) received on March 27, 2007; to the Committee on Environment and Public Works.

EC–1231. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arizona; Motor Vehicle Inspection and Maintenance Programs'' (FRL No. 8284–2) received on March 27, 2007; to the Committee on Environment and Public Works.

EC–1232. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona; Boundary Redesignation; Finding of Attainment for Miami Particulate Matter of 10 Microns or Less Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements; Correction'' (FRL No. 8292–6) received on March 27, 2007; to the Committee on Environment and Public Works.

EC–1233. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Ohio; Volatile Organic Compound Emission Control Measures for Cincinnati and Dayton'' (FRL No. 8292–3) received on March 27, 2007; to the Committee on Environment and Public Works.

EC–1234. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluopicolid; Pesticide Tolerance'' (FRL No. 8120–1) received on March 27, 2007; to the Committee on Environment and Public Works.

EC–1235. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Rules on Certain Chemical Substances and Notification on Certain Substances for Which Significant New Use Rules Are Not Being Issued'' (FRL No. 7699–5) received on March 27, 2007; to the Committee on Environment and Public Works.

EC–1236. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to Part 126 of the International Traffic in Arms Regulations; to the Committee on Foreign Relations.

EC–1237. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the Board's Annual Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1238. A communication from the Secretary of Labor, transmitting, pursuant to law, the 2005 Annual Report of the Assistant Secretary for Veterans' Employment and Training of the Department of Labor; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

Special Report entitled ''Legislative Activities Report of the Committee on Foreign Relations, 109th Congress'' (Rept. No. 110–40).

By Mr. BAUCUS, from the Committee on Finance:

Special Report entitled ''Report on the Activities of the Committee on Finance of the United States Senate During the 109th Congress '' (Rept. No. 110–41).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 378. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes (Rept. No. 110–42).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 30. A resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment and with a preamble:

S. Res. 65. A resolution condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 76. A resolution calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, and Central African Republic, and Darfur, Sudan.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 358. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 521. A bill to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the ''Gerald W. Heany Federal Building and United States Courthouse and Customhouse''.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 556. A bill to reauthorize the Head Start Act, and for other purposes.

S. 624. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 657. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 801. A bill to designate a United States courthouse located in Fresno, California, as the ''Robert E. Coyle United States Courthouse''.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 845. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Bradley Udall, of Colorado, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence In National Environmental Policy Foundation for a term expiring October 6, 2012.

*Roger Romulus Martella, Jr., of Virginia, to be Assistant Administrator of the Environmental Protection Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN (for himself and Mr. ISAKSON):

S. 30. A bill to intensify research to derive human pluripotent stem cell lines; ordered held at the desk.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. 1022. A bill to amend title XXI of the Social Security Act to eliminate the remainder of funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 1023. A bill to amend title XXI of the Social Security Act to eliminate the remainder of funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. BURR, and Mr. COBURN):

S. 1024. A bill to improve the underlying science of drug safety decisionmaking and strengthen the ability of the Food and Drug Administration to assess, manage, and communicate drug safety information to patients and providers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. CORNYN, and Mr. COBURN):

S. 1025. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 1026. A bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

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

S. 1027. A bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mrs. FEINSTEIN):

S. 1028. A bill to require the Secretary of Energy to establish a strategic refinery reserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 1029. A bill to amend the Food Security Act of 1985 to provide incentives to landowners to protect and improve streams and riparian habitat; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 1030. A bill to provide for the disposition of the Federal property located in Anne Arundel County, Maryland, a portion of which is currently used by the District of Columbia as the Oak Hill juvenile detention facility; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 1031. A bill to amend the Farm Security and Rural Investment Act of 2002 to provide coordination and direction for commodity programs, and to ensure the distribution of fresh fruits and vegetables to schools and service institutions in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON (for herself and Mr. BROWN):

S. 1032. A bill to amend the Rural Electrification Act of 1936 to establish an Office of Rural Broadband Initiatives in the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 1033. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 1034. A bill to create investment opportunities for rural families and access to credit for rural entrepreneurs and microenterprises, to support rural regional investment, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 1035. A bill to amend the Immigration and Nationality Act to reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. ALLARD, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCAIN, Mr. MARTINEZ, Mr. SESSIONS, Mr. THOMAS, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 1036. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 1037. A bill to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself and Mr. HARKIN):

S. 1038. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 1039. A bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S. 1040. A bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. BYRD, Mr. INOUYE, Mr. BIDEN, Mr. LEAHY, Mr. BAUCUS, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. CONRAD, Mr. KOHL, Mr. LIEBERMAN, Mr. AKAKA, Mrs. FEINSTEIN, Mr. DORGAN, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. SCHUMER, Mr. BAYH, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WEBB, Mr. CASEY, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. TESTER):

S. 1041. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for Mr. ENZI (for himself, Mr. KENNEDY, and Mr. BURR)):

S. 1042. A bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 1043. A bill to require the Secretary of Veterans Affairs to submit a report to Congress on proposed changes to the use of the West Los Angeles Department of Veterans Affairs Medical Center, California; to the Committee on Veterans' Affairs.

By Mr. BIDEN:

S. 1044. A bill to improve the medical care of members of the Armed Forces and veterans, and for other purposes; to the Committee on Armed Services.

By Mr. VOINOVICH:

S. 1045. A bill to strengthen performance management in the Federal Government, to make the annual general pay increase for Federal employees contingent on performance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VOINOVICH:

S. 1046. A bill to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VOINOVICH (for himself, Ms. COLLINS, and Mr. AKAKA):

S. 1047. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. CRAPO, Mr. MARTINEZ, Mr. KOHL, Mr. KERRY, Mr. CARDIN, and Mrs. BOXER):

S. 1048. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries that activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 1049. A bill to amend section 512 of the Merchant Marine Act, 1936; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN:

S. 1050. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. OBAMA, and Mrs. DOLE):

S. 1051. A bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia at Constitution Gardens previously approved to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. SPECTER):

S. 1052. A bill to amend title XIX and XXI of the Social Security Act to provide States with the option to provide nurse home visitation services under Medicaid and the State Children's Health Insurance Program; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1053. A bill to provide for a resource study of the area known as the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting resources of the corridor, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 1054. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 1055. A bill to promote the future of the American automobile industry, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. BROWNBACK):

S. 1056. A bill to provide for a comprehensive Federal effort relating to early detection of, treatments for, and the prevention of cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR:

S. 1057. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the New River in the State of North Carolina and the Commonwealth of Virginia as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 1058. A bill to expedite review of the Grand River Bands of Ottawa Indians of Michigan to secure a timely and just determination of whether the Bands are entitled to recognition as a Federal Indian tribe so that the Bands may receive eligible funds before the funds are no longer available; to the Committee on Indian Affairs.

By Mrs. CLINTON (for herself and Mr. KERRY):

S. 1059. A bill to amend the Energy Conservation and Production Act to improve Federal building energy efficiency standards, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 1060. A bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and

Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes; to the Committee on the Judiciary.

By Mr. LOTT:

S. 1061. A bill to require insurance companies to fully disclose insurance coverage and noncoverage of homeowner's insurance policies, to provide for enforcement by the Federal Trade Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 1062. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON:

S. 1063. A bill to amend title 10, United States Code, to improve certain death and survivor benefits with respect to members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON:

S. 1064. A bill to provide for the improvement of the physical evaluation processes applicable to members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON (for herself and Ms. COLLINS):

S. 1065. A bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes; to the Committee on Armed Services.

By Mr. DODD (for himself, Mr. KERRY, Mr. DURBIN, and Mr. FEINGOLD):

S. 1066. A bill to require the Secretary of Education to revise regulations regarding student loan repayment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. KERRY, Mrs. CLINTON, and Mr. DURBIN):

S. 1067. A bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. KERRY, and Mrs. CLINTON):

S. 1068. A bill to promote healthy communities; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 1069. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Health, Education, Labor, and Pensions.

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

S. 1070. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. LOTT):

S. 1071. A bill to authorize the Administrator of the Small Business Administration to waive the prohibition on duplication of certain disaster relief assistance; to the Committee on Small Business and Entrepreneurship.

By Mr. STEVENS:

S. 1072. A bill to require Federal agencies to conduct their environmental, transportation, and energy-related activities in support of their respective missions in an environmentally, economically, and fiscally sound manner, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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

S. 1073. A bill to amend the Clean Air Act to promote the use of fuels with low lifecycle greenhouse gas emissions, to establish a greenhouse gas performance standard for motor vehicle fuels, to require a significant decrease in greenhouse gas emissions from motor vehicles, and for other purposes; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself and Mr. BINGAMAN):

S. 1074. A bill to provide for direct access to electronic tax return filing, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. REID, Mr. LAUTENBERG, Mr. CASEY, Mr. KERRY, and Mr. SCHUMER):

S. 1075. A bill to amend title XIX of the Social Security Ad to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S. 1076. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2010, to improve aviation safety and capacity, to provide stable, cost-based funding for the national aviation system, and for other purposes; to the Committee on Finance.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. CHAMBLISS, Mr. COCHRAN, Mrs. DOLE, Mr. INHOFE, Mr. LOTT, and Mr. ISAKSON):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. Res. 134. A resolution designating September 2007 as ''Adopt a School Library Month''; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. BIDEN, Mr. MCCAIN, and Mr. SMITH):

S. Res. 135. A resolution expressing the sense of the Senate that the Untied States should support independence for Kosovo; to the Committee on Foreign Relations.

By Mr. COLEMAN (for himself, Mrs. FEINSTEIN, Mr. DEMINT, Mr. BIDEN, Mr. BROWNBACK, Ms. MIKULSKI, Mr. KERRY, Mr. LIEBERMAN, Mr. ENSIGN, Mr. GRAHAM, Mr. CARDIN, Mr. ROCKEFELLER, Mr. CASEY, Mr. DODD, Mrs. CLINTON, Mrs. DOLE, Mr. VITTER, Mr. ISAKSON, Mr. MARTINEZ, Mr. NELSON of Florida, Mr. SCHUMER, Mr. VOINOVICH, and Mr. SMITH):

S. Res. 136. A resolution expressing the sense of the Senate condemning the seizure by the Government of Iran of 15 British naval personnel in Iraqi territorial waters, and calling for their immediate, safe, and unconditional release; considered and agreed to.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. Res. 137. A resolution recognizing the importance of Hot Springs National Park on the 175th anniversary of the enactment of the Act that authorized the establishment of Hot Springs Reservation; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself, Mr. MENENDEZ, Mr. REID, Mr. DURBIN, Ms. STABENOW, Mr. BINGAMAN, Mrs. BOXER, Mrs. CLINTON, Mr. LIEBERMAN, Mr. WEBB, and Mr. KERRY):

S. Res. 138. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. AKAKA):

S. Res. 139. A resolution commending General Peter J. Schoomaker for his extraordinary dedication to duty and service to the United States; to the Committee on Armed Services.

By Mr. OBAMA (for himself, Mr. BIDEN, Mr. FEINGOLD, Mr. DURBIN, Mr. KERRY, and Mr. DODD):

S. Con. Res. 25. A concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 117

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 119

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 119, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

S. 185

At the request of Mr. SPECTER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 386

At the request of Mr. CHAMBLISS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 386, a bill to amend the Clean Air Act to require a higher volume of renewable fuel derived from

cellulosic biomass, and for other purposes.

S. 446

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 492

At the request of Mr. FEINGOLD, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. HAGEL) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 492, a bill to promote stabilization and reconstruction efforts in Somalia, to establish a Special Envoy for Somalia to strengthen United States support to the people of Somalia in their efforts to establish a lasting peace and form a democratically elected and stable central government, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 561

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 656

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 667

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 761

At the request of Mr. REID, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 773

At the request of Mr. WARNER, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 793

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 805

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 936

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 936, a bill to reform the financing of Senate elections, and for other purposes.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 962

At the request of Mr. BINGAMAN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 962, a bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy and for other purposes.

S. 987

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 987, a bill to enhance the energy security of the United States by promoting biofuels and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1001

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

S.J. RES. 10

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Vermont (Mr. SANDERS) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S.J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. RES. 92

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 92, a resolution calling for

the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

AMENDMENT NO. 665

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 665 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 669

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 669 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 737

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 737 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Mr. SANDERS, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 737 proposed to H.R. 1591, supra.

AMENDMENT NO. 739

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 739 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 790

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 790 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 793

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 793 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 799

At the request of Mr. LUGAR, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. ISAKSON), the Senator from Oregon (Mr. SMITH), the Senator from Michigan (Mr. LEVIN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 799 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1027. A bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Prevent All Cigarette Trafficking (PACT) Act with Senators SPECTER, LEAHY, KYL, and SCHUMER.

As the problem of cigarette trafficking continues to worsen, we must provide law enforcement officials with the tools they need to crack down on cigarette trafficking. The PACT Act closes loopholes in current tobacco trafficking laws, enhances penalties for violations, and provides law enforcement with new tools to combat the innovative new methods being used by cigarette traffickers to distribute their products. Each day we delay its passage, terrorists and criminals raise more money, States lose significant amounts of tax revenue, and kids have easy access to tobacco products sold over the internet.

The cost to Americans is not merely financial. Tobacco smuggling also poses a significant threat to innocent people around the world. It has developed into a popular, and highly profitable, means of generating revenue for criminal and terrorist organizations. Hezbollah, for example, earned $1.5 million between 1996 and 2000 by engaging in tobacco trafficking in the United States. Al Qaeda and Hamas have also generated significant revenue from the sale of counterfeit cigarettes. That money is often raised right here in the United States, and it is then funneled back to these international terrorist groups. Cutting off financial support to terrorist groups is an integral part of protecting this country against future attacks, and it was an important recommendation of the 9/11 Commission. We can no longer continue to let terrorist organizations exploit weaknesses in our tobacco laws to generate significant amounts of money. The cost of doing nothing is too great.

This is not a minor problem. Cigarette smuggling is a multibillion dollar a year phenomenon and is getting worse. In 1998, the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) had six active tobacco smuggling investigations. In 2005, that number swelled to 452.

The number of cases alone, however, does not sufficiently put this problem into perspective. The amount of money involved is truly astonishing. Cigarette trafficking, including the illegal sale of tobacco products over the internet, costs States billions of dollars in lost tax revenue each year. It is estimated that $3.8 billion of tax revenue were lost, at the Federal and State level, in 2004 to tobacco smuggling. As lost tobacco tax revenue lines the pockets of criminals and terrorist groups, States are being forced to increase college tuition and restrict access to other public programs because of lost revenues. Tobacco smuggling may provide some with cheap access to cigarettes, but those cheap cigarettes are coming at a significant cost to the rest of us.

According to the Government Accountability Office (GAO), cigarette trafficking investigations are growing more and more complex, and take longer to resolve. More people are selling cigarettes illegally, and they are getting better at it. As these cases become more difficult to crack, we owe it to law enforcement officials to do our part to lend a helping hand. The PACT Act does that by enhancing BATFE's authority to enter premises to investigate and enforce cigarette trafficking laws. It also increases penalties for cigarette trafficking. Unless these existing laws are strengthened, traffickers will continue to operate with near impunity.

Just as important, though, we must enable our country's law enforcement officials to combat the cigarette smugglers of the 21st century. The internet represents a new obstacle to enforcement. Illegal tobacco vendors around the world evade detection by conducting transactions over the internet, and then shipping their illegal products around the country to consumers. Just a few years ago, there were less than 100 vendors selling cigarettes online. Today, approximately 500 vendors sell illegal tobacco products over the internet.

Without new and innovative enforcement methods, law enforcement will not be able to effectively address the growing challenges facing them today. The PACT Act sets out to do just that by empowering States to go after out-of-State sellers who are violating their tax laws and by cutting off their method of delivery. A significant part of this problem involves the shipment of contraband cigarettes through the United States Postal Service (USPS). This bill would cut off online vendors' access to the USPS. We would treat cigarettes just like we treat alcohol, making it illegal to ship them through the U.S. mails and cutting off a large portion of the delivery system.

In addition, it would facilitate cooperation between law enforcement and private carriers, who are sometimes the unwitting delivery arm of these tobacco traffickers. The bill authorizes the Attorney General to compile a list of sellers who are engaging in illegal cigarette sales, and that list would be distributed to private carriers, like UPS and FedEx. Providing this information to these companies, who have already begun to cooperate with law enforcement in this area, would then be empowered to cut off shipments for those of their customers

who are engaging in tobacco smuggling.

The PACT Act is a comprehensive bill to put these illegal smugglers out of business. It enjoys the strong support of tobacco companies, law enforcement officials, and the public health community. The bill contains important authorities that will enable our federal, state, and local law enforcement officials to crack down on cigarette trafficking, and thereby close off a very lucrative funding stream for international terrorist groups and other criminal enterprises. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1027

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

**SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.**

(a) SHORT TITLE.—This Act may be cited as the ''Prevent All Cigarette Trafficking Act of 2007'' or ''PACT Act''.

(b) FINDINGS.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, make it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from lawabiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States has increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) PURPOSES.—It is the purpose of this Act to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

**SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.**

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the ''Jenkins Act'') (referred to in this Act as the ''Jenkins Act''), is amended by striking the first section and inserting the following:

**''SECTION 1. DEFINITIONS.**

''As used in this Act, the following definitions apply:

''(1) ATTORNEY GENERAL.—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State, or the designee of that officer.

''(2) CIGARETTE.—

''(A) IN GENERAL.—For purposes of this Act, the term 'cigarette' shall—

''(i) have the same meaning given that term in section 2341 of title 18, United States Code; and

''(ii) include 'roll-your-own tobacco' (as that term is defined in section 5702 of the Internal Revenue Code of 1986).

''(B) EXCEPTION.—For purposes of this Act, the term 'cigarette' does not include a 'cigar,' as that term is defined in section 5702 of the Internal Revenue Code of 1986.

''(3) COMMON CARRIER.—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

''(4) CONSUMER.—The term 'consumer' means any person that purchases cigarettes or smokeless tobacco, but does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

''(5) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

''(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

''(B) the cigarettes or smokeless tobacco are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

''(6) DELIVERY SELLER.—The term 'delivery seller' means a person who makes a delivery sale.

''(7) INDIAN COUNTRY.—The term 'Indian country' has the meaning given that term in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve.

''(8) INDIAN TRIBE.—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

''(9) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

''(10) PERSON.—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such government, or joint stock company.

''(11) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(12) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

''(13) TOBACCO TAX ADMINISTRATOR.—The term 'tobacco tax administrator' means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

''(14) USE.—The term 'use', in addition to its ordinary meaning, means the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.''.

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking ''cigarettes'' each place it appears and inserting ''cigarettes or smokeless tobacco'';

(2) in subsection (a)—

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

(i) by inserting ''CONTENTS.—''after ''(a)''

(ii) by striking ''or transfers'' and inserting '', transfers, or ships'';

(iii) by inserting '', locality, or Indian country of an Indian tribe'' after ''a State'';

(iv) by striking ''to other than a distributor licensed by or located in such State,''; and

(v) by striking ''or transfer and shipment'' and inserting '', transfer, or shipment'';

(B) in paragraph (1)—

(i) by striking ''with the tobacco tax administrator of the State'' and inserting ''with the Attorney General of the United States and with the tobacco tax administrators of the State and place''; and

(ii) by striking ''; and'' and inserting the following: '', as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of such person;'';

(C) in paragraph (2), by striking ''and the quantity thereof.'' and inserting ''the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and''; and

(D) by adding at the end the following:

''(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of such memorandum or invoice with the tobacco tax administrators

and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.'';

(3) in subsection (b)—

(A) by inserting ''PRESUMPTIVE EVIDENCE.—'' after ''(b)'';

(B) by striking ''(1) that'' and inserting ''that''; and

(C) by striking '', and (2)'' and all that follows and inserting a period; and

(4) by adding at the end the following:

''(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use such memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such memorandum or invoice not otherwise required for such purposes.''.

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

**''SEC. 2A. DELIVERY SALES.**

''(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

''(1) the shipping requirements set forth in subsection (b);

''(2) the recordkeeping requirements set forth in subsection (c);

''(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if such delivery sales occurred entirely within the specific State and place, including laws imposing—

''(A) excise taxes;

''(B) licensing and tax-stamping requirements;

''(C) restrictions on sales to minors; and

''(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

''(4) the tax collection requirements set forth in subsection (d).

''(b) SHIPPING AND PACKAGING.—

''(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: 'CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX-STAMPING OBLIGATIONS'.

''(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

''(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

''(4) AGE VERIFICATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a delivery seller who mails or ships tobacco products—

''(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

''(ii) shall use a method of mailing or shipping that requires—

''(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

''(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

''(iii) shall not accept a delivery sale order from a person without—

''(I) obtaining the full name, birth date, and residential address of that person; and

''(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

''(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

''(c) RECORDS.—

''(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within such State, by the city or town and by zip code, into which such delivery sale is so made.

''(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) in the year in which the delivery sale is made and for the next 4 years.

''(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply their own local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of such local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

''(d) DELIVERY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

''(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

''(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

''(C) any required stamps or other indicia that such excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

''(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

''(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

''(1) IN GENERAL.—

''(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2007, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General, pursuant to section 2(a) or that are otherwise not in compliance with this Act, and—

''(i) distribute the list to—

''(I) the attorney general and tax administrator of every State;

''(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

''(III) at the discretion of the Attorney General of the United States, to any other persons; and

''(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

''(B) LIST CONTENTS.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

''(i) all names the delivery seller uses in the transaction of its business or on packages delivered to customers;

''(ii) all addresses from which the delivery seller does business or ships cigarettes or smokeless tobacco;

''(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

''(iv) any other information that the Attorney General determines would facilitate compliance with this subsection by recipients of the list.

''(C) UPDATING.—The Attorney General of the United States shall update and distribute the list at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

''(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General of the United States shall include in the list under subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (5), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (5).

''(E) CONFIDENTIALITY.—The list distributed pursuant to subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the

list but may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with the listed delivery sellers the delivery sellers' inclusion on the list and the resulting effects on any services requested by such listed delivery seller.

''(2) PROHIBITION ON DELIVERY.—

''(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list under paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

''(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

''(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

''(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list under paragraph (1), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to such corrections or updates.

''(3) SHIPMENTS FROM PERSONS ON LIST.—

''(A) IN GENERAL.—In the event that a common carrier or other delivery service delays or interrupts the delivery of a package it has in its possession because it determines or has reason to believe that the person ordering the delivery is on a list distributed under paragraph (1)—

''(i) the person ordering the delivery shall be obligated to pay—

''(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

''(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover its extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

''(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall, in its discretion, either provide the package and its contents to a Federal, State, or local law enforcement agency or destroy the package and its contents.

''(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any deliveries interrupted pursuant to this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

''(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall use such records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and the person receiving records under subparagraph (B) shall keep confidential any personal information in such records not otherwise required for such purposes.

''(4) PREEMPTION.—

''(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

''(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that such person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

''(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

''(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

''(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

''(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

''(B) RELATIONSHIP TO OTHER LAWS.—Nothing in this paragraph shall be construed to prohibit, expand, restrict, or otherwise amend or modify—

''(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

''(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

''(iii) any provision of State, local, or tribal law regulating common carriers that falls within the provisions of chapter 49 of the United States Code, sections 14501(c)(2) or 41713(b)(4)(B).

''(C) STATE LAWS PROHIBITING DELIVERY SALES.—Nothing in the Prevent All Cigarette Trafficking Act of 2007, or the amendments made by that Act, may be construed to preempt or supersede State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or smokeless tobacco to individual consumers.

''(5) STATE, LOCAL, AND TRIBAL ADDITIONS.—

''(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

''(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land but has failed to register with or make reports to the respective tax administrator, as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

''(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal lands.

''(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as such government notifies the Attorney General of the United States in writing that such government no longer desires to submit such information to supplement the list maintained and distributed by the Attorney General of the United States under paragraph (1).

''(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list under paragraph (1) any persons that are on the list solely because of such government's prior submissions of its list of noncomplying delivery sellers of cigarettes or smokeless tobacco or its subsequent updates and corrections.

''(6) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

''(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (5) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

''(B) distribute any such list or update to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by another government, pursuant to paragraph (5).

''(7) NOTICE TO DELIVERY SELLERS.—Not later than 14 days prior to including any delivery seller on the initial list distributed or made available under paragraph (1), or on any subsequent list or update for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act.

''(8) LIMITATIONS.—

''(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

''(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

''(ii) determine whether a person ordering a delivery is in compliance with this Act; or

''(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

''(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list under paragraph (1) who is using a different name or address in order to evade the related delivery restrictions, but shall not knowingly deliver any packages to consumers for any such delivery seller who the common carrier or other delivery service knows is a delivery seller who is on the list under paragraph (1) but is using a different name or address to evade the delivery restrictions of paragraph (2).

''(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

''(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list under paragraph (1);

''(ii) not, as a matter of regular practice and procedure, making any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

''(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

''(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.''.

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

**''SEC. 3. PENALTIES.**

''(a) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), whoever violates any provision of this Act shall be guilty of a felony and shall be imprisoned not more than 3 years, fined under title 18, United States Code, or both.

''(2) EXCEPTIONS.—

''(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

''(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates any provision of this Act shall be subject to a civil penalty in an amount not to exceed—

''(A) in the case of a delivery seller, the greater of—

''(i) $5,000 in the case of the first violation, or $10,000 for any other violation; or

''(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of such person during the 1-year period ending on the date of the violation.

''(B) in the case of a common carrier or other delivery service, $2,500 in the case of a first violation, or $5,000 for any violation within 1 year of a prior violation.

''(2) RELATION TO OTHER PENALTIES.—A civil penalty under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

''(3) EXCEPTIONS.—

''(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

''(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

''(ii) an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, takes actions that are outside the scope of employment of the employee in the course of the violation, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).''.

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

**''SEC. 4. ENFORCEMENT.**

''(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for such violations.

''(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce the provisions of this Act.

''(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) STANDING.—A State, through its attorney general (or a designee thereof), or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) or to obtain any other appropriate relief from any person (or from any person controlling such person) for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

''(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

''(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce the provisions of this Act.

''(3) USE OF PENALTIES COLLECTED.—

''(A) IN GENERAL.—There is established a separate account in the Treasury known as the 'PACT Anti-Trafficking Fund'. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the United States Government in enforcing the provisions of this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing the provisions of this Act and other laws relating to contraband tobacco products.

''(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

''(4) NONEXCLUSIVITY OF REMEDY.—

''(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

''(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

''(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

''(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

''(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) other than a State, local, or tribal government.

''(e) NOTICE.—

''(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

''(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

''(f) PUBLIC NOTICE.—

''(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting such information on the Internet and by other appropriate means, information regarding all enforcement actions undertaken by the Attorney General or United States attorneys, or reported to the Attorney General, under this section, including information regarding the resolution of such actions and how the Attorney General and the United States attorney have responded to referrals of evidence of violations pursuant to subsection (c)(2).

''(2) REPORTS TO CONGRESS.—The Attorney General shall submit to Congress each year a report containing the information described in paragraph (1).''.

**SEC. 3. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.**

Section 1716 of title 18, United States Code, is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following:

''(j) TOBACCO PRODUCTS.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—Except as provided in subparagraphs (C) and (D), all cigarettes (as that term is defined in section 1(2) of the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the 'Jenkins Act')) and smokeless tobacco (as that term is defined in section 1(12) of that Act), are nonmailable and

shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this subsection.

''(B) REASONABLE CAUSE TO BELIEVE.—For purposes of this section, notification to the United States Postal Service by the Attorney General, a United States attorney, or a State Attorney General that an individual or entity is primarily engaged in the business of transmitting cigarettes or smokeless tobacco made nonmailable by this section shall constitute reasonable cause to believe that any packages presented to the United States Postal Service by such individual or entity contain nonmailable cigarettes or smokeless tobacco.

''(C) CIGARS.—Subparagraph (A) shall not apply to cigars (as that term is defined in section 5702(a) of the Internal Revenue Code of 1986).

''(D) GEOGRAPHIC EXCEPTION.—Subparagraph (A) shall not apply to mailings within or into any State that is not contiguous with at least 1 other State of the United States. For purposes of this paragraph, 'State' means any of the 50 States or the District of Columbia.

''(2) PACKAGING EXCEPTIONS INAPPLICABLE.—Subsection (b) shall not apply to any tobacco product made nonmailable by this subsection.

''(3) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, and any tobacco products so seized and forfeited shall either be destroyed or retained by Government officials for the detection or prosecution of crimes or related investigations and then destroyed.

''(4) ADDITIONAL PENALTIES.—In addition to any other fines and penalties imposed by this chapter for violations of this section, any person violating this subsection shall be subject to an additional penalty in the amount of 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

''(5) USE OF PENALTIES.—There is established a separate account in the Treasury known as the 'PACT Postal Service Fund'. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal and civil fines or monetary penalties collected by the United States Government in enforcing the provisions of this subsection shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing the provisions of this subsection.''.

**SEC. 4. COMPLIANCE WITH MODEL STATUTE OR QUALIFYING STATUTE.**

(a) IN GENERAL.—A Tobacco Product Manufacturer or importer may not sell in, deliver to, or place for delivery sale, or cause to be sold in, delivered to, or placed for delivery sale in a State that is a party to the Master Settlement Agreement, any cigarette manufactured by a Tobacco Product Manufacturer that is not in full compliance with the terms of the Model Statute or Qualifying Statute enacted by such State requiring funds to be placed into a qualified escrow account under specified conditions, or any regulations promulgated pursuant to such statute.

(b) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

(1) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of subsection (a) in accordance with this subsection.

(2) INITIATION OF ACTION.—A State, through its attorney general, may bring an action in the United States district courts to prevent and restrain violations of subsection (a) by any person (or by any person controlling such person).

(3) ATTORNEY FEES.—In any action under paragraph (2), a State, through its attorney general, shall be entitled to reasonable attorney fees from a person found to have willfully and knowingly violated subsection (a).

(4) NONEXCLUSIVITY OF REMEDIES.—The remedy available under paragraph (2) is in addition to any other remedies available under Federal, State, or other law. No provision of this Act or any other Federal law shall be held or construed to prohibit or preempt the Master Settlement Agreement, the Model Statute (as defined in the Master Settlement Agreement), any legislation amending or complementary to the Model Statute in effect as of June 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation hereinafter enacted.

(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court or taking other enforcement actions on the basis of an alleged violation of State or other law.

(6) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States may administer and enforce subsection (a).

(c) DEFINITIONS.—In this section the following definitions apply:

(1) DELIVERY SALE.—The term ''delivery sale'' means any sale of cigarettes or smokeless tobacco to a consumer if—

(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(B) the cigarettes or smokeless tobacco are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

(2) IMPORTER.—The term ''importer'' means each of the following:

(A) SHIPPING OR CONSIGNING.—Any person in the United States to whom nontaxpaid tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(B) MANUFACTURING WAREHOUSES.—Any person who removes cigars or cigarettes for sale or consumption in the United States from a customs-bonded manufacturing warehouse.

(C) UNLAWFUL IMPORTING.—Any person who smuggles or otherwise unlawfully brings tobacco products into the United States.

(3) MASTER SETTLEMENT AGREEMENT.—The term ''Master Settlement Agreement'' means the agreement executed November 23, 1998, between the attorneys general of 46 States, the District of Columbia, the Commonwealth of Puerto Rico, and 4 territories of the United States and certain tobacco manufacturers.

(4) MODEL STATUTE; QUALIFYING STATUTE.—The terms ''Model Statute'' and ''Qualifying Statute'' means a statute as defined in section IX(d)(2)(e) of the Master Settlement Agreement.

(5) TOBACCO PRODUCT MANUFACTURER.—The term ''Tobacco Product Manufacturer'' has the meaning given that term in section II(uu) of the Master Settlement Agreement.

**SEC. 5. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS.**

(a) IN GENERAL.—Any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, during normal business hours, enter the premises of any person described in subsection (b) for the purposes of inspecting—

(1) any records or information required to be maintained by such person under the provisions of law referred to in subsection (d); or

(2) any cigarettes or smokeless tobacco kept or stored by such person at such premises.

(b) COVERED PERSONS.—Subsection (a) applies to any person who engages in a delivery sale, and who ships, sells, distributes, or receives any quantity in excess of 10,000 cigarettes, or any quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, within a single month.

(c) RELIEF.—

(1) IN GENERAL.—The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by subsection (a).

(2) VIOLATIONS.—Whoever violates subsection (a) or an order issued pursuant to paragraph (1) shall be subject to a civil penalty in an amount not to exceed $10,000 for each violation.

(d) COVERED PROVISIONS OF LAW.—The provisions of law referred to in this subsection are—

(1) the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the ''Jenkins Act'');

(2) chapter 114 of title 18, United States Code; and

(3) this Act.

(e) DELIVERY SALE DEFINED.—In this section, the term ''delivery sale'' has the meaning given that term in 2343(e) of title 18, United States Code, as amended by this Act.

**SEC. 6. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.**

(a) IN GENERAL.—Nothing in this Act or the amendments made by this Act is intended nor shall be construed to affect, amend, or modify—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country (as that term is defined in section 1151 of title 18, United States Code);

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under existing Federal law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes or tribal members or in Indian country;

(4) any existing Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, or tribal reservations; and

(5) any existing State or local government authority to bring enforcement actions against persons located in Indian country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other

jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Nothing in this Act or the amendments made by this Act is intended, and shall not be construed to, authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this Act or the amendments made by this Act is intended to prohibit, limit, or restrict enforcement by the Attorney General of the United States of the provisions herein within Indian country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application and any other provision of this Act shall be resolved in favor of this section.

**SEC. 7. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) BATFE AUTHORITY.—Section 5 shall take effect on the date of enactment of this Act.

**SEC. 8. SEVERABILITY.**

If any provision of this, or an amendment made by this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of it to any other person or circumstance shall not be affected thereby.

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By Mr. KOHL:

S. 1029. A bill to amend the Food Security Act of 1985 to provide incentives to landowners to protect and improve streams and riparian habitat; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. KOHL. Mr. President, I rise today to offer a bill that amends the Food Security Act of 1985 to provide incentives for landowners to protect and improve streams and riparian habitat. This legislation would provide cost-share payments to landowners who protect and repair streamside and in-stream habitat, improve water flow and quality and initiate watershed management and planning.

The Stream Habitat Improvement Program, funded at $60 million annually, would direct resources to important fish habitat projects. The fisheries community has recognized the loss of habitat as a major threat to the health of sport fish populations. Farmers who participate in the program will make improvements on streams running through their property. Improvements could include repairing shoreline, removing barriers to fish passage, and planting trees to shade the water and strengthen stream banks. Further, existing partnerships, such as the National Fish Habitat Action Plan, could provide invaluable input to guide the program.

Healthy fisheries mean healthy communities. The EPA and the Fish and Wildlife Service have found that 81 percent of all stream fish communities in the U.S. have been adversely affected by either pollution or other disturbances. Rivers and streams provide essential habitat for numerous plant and animal species. Many of these species are threatened, endangered, or at risk for extinction. Degraded and altered habitats are the most frequently cited factors contributing to the decline among threatened or endangered aquatic species and among many native recreational and non-game fish species.

In Wisconsin alone there are almost 950,000 anglers, and almost half a million more come from out of State to fish in Wisconsin. Together these anglers spend $1 billion on fishing-related expenses in our State. This new program would advance efforts to support stream habitat restoration more effectively, which in turn will support a thriving economy and aquatic species populations. Further, healthy stream and river habitats also play an important role in the Nation's economy. Each year, about 34 million anglers spend $17 billion directly on fishing equipment and another $15 billion on trip-related expenses, food and lodging, and other recreational fishing-related expenses.

Successful management of stream and river habitat requires cooperative partnerships among producers, landowners, as well as Federal and State agencies. Offering producers and private landowners incentives and opportunities for restoring stream habitat will prevent the decline and listing of aquatic species. Building strong relationships between farm owners, private landowners and the angler community ensures that healthy fisheries will be maintained for future generations to enjoy.

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

S. 1033. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, today, along with my friend Senator SAM BROWNBACK, I am introducing the Great Cats and Rare Canids Act, which will protect and foster populations of imperiled great cats and rare canines outside of North America.

These species, including the cheetah and the Asiatic wild dog, are threatened by habitat loss, poaching, disease, and pollution. The conservation fund established by the bill we are introducing today would sustain current conservation efforts and expand strategic measures to restore imperiled populations.

The struggle of the African wild dog is one example of the plight these large carnivores face. The less than 2,500 adults that remain not only have to combat the widespread misconception that they are livestock killers, but are extremely susceptible to those diseases common in domesticated animals. They have lost 89 percent of their habitat and are now found in only 14 of the 39 countries that comprise their historic range.

The snow leopard is another example. Like all great cats, the snow leopard needs a large tract of uninterrupted land in which to live, but the snow leopard's habitat in China has been fragmented due to human encroachment. The cats are also under extreme poaching pressures as their fur is sold on the black market.

The bill we are introducing today would help protect these predators at the top of the food chain. Our legislation is modeled after the highly successful Multinational Species Conservation Funds, which conserve rhinos, great apes, Asian elephants, African elephants, and marine turtles. Our bill would authorize $5 million in annual spending for the conservation of more than a dozen species of great cats and rare canines.

I do not think our children and grandchildren will forgive us if we stand by and let these magnificent animals drift into extinction. With a relatively small investment, we can invigorate ongoing conservation efforts around the world.

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By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 1035. A bill to amend the Immigration and Nationality Act to reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States; to the Committee on the Judiciary.

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. 1035

*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 ''H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007''.

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



**SEC. 2. H–1B EMPLOYER REQUIREMENTS.**

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E)

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting the following: ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

''(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and''.

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

''(i) on a website maintained by the Department of Labor, which website shall be searchable by—

''(I) the name, city, State, and zip code of the employer;

''(II) the date on which the job is expected to begin;

''(III) the title and description of the job; and

''(IV) the State and city (or county) at which the work will be performed; and

''(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

''(B) Each available job advertised on the list shall include—

''(i) the employer's full legal name;

''(ii) the address of the employer's principal place of business;

''(iii) the employer's city, State and zip code;

''(iv) the employer's Federal Employer Identification Number;

''(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

''(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

''(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

''(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

''(ix) a statement of the expected hours per week that the job will require;

''(x) the date on which the job is expected to begin;

''(xi) the date on which the job is expected to end, if applicable;

''(xii) the number of persons expected to be employed for the job;

''(xiii) the job title;

''(xiv) the job description

''(xv) the city and State of the physical location at which the work will be performed; and

''(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

''(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment—

''(i) to carry out the requirements of this paragraph; and

''(ii) that require employers to provide other information in order to advertise available jobs on the list.''.

(3) EFFECTIVE DATE.—Paragraph (1) shall take effect for applications filed at least 30 days after the creation of the list described in paragraph (2).

(d) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;'' and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.''.

**SEC. 3. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.**

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 2(d)(2), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.''.

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.''.

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.''.

**SEC. 4. L–1 VISA FRAUD AND ABUSE PROTECTIONS.**

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly

caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

''(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants under section 101(a)(15)(L).''.

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.''.

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).''.

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).''.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance)).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

**SEC. 5. WHISTLEBLOWER PROTECTIONS.**

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.''.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 4, is further amended by adding at the end the following:

''(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

**SEC. 6. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.**

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

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

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By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. ALLARD, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCAIN, Mr. MARTINEZ, Mr. SESSIONS, Mr. THOMAS, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 1036. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise to speak on bipartisan legislation that Senator LANDRIEU and myself are introducing, the Human Cloning Prohibition Act. We do this today with 26 other cosponsors. It is important to talk about this matter as we set up for the bioethical debate which will be taking place after Easter and discuss some of the parameters and issues surrounding this topic. We have a continuum of discussion points, as this body and the rest of the country and, indeed, the world is engaged on the subject.

There is an ethical way to move forward on stem cell research that is producing treatments and applications for human maladies, now in over 70 areas. The science continues to grow, and it is promising. I have held press conferences involving people with spinal cord injuries who could not walk and are walking again with the aid of braces. I have hosted people at press conferences who are suffering from congestive heart failure yet are now able to go up flights of stairs they couldn't even imagine previously with treatments utilizing their own adult stem cells. I have visited with cancer patients who have been treated with cord blood stem cells who are cancer-free now.

We have new discoveries taking place. For example, in the amniotic fluid surrounding the child in the womb exists an abundant supply of stem cells that are malleable into many different types of cells. We just learned about this breakthrough less than 6 months ago, and there are no ethical problems with it whatsoever. It is a beautiful science that is developing. In the near future, I believe we are going to see these adult stem cell advances taking root and moving forward in a glorious fashion: so that people can literally walk again who were not able to walk; so that people can literally be cured of heart conditions who had no cure and were only hoping for the possibility of a transplant; so that people, instead of having a mechanical bladder control on their side, are able to have a bladder grown of their own adult stem cells around a matrix and a frame that can be inserted back in the body that would be functioning again. The science is beautiful.

The ethical quagmire is significant as well: if we decide the route to pursue is to clone human beings; if we decide the route to pursue is to treat some humans as property, as a commodity to be researched and to be used. Human cloning and treating some humans as property are not the way to go.

What we are seeing from the clear science that has taken place in the past and the present is that human embryonic stem cells produce tumors. This has occurred in cloning situations and in noncloning embryonic stem cell situations. Embryonic stem cells produce tumors. A tumor in this situation is a growth of tissue that doesn't fit the intended purpose. Scientists are experiencing significant problems in this embryonic area. While we are developing treatments and applications using adult stem cells, cord blood, and, hopefully in the future, amniotic fluid, we are not seeing the same success using human embryonic cells.

The legislation that we put forward today, with 28 sponsors, would affirm that the United States places tremendous value on the dignity of each and every human life at whatever stage that life is in, from the very earliest moments to the very end of life. It would recognize the dignity of human life in this country and around the world. We don't want to see people recruiting women in a foreign country to give eggs on a massive scale for research purposes for the development of human clones. This legislation affirms that we stand for human dignity, from the very young human embryo to vulnerable women who could be coerced into donating eggs at potentially significant health risk to themselves. The legislation would make clear that the cloning of human persons is not something that we as a society will accept.

The Brownback-Landrieu Human Cloning Prohibition Act is endorsed by the President. It will bring the United States into conformity with the United Nations, whose General Assembly called on all member states ''to prohibit all forms of human cloning'' by a strong 84-to-34 margin. The problem with cloning human beings is that it violates the inherent dignity of a human being on so many levels. Cloning transgresses our heritage's sacred values about what is good and what is true and what is beautiful.

Western civilization is built on the tenet that every human life has immeasurable value at every stage. Human beings are ends in themselves. It is wrong to use any human purpose as a means to an end. Upon this principle are our laws founded. Without this principle, much of our law has little basis. That inherent beauty and dignity of each person at every phase of life, no matter where they are or who they are, no matter what they look like, no matter what their physical condition is, they are beautiful and unique. They are sacred. They are a child of a loving God, period.

Human cloning for whatever purpose is wrong because it turns humans into commodities or spare parts or even research animals. In recent debate, human cloning has been referred to as therapeutic cloning, research cloning, or simply SCNT, somatic cell nuclear transfer. These are presented as contrasts to reproductive cloning. But it should be noted that ''therapeutic,'' ''research,'' and ''reproductive'' are merely adjectives used to describe what is done with a human clone or with a cloned human. SCNT is just the scientific description of the cloning process. It is like calling a butterfly a lepidoptera—it still is a butterfly.

A CRS report for Congress notes:

> [A] human embryo produced via cloning involves the process called somatic cell nuclear transfer (SCNT). In SCNT the nucleus of an egg is removed and replaced by the nucleus from a mature body cell, such as a skin cell. In cloning, the embryo is created without sexual reproduction.

That is the CRS report definition of a human clone.

Stem cell pioneer Dr. James Thomson has said:

> If you create an embryo by [SCNT cloning] and give it to somebody who didn't know where it came from, there would be no test you could do to that embryo to say where it came from. It is what it is. . . .If you try to define it away, you're being disingenuous.

These quotes note that the SCNT process is cloning.

With reproductive and therapeutic cloning, human beings are turned into commodities or in some cases spare parts to be dissected in the laboratory, with the claim that some day they may be administered to other humans to

provide a treatment. Treatments are praiseworthy but not at the expense of the destruction of other members of the human family. We all want to treat people. I want to find a cure for cancer. However, it is wrong to turn humans into a means to an end.

It is also wrong to exploit women for their eggs. That is the other side of the human cloning story. SCNT cloning, as proposed by proponents of the technique, would require millions of human eggs. Poor and disadvantaged women in particular would be vulnerable to exploitation via financial incentives for donation. This is troubling because retrieving such eggs violates the dignity of a woman and may cause serious harm to her health.

The Brownback-Landrieu Human Cloning Prohibition Act is the only effective ban on human cloning. Any other so-called human cloning bans outside of this one are bans in name only and, in fact, most of them provide for human cloning for research purposes. So, under other bans, you can actually create a clone. They won't call it a clone; they will call it a product of SCNT. They will say you may create and do research on the clone; we just won't let you implant it. What is the clone, then, at that point in time? Is it in the human species at that point? Is it genetic material at that point in time? Indeed, it is. Biologically, it is a human.

Others would only regulate what could be done with a human clone, normally requiring its destruction, but they do nothing to prevent the process of human cloning, which inherently violates human dignity. We should take a stand against turning young humans into commodities, research animals, and spare parts. We should not destroy young human lives for research purposes.

That is why I urge my colleagues to support this human cloning prohibition ban.

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By Mr. CORNYN (for himself and Mr. HARKIN):

S. 1038. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

Mr. CORNYN. Mr. President, I rise to introduce the Workforce Health Improvement Program Act of 2007, otherwise known as the WHIP Act. This bipartisan bill I introduce today is the same legislation I introduced in the 109th Congress. I am very pleased to be joined again by my good friend and colleague, Senator TOM HARKIN, who shares my commitment to helping keep America fit.

Public health experts unanimously agree that people who maintain active and healthy lifestyles dramatically reduce their risk of contracting chronic diseases. And as the government works to reign in the high cost of health care, it is worth talking about what we all can do to help ourselves. As you know, prevention is key, and exercise is a primary component in the prevention of many adverse health conditions that can arise over one's lifetime. A physically fit population helps to decrease health-care costs, reduce governmental spending, reduce illnesses, and improve worker productivity.

According to the Centers for Disease Control and Prevention (CDC), the economic cost alone to businesses in the form of health insurance and absenteeism is more that $15 billion. Additionally, Medicare and Medicaid programs currently spend $84 billion annually on five major chronic diseases: diabetes, heart disease, depression, cancer, and arthritis.

Reports also show that only about 15 percent of adults perform the recommended amount of physical activity, and 40 percent of adults do not participate in any physical activity. With physical inactivity being a key contributing factor to overweight and obesity, and adversely affecting workforce productivity, we quite simply need to do more to help employers encourage exercise.

Given the tremendous benefits exercise provides, I believe Congress has a duty to create as many incentives as possible to get Americans off the couch, up, and moving.

With this in mind, I am introducing the WHIP Act.

Current law already permits businesses to deduct the cost of on-site workout facilities, which are provided for the benefit of employees on a pretax basis. But if a business wants or needs to outsource these health benefits, they and/or their employees are required to bear the full cost. In other words, employees who receive off-site fitness center subsidies are required to pay income tax on the benefits, and their employers bear the associated administrative costs of complying with the IRS rules.

The WHIP Act would correct this inequity in the tax code to the benefit of many smaller businesses and their employees. Specifically, it would provide an employer's right to deduct up to $900 of the cost of providing health club benefits off-site for their employees. In addition, the employer's contribution to the cost of the health club fees would not be taxable income for employees creating an incentive for more employers to contribute to the health and welfare of their employees.

The WHIP Act is an important step in reversing the largely preventable health crisis that our country is facing, through the promotion of physical activity and disease prevention. It is a critical component of America's health care policy: prevention. It will improve our nation's quality of life by promoting physical activity and preventing disease. Additionally, it will help relieve pressure on a strained health care system and correct an inequity in the current tax code.

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. 1038

*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 ''Workforce Health Improvement Program Act of 2007''.

**SEC. 2. EMPLOYER-PROVIDED OFF-PREMISES HEALTH CLUB SERVICES.**

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)( 4) of the Internal Revenue Code of 1986 (relating to on-premises gyms and other athletic facilities) is amended to read as follows:

''(A) IN GENERAL.—Gross income shall not include—

''(i) the value of any on-premises athletic facility provided by an employer to its employees, and

''(ii) so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed $900 per employee per year.''.

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new subparagraph:

''(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

''(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

''(ii) which is not a private club owned and operated by its members,

''(iii) which does not offer golf, hunting, sailing, or riding facilities,

''(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

''(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws.''.

(c) EXCLUSION APPLIES TO HIGHLY COMPENSATED EMPLOYEES ONLY IF NO DISCRIMINATION.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Paragraphs (1) and (2) of sub-section (a)'' and inserting ''Subsections (a)(1), (a)(2), and (j)(4)'', and

(2) by striking the heading thereof through ''(2) APPLY'' AND INSERTING ''CERTAIN EXCLUSIONS APPLY''.

(d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN ATHLETIC FACILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 (relating to denial of deduction for club dues) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid to athletic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed $900 per employee per year.''.

(2) CONFORMING AMENDMENT.—The last sentence of section 274(e)(4) of such Code is amended by inserting ''the first sentence of'' before ''subsection (a)(3)''.

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

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By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs.

MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. BYRD, Mr. INOUYE, Mr. BIDEN, Mr. LEAHY, Mr. BAUCUS, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. CONRAD, Mr. KOHL, Mr. LIEBERMAN, Mr. AKAKA, Mrs. FEINSTEIN, Mr. DORGAN, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. SCHUMER, Mr. BAYH, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WEBB, Mr. CASEY, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. TESTER):

S. 1041. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide or mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, for far too long, we've acquiesced in a lopsided economy that benefits wealthy individuals and corporations, but not America's working families. Tens of millions of our men and women are working harder than ever, but they aren't receiving their fair share of the economy they helped do so much to create and sustain.

Since President Bush took office, corporate profits have increased 65 percent. Productivity is up 18 percent. But household income has declined; the wages of working Americans are stagnant. Six million have lost their health insurance. Their retirement is uncertain as well—only 1 in 5 workers today has a guaranteed pension. In short, working families are finding that the American dream is beyond their reach. This injustice is worsening each year, and it is time for Congress to deal with it.

The best way to see that employees receive their fair share of America's prosperity is to give them a stronger voice in the workplace. Unions were fundamental in building America's middle class, and they have a vital role today in preserving the American dream for working families.

Unions can make all the difference between an economy that's fair, and an economy where working people are left behind. Union wages are 30 percent higher than non-union wages. 80 percent of union workers have health insurance, compared to only 49 percent of non-union workers. Union members are 4 times more likely to have a secure, guaranteed pension.

No wonder most American workers want union representation. The question is, why don't more of them have it?

The reason is clear. In 2005 alone, more than 30,000 workers were illegally fired or retaliated against for attempting to exercise their right to have a union in their workplace. Every 17 minutes, a worker is fired or punished in some illegal way for supporting a union. Unscrupulous employers routinely break the law to keep unions out—they intimidate employees, harass them, and discriminate against them. They shut down whole departments—or even entire plants—to avoid negotiating a union contract. It's illegal and unacceptable, but it happens every day.

Clearly, the current system is broken. It can't stop these illegal, anti-worker, anti-labor, anti-union tactics that take place every day. The penalties are so minor that employers treat them as just another cost of doing business. Even when workers succeed in forming a union, they often can't obtain a first contract because management stonewalls them and refuses to negotiate. Half of all cases alleging that employers refused to bargain are filed during first-contract negotiations—and in most of those cases, the National Labor Relations Board finds an unfair labor practice.

Year after year, Congress has refused to act against these union-busting tactics that are now all too familiar in the workplace. It's time to listen to the voice of America's working men and women, and give them what they want and deserve—a fair voice in the workplace and a fair chance at the American dream.

That's why I'm reintroducing the Employee Free Choice Act today. This essential legislation will strengthen protections for workers' freedom to choose union representation. It will restore their democratic right to join together for better wages, better benefits, and better working conditions. It will help millions of working men and women to build a better life for themselves and a better future for their children.

I am proud to have 46 of my fellow Senators joining me in sponsoring this important bill, and I hope that all of my colleagues will support it.

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. 1041

*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 ''Employee Free Choice Act of 2007''.

**SEC. 2. STREAMLINING UNION CERTIFICATION.**

(a) IN GENERAL.—Section 9(c) of the National Labor Relations Act (29 U.S.C. 159(c)) is amended by adding at the end the following:

''(6) Notwithstanding any other provision of this section, whenever a petition shall have been filed by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a majority of employees in a unit appropriate for the purposes of collective bargaining wish to be represented by an individual or labor organization for such purposes, the Board shall investigate the petition. If the Board finds that a majority of the employees in a unit appropriate for bargaining has signed valid authorizations designating the individual or labor organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the Board shall not direct an election but shall certify the individual or labor organization as the representative described in subsection (a).

''(7) The Board shall develop guidelines and procedures for the designation by employees of a bargaining representative in the manner described in paragraph (6). Such guidelines and procedures shall include—

''(A) model collective bargaining authorization language that may be used for purposes of making the designations described in paragraph (6); and

''(B) procedures to be used by the Board to establish the validity of signed authorizations designating bargaining representatives.''.

(b) CONFORMING AMENDMENTS.—

(1) NATIONAL LABOR RELATIONS BOARD.—Section 3(b) of the National Labor Relations Act (29 U.S.C. 153(b)) is amended, in the second sentence—

(A) by striking ''and to'' and inserting ''to''; and

(B) by striking ''and certify the results thereof,'' and inserting '', and to issue certifications as provided for in that section,''.

(2) UNFAIR LABOR PRACTICES.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (7)(B) by striking '', or'' and inserting ''or a petition has been filed under section 9(c)(6), or''; and

(B) in paragraph (7)(C) by striking ''when such a petition has been filed'' and inserting ''when such a petition other than a petition under section 9(c)(6) has been filed''.

**SEC. 3. FACILITATING INITIAL COLLECTIVE BARGAINING AGREEMENTS.**

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

''(h) Whenever collective bargaining is for the purpose of establishing an initial agreement following certification or recognition, the provisions of subsection (d) shall be modified as follows:

''(1) Not later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly organized or certified as a representative as defined in section 9(a), or within such further period as the parties agree upon, the parties shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

''(2) If after the expiration of the 90-day period beginning on the date on which bargaining is commenced, or such additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify the Federal Mediation and Conciliation Service of the existence of a dispute and request mediation. Whenever such a request is received, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

''(3) If after the expiration of the 30-day period beginning on the date on which the request for mediation is made under paragraph (2), or such additional period as the parties may agree upon, the Service is not able to bring the parties to agreement by conciliation, the Service shall refer the dispute to an

arbitration board established in accordance with such regulations as may be prescribed by the Service. The arbitration panel shall render a decision settling the dispute and such decision shall be binding upon the parties for a period of 2 years, unless amended during such period by written consent of the parties.''.

**SEC. 4. STRENGTHENING ENFORCEMENT.**

(a) INJUNCTIONS AGAINST UNFAIR LABOR PRACTICES DURING ORGANIZING DRIVES.—

(1) IN GENERAL.—Section 10(l) of the National Labor Relations Act (29 U.S.C. 160(l)) is amended—

(A) in the second sentence, by striking ''If, after such'' and inserting the following:

''(2) If, after such''; and

(B) by striking the first sentence and inserting the following:

''(1) Whenever it is charged—

''(A) that any employer—

''(i) discharged or otherwise discriminated against an employee in violation of subsection (a)(3) of section 8;

''(ii) threatened to discharge or to otherwise discriminate against an employee in violation of subsection (a)(1) of section 8; or

''(iii) engaged in any other unfair labor practice within the meaning of subsection (a)(1) that significantly interferes with, restrains, or coerces employees in the exercise of the rights guaranteed in section 7;

while employees of that employer were seeking representation by a labor organization or during the period after a labor organization was recognized as a representative defined in section 9(a) until the first collective bargaining contract is entered into between the employer and the representative; or

''(B) that any person has engaged in an unfair labor practice within the meaning of subparagraph (A), (B) or (C) of section 8(b)(4), section 8(e), or section 8(b)(7);

the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred.''.

(2) CONFORMING AMENDMENT.—Section 10(m) of the National Labor Relations Act (29 U.S.C. 160(m)) is amended by inserting ''under circumstances not subject to section 10(l)'' after ''section 8''.

(b) REMEDIES FOR VIOLATIONS.—

(1) BACKPAY.—Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by striking ''*And provided further,*'' and inserting ''*Provided further*, That if the Board finds that an employer has discriminated against an employee in violation of subsection (a)(3) of section 8 while employees of the employer were seeking representation by a labor organization, or during the period after a labor organization was recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract was entered into between the employer and the representative, the Board in such order shall award the employee back pay and, in addition, 2 times that amount as liquidated damages: *Provided further,*''.

(2) CIVIL PENALTIES.—Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

(A) by striking ''Any'' and inserting ''(a) Any''; and

(B) by adding at the end the following:

''(b) Any employer who willfully or repeatedly commits any unfair labor practice within the meaning of subsections (a)(1) or (a)(3) of section 8 while employees of the employer are seeking representation by a labor organization or during the period after a labor organization has been recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract is entered into between the employer and the representative shall, in addition to any make-whole remedy ordered, be subject to a civil penalty of not to exceed $20,000 for each violation. In determining the amount of any penalty under this section, the Board shall consider the gravity of the unfair labor practice and the impact of the unfair labor practice on the charging party, on other persons seeking to exercise rights guaranteed by this Act, or on the public interest.''.

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By Mrs. FEINSTEIN:

S. 1043. A bill to require the Secretary of Veterans Affairs to submit a report to Congress on proposed changes to the use of the West Los Angeles Department of Veterans Affairs Medical Center, California; to the Committee on Veterans' Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to ensure that the land on the West Los Angeles Veterans Affairs, West LA VA, campus is protected for the use of America's Veterans.

The bill would: require the VA Secretary to provide the Congressional Appropriations and Veterans Committees a comprehensive report regarding the master plan for the West LA VA facility and connected property.

The VA was required under Public Law 105–368 to develop a master plan for the West LA VA property.

If the VA has failed to developed the plan, the legislation requires it to complete a master plan prior to implementing any action based on the Capital Asset Realignment for Enhanced Services (CARES) initiative.

The VA would be prohibited from issuing any enhanced-use lease agreements for the West LA VA property until the master plan is completed and submitted to Congress.

Prevent the VA Secretary from implementing any portion of the master plan until 120 days after the submission of the plan to the Appropriations and Veterans Committees.

In addition, the Secretary would be expressly prohibited from pursuing development initiatives regarding the West LA VA property not relating to direct Veterans services unless explicitly authorized by Congress through legislation.

Direct Veterans services are defined in this legislation as any services ''directly related'' to maintaining the health, welfare, and support of Veterans.

Last year, the Senate approved similar language in the FY07 MILCON/VA Appropriations bill that required the VA to provide the Appropriations Committees a report on the master plan for the West LA VA Medical Center and connected land.

The fiscal year 2007 MILCON/VA Appropriations Act passed the Senate on November 18, 2006.

Unfortunately, all but 2 of the 11 Appropriations bills—including MILCON/VA—were ultimately packaged together in a Continuing Resolution for fiscal year 2007, and the language was never considered by the full Congress.

The bill I am introducing today is absolutely essential in light of a number of unacceptable actions that have previously been taken by the VA that, in my view, violate the spirit, if not the letter, of the law.

Last month, I joined with my colleagues Senator BARBARA BOXER and Congressman HENRY WAXMAN in writing a letter to VA Secretary James Nicholson strongly objecting to recent decisions by the VA relating to the West LA VA facility and land.

Over the past year alone, the VA has permitted the construction of a facility for the Fox Entertainment Group on the West LA VA property, and has approved a lease agreement with Enterprise Car Rental to operate on the campus.

In addition, the VA has allowed the Westside Shepherd of the Hill Church to rent a building on the property in which to hold its Sunday services and provided additional housing space for the University of California–Los Angeles (UCLA).

The VA reportedly has also considered lease projects such as movie productions, a drive-in theather, a circus event, and a golf course.

This must be put to a stop and the legislation I introduce today would do just that.

For too long, commercial interests have trumped the needs of our Veterans.

These 400 acres of land were donated to the government in 1888 specifically for Veterans and should remain that way—just as then–VA Secretary Anthony Principi promised during a visit to Los Angeles in February 2002.

I ask unanimous consent that the text of this legislation 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. 1043

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

**SECTION 1. REPORT ON USE OF LANDS AT WEST LOS ANGELES DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, CALIFORNIA.**

(a) FINDING.—Congress finds that section 707 of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368; 112 Stat. 3351) required the Secretary of Veterans Affairs to submit to Congress a report on the master plan of the Department of Veterans Affairs, or a plan for the development of such a master plan, relating to the use of Department lands at the West Los Angeles Department of Veterans Affairs Medical Center, California.

(b) REPORT.—The Secretary of Veterans Affairs shall submit to Congress a report on the master plan of the Department of Veterans Affairs relating to the use of Department lands at the West Los Angeles Department of Veterans Affairs Medical Center, California.

(c) REPORT ELEMENTS.—The report under subsection (b) shall set forth the following:

(1) The master plan referred to in that subsection, if such a plan currently exists.

(2) A current assessment of the master plan.

(3) Any proposal of the Department for a veterans park on the lands referred to in subsection (b), and an assessment of each such proposal.

(4) Any proposal to use a portion of the lands referred to in subsection (b) as dedicated green space, and an assessment of each such proposal.

(d) ALTERNATIVE REPORT ELEMENT.—

(1) PLAN FOR DEVELOPMENT OF MASTER PLAN.—If the master plan referred to in subsection (b) does not exist as of the date of the enactment of this Act, the Secretary shall set forth in the report under that subsection, in lieu of the matters specified in paragraphs (1) and (2) of subsection (c), a plan for the development of a master plan for the use of the lands referred to in subsection (b) during each period as follows:

(A) The 25-year period beginning on the date of the enactment of this Act.

(B) The 50-year period beginning on the date of the enactment of this Act.

(2) COMPLETION OF MASTER PLAN.—The master plan referred to in paragraph (1) shall be completed before both of the following:

(A) The adoption of the plan under the Capital Asset Realignment for Enhanced Services (CARES) initiative for the lands referred to in subsection (b).

(B) The issuance of any enhanced use lease with respect to any portion of such lands.

(3) COORDINATION WITH CARES.—The master plan referred to in paragraph (1) and the plan under the Capital Asset Realignment for Enhanced Services initiative for the lands referred to in subsection (b) shall be consistent.

(e) LIMITATIONS ON IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary may not implement any portion of the master plan referred to in subsection (b) or the plan referred to in subsection (d), as applicable, until 120 days after the date of the receipt by the appropriate congressional committees of the report referred to in such subsection.

(2) ACTIONS OTHER THAN DIRECT VETERANS SERVICES.—In the case of any portion of the master plan referred to in subsection (b) or the plan referred to in subsection (d), as applicable, that does not relate to direct veterans services, the Secretary may not carry out such portion of such plan except pursuant to provisions of law enacted after the date of the receipt by the appropriate congressional committees of the report referred to in such subsection.

(f) CONSTRUCTION.—Nothing in this section shall be construed to prevent the Secretary from providing, with respect to the lands referred to in subsection (b), routine maintenance, facility upkeep, tasks connected to capital improvements, and activities related to the construction of a State veterans home.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(2) DIRECT VETERANS SERVICES.—The term ''direct veterans services'' means services directly related to maintaining the health, welfare, and support of veterans.

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By Mr. BIDEN:

S. 1044. A bill to improve the medical care of members of the Armed Forces and veterans, and for other purposes; to the Committee on Armed Services.

Mr. BIDEN. Mr. President, I would like to take the opportunity today to introduce an important piece of legislation to improve the ability of the Department of Defense and the Department of Veterans Affairs to provide medical care for our Nation's Armed Forces and veterans. We are currently finishing up a debate in the Senate on additional war time funding for Iraq. As in past years, we are trying to mitigate the damage caused by the failure to properly plan for and manage the aftermath of Saddam Hussein's fall. I have spoken many times about how damaging this lack of planning has been to our efforts in Iraq and to our standing in the world.

For the past two months, the spotlight has shone on another administration failure in this war: the shameful conditions our wounded soldiers face as outpatients navigating the military health system when they return from Iraq or Afghanistan. This is another example of gross mismanagement and a strained system. To alleviate the strain on this system, I am offering legislation today—the Effective Care for the Armed Forces and Veterans Act—to improve the care that members of the Armed Forces and veterans receive at Walter Reed and other military medical facilities.

The purpose of this legislation is to ensure that some of the reasons for concern at Walter Reed do not occur in the future. As the living conditions for outpatients at Walter Reed Army Medical Center indicate, moving to private contracts for maintenance at military medical facilities can cause problems. After a private contract was awarded for maintenance and upkeep of buildings on the campus of Walter Reed Army Medical Center, a maintenance crew of approximately 300 was whittled down to 50 by the time the contract went in to effect. Many of the terrible living conditions in Building 18 that we read about in the Washington Post were a direct result of delays in building repair and maintenance because of a shortage in manpower. To prevent this situation from occurring again, this legislation calls for public-private competitions of maintenance services at military medical complexes to stop while our country is engaged in military conflicts. It also calls for a General Accountability Office review of contracting-out decisions for basic maintenance work at military facilities.

Other problems discovered at Walter Reed are directly attributable to shortages resulting from pressures to cut budgets for military medical services. These cuts cannot be tolerated at a time when military medical services are needed to treat servicemembers who have been wounded in Iraq and Afghanistan. As such, this legislation would require medical command budgets to be equal to or exceed the prior year amount while the nation is involved in a major military conflict or war.

Another issue that the conditions at Walter Reed brought up is whether or not the facility should be closed as the Base Realignment and Closure Commission recommended. The Commission recommended building new, modern facilities at the National Naval Medical Center at Bethesda and at Fort Belvoir to improve the overall quality of care and access to care in this region. Military leaders have indicated that the planned closure has limited their ability to attract needed professionals to jobs at Walter Reed and there have been concerns raised whether adequate housing for the families of the wounded has been properly planned. To deal with that, this legislation requires the Department of Defense to submit to Congress within one year a detailed plan that includes an evaluation of the following: the desirability of being able to guarantee professional jobs in the D.C. area for two years or more following the closure in order to foster a stable workforce; detailed construction plans for the new facilities and for new family housing; and the costs and benefits of building all of the needed medical treatment, rehabilitation, and housing before a single unit is moved.

Another major problem and source of frustration for injured soldiers is the length of time it takes to receive a disability determination. In order to hasten the disability determination process, we need to ensure that the Department of Defense has information systems capable of communicating with those in the Department of Veterans Affairs. The VA has been a leader in implementing electronic medical record keeping, but we have to improve the capability of the Department of Defense to send electronic medical records to the VA to speed up the disability determination process. Making the disability determination system more efficient can reduce the stress on the soldiers and their families going through the determination process.

Caseworkers are also critical. They schedule appointments and make sure wounded servicemembers get the rehabilitative and follow-up care they need. As more and more soldiers and marines come home wounded, many military caseworkers are overwhelmed. To improve the care given to servicemembers, this legislation requires a minimum ratio of case managers to patients of 1 to 20, that case managers have contact with recovering servicemembers at least once a week, and that case managers be properly trained on the military's disability and discharge systems so they can better assist patients with their paperwork.

Currently, many combat veterans returning from Iraq and Afghanistan have service-related mental health issues like post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI). Many have labeled TBI the ''signature injury'' of the Iraq and Afghanistan conflicts. It is estimated that as many as 10 percent of those serving or who have served in Iraq and Afghanistan have brain injuries. That

would mean about 150,000 of the 1.5 million soldiers and marines who have served in Operation Enduring Freedom or Operation Iraqi Freedom have suffered a brain injury. In many cases, these injuries are not diagnosed because there is not an external wound. Depending on the severity of these injuries, returning soldiers can require immediate treatment or not have symptoms show up until several years later. This legislation calls for every returning soldier to be screened for TBI. While the VA has announced plans to do this, it needs to happen in active-duty military medical facilities too. In addition, the legislation calls for a study on the advisability of treating TBI as a presumptive condition in every service's disability evaluation system, as well as the VA disability evaluation system.

We often hear about the 25,000 soldiers and marines who have been wounded in these wars—but that figure grossly underestimates the demand that the VA health care system faces. Since our country was attacked on September 11, 2001, more than 1.5 million soldiers have been deployed to Afghanistan, Iraq, and other locations. Of these, 630,000 are now veterans and, according to the Department of Defense, more than 205,000 have already received medical treatment through the Department of Veterans Affairs. A recent Harvard study on the long-term costs of treating these new veterans estimates that by 2012 more than 643,000 veterans from Iraq and Afghanistan will be using the VA system, an almost threefold increase of what the system faces now. With a significant backlog of claims currently existing, the system is in desperate need of an upgrade. To address this concern, my legislation directs the Secretary of Veterans Affairs to submit to Congress a plan for the long-term care needs for veterans for the next 50 years.

It is our highest obligation to heal the hundreds of thousands of brave men and women who will bear the physical and emotional scars of these wars for the rest of their lives. Those of us who have the privilege of serving in Congress must act now to improve the medical care we provide to our Armed Forces and veterans.

I ask unanimous consent that the text of the legislation 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. 1044

*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 ''Effective Care for the Armed Forces and Veterans Act of 2007''.

**SEC. 2. PROHIBITION ON COMPETITIVE SOURCING OF CERTAIN ACTIVITIES AT MEDICAL FACILITIES OF THE DEPARTMENT OF DEFENSE.**

(a) FINDINGS.—Congress finds the following:

(1) The health and recovery of wounded members of the Armed Forces may be risked by competitive sourcing of services at military medical facilities.

(2) The provision of medical services to members and former members of the Armed Forces who were injured while serving in Operation Iraqi Freedom or Operation Enduring Freedom is a basic service that is the responsibility of the Government and any disruption is unacceptable when it risks the health of veterans and members of the Armed Forces.

(3) The Department of Defense has attempted to implement competitive sourcing of services at military medical facilities despite the fact that doing so provides no improvement in the efficiency or effectiveness of such services.

(b) PROHIBITION ON INITIATION OF COMPETITIVE SOURCING ACTIVITIES AT MEDICAL FACILITIES OF DEPARTMENT OF DEFENSE DURING PERIOD OF MAJOR MILITARY CONFLICT.—

(1) IN GENERAL.—Except as provided in paragraph (2), during a period in which the Armed Forces are involved in a major military conflict, the Secretary of Defense shall not take any action under the Office of Management and Budget Circular A-76 or any other similar administrative regulation, directive, or policy—

(A) to subject work performed by an employee of a medical facility of the Department of Defense or employee of a private contractor of such a medical facility to public-private competition; or

(B) to convert such employee or the work performed by such employee to private contractor performance.

(2) EXCEPTION TO PREVENT NEGATIVE IMPACT ON PROVISION OF SERVICES.—Paragraph (1) shall not apply to any action at a medical facility of the Department of Defense if the Secretary of Defense certifies to Congress that not initiating such action during such period would have a negative impact on the provision of services at such military medical facility.

(c) STUDY ON COMPETITIVE SOURCING ACTIVITIES AT MEDICAL FACILITIES OF DEPARTMENT OF DEFENSE.—The Comptroller General of the United States shall assess the efficiency and advisability of subjecting work performed by an employee of a medical facility of the Department of Defense or a private contractor of such a medical facility to public-private competition, or converting such employee or the work performed by such employee to private contractor performance, under the Office of Management and Budget Circular A-76 or any other similar administrative regulation, directive, or policy.

**SEC. 3. MINIMUM BUDGET FOR MEDICAL SERVICES OF THE ARMED FORCES DURING PERIOD OF MAJOR MILITARY CONFLICT.**

(a) FINDINGS.—Congress finds the following:

(1) Pressure to reduce the budget for the medical services of the Department of Defense has contributed to many of the current problems at Walter Reed Army Medical Center.

(2) It is inappropriate to reduce the budget for medical services of the Department of Defense or the Department of Veterans Affairs while such services are needed to treat members of the Armed Forces or veterans who were wounded in Iraq and Afghanistan.

(b) MINIMUM BUDGET FOR MEDICAL SERVICES.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the Armed Forces are involved in a major military conflict at the time the President submits the budget for a fiscal year to Congress, the President shall not include in that budget a total aggregate amount allocated for medical services for the Department of Defense and the Department of Veterans Affairs that is less than the total aggregate amount allocated for such purposes in the budget submitted by the President to Congress for the previous fiscal year.

(2) EXCEPTION.—Paragraph (1) shall not apply if the President—

(A) certifies to Congress that submitting a total aggregate amount allocated for medical services for the Department of Defense and the Department of Veterans Affairs that is less than that required under paragraph (1) is in the national interest; and

(B) submits to Congress a report on the reasons for the reduction described by subparagraph (A).

**SEC. 4. LIMITATION ON IMPLEMENTATION OF RECOMMENDATION TO CLOSE WALTER REED ARMY MEDICAL CENTER.**

(a) FINDINGS.—Congress finds the following:

(1) The final recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment include recommendations to close Walter Reed Army Medical Center and to build new, modern facilities at the National Naval Medical Center at Bethesda and at Fort Belvoir to improve the overall quality of and access to health care for members of the Armed Forces.

(2) These recommendations include the transfer of medical services from the Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir, but they do not adequately provide for housing for the families of wounded members of the Armed Forces who will receive treatment at such new facilities.

(3) The recommended closure of the Walter Reed Army Medical Center has impaired the ability of the Secretary of Defense to attract the personnel required to provide proper medical services at such medical center.

(b) LIMITATION ON IMPLEMENTATION OF RECOMMENDATIONS.—The Secretary of Defense shall not take any action to implement the recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment relating to the transfer of medical services from Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir during the period beginning on the date of the enactment of this Act and ending on the date that is 60 days after the date on which Congress receives the plan required under subsection (c).

(c) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan that includes an assessment of the following:

(1) The feasibility and advisability of providing current or prospective employees at Walter Reed Army Medical Center a guarantee that their employment will continue in the Washington, DC, metropolitan area for more than two years after the date on which Walter Reed Army Medical Center is closed.

(2) Detailed construction plans for new medical facilities and family housing at the National Naval Medical Center at Bethesda and at Fort Belvoir to accommodate the transfer of medical services from Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir.

(3) The costs, feasibility, and advisability of completing all of the construction planned for the transfer of medical services from Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir before any patients are transferred to such new facilities from Walter Reed Army Medical Center as a result of the recommendations of the Defense Base

Closure and Realignment Commission under the 2005 round of defense base closure and realignment.

**SEC. 5. IMPROVING CASE MANAGEMENT SERVICES FOR MEMBERS OF THE ARMED FORCES.**

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

(1) Case managers are important for scheduling appointments and making sure recovering servicemembers get the care they need.

(2) Many case managers are overwhelmed by the large number of wounded members of the Armed Forces returning from deployment in Iraq and Afghanistan.

(3) Regular contact between health care providers and members of the Armed Forces returning from deployment is important for the diagnosis of post traumatic stress disorder in such members.

(4) It is inappropriate to require a wounded member of the Armed Forces or a family member of such member to provide a photo or a medal from deployment in Iraq or Afghanistan to prove that such member served in and was injured from such deployment.

(5) Case managers are well qualified to assist recovering servicemembers and their families with the disability evaluation system and discharge procedures of the Department of Defense.

(b) CASE MANAGERS.—

(1) IN GENERAL.—The Secretary of Defense shall assign at least one case manager for every 20 recovering servicemembers to assist in the recovery of such recovering servicemember.

(2) MINIMUM CONTACT.—The Secretary of Defense shall ensure that case managers contact each of their assigned recovering servicemembers not less than once per week.

(3) TRAINING.—The Secretary of Defense shall ensure that case managers of the Department of Defense are familiar with the disability and discharge system of the Department of Defense and that such case managers are able to assist recovering servicemembers complete necessary and related forms.

(c) RECOVERING SERVICEMEMBER.—In this section, the term ''recovering servicemember'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

**SEC. 6. SCREENING FOR TRAUMATIC BRAIN INJURY.**

(a) FINDINGS.—Congress finds the following:

(1) Many of the members of the Armed Forces deployed in Iraq and Afghanistan have brain injuries.

(2) In many cases, such injuries are not diagnosed because there is no external indication of such injury.

(3) The Secretary of Veterans Affairs carries out programs to screen all recent combat veterans for traumatic brain injury; the Secretary of Defense does not do so.

(b) SCREENING REQUIRED.—The Secretary of Defense shall screen every member of the Armed Forces returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom for traumatic brain injury upon the return of each such member.

(c) STUDIES ON TREATING TRAUMATIC BRAIN INJURY AS PRESUMPTIVE CONDITION FOR DISABILITY COMPENSATION.—

(1) STUDY BY SECRETARY OF DEFENSE.—

(A) IN GENERAL.—The Secretary of Defense shall conduct a study on the feasability and advisability of treating traumatic brain injury as a presumptive condition for members of the Armed Forces who served in Operation Iraqi Freedom or Operation Enduring Freedom for the qualification for disability compensation under laws administered by the Secretary of Defense.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study required by subparagraph (A).

(2) STUDY BY SECRETARY OF VETERANS AFFAIRS.—

(A) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a study on the feasability and advisability of treating traumatic brain injury as a presumptive condition for veterans who served as members of the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom for the qualification for disability compensation under laws administered by the Secretary of Veterans Affairs.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the results of the study required by subparagraph (A).

(3) STUDY BY DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.—

(A) IN GENERAL.—The Director of the National Institutes of Health shall conduct a study on traumatic brain injury, including the detection of traumatic brain injury and the measurement and classification of the severity of traumatic brain injury.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to Congress a report on the results of the study required by subparagraph (A).

**SEC. 7. REQUIRING MEDICAL RECORDS MANAGEMENT SYSTEMS OF DEPARTMENT OF DEFENSE TO COMMUNICATE WITH MEDICAL RECORDS MANAGEMENT SYSTEMS OF DEPARTMENT OF VETERANS AFFAIRS.**

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

(1) The electronic transfer of medical records of members of the Armed Forces from the medical records management systems of the Department of Defense to the medical records management systems of the Department of Veterans Affairs would be prudent.

(2) The Department of Veterans Affairs has been a leader in the implementation of electronic medical records management systems.

(b) ELECTRONIC COMMUNICATION BETWEEN MEDICAL RECORDS MANAGEMENT SYSTEMS REQUIRED.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall ensure that the medical records management systems of the Department of Defense are capable of transmitting medical records to and receiving medical records from the medical records management systems of the Department of Veterans Affairs electronically.

(2) INITIATION OF ACTIVITIES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall begin any activities required to meet the requirements of paragraph (1).

**SEC. 8. DEPARTMENT OF VETERANS AFFAIRS ASSESSMENT OF LONG-TERM CARE NEEDS OF VETERANS.**

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

(1) Multiple studies show that, in the next five years, the Department of Veterans Affairs will add hundreds of thousands of new veterans to the medical records management systems of the Department of Veterans Affairs.

(2) During such period, many veterans will have multiple medical care needs caused by complex medical conditions.

(b) ASSESSMENT OF LONG-TERM CARE NEEDS.—The Secretary of Veterans Affairs shall assess the current ability of the Department of Veterans Affairs to meet long-term care needs of veterans during the 50-year period that begins on the date of the enactment of this Act.

(c) DETERMINATION OF ACTIONS REQUIRED TO MEET LONG-TERM CARE NEEDS.—The Secretary of Veterans Affairs shall determine what actions are required to ensure that the needs described in subsection (b) are satisfied.

(d) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the assessment required in subsection (b) and the determination required in subsection (c).

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By Mr. VOINOVICH:

S. 1045. A bill to strengthen performance management in the Federal Government, to make the annual general pay increase for Federal employees contingent on performance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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By Mr. VOINOVICH:

S. 1046. A bill to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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By Mr. VOINOVICH (for himself, Ms. COLLINS, and Mr. AKAKA):

S. 1047. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, I rise today to introduce three important pieces of legislation that I believe will improve the ability of the Federal Government to recruit and retain a world class workforce: the Federal Workforce Performance Appraisal and Management Improvement Act, the Senior Professional Performance Act, and the Generating Opportunity by Forgiving Educational Debt for Service Act.

As my colleagues know, my interest in the Federal workforce developed after working with the Federal Government for 18 years, for 10 years as mayor of Cleveland and 8 years as Governor of Ohio. Through my work on the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, I continue to observe that investing in personnel and workforce management, and management in general, struggles to be a priority in the Federal Government. My own experience as county auditor, county commissioner, mayor, and Governor has taught me that, of all the things in which government can invest, resources dedicated to human capital bring the greatest return.

Effective performance management is fundamental to building a results-oriented culture. In fact, the Merit

Systems Protection Board just published a report entitled, ''Accomplishing Our Mission: Results of the Merit Principles Survey 2005.'' In that report, the MSPB found that, ''Nonsupervisory employees feel uninformed about performance evaluation, organizational changes, and other issues at times.'' The Federal Workforce Performance Appraisal and Management Improvement Act that I am introducing today will help address that problem. By requiring supervisors and employees to have regular conversations about expectations and job performance, every employee will understand how their job performance is perceived by their boss and, more importantly, how individual work contributes to the agency's mission. In addition, this legislation would prohibit an employee who receives an unacceptable performance evaluation from receiving an annual salary adjustment. Mr. President, I know that Federal employees are dedicated and talented individuals. I know some may view this as a critique on the contributions of our civil servants; however, that could not be further from the truth. This bill recognizes their daily contributions.

As I said last year when I first introduced this legislation, employees should receive annually a rigorous evaluation. Pay should be determined by an individual's performance. I agree with the observation of Comptroller General David Walker that the passage of time should not be the single most important factor in determining an employee's pay. Instead, it should be determined by the productivity, effectiveness, and the contributions of an employee.

Today I also am pleased to introduce the Senior Professional Performance Act. In 2003, Congress enacted legislation to reform the pay and performance management systems for the Senior Executive Service. The legislation I introduce today would authorize agencies to develop and implement similar pay and performance management systems for senior level and scientific and professional personnel in order to keep these talented and capable employees on equal footing.

Finally, today I am introducing Generating Opportunity by Forgiving Educational Debt for Service Act, or GOFEDS, a bill that will help Federal agencies and the Armed Forces recruit talented individuals to serve in all areas of the Federal Government and the military. Current law—authorizes Federal agencies to pay student loans up to $10,000 a year with a cumulative cap of $60,000, but the incentive is taxed. The Active-Duty Educational Loan Repayment Program allows the Services to repay certain federally guaranteed educational loans for enlistments in military specialties designated by the Service Secretary. GOFEDS would amend the Federal tax code to allow the Federal Government's student loan repayment programs to be offered on a tax-free basis. The potential impact of this bill far outweighs its minimal cost.

I urge my colleagues to support this legislation.

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By Mr. FEINGOLD (for himself, Mr. CRAPO, Mr. MARTINEZ, Mr. KOHL, Mr. KERRY, Mr. CARDIN, and Mrs. BOXER):

S. 1048. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resouces for the conservation programs of countries that activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I am introducing the Crane Conservation Act of 2007. I am very pleased that the Senators from Idaho, Mr. CRAPO, Florida, Mr. MARTINEZ, Wisconsin, Mr. KOHL, Maryland, Mr. CARDIN, and Massachusetts, Mr. KERRY, have joined me as cosponsors of this bill. I propose this legislation in the hope that Congress will do its part to protect the existence of these birds, whose cultural significance and popular appeal can be seen worldwide. This legislation is particularly important to the people of Wisconsin, as our State provides habitat and refuge to several crane species. But this legislation, which authorizes the United States Fish and Wildlife Service to distribute funds and grants to crane conservation efforts both domestically and in developing countries, promises to have a larger environmental and cultural impact that will go far beyond the boundaries of my home state. This bill is similar to legislation that I introduced in the 107th, 108th, and 109th Congresses.

In October of 1994, Congress passed and the President signed the Rhinoceros and Tiger Conservation Act. The passage of this act provided support for multinational rhino and tiger conservation through the creation of the Rhinoceros and Tiger Conservation Fund, or RTCF. Administered by the United States Fish and Wildlife Service, the RTCF distributes up to $10 million in grants every year to conservation groups to support projects in developing countries. Since its establishment in 1994, the RTCF has been expanded by Congress to cover other species, such as elephants and great apes.

Today, with the legislation I am introducing, I am asking Congress to add cranes to this list. Cranes are the most endangered family of birds in the world, with 11 of the world's 15 species at risk of extinction. Specifically, this legislation would authorize up to $5 million of funds per year to be distributed in the form of conservation project grants to protect cranes and their habitat. The financial resources authorized by this bill can be made available to qualifying conservation groups operating in Asia, Africa, and North America. The program is authorized from Fiscal Year 2008 through Fiscal Year 2012.

In keeping with my belief that we should balance the budget, this bill proposes that the $25 million in authorized spending over 5 years for the Crane Conservation Act established in this legislation should be offset through the Secretary of the Interior's administrative budget. The Secretary of the Interior would be required to transfer any funds it does not expend under the Crane Conservation Act back to the Treasury at the end of fiscal year 2012.

I am offering this legislation due to the serious and significant decline that can be expected in crane populations worldwide without further conservation efforts. Those efforts have achieved some success in the case of the North American whooping crane, the rarest crane on earth. In 1941, only 21 whooping cranes existed in the entire world. This stands in contrast to the over 450 birds in existence today. The North American whooping crane's resurgence is attributed to the bird's tenacity for survival and to the efforts of conservationists in the United States and Canada. Today, the only wild flock of North American whooping cranes breeds in northwest Canada, and spends its winters in coastal Texas. A new flock of cranes is currently being reintroduced to the wild in an eastern flyway from Wisconsin to Florida.

The movement of this flock of birds shows how any effort by Congress to regulate crane conservation needs to cross both national and international lines. As this flock of birds makes its journey from Wisconsin to Florida, the birds rely on the ecosystems of a multitude of states in this country. In its journey from the Necedah National Wildlife Refuge in Wisconsin to the Chassahowitzka National Wildlife Refuge in Florida in the fall and eventual return to my home State in the spring, this flock also faces threats from pollution of traditional watering grounds, collision with utility lines, human disturbance, disease, predation, loss of genetic diversity within the population, and vulnerability to catastrophes, both natural and man-made.

The birds also rely on private landowners, the vast majority of whom have enthusiastically welcomed the birds to their rest on their land. Through its extensive outreach and education program, the Whooping Crane Eastern Partnership has obtained the consistent support of farmers and other private landowners to make this important recovery program a success. On every front, this partnership is unique.

Despite the remarkable conservation efforts taken since 1941, however, this species is still very much in danger of extinction. While over the course of the last half-century, North American whooping cranes have begun to make a slow recovery, many species of crane in Africa and Asia have declined, including the sarus crane of Asia and the wattled crane of Africa.

The sarus crane stands four feet tall and can be found in the wetlands of

northern India and south Asia. These birds require large, open, well-watered plains or marshes to breed and survive. Due to agricultural expansion, industrial development, river basin development, pollution, warfare, and heavy use of pesticides prevalent in India and southeast Asia, the sarus crane population has been in decline. Furthermore, in many areas, a high human population concentration compounds these factors. On the Mekong River, which runs through Cambodia, Vietnam, Laos, Thailand, and China, human population growth and planned development projects threaten the sarus crane. Reports from India, Cambodia, and Thailand have also cited incidences of the trading of adult birds and chicks, as well as hunting and egg stealing in the drop in population of the sarus crane.

Only three subspecies of the sarus crane exist today. One resides in northern India and Nepal, one resides in southeast Asia, and one resides in northern Australia. Their population is about 8,000 in the main Indian population, with recent numbers showing a rapid decline. In Southeast Asia, only 1,000 birds remain.

The situation of the sarus crane in Asia is mirrored by the situation of the wattled crane in Africa. In Africa, the wattled crane is found in the southern and eastern regions, with an isolated population in the mountains of Ethiopia. Current population estimates range between 6,000 to 8,000 and are declining rapidly, due to loss and degradation of wetland habitats, as well as intensified agriculture, dam construction, and industrialization. In other parts of the range, the creation of dams has changed the dynamics of the flood plains, thus further endangering these cranes and their habitats. Human disturbance at or near breeding sites also continues to be a major threat. Lack of oversight and education over the actions of people, industry, and agriculture is leading to reduced preservation for the lands on which cranes live, thereby threatening the ability of cranes to survive in these regions.

If we do not act now, not only will cranes face extinction, but the ecosystems that depend on their contributions will suffer. With the decline of the crane population, the wetlands and marshes they inhabit can potentially be thrown off balance. I urge my colleagues to join me in supporting legislation that can provide funding to the local farming, education, and enforcement projects that can have the greatest positive effect on the preservation of both cranes and fragile habitats. This modest investment can secure the future of these exemplary birds and the beautiful areas in which they live. Therefore, I ask my colleagues to support the Crane Conservation Act of 2007.

I ask unanimous consent that the text of my 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. 1048

*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 ''Crane Conservation Act of 2007''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) crane populations in many countries have experienced serious decline in recent decades, a trend that, if continued at the current rate, threatens the long-term survival of the species in the wild in Africa, Asia, and Europe;

(2) 5 species of Asian crane are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and appendix I of the Convention, which species are—

(A) the Siberian crane (Grus leucogeranus);

(B) the red crowned crane (Grus japonensis);

(C) the white-naped crane (Grus vipio);

(D) the black-necked crane (Grus nigricollis); and

(E) the hooded crane (Grus monacha);

(3) the Crane Action Plan of the International Union for the Conservation of Nature considers 4 species of cranes from Africa and 1 additional species of crane from Asia to be seriously threatened, which species are—

(A) the wattled crane (Bugeranus carunculatus);

(B) the blue crane (Anthropoides paradisea);

(C) the grey crowned crane (Balearica regulorum);

(D) the black crowned crane (Balearica pavonina); and

(E) the sarus crane (Grus antigone);

(4)(A) the whooping crane (Grus americana) and the Mississippi sandhill crane (Grus canadensis pulla) are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) with approximately 225 whooping cranes in the only self-sustaining flock that migrates between Canada and the United States, and approximately 100 Mississippi sandhill cranes in the wild, both species remain vulnerable to extinction;

(5) conservation resources have not been sufficient to cope with the continued diminution of crane populations from causes that include hunting and the continued loss of habitat;

(6)(A) cranes are flagship species for the conservation of wetland, grassland, and agricultural landscapes that border wetland and grassland; and

(B) the establishment of crane conservation programs would result in the provision of conservation benefits to numerous other species of plants and animals, including many endangered species;

(7) other threats to cranes include—

(A) the collection of eggs and juveniles;

(B) poisoning from pesticides applied to crops;

(C) collisions with power lines;

(D) disturbance from warfare and human settlement; and

(E) the trapping of live birds for sale;

(8) to reduce, remove, and otherwise effectively address those threats to cranes in the wild, the joint commitment and effort of countries in Africa, Asia, and North America, other countries, and the private sector, are required;

(9) cranes are excellent ambassadors to promote goodwill among countries because they are well known and migrate across continents;

(10) because the threats facing cranes and the ecosystems on which cranes depend are similar on all 5 continents on which cranes occur, conservation successes and methods developed in 1 region have wide applicability in other regions; and

(11) conservationists in the United States have much to teach and much to learn from colleagues working in other countries in which, as in the United States, government and private agencies cooperate to conserve threatened cranes.

**SEC. 3. PURPOSES.**

The purposes of this Act are—

(1) to perpetuate healthy populations of cranes;

(2) to assist in the conservation and protection of cranes by supporting—

(A) conservation programs in countries in which endangered and threatened cranes occur; and

(B) the efforts of private organizations committed to helping cranes; and

(3) to provide financial resources for those programs and efforts.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) CONSERVATION.—

(A) IN GENERAL.—The term ''conservation'' means the use of any method or procedure to improve the viability of crane populations and the quality of the ecosystems and habitats on which the crane populations depend to help the species achieve sufficient populations in the wild to ensure the long-term viability of the species.

(B) INCLUSIONS.—The term ''conservation'' includes the carrying out of any activity associated with scientific resource management, such as—

(i) protection, restoration, acquisition, and management of habitat;

(ii) research and monitoring of known populations;

(iii) the provision of assistance in the development of management plans for managed crane ranges;

(iv) enforcement of the Convention;

(v) law enforcement and habitat protection through community participation;

(vi) reintroduction of cranes to the wild;

(vii) conflict resolution initiatives; and

(viii) community outreach and education.

(2) CONVENTION.—The term ''Convention'' has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) FUND.—The term ''Fund'' means the Crane Conservation Fund established by section 6(a).

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

**SEC. 5. CRANE CONSERVATION ASSISTANCE.**

(a) IN GENERAL.—Subject to the availability of appropriations and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects relating to the conservation of cranes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) APPLICANTS.—

(A) IN GENERAL.—An applicant described in subparagraph (B) that seeks to receive assistance under this section to carry out a project relating to the conservation of cranes shall submit to the Secretary a project proposal that meets the requirements of this section.

(B) ELIGIBLE APPLICANTS.—An applicant described in this subparagraph is—

(i) any relevant wildlife management authority of a country that—

(I) is located within the African, Asian, European, or North American range of a species of crane; and

(II) carries out 1 or more activities that directly or indirectly affect crane populations;

(ii) the Secretariat of the Convention; and

(iii) any person or organization with demonstrated expertise in the conservation of cranes.

(2) REQUIRED ELEMENTS.—A project proposal submitted under paragraph (1)(A) shall include—

(A) a concise statement of the purpose of the project;

(B)(i) the name of each individual responsible for conducting the project; and

(ii) a description of the qualifications of each of those individuals;

(C) a concise description of—

(i) methods to be used to implement and assess the outcome of the project;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(D) an estimate of the funds and the period of time required to complete the project;

(E) evidence of support for the project by appropriate government entities of countries in which the project will be conducted, if the Secretary determines that such support is required to ensure the success of the project;

(F) information regarding the source and amount of matching funding available for the project; and

(G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project to receive assistance under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a final project proposal, provide a copy of the proposal to other appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria described in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of appropriations, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) consult on the proposal with the government of each country in which the project is to be carried out;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to—

(i) the applicant that submitted the proposal;

(ii) other appropriate Federal officials; and

(iii) each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the Secretary determines that the proposed project will enhance programs for conservation of cranes by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and cranes that arise from competition for the same habitat or resources;

(3) enhance compliance with the Convention and other applicable laws that—

(A) prohibit or regulate the taking or trade of cranes; or

(B) regulate the use and management of crane habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition of crane habitat;

(B) crane population numbers and trends; or

(C) the current and projected threats to crane habitat and population numbers and trends;

(5) promote cooperative projects on the issues described in paragraph (4) among—

(A) governmental entities;

(B) affected local communities;

(C) nongovernmental organizations; or

(D) other persons in the private sector;

(6) carry out necessary scientific research on cranes;

(7) provide relevant training to, or support technical exchanges involving, staff responsible for managing cranes or habitats of cranes, to enhance capacity for effective conservation; or

(8) reintroduce cranes successfully back into the wild, including propagation of a sufficient number of cranes required for this purpose.

(e) PROJECT SUSTAINABILITY; MATCHING FUNDS.—To the maximum extent practicable, in determining whether to approve a project proposal under this section, the Secretary shall give preference to a proposed project—

(1) that is designed to ensure effective, long-term conservation of cranes and habitats of cranes; or

(2) for which matching funds are available.

(f) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary, at such periodic intervals as are determined by the Secretary, reports that include all information that the Secretary, after consulting with other appropriate government officials, determines to be necessary to evaluate the progress and success of the project for the purposes of—

(A) ensuring positive results;

(B) assessing problems; and

(C) fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Each report submitted under paragraph (1), and any other documents relating to a project for which financial assistance is provided under this Act, shall be made available to the public.

**SEC. 6. CRANE CONSERVATION FUND.**

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund established by the matter under the heading ''MULTINATIONAL SPECIES CONSERVATION FUND'' in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–237; 16 U.S.C. 4246) a separate account to be known as the ''Crane Conservation Fund'', consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under section 8; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 5.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund available for each fiscal year, the Secretary may expend not more than 3 percent, or $150,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(3) LIMITATION.—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of North American crane species.

(c) INVESTMENTS OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) ACCEPTANCE AND USE OF DONATIONS.—

(1) IN GENERAL.—The Secretary may accept and use donations to provide assistance under section 5.

(2) TRANSFER OF DONATIONS.—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

**SEC. 7. ADVISORY GROUP.**

(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of cranes.

(b) PUBLIC PARTICIPATION.—

(1) MEETINGS.—The advisory group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

**SEC. 8. FUNDING.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

(b) OFFSET.—Of amounts appropriated to, and available at the discretion of, the Secretary for programmatic and administrative expenditures, a total of $25,000,000 shall be used to establish the Fund.

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By Mr. HARKIN:

S. 1050. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to

the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I introduce the Promoting Wellness for Individuals with Disabilities Act. This important legislation will help ensure that people with disabilities have the same health and wellness opportunities as everyone else—through increasing access to accessible medical equipment, creating a health and wellness grant program, and improving the competency of medical professionals in providing care to patients with disabilities.

The health and wellness of America's citizens has long been one of my top priorities. Too often, many Americans don't know about or lack access to health screenings and preventive services. As Ben Franklin said, ''An ounce of prevention is worth a pound of cure.''

However, it is often difficult for many people with disabilities to access this ounce of prevention. Visits to physicians' offices often do not include accessible examination and diagnostic equipment, such as accessible examination tables, weight scales, and mammography machines for people with mobility or balance issues. The presence of these physical barriers can reduce the likelihood that persons with disabilities will receive timely and appropriate medical services.

For example, one woman—a physician herself—told me that she has not had a complete physical examination since her spinal cord injury more than a decade ago because the tables are too high for her to get onto. She has not had a mammogram or colonoscopy because, as she puts it, it seems like such an effort to have to explain to the technicians her needs, to get them to lift her, and so on. These issues, which many of us take for granted, represent significant barriers to people with disabilities.

Further, health and wellness programs on topics such as smoking cessation, weight control, nutrition, or fitness may not focus on the unique challenges faced by individuals with disabilities. And it may be difficult for persons with particular disabilities, such as those with intellectual disabilities, to find physicians or dentists who are willing to take them on as patients. All of these factors can also increase the incidence of secondary conditions for people with disabilities.

I believe that the ''Promoting Wellness for Individuals with Disabilities Act'' is a good first step toward addressing these problems. The bill would: authorize the U.S. Access Board to establish accessibility standards for medical diagnostic equipment—including examination tables, examination chairs, weight scales, and mammography equipment, x-ray machines, and other radiological equipment commonly used for diagnostic purposes by medical professionals; establish a national wellness grant program that will help fund programs or activities for smoking cessation, weight control, nutrition or fitness that focus on the unique challenges faced by individuals with disabilities; preventive health screening programs for individuals with disabilities to reduce the incidence of secondary conditions; and athletic, exercise, or sports programs that provide individuals with disabilities an opportunity to increase their physical activity; and improve education and training of physicians and dentists by requiring that medical schools, dental schools, and their residency programs provide training to improve competency and clinical skills in providing care to patients with disabilities, including those with intellectual disabilities.

I invite my fellow Members to join me in support of this legislation. Together, we can make certain that people with disabilities are not limited in their access to quality medical care, or in their opportunities for health and wellness.

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. 1050

*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 ''Promoting Wellness for Individuals with Disabilities Act of 2007''.

**SEC. 2. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.**

Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) is amended by adding at the end of the following:

**''SEC. 510. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.**

''(a) STANDARDS.—Not later than 9 months after the date of enactment of the Promoting Wellness for Individuals with Disabilities Act of 2007, the Architectural and Transportation Barriers Compliance Board shall issue (including publishing) standards setting forth the minimum technical criteria for medical diagnostic equipment used in (or in conjunction with) physician's offices, clinics, emergency rooms, hospitals, and other medical settings. The standards shall ensure that such equipment is accessible to, and usable by, individuals with disabilities, and shall allow independent entry to, use of, and exit from the equipment by such individuals to the maximum extent possible.

''(b) MEDICAL DIAGNOSTIC EQUIPMENT COVERED.—The standards issued under subsection (a) for medical diagnostic equipment shall apply to equipment that includes examination tables, examination chairs (including chairs used for eye examinations or procedures, and dental examinations or procedures), weight scales, mammography equipment, x-ray machines, and other radiological equipment commonly used for diagnostic purposes by health professionals.

''(c) INTERIM STANDARDS.—Until the date that the standards described under subsection (a) are in effect, purchases of examination tables, weight scales, and mammography equipment made after January 1, 2008, and used in (or in conjunction with) medical settings as described in subsection (a), shall meet the following interim accessibility requirements:

''(1) Examination tables shall be height-adjustable between a range of at least 18 inches to 37 inches.

''(2) Weight scales shall be capable of weighing individuals who remain seated in a wheelchair or other personal mobility aid.

''(3) Mammography machines and equipment shall be capable of being used by individuals in a standing, seated, or recumbent position, including individuals who remain seated in a wheelchair or other personal mobility aid.

''(d) REVIEW AND AMENDMENT.—The Architectural and Transportation Barriers Compliance Board shall periodically review and, as appropriate, amend the standards.''.

**SEC. 3. WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.**

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following new section:

**''SEC. 399R. ESTABLISHMENT OF WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.**

''(a) IN GENERAL.—

''(1) INDIVIDUAL WITH A DISABILITY DEFINED.—For purposes of this section, the term 'individual with a disability' has the meaning given the term in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)), for purposes of title V of such Act (29 U.S.C. 791 et seq.).

''(2) WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.—The Secretary, in collaboration with the National Advisory Committee on Wellness for Individuals With Disabilities, may make grants on a competitive basis to public and nonprofit private entities for the purpose of carrying out programs for promoting good health, disease prevention, and wellness for individuals with disabilities, and preventing secondary conditions in such individuals.

''(b) REQUIREMENT OF APPLICATION.—To be eligible to receive a grant under subsection (a), a public or nonprofit private entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(c) AUTHORIZED ACTIVITIES.—With respect to promoting good health and wellness for individuals with disabilities described in subsection (a), activities for which the Secretary may make a grant under such subsection include—

''(1) programs or activities for smoking cessation, weight control, nutrition, or fitness that focus on the unique challenges faced by individuals with disabilities regarding these issues;

''(2) preventive health screening programs for individuals with disabilities to reduce the incidence of secondary conditions; and

''(3) athletic, exercise, or sports programs that provide individuals with disabilities (including children with disabilities) an opportunity to increase their physical activity in a dedicated or adaptive recreational environment.

''(d) PRIORITIES.—

''(1) ADVISORY COMMITTEE.—The Secretary shall establish a National Advisory Committee on Wellness for Individuals With Disabilities that shall set priorities to carry out this section, review grant proposals, and make recommendations for funding, and annually evaluate the progress of the program under this section in implementing the priorities.

''(2) REPRESENTATION.—The Advisory Committee established under paragraph (1) shall include representation by the Department of Health and Human Services Office on Disability, the United States Surgeon General

or his designee, the Centers for Disease Control and Prevention, private nonprofit organizations that represent the civil rights and interests of individuals with disabilities, and individuals with disabilities or their family members.

''(e) DISSEMINATION OF INFORMATION.—The Secretary shall, in addition to the usual methods of the Secretary, disseminate information about the availability of grants under the Wellness Grant Program for Individuals with Disabilities in a manner designed to reach public entities and nonprofit private organizations that are dedicated to providing outreach, advocacy, or independent living services to individuals with disabilities.

''(f) REPORTS TO CONGRESS.—The Secretary shall, not later than 180 days after the date of the enactment of the Promoting Wellness for Individuals with Disabilities Act of 2007, and annually thereafter, submit to Congress a report summarizing activities, findings, outcomes, and recommendations resulting from the grant projects funded under this section during the preceding fiscal year.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary.''.

**SEC. 4. IMPROVING EDUCATION AND TRAINING TO PROVIDE MEDICAL SERVICES TO INDIVIDUALS WITH DISABILITIES.**

(a) COORDINATED PROGRAM TO IMPROVE PEDIATRIC ORAL HEALTH.—Section 320A(b) of the Public Health Service Act (42 U.S.C. 247d–8(b)) is amended by—

(1) striking '', or to increase'' and inserting '', to increase''; and

(2) striking the period and inserting the following '', or to provide training to improve competency and clinical skills in providing oral health services to, and communicating with, patients with disabilities (including those with intellectual disabilities) through training integrated into the core curriculum and patient interaction in community-based settings.''.

(b) CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended by adding at the end the following:

''(h) REQUIREMENT TO PROVIDE TRAINING.—To be eligible to receive a payment under this section, a children's hospital shall provide training to improve competency and clinical skills in providing health care to, and communicating with, patients with disabilities, including those with intellectual disabilities, as part of any approved graduate medical residency training program provided by the hospital. Such training shall include treating patients with disabilities in community-based settings, as part of the usual training or residency placement.''.

(c) CENTERS OF EXCELLENCE.—Section 736(b) of the Public Health Service Act (42 U.S.C. 293(b)) is amended—

(1) in paragraph (6)(B), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) to carry out a program to improve competency and clinical skills of students in providing health services to, and communicating with, patients with disabilities, including those with intellectual disabilities; and''.

(d) FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, GENERAL DENTISTRY, PEDIATRIC DENTISTRY, AND PHYSICIAN ASSISTANTS.—Section 747(a) of the Public Health Service Act (42 U.S.C. 293k(a)) is amended—

(1) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (6), by striking ''pediatric dentistry.'' and inserting the following: ''pediatric dentistry; and

''(7) to plan, develop, and operate a program for the training of physicians or dentists, or medical or dental residents, to improve competency and clinical skills of physicians and dentists in providing services to, and communicating with, patients with disabilities, including those with intellectual disabilities.''; and

(3) by inserting at the end the following: ''The training described in paragraph (7) shall include training integrated into the core curriculum, as well as patient interaction with individuals with disabilities in community-based settings, as part of the usual training or residency placement.''.

(e) ADVISORY COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 762(a)(1) of the Public Health Service Act (42 U.S.C. 294o(a)(1)) is amended—

(1) in subparagraph (E), by striking ''; and'' and inserting a semicolon;

(2) by adding at the end the following:

''(G) appropriate efforts to be carried out by hospitals, schools of medicine, schools of osteopathic medicine, schools of dentistry, and accrediting bodies with respect to changes in undergraduate and graduate medical training to improve competency and clinical skills of physicians in providing health care services to, and communicating with, patients with disabilities, including those with intellectual disabilities; and''.

(f) MEDICARE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended by adding at the end the following:

''(8) REQUIREMENT TO PROVIDE TRAINING.—To be eligible to receive a payment under this subsection, a hospital shall provide training to improve competency and clinical skills in providing health care to, and communicating with, patients with disabilities, including those with intellectual disabilities, as part of any approved medical residency training program provided by the hospital. Such training shall include treating patients with disabilities in community-based settings, as part of the usual training or residency placement.''.

(g) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (f) shall take effect 180 days after the date of enactment of this Act.

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By Mr. DODD (for himself, Mr. GRASSLEY, Mr. OBAMA, and Mrs. DOLE):

S. 1051. A bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia at Constitution Gardens previously approved to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Energy and Natural Resources.

Mr. DODD. Mr. President, I rise today to introduce the National Liberty Memorial Act along with my colleagues, Senators CHARLES E. GRASSLEY and Sen. BARACK OBAMA. Representatives DONALD M. PAYNE, WILLIAM LACY CLAY, STEVE COHEN, SHEILA JACKSON-LEE, HENRY C. ''HANK'' JOHNSON, Jr., NITA M. LOWEY, ALBIO SIRES, and BETTY SUTTON have introduced companion language in the House.

The depth and breadth of patriotic contributions by African Americans in the Revolutionary War have gone practically unacknowledged. Historians are now beginning to uncover their forgotten heroism, and estimate that 5,000 slaves and free blacks fought in the army, navy, and militia during that harrowing time. They served and struggled in major battles from Lexington and Concord to Yorktown and made significant contributions to the revolutionary effort. More than 400 hailed from my State of Connecticut.

More than twenty years ago, Congress authorized a memorial to black Revolutionary War soldiers and sailors, those who provided civilian assistance, and the many slaves who fled slavery or filed petitions to courts or legislatures for their freedom. A site was selected in Constitution Gardens, fittingly near the 56 Signers of the Declaration of Independence Memorial and the great war memorials. Unfortunately, the group originally authorized to raise funds for and build the memorial was unable to conclude its task, and the site sits empty today.

A group of committed citizens has formed the National Mall Liberty Fund DC, ''Liberty Fund D.C.'', to carry out the vision of Congress. Last year, the National Capital Memorial Advisory Commission concluded that there are no legal impediments that would preclude the Liberty Fund DC from assuming the prior group's site approvals on the Mall. The legislation that we offer today would amend the 1986 enactment to authorize the Liberty Fund to raise money for and build this valuable memorial.

The time has come to recognize the sacrifice and the impact of the African Americans who fought for the birth of our country. I urge my colleagues to support the National Liberty Memorial Act.

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By Mr. SALAZAR (for himself and Mr. SPECTER):

S. 1052. A bill to amend title XIX and XXI of the Social Security Act to provide States with the option to provide nurse home visitation services under Medicaid and the State Children's Health Insurance Program; to the Committee on Finance.

Mr. SALAZAR. Mr. President, I rise today to make the health of American children and families a top priority with the Healthy Children and Families Act of 2007, which I introduced earlier today with Senator SPECTER. I am honored that Senator SPECTER has cosponsored this important legislation, and I thank Senator SPECTER for his leadership and commitment to children's health and to empowering families to lead healthy lives.

The Children's Health Insurance Program has successfully improved the health of over six million low-income children, allowing them to grow, learn and reach their fullest potential. In the coming months, I look forward to working with my colleagues on the Finance Committee to reauthorize the Children's Health Insurance Program

so that it continues to fulfill its promise to provide quality health care to all low-income children.

The reauthorization of the Children's Health Insurance Program provides us with an opportunity to strengthen and improve it. The Healthy Children and Families Act does just that by allowing states to offer nurse home visitation services in their Medicaid and State Children's Health Insurance programs. The Healthy Children and Families Act models nurse home visitation services after the Nurse Family Partnership program.

The Nurse Family Partnership program provides low-income pregnant women with trained, registered nurses who counsel their clients in their homes on prenatal care, child health and development, proper nutrition, life-coping strategies and skills, healthy family relationships, educational development and opportunities, employment training, family planning information, family support mechanisms and a variety of other services that children and families need to maintain healthy, economically stable lives.

Nurse home visitation programs empower women and children to transform their lives, families and communities. The nurses provide the education and tools for pregnant women and their families to improve their health by getting early prenatal care, preventative healthcare and proper nutrition. In addition, the nurses provide help for pregnant women and families to change risky behaviors such as substance abuse, and also teach pregnant women parenting skills so that they can welcome their babies into households that are prepared to raise physically and mentally healthy children. Nurses in the program also help mothers continue their own education and obtain employment so that the family is able to be economically stable.

We all recognize that the most critical time for childhood development begins in infancy. Nurse home visitation programs nurture the cognitive development of children during those critical early years so that children are equipped to learn.

The success of nurse home visitation services is nothing short of inspiring. Statistics from multiple, controlled studies prove that mothers and children served by nurse visitation services have a: 79 percent reduction in preterm delivery; 48 percent reduction in child abuse and neglect; 59 percent reduction in child arrests; 61 percent fewer arrests of the mother; 72 percent fewer conviction for the mother; 46 percent increase in father presence in household; 32 percent fewer subsequent pregnancies; 50 percent reduction in language delays of child age 21 months; 67 percent reduction in childhood behavioral problems at age 6.

With these amazing, life-altering results, it is no surprise that nurse visitation programs have been found to save taxpayer dollars. The Rand Corporation conducted a cost-benefit analysis and found that for every dollar spent on Nurse Family Partnership services, a savings of $5.70 is yielded in diminished health care costs and governmental and social costs associated with child abuse and neglect, unwanted pregnancy, childhood developmental delays, and criminal justice costs.

The life transforming impact of nurse home visitation programs led the Brookings Institute to recently publish a report in which it identified nurse home visitation services as one of the most cost-effective returns on investment for children. The Center for the Study and Prevention of Violence has identified nurse home visitation services such as Nurse Family Partnership as a ''blueprint'' for violence prevention. At a time when youth violence is on the rise, these programs hold the key to reducing violent conduct.

The Healthy Children and Families Act will allow states to offer nurse home visitation services to over half a million pregnant women annually. The Act will empower mothers and children to live healthy and economically stable lives that enrich their communities. Moreover, the Act will save scarce resources by improving prenatal health, birth outcomes, increasing intervals between first and subsequent births, reducing early childhood injuries and hospitalizations, reducing child abuse and neglect, reducing involvement in the criminal justice system, and improving maternal employment and economic self-sufficiency of families.

I encourage my colleagues to support the Healthy Children and Families Act as cost effective, smart legislation that will transform the health and lives of children and families.

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By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1053. A bill to provide for a resource study of the area known as the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting resources of the corridor, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today along with Senator BOXER as cosponsor to direct the Secretary of the Interior to study the suitability and feasibility of expanding the Santa Monica National Recreation Area to include the Rim of the Valley Corridor.

The Rim of the Valley Corridor is an example of a highly threatened habitat area, the Mediterranean chaparral ecosystem. Connecting to the adjacent Los Padres and San Bernardino National Forests, the Corridor encircles the San Fernando Valley, La Crescenta, Simi, Conejo, and Santa Clarita Valleys, consisting of parts of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, and San Rafael Hills.

There is a great need for expanded parkland in southern California. While the Los Angeles metropolitan region has the second-largest urban concentration in the United States, the area has one of the lowest ratios of park-and-recreation-lands per thousand-population of any urban area in the country.

Since the creation of the Santa Monica Recreation Area in 1978, Federal, State, and local authorities have worked successfully together to create and maintain the highly successful Santa Monica Mountains National Recreation Area, hemmed in on all sides by development.

With the passage of this legislation, Congress will hold true to its original commitment to preserve the scenic, natural, and historic setting of the Santa Monica Mountains Recreation Area.

With the inclusion of the Rim of the Valley Corridor in the Santa Monica Mountains Recreation Area, greater ecological health and diversity will be promoted, particularly for larger animals like mountain lions, bobcats, and the golden eagle. By creating a single contiguous Rim of the Valley Trail, people will enjoy greater access to existing trails in the Recreational Area.

Within a National Recreation Area, the National Park Service is prohibited from exercising the powers of eminent domain, and private property may be purchased from voluntary sellers only.

The bill includes a provision directing the Department of the Interior to analyze any effects that a proposed expansion of the Santa Monica Mountains National Recreation Area will have on private land within or bordering the area. Any such effects will be thoroughly considered as the study moves forward.

After the study called for in this bill is complete, the Secretary of the Interior and Congress will be in a key position to determine whether all or portions of the Rim of the Valley Corridor warrant inclusion in the Santa Monica Mountains National Recreation Area.

This bill enjoys strong support from local and State officials and I hope that it will have as much strong bipartisan support this Congress, as it did last Congress. Congressman ADAM SCHIFF plans to introduce companion legislation for this bill in the House and I applaud his commitment to this issue.

I urge my colleagues to support this legislation and I ask unanimous consent that the text of this proposed legislation 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. 1053

*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 ''Rim of the Valley Corridor Study Act''.

**SEC. 2. RESOURCE STUDY OF RIM OF THE VALLEY CORRIDOR, CALIFORNIA.**

(a) STUDY REQUIRED.—The Secretary of the Interior shall conduct a resource study of

the lands, waters, and interests of the area known as the Rim of the Valley Corridor in the State of California to evaluate a range of alternatives for protecting resources of the corridor, including the alternative of establishing all or a portion of the corridor as a unit of the Santa Monica Mountains National Recreation Area. The Rim of the Valley Corridor generally includes the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys in California.

(b) STUDY TOPICS.—In conducting the study, the Secretary shall seek to achieve the following objectives:

(1) Protecting wildlife populations in the Santa Monica Mountains National Recreation Area by preserving habitat linkages and wildlife movement corridors between large blocks of habitat in adjoining regional open space.

(2) Establishing connections along the State-designated Rim of the Valley Trail System, with the aim of creating a single contiguous Rim of the Valley Trail and encompassing major feeder trails connecting adjoining communities and regional transit to the trail system.

(3) Preserving recreational opportunities and facilitating access to open space for a variety of recreational users.

(4) Protecting rare, threatened, or endangered plant and animal species, and rare or unusual plant communities and habitats.

(5) Protecting historically significant landscapes, districts, sites, and structures.

(6) Respecting the needs of communities within, or in the vicinity of, the Rim of the Valley Corridor.

(c) PRIVATE PROPERTY.—As part of the study, the Secretary shall analyze the potential impact that establishment of all or a portion of the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area is likely to have on land within or bordering the area that is privately owned at the time the study is conducted. The report required by subsection (g) shall discuss the concerns of private landowners within the existing boundaries of the Santa Monica Mountains National Recreation Area.

(d) COST EFFECTIVENESS.—As part of evaluating each alternative considered under the study, the Secretary shall estimate the impact of implementing the alternative on staffing and other potential costs to Federal, State, and local agencies and other organizations.

(e) CONSULTATION.—The Secretary shall conduct the study in consultation with appropriate Federal, State, county, and local government entities.

(f) STUDY CRITERIA.—In addition to the special considerations specified in this section, the Secretary shall conduct the study using the criteria prescribed for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(g) TRANSMISSION OF STUDY.—Within three years after funds are first made available for the study, the Secretary shall transmit a report containing the results of the study to the Committee on Energy and Natural Resources of the Senate and to the Committee on Natural Resources of the House of Representatives.

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By Mrs. FEINSTEIN:

S. 1054. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to authorize water recycling and other water supply projects by the Inland Empire Utilities Agency and the Cucamonga Valley Water District. These projects will produce approximately 95,000 acre-feet of new water annually in one of the most rapidly growing regions in the United States, reducing the need for imported water from the Colorado River and northern California through the California Water Project.

The federal investment required is limited to approximately 10 percent of the projects' cost, or about $30 million.

This legislation is intended to be the companion to H.R. 122, sponsored by DAVID DREIER, GRACE NAPOLITANO, KEN CALVERT, JOE BACA, and GARY MILLER.

This legislation has broad support and has already passed the House, and in fact similar legislation to H.R. 122 also passed the House of Representatives in each of the previous two Congresses.

It is time for this legislation to pass the Senate as well and be enacted into law. Environmental groups such as the Mono Lake Committee, Environmental Defense, Clean Water and Natural Resources Defense Council strongly support the water recycling and groundwater remediation projects in this bill. Business leaders such as Southern Cal Edison and Building Industry Association also support these projects.

The Inland Empire Regional Water Recycling Initiative would authorize two project components. The first will be constructed by the Inland Empire Utilities Agency—IEUA—and will produce approximately 90,000 acre feet of new water annually. The second of these projects, to be constructed by the Cucamonga Valley Water District—CVWD—will produce an additional 5,000 acre feet of new water annually.

The Inland Empire Regional Water Recycling Initiative has the support of all member agencies of IEUA, as well as the water agencies downstream in Orange County. IEUA encompasses approximately 242 square miles and serves the cities of Chino, Chino Hills, Fontana—through the Fontana Water Company—Ontario, Upland, Montclair, Rancho Cucamonga—through the Cucamonga Valley Water District—and the Monte Vista Water District.

I want to say a few words about the importance of water recycling projects.

The development of recycled water can bring significant amounts of water ''on line'' in a relatively short period of time. Recycled water provides our State and region with the ability to ''stretch'' existing water supplies significantly and in so doing, minimize conflict and address the many needs that exist. According to the State of California's Recycled Water Task Force, water recycling is a critical part of California's water future with an estimated 1.5 million acre-feet of new supplies being developed over the next 25 years.

Water recycling is also a bipartisan initiative in California, as witnessed by the many Republican and Democratic House cosponsors of the House versions of the bill I introduce today.

Water recycling also has significant greenhouse gas reduction benefits. The greenhouse gas emission reductions attributed to local development and use of recycled water within Inland Empire Utilities Agency's service area is roughly 100,000 tons of $CO_2$ equivalents per year.

With only a small percentage of the total recycled water available being used in Southern California, approximately 10 percent, there is a huge potential for additional energy savings and greenhouse gas reductions from aggressive development of recycled water supplies.

California is not the only State engaged in water recycling. Today, water recycling is an essential water supply element in Albuquerque, Phoenix, Denver, Salt Lake City, Tucson, EI Paso, San Antonio, Portland, and other western metropolitan areas.

I urge my colleagues to support this bill to help meet the West's water supply needs and to reduce our dependence on the Colorado River. 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. 1054

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

**SECTION 1. INLAND EMPIRE AND CUCAMONGA VALLEY RECYCLING PROJECTS.**

(a) SHORT TITLE.—This section may be cited as the ''Inland Empire Regional Water Recycling Initiative''.

(b) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

**''SEC. 1639. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.**

''(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional water recycling project described in the report submitted under section 1606(c).

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

''(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

**''SEC. 1640. CUCAMONGA VALLEY WATER RECYCLING PROJECT.**

''(a) IN GENERAL.—The Secretary, in cooperation with the Cucamonga Valley Water District, may participate in the design, planning, and construction of the Cucamonga

Valley Water District satellite recycling plants in Rancho Cucamonga, California, to reclaim and recycle approximately 2 million gallons per day of domestic wastewater.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the capital cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000.

''(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.''.

(c) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 1638 the following:

''1639. Inland Empire Regional Water Recycling Program.

''1640. Cucamonga Valley Water Recycling Project.''.

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By Mr. BIDEN:

S. 1055. A bill to promote the future of the American automobile industry, and for other purposes; to the Committee on Finance.

Mr. BIDEN. Mr. President, today I am introducing The American Automobile Industry Promotion Act of 2007 to jump-start next generation battery technology development in the United States and extend incentives to American-made highly efficient vehicles.

This legislation authorizes $100 million a year for 5 years to advance new battery technology—an amount double the administration's current budget request. On a national and international level, we must do whatever it takes to help our domestic auto manufacturers remain competitive.

Right now, the Japanese dominate the market for lithium ion batteries because they invested hundreds of millions of dollars in developing this technology and in supporting their domestic industry. And, the Koreans and the Chinese are not far behind. American auto manufacturers are playing catch-up and we need to move quickly.

Specifically, I am proposing to support the development of advanced electric components, systems and vehicles, by providing funds for battery research to national laboratories, small businesses, and institutes of higher learning. The bill will also establish, through a competitive selection process, an Industry Alliance of private, U.S. based, for-profit firms whose primary business is battery development. The Industry Alliance would be an advisory resource on short and long term battery technology development.

The new research initiative will have four major areas of focus: (1) Research and Development including battery technology, high-efficiency charging systems, high-powered drive-train systems, control systems and power train development, and nanomaterial technology for battery and fuel cell systems. (2) Demonstration. The initiative also creates a demonstration program which would devote resources toward demonstration, testing and evaluation of hybrid electric vehicles for many different applications including military, mass market passenger and SUV vehicles. (3) Education. The initiative will support curriculum development in secondary, high school, as well as higher education institutions that focus on electric drive systems and component engineering. (4) Testing. Finally, the initiative would work with the EPA to develop testing and certification procedures for criteria pollutants, fuel economy, and petroleum use in vehicles.

In addition to research and development for the lithium ion battery, the American Automobile Industry Promotion Act will also set a national standard for biodiesel, a cleaner-burning fuel made from natural and renewable sources; and expand tax credit eligibility for consumers who purchase more fuel-efficient diesel vehicles. Today's diesels are cleaner than their predecessors, are in compliance with EPA emissions standards, and are 30 percent more fuel efficient than an equivalent gasoline engine. Specifically, the bill expands the emissions requirements to qualify for a tax credit for various weight diesel vehicles, increasing the number of American-manufactured more fuel efficient diesel vehicles that qualify. This provision would expire in four years, at which time all highly efficient vehicles will have to meet higher emissions standards to qualify for the tax credit.

Now is the time to act. It's not too late, but we do not have the luxury of waiting. If we are ever to be truly competitive in the global auto market and free from our dependence on foreign oil, we must move forward on all fronts.

I ask unanimous consent that the text of the legislation 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. 1055

*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 ''American Automobile Industry Promotion Act of 2007''.

**SEC. 2. ADVANCED ENERGY INITIATIVE FOR VEHICLES.**

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid-supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term ''battery'' means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(A) a vehicle that—

(i) uses an electric motor for all or part of the motive power of the vehicle; and

(ii) may use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term ''engine dominant hybrid electric vehicle'' means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel; and

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) FUEL CELL VEHICLE.—The term ''fuel cell vehicle'' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Energy Policy Act of 2005 (42 U.S.C. 16152)).

(5) INITIATIVE.—The term ''Initiative'' means the Advanced Battery Initiative established by the Secretary under subsection (f)(1).

(6) NONROAD VEHICLE.—The term ''nonroad vehicle'' has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(7) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(8) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term ''plug-in hybrid fuel cell vehicle'' means an onroad or nonroad vehicle that is propelled by a fuel cell using—

(A) any compatible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(9) INDUSTRY ALLIANCE.—The term ''Industry Alliance'' means the entity selected by the Secretary under subsection (f)(2).

(10) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

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

(c) GOALS.—The goals of the electric drive transportation technology program established under subsection (e) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of battery technology systems independent of fundamental fuel cell vehicle technology development.

(d) ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences—

(1) to conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate), of state-of-the-art battery technologies with potential application for electric drive transportation;

(2) to identify knowledge gaps in the scientific and technological bases of battery manufacture and use;

(3) to identify fundamental research areas that would likely have a significant impact on the development of superior battery technologies for electric drive vehicle applications; and

(4) to recommend steps to the Secretary to accelerate the development of battery technologies for electric drive transportation.

(e) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high-capacity, high-efficiency batteries;

(2) high-efficiency on-board and off-board charging components;

(3) high-powered drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for education offered by institutions of higher education that is focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency—

(i) to understand and inventory markets; and

(ii) to identify and implement methods of removing barriers for existing and emerging applications.

(f) ADVANCED BATTERY INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish and carry out an Advanced Battery Initiative in accordance with this subsection to support research, development, demonstration, and commercial application of battery technologies.

(2) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(3) RESEARCH.—

(A) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(i) researchers, including Industry Alliance participants;

(ii) small businesses;

(iii) National Laboratories; and

(iv) institutions of higher education.

(B) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(i) comments to identify advanced battery technology needs relevant to electric drive technology;

(ii) an assessment of the progress of research activities of the Initiative; and

(iii) assistance in annually updating advanced battery technology roadmaps.

(4) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this subsection shall be available to the public.

(5) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(g) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2008 through 2012.

**SEC. 3. AVAILABILITY OF NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE CREDIT FOR HIGH-EFFICIENCY DIESEL MOTOR VEHICLES.**

(a) IN GENERAL.—Section 30B(c)(3)(A) of the Internal Revenue Code of 1986 (defining new advanced lean burn technology motor vehicle credit) is amended—

(1) by adding ''and'' at the end of clause (ii), and

(2) by striking clause (iv).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property purchased after the date of the enactment of this Act.

**SEC. 4. BIODIESEL STANDARDS.**

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating the first subsection (r) (relating to the definition of the term ''manufacturer'') as subsection (t) and moving the subsection so as to appear after subsection (s); and

(2) by inserting after subsection (o) the following:

''(p) BIODIESEL STANDARDS.—

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

''(A) BIODIESEL.—

''(i) IN GENERAL.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

''(I) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

''(II) the requirements of the American Society of Testing and Materials D6751.

''(ii) INCLUSIONS.—The term 'biodiesel' includes esters described in subparagraph (A) derived from—

''(I) animal waste, including poultry fat, poultry waste, and other waste material; and

''(II) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

''(B) BIODIESEL BLEND.—

''(i) IN GENERAL.—The term 'biodiesel blend' means a mixture of biodiesel and diesel fuel (as defined in section 4083(a) of the Internal Revenue Code of 1986).

''(ii) INCLUSIONS.—The term 'biodiesel blend' includes—

''(I) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as 'B5'); and

''(II) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as 'B20').

''(2) STANDARDS.—Not later than 180 days after the date of enactment of the American Automobile Industry Promotion Act of 2007, the Administrator shall promulgate regulations to establish standards for each biodiesel blend that is sold or introduced into commerce in the United States.''.

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By Mrs. FEINSTEIN (for herself and Mr. BROWNBACK):

S. 1056. A bill to provide for a comprehensive Federal effort relating to early detection of, treatments for, and the prevention of cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise, along with my Senate Cancer Coalition cochair, Senator BROWNBACK, to introduce the National Cancer Act of 2007, a bipartisan blueprint for winning the war against cancer.

It includes: grants for targeted drug development; creating ''cancer quarterbacks'' in Medicare; Medicaid coverage for smoking cessation treatments; pilot projects for expanding colorectal cancer screening in underserved populations; continued research into the possible benefits of early detection for lung cancer; loan repayment assistance for cancer prevention researchers; incentives for research into drugs that

prevent cancer from developing and spreading in the first place; provisions to promote the collection and storage of tissue sample, to give researchers the tools they need to use genomic research to create individualized cures; promoting access to clinical trials, as well as investigational therapies for those who are terminally ill; addressing the health needs of the growing number of cancer survivors.

Just over 35 years ago, President Nixon signed into law the original National Cancer Act, creating the National Cancer Institute and making cancer research a priority of the Federal Government. This work has led to tremendous breakthroughs against cancer, including innovative drugs, treatments, and a better understanding of the factors that lead to cancer in the first place. Last year, death rates decreased for 11 of the 15 cancers most common in men, and 10 of the cancers most common in women.

Sixty-five percent of people diagnosed with cancer can now expect to survive at least 5 years. This is good news. But it is not enough. The cost of cancer, in both human and economic terms, remains staggering.

An estimated 1,399,790 Americans were diagnosed with some form of cancer last year.

Approximately 1 of 3 women will develop cancer at some point in her lifetime; for men, the risk is slightly less than 1 in 2.

The National Institutes of Health estimated the overall cost of cancer in 2005 at $209.9 billion.

The price of inaction is too steep. Cancer is, first and foremost, a disease of aging. About 76 percent of cancer cases are diagnosed in patients at age 55 or older. If no fundamental changes are made, the aging of the Baby Boom generation will bring a 20 percent increase in cancer diagnoses.

In the face of these challenges, the National Cancer Institute, NCI, with broad support in the cancer community, set the ambitious goal of ending death and suffering from cancer by 2015. This goal has generated unprecedented excitement and unity, with over 80 Members of the United States Senate signing a letter in support of the effort.

It is time to reexamine and reorient our Nation's cancer policy to meet this ambitious goal. This does not mean that cancer will be eradicated by 2015. As our population ages, cancer will not go away. But we can change the meaning of a cancer diagnosis, and that is what the 2015 goal is about.

Meeting this goal will take a comprehensive approach. It requires detecting cancer earlier, before it spreads and becomes harder to treat. It requires targeted therapies, capable of killing cancer cells while leaving healthy cells intact. We must provide access to high quality cancer care for those who do get sick. We must also understand more about why people get cancer in the first place, and ways it can be prevented.

Our legislation takes a multifaceted approach to changing the very nature of a cancer diagnosis. The National Cancer Act of 2007 will do the following:

Authorize grants for the development of targeted drugs.

New drug therapies continue to lead us closer to the day in which cancer is a treatable, chronic condition controlled with a simple pill or injection. It has now been 5 years since the drug company Novartis won approval for Gleevec, a targeted drug that has saved the lives of countless patients with Chronic Myeloid Leukemia, CML.

Gleevec demonstrates the promise of this new kind of drug therapy. It blocks the enzymes that help cancer cells grow and divide, leaving healthy cells untouched. When this drug was first introduced, CML patients who were near death recovered and left the hospital. Yet it could not be determined if their remission would last, or if long-term use of this revolutionary drug would prove safe.

We now know that Gleevec is fulfilling this early promise. Before the advent of this drug, CML patients would often suffer a relapse after 2 or 3 years. But a recent study of CML patients taking Gleevec has demonstrated a remarkable 89 percent survival rate after 5 years. The cancer progressed to a more serious stage in only 7 percent of patients during this time period, and only 5 percent were forced to discontinue treatment because of side effects.

These results suggest that patients may be able to stay on Gleevec indefinitely, keeping this formerly deadly cancer under control while leading full and productive lives.

Targeted therapies are now offering hope to patients with many different kinds of cancer: Herceptin for some breast cancers, Iressa for those with small cell lung cancer, Avastin for colorectal cancer. Avastin can extend survival by interfering with the growth of blood vessels that feed the tumor, literally starving it.

These drugs are the future of cancer research. We need more drugs like Gleevec, which transform cancer from a killer to a controllable health condition. This legislation would authorize NCI to make grants to further develop these treatments.

To help with the development of targeted drugs, the bill also calls for the establishment of a task force on surrogate endpoints and biomarkers. They are the mechanisms for measuring the efficacy of cancer treatment at the molecular level, allowing doctors to precisely gauge how a patient is reacting to a treatment, or if a cancer is progressing.

Developing biomarkers for different types of cancer is an essential step, and our bill will establish a program to develop the biomarkers with the most immediate clinical promise.

The bill will also create special reimbursements for coordinating physicians, or ''cancer quarterbacks'' in Medicare. Successful cancer treatment is increasingly complex, reaching across the entire spectrum of the medical profession. It can involve lab tests, CT-scans, surgery, chemotherapy, and a full team of specialists who offer this care. Many patients have no single physician who can guide them through the complicated and sometimes contradictory course of cancer treatment, no professional to advise them what is best.

This bill would require Medicare to pay oncology doctors or nurses to become the overall managers of patients' care, in effect providing every cancer patient with a ''cancer quarterback'' physician to help them coordinate care and make the necessary decisions.

This cancer quarterback can direct care in the manner that best meets the patient's needs, instead of focusing on only a small segment of his or her care.

This legislation requires that State Medicaid drug programs cover smoking cessation treatments in the same manner as all other approved therapies. I have long believed that we will not truly address the burden of cancer until we address tobacco use. I have asked all kinds of cancer experts about what we can do to stop death from cancer, and their answer is always the same: Stop tobacco use.

Tobacco causes 30 percent of cancer deaths and 1 in 5 of all deaths in the United States. It is the leading cause of preventable death. Smoking related costs total $167 billion annually.

According to the CDC, more than 70 percent of American smokers would like to quit. Studies indicate that tobacco use treatment, including smoking cessation aids, will double their chances of success.

Yet under current law, State Medicaid programs are exempted from providing coverage of smoking cessation agents in the same way as they provide coverage of other drugs. Other exemptions include fertility treatments, drugs to promote hair growth, and drugs for erectile dysfunction.

Simply put, smoking cessation aids, which are FDA approved and proven to be effective, do not belong on this list. Denying people access to treatments to help them break a deadly and expensive addiction is flawed policy.

Our bill will remove tobacco cessation products from this list of exemptions, leveling the playing field with other FDA approved products.

Our bill establishes pilot projects for expanding colorectal cancer screening for low-income, uninsured individuals. The Breast and Cervical Cancer Early Detection Program has proven very successful in providing low income women with access to potentially life saving screenings. It is now time to provide similar access to colorectal cancer screening.

The need is great. A 2006 study conducted by Northwestern University researchers found that only 7 percent of minority patients without regular

health care access at risk for developing colon cancer are being screened. A 2005 study of New York City residents found that those least likely to have been recommended colorectal screening are low-income or uninsured.

Early detection allows physicians to identify patients with pre-cancerous polyps, and treat them before cancer even develops. These pilot projects identify the best ways to provide access to this lifesaving care for those who are not currently receiving recommended screenings.

This bill will authorize continued research on the potential of CT scans to detect lung cancer early. before it becomes fatal. Despite all the promising advances against many types of cancer, lung cancer remains the Nation's leading cause of cancer death in both men and women. About 20,000 people who have never smoked are diagnosed with lung cancer each year, and this number is increasing.

We need to learn more about how to screen for lung cancer and detect it early, before it has advanced. There is much we need to learn before scientists can make a definitive recommendation about screening and its potential benefits for both smokers and non-smokers.

To help scientists learn more, this bill will authorize funding to provide CT scans to those with a history of heavy smoking. This further study will help determine whether this promising technology is indeed the method we need to make progress against the leading cancer killer.

This legislation expands the existing NIH loan repayment program to provide assistance to researchers who make a commitment to working on cancer prevention research. This will encourage the best and brightest to pursue work that will help us to better understand what causes cancer and how we can stop it from occurring.

The bill will encourage and support research into new drugs and treatments, called chemopreventatives, which can stop precancerous cells from becoming tumors. Decades of research has enabled physicians to prescribe medications to prevent serious illness, such as statin drugs to lower cholesterol, and drugs to treat high blood pressure before it leads to strokes.

Progress in drug development to stop cancer has been far more limited. The promise of this field was made clear when, last year, the Food and Drug Administration, FDA, licensed Gardasil, a vaccine to stop the spread of cervical cancer. Gardasil protects against the two forms of the human papillomavirus, or HPV, which causes approximately 70 percent of cervical cancer cases. This vaccine could virtually eliminate cervical cancer during the lifetime of our daughters and granddaughters.

We need more chemoprevention techniques like Guardasil to guard against other types of cancer. People at high risk for a specific type of cancer may one day take a daily pill to stop abnormal cells from progressing to full blown cancer. Though it will take a long time for these promises to become reality, this research is the future of cancer care.

In order to encourage this work, our legislation would grant Orphan Drug Act protections to treatments designed to treat high-risk conditions in individuals who have not yet been diagnosed with cancer, but if left untreated, face a high risk of developing cancer.

This research will require new resources in order to have the best chance of success. To build the foundations for success, our bill will encourage biospecimen collection.

Scientists are beginning to understand the significant role that genetics plays in the development of cancer. To encourage further study, scientists need access to a variety of tissue, blood, and other samples from both cancer patients and those who are healthy. Our bill codifies guidelines for the collection of these samples and requires that the Medicare Payment Advisory Commission, MedPAC, draft a report examining potential payment systems for these activities.

We are on the cusp of an age of personalized medicine, in which a cancer patient's tumor can be analyzed to determine what type of treatment will be most effective. Patients will no longer undergo round after round of chemotherapy or radiation in the hopes of finding a treatment regime that works. Collecting and storing blood and tissue samples will provide our researchers with the materials they need to make these important discoveries.

Our bill will promote clinical trial enrollment. Patients willing to try these cutting edge cancer therapies as they emerge face a variety of obstacles. They, or their physicians, might not know what clinical trial opportunities exist. They may need to travel to a far away facility to participate. Our legislation requires the Director of the National Cancer Institute to create a clinical trials program, which includes: an outreach program, to assure that all patients, especially minorities, participate in trials; and a coordination program, to help patients with logistical challenges and the support costs of trial participation.

Our bill creates an oncology compassionate access program. No patient should lose a battle with cancer because bureaucratic hurdles denied him or her access to a potentially lifesaving therapy. Our bill provides for the creation of a new compassionate access program to speed access of investigational therapies for terminally ill patients who have exhausted all other available treatment options.

Our bill will address the needs of a growing number of cancer survivors. As cancer increasingly becomes a manageable, chronic condition, there will be an increasing number of cancer survivors confronting yet-unknown health challenges. Current cancer survivors number almost 10 million, and this number will only grow. This bill will: expand current cancer surveillance systems to track the health status of cancer survivors; implement a national cancer survivorship action plan, including post treatment health programs; require States to consider the needs of cancer survivors, and their families, in addition to current patients, when drafting their comprehensive cancer control plans.

Require the National Cancer Institute and the National Institute of Environmental Health Sciences, NIEHS, to report on their strategies, benchmarks, and progress in meeting the 2015 goal. This will allow Congress to adjust policy as necessary to ensure that the promise of ending death and suffering from cancer is realized.

The state of cancer care has changed drastically since 1971, and it is time that our Federal policies reflect these changes. The 2015 goal is ambitious, and it requires no less than ambitious legislation in response.

I urge you to join me in supporting this legislation.

Mr. BROWNBACK. Mr. President, today, I introduce the National Cancer Act of 2007, along with my colleague DIANNE FEINSTEIN. Thirty-five years ago, President Richard Nixon signed the original National Cancer Act, and today, we are moving forward with a new, comprehensive bill that takes us one step closer to ending death and suffering from cancer within 10 years. This bill addresses impact-oriented issues such as the development of cancer prevention drugs and a screening for the most lethal cancer.

Lung cancer is the number one cancer killer in America. Individuals afflicted with lung cancer historically have had only 15 percent survival rate. Our legislation includes a new demonstration program to continue research on a screening that uses a spiral CT scan. Screenings using this tool and appropriate follow-up procedures have shown very encouraging results in early detection.

We also include accountability mechanisms in this bill. We request a report from the Federal Government regarding the manner in which Federal cancer research funding is being spent by requiring an estimate of the number of individuals who have benefited from such investment and the number of new treatments developed.

Another issue our legislation addresses is the fact that less than 5 percent of adults diagnosed with cancer each year will be treated through enrollment in a clinical trial; this is often due to lack of awareness. Our bill creates an education program about the availability of clinical trials.

Our legislation also includes efforts to ensure the availability of compassionate access options. Making decisions about treatment options for cancer is a decision best made between the cancer patient and their doctor. Compassionate access offers cancer patients, who have exhausted all of their

treatment options, access to promising investigational treatments that have not yet received full approval by the Food and Drug Administration.

Finally, our bill includes measures to accelerate the progress of the National Cancer Institute's initiative of mapping the genome of the most lethal cancers in America, which will lead to earlier cancer diagnosis and the use of personalized medicine.

I look forward to working with my colleague DIANNE FEINSTEIN and others in moving forward with this legislation in the Senate.

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By Mr. LEVIN (for himself and Ms. STABENOW):

S. 1058. A bill to expedite review of the Grand River Bands of Ottawa Indians of Michigan to secure a timely and just determination of whether the Bands are entitled to recognition as a Federal Indian tribe so that the Bands may receive eligible funds before the funds are no longer available; to the Committee on Indian Affairs.

Mr. LEVIN. Mr. President, the Grand River Bands of Ottawa Indians, commonly referred to as the Grand River Bands, has been in some form indigenous to the State of Michigan for over 200 years. The Grand River Bands consists of the 19 bands of Indians who occupied the territory along the Grand River in what is now southwest Michigan, including the cities of Grand Rapids and Muskegon. The members of the Grand River Bands are the descendants and political successors to signatories of the 1821 Treaty of Chicago and the 1836 Treaty of Washington. They are also one of six tribes which is an original signatory of the 1855 Treaty of Detroit. However, the Grand River Bands is the only one of those tribes which is not recognized by the Federal Government.

In the 109th Congress, I introduced a bill, with my colleague, Senator STABENOW, which would direct the Bureau of Indian Affairs at the Department of the Interior to make a recognition determination, for the Grand River Bands, in a timely manner. I am pleased to re-introduce that bill now. I would also like to affirm that this bill does not federally recognize the tribe nor does it address the issue of gaming. Furthermore, I would like to stress the timely manner in which this determination must be made.

If federally recognized, the Grand River Bands is eligible for funds set aside for them from a Federal consent judgment. These funds are expected to be distributed this year. In order for the Grand River Bands to receive their portion of this fund, they must be federally recognized before this money is distributed. They have completed all of the necessary items for a determination to be made by the Bureau of Indian Affairs, but the Bureau has failed to act on the petition for the past ten years.

I hope that this legislation will help to provide a timely remedy so that the Grand River Bands can receive funds that are currently set aside for them, and enjoy the full benefits and status of Federal recognition.

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

S. 1060. A bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I introduce today with my colleagues Senators SPECTER, BROWNBACK, and LEAHY the Recidivism Reduction and Second Chance Act of 2007, which takes direct aim at reducing recidivism rates by improving the transition of offenders from prison back into the community. As this bill reflects, preventing recidivism is not only the right thing to do, it makes our communities safer and it saves us money.

Today, we have over two million individuals in our Federal and State prisons and millions more in local jails. Our Federal and State prisons will release nearly 650,000 of these offenders back into our communities this year. A staggering ⅔ of released State prisoners will be rearrested for a felony or serious misdemeanor within 3 years of release.

It's not difficult to see why. These ex-offenders face a number of difficult challenges upon release. The unemployment rate among former inmates is as high as 60 percent; 15–27 percent of prisoners expect to go to homeless shelters upon release; and 57 percent of Federal and 70 percent of State inmates used drugs regularly before prison. This addiction and dependency often continues during incarceration.

Unless we address these problems, these individuals will commit hundreds of thousands of serious crimes after their release, and our communities will bear the human and economic cost. If we are going to reduce recidivism and crime, we simply have to make concerted, common-sense efforts now to help ex-offenders successfully reenter and reintegrate into their communities.

The Recidivism Reduction and Second Chance Act of 2007 confronts head-on the dire situation of prisoners reentering our communities with insufficient monitoring, little or no job skills, inadequate drug treatment, insufficient housing, lack of basic physical and mental health services, and deficient basic life skills. Through commonsense and cost effective measures, it offers a second chance for ex-offenders, and the children and families that depend on them, and it strengthens our communities and ensures safe neighborhoods.

The Second Chance Act provides a competitive grant program to study current approaches to reducing recidivism rates. It also provides grants for the development and implementation of comprehensive substance abuse treatment programs, academic and vocational education programs, housing and job counseling programs, and mentoring for offenders who are approaching release and who have been released. To ensure accountability, the bill requires grantees to establish performance goals and benchmarks and report the results to Congress.

The bill authorizes $192 million per year in competitive grant funding. This represents an investment in our future and an acknowledgement of the problem we face. We must remember that the average cost of incarcerating each prisoner exceeds $20,000 per year, with expenditures on corrections alone having increased from $9 billion in 1982 to $60 billion in 2002. That's more than a six-fold increase, and the costs keep going up.

A relatively modest investment in offender reentry efforts today is far more cost-effective than the alternative—building more prisons for these ex-offenders to return to if they can't reenter their communities and are convicted of further crimes. An ounce of prevention, as the saying goes, is worth a pound of cure.

I'm proud today to join with Senator SPECTER, Senator BROWNBACK, and Senator LEAHY in introducing the Recidivism Reduction and Second Chance Act and ask that our colleagues join with us in this vital effort. The safety of our neighbors, our children, and our communities depends on it.

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. 1060

*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 ''Recidivism Reduction and Second Chance Act of 2007'' or the ''Second Chance Act of 2007''.

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

The table of contents for this Act is as follows:

**SEC. 3. FINDINGS.**

Congress finds the following:

(1) In 2002, over 7,000,000 people were incarcerated in Federal or State prisons or in local jails. Nearly 650,000 people are released from Federal and State incarceration into communities nationwide each year.

(2) There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year, these jails will release more than 10,000,000 people back into the community.

(3) Recent studies indicate that over ⅔ of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years after release.

(4) According to the Bureau of Justice Statistics, expenditures on corrections alone increased from $9,000,000,000 in 1982, to $59,600,000,000 in 2002. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

(5) The Serious and Violent Offender Reentry Initiative provided $139,000,000 in funding for State governments to develop and implement education, job training, mental health treatment, and substance abuse treatment for serious and violent offenders. This Act seeks to build upon the innovative and successful State reentry programs developed under the Serious and Violent Offender Reentry Initiative, which terminated after fiscal year 2005.

(6) Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. According to the Bureau of Prisons, there is evidence to suggest that inmates who are connected to their children and families are more likely to avoid negative incidents and have reduced sentences.

(7) Released prisoners cite family support as the most important factor in helping them stay out of prison. Research suggests that families are an often underutilized resource in the reentry process.

(8) Approximately 100,000 juveniles (ages 17 years and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from secure confinement still have their likely prime crime years ahead of them. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent. The chances that young people will successfully transition into society improve with effective reentry and aftercare programs.

(9) Studies have shown that between 15 percent and 27 percent of prisoners expect to go to homeless shelters upon release from prison.

(10) Fifty-seven percent of Federal and 70 percent of State inmates used drugs regularly before going to prison, and the Bureau of Justice Statistics report titled ''Trends in State Parole, 1990–2000'' estimates the use of drugs or alcohol around the time of the offense that resulted in the incarceration of the inmate at as high as 84 percent.

(11) Family-based treatment programs have proven results for serving the special populations of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family-based treatment for substance-abusing mothers and children found that 6 months after such treatment, 60 percent of the mothers remained alcohol and drug free, and drug-related offenses declined from 28 percent to 7 percent. Additionally, a 2003 evaluation of residential family-based treatment programs revealed that 60 percent of mothers remained clean and sober 6 months after treatment, criminal arrests declined by 43 percent, and 88 percent of the children treated in the program with their mothers remained stabilized.

(12) A Bureau of Justice Statistics analysis indicated that only 33 percent of Federal inmates and 36 percent of State inmates had participated in residential in-patient treatment programs for alcohol and drug abuse 12 months before their release. Further, over ⅓ of all jail inmates have some physical or mental disability and 25 percent of jail inmates have been treated at some time for a mental or emotional problem.

(13) State Substance Abuse Agency Directors, also known as Single State Authorities (in this paragraph referred to as ''SSAs''), manage the publicly funded substance abuse prevention and treatment system of the Nation. SSAs are responsible for planning and implementing State-wide systems of care that provide clinically appropriate substance abuse services. Given the high rate of substance use disorders among offenders reentering our communities, successful reentry programs require close interaction and collaboration with each SSA as the program is planned, implemented and evaluated.

(14) According to the National Institute of Literacy, 70 percent of all prisoners function at the lowest literacy levels.

(15) Less than 32 percent of State prison inmates have a high school diploma or a higher level of education, compared to 82 percent of the general population.

(16) Approximately 38 percent of inmates who completed 11 years or less of school were not working before entry into prison.

(17) The percentage of State prisoners participating in educational programs decreased by more than 8 percent between 1991 and 1997, despite growing evidence of how educational programming while incarcerated reduces recidivism.

(18) The National Institute of Justice has found that 1 year after release, up to 60 percent of former inmates are not employed.

(19) Transitional jobs programs have proven to help people with criminal records to successfully return to the workplace and to the community, and therefore can reduce recidivism.

**SEC. 4. SUBMISSION OF REPORTS TO CONGRESS.**

Not later than January 31 of each year, the Attorney General shall submit each report received under this Act or an amendment made by this Act during the preceding year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

## TITLE I—AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

### Subtitle A—Improvements to Existing Programs

**SEC. 101. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.**

(a) ADULT AND JUVENILE OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) establishing or improving the system or systems under which—

''(A) correctional agencies and other criminal and juvenile justice agencies of the grant recipient develop and carry out plans to facilitate the reentry into the community of each offender in the custody of the jurisdiction involved;

''(B) the supervision and services provided to offenders in the custody of the jurisdiction involved are coordinated with the supervision and services provided to offenders after reentry into the community, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

''(C) the efforts of various public and private entities to provide supervision and services to offenders after reentry into the community, and to family members of such offenders, are coordinated; and

''(D) offenders awaiting reentry into the community are provided with documents (such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, and information on obtaining public assistance) useful in achieving a successful transition from prison, jail, or a juvenile facility;

''(2) carrying out programs and initiatives by units of local government to strengthen reentry services for individuals released from local jails, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

''(3) assessing the literacy, educational, and vocational needs of offenders in custody and identifying and providing services appropriate to meet those needs, including follow-up assessments and long-term services;

''(4) facilitating collaboration among the corrections (including community corrections), technical school, community college, business, nonprofit, workforce development, and employment service sectors—

''(A) to promote, where appropriate, the employment of people released from prison, jail, or a juvenile facility through efforts such as educating employers about existing financial incentives;

''(B) to facilitate the creation of job opportunities, including transitional jobs and time-limited subsidized work experience (where appropriate);

''(C) to connect offenders to employment (including supportive employment and employment services before their release to the community), provide work supports (including transportation and retention services), as appropriate, and identify labor market needs to ensure that education and training are appropriate; and

''(D) to address obstacles to employment that are not directly connected to the offense committed and the risk that the offender presents to the community and provide case management services as necessary to prepare offenders for jobs that offer the potential for advancement and growth;

''(5) providing offenders with education, job training, responsible parenting and healthy relationship skills training (designed specifically to address the needs of fathers and mothers in or transitioning from prison, jail, or a juvenile facility), English literacy education, work experience programs, self-respect and life skills training, and other skills useful in achieving a successful transition from prison, jail, or a juvenile facility;

''(6) providing structured post-release housing and transitional housing (including group homes for recovering substance abusers (with appropriate safeguards that may include single-gender housing)) through which offenders are provided supervision and services immediately following reentry into the community;

''(7) assisting offenders in securing permanent housing upon release or following a stay in transitional housing;

''(8) providing substance abuse treatment and services (including providing a full continuum of substance abuse treatment services that encompasses outpatient services, comprehensive residential services and recovery, and recovery home services) to offenders reentering the community from prison, jail, or a juvenile facility;

''(9) expanding family-based drug treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit, as appropriate to the safety, security, and well-being of the family;

''(10) encouraging collaboration among juvenile and adult corrections, community corrections, and community health centers to allow access to affordable and quality primary health care for offenders during the period of transition from prison, jail, or a juvenile facility to the community;

''(11) providing or facilitating health care services to offenders (including substance abuse screening, treatment, and aftercare, infectious disease screening and treatment, and screening, assessment, and aftercare for mental health services) to protect the communities in which offenders will live;

''(12) enabling prison, jail, or juvenile facility mentors of offenders to remain in contact with those offenders (including through the use of all available technology) while in prison, jail, or a juvenile facility and after reentry into the community, and encouraging the involvement of prison, jail, or a juvenile facility mentors in the reentry process;

''(13) systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community (as appropriate to the safety, security, and well-being of the family), including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to function as a stable living situation during reentry, and involving family members in the planning and implementation of the reentry process;

''(14) creating, developing, or enhancing offender and family assessments, curricula, policies, procedures, or programs (including mentoring programs)—

''(A) to help offenders with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities (as appropriate to the safety, security, and well-being of the family), and become non-abusive parents or partners; and

''(B) under which particular attention is paid to the safety of children affected and the confidentiality concerns of victims, and efforts are coordinated with victim service providers;

''(15) maintaining the parent-child relationship, as appropriate to the safety, security, and well-being of the child as determined by the relevant corrections and child protective services agencies, including—

''(A) implementing programs in correctional agencies to include the collection of information regarding any dependent children of an offender as part of intake procedures, including the number, age, and location or jurisdiction of such children;

''(B) connecting those identified children with services as appropriate and needed;

''(C) carrying out programs (including mentoring) that support children of incarcerated parents, including those in foster care and those cared for by grandparents or other relatives (which is commonly referred to as kinship care);

''(D) developing programs and activities (including mentoring) that support parent-child relationships, as appropriate to the safety, security, and well-being of the family, including technology to promote the parent-child relationship and to facilitate participation in parent-teacher conferences, books on tape programs, family days, and visitation areas for children while visiting an incarcerated parent;

''(E) helping incarcerated parents to learn responsible parenting and healthy relationship skills;

''(F) addressing visitation obstacles to children of an incarcerated parent, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies; and

''(G) identifying and addressing obstacles to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of such offenders;

''(16) carrying out programs for the entire family unit, including the coordination of service delivery across agencies;

''(17) facilitating and encouraging timely and complete payment of restitution and fines by offenders to victims and the community;

''(18) providing services as necessary to victims upon release of offenders, including security services and counseling, and facilitating the inclusion of victims, on a voluntary basis, in the reentry process;

''(19) establishing or expanding the use of reentry courts and other programs to—

''(A) monitor offenders returning to the community;

''(B) provide returning offenders with—

''(i) drug and alcohol testing and treatment; and

''(ii) mental and medical health assessment and services;

''(C) facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;

''(D) provide and coordinate the delivery of other community services to offenders, including—

''(i) employment training;

''(ii) education;

''(iii) housing assistance;

''(iv) children and family support, including responsible parenting and healthy relationship skill training designed specifically to address the needs of incarcerated and transitioning fathers and mothers;

''(v) conflict resolution skills training;

''(vi) family violence intervention programs; and

''(vii) other appropriate services; and

''(E) establish and implement graduated sanctions and incentives;

''(20) developing a case management reentry program that—

''(A) provides services to eligible veterans, as defined by the Attorney General; and

''(B) provides for a reentry service network solely for such eligible veterans that coordinates community services and veterans services for offenders who qualify for such veterans services; and

''(21) protecting communities against dangerous offenders, including—

''(A) conducting studies in collaboration with Federal research initiatives in effect on the date of enactment of the Second Chance Act of 2007, to determine which offenders are returning to prisons, jails, and juvenile facilities and which of those returning offenders represent the greatest risk to community safety;

''(B) developing and implementing procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

''(C) using validated assessment tools to assess the risk factors of returning inmates, and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely; and

''(D) developing and implementing procedures to identify efficiently and effectively those violators of probation, parole, or post-incarceration supervision who represent the greatest risk to community safety.''.

(b) JUVENILE OFFENDER DEMONSTRATION PROJECTS REAUTHORIZED.—Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking ''may be expended for'' and all that follows through the period at the end and inserting ''may be expended for any activity described in subsection (b).''.

(c) APPLICATIONS; REQUIREMENTS; PRIORITIES; PERFORMANCE MEASUREMENTS.—Section 2976 of the Omnibus Crime Control and

Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) by redesignating subsection (h) as subsection (o); and

(2) by striking subsections (d) through (g) and inserting the following:

''(d) APPLICATIONS.—A State, unit of local government, territory, or Indian tribe, or combination thereof, desiring a grant under this section shall submit an application to the Attorney General that—

''(1) contains a reentry strategic plan, as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to pay for the program after the Federal funding is discontinued;

''(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations; and

''(3) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this section, and specifically explains how such measurements will provide valid measures of the impact of that program.

''(e) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this section only if the application—

''(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian tribe applying for a grant under this section;

''(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of offenders into their communities;

''(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

''(4) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community; and

''(5) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant.

''(f) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this section that best—

''(1) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

''(2) include—

''(A) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

''(B) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities; and

''(C) coordination with families of offenders;

''(3) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

''(A) planning while offenders are in prison, jail, or a juvenile facility, pre-release transition housing, and community release;

''(B) establishing pre-release planning procedures to ensure that the eligibility of an offender for Federal or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services; and

''(C) delivery of continuous and appropriate drug treatment, medical care, job training and placement, educational services, or any other service or support needed for reentry;

''(4) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

''(5) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs; and

''(6) target high-risk offenders for reentry programs through validated assessment tools.

''(g) USES OF GRANT FUNDS.—

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of a grant received under this section may not exceed 75 percent of the project funded under such grant in fiscal year 2008.

''(B) WAIVER.—Subparagraph (A) shall not apply if the Attorney General—

''(i) waives, in whole or in part, the requirement of this paragraph; and

''(ii) publishes in the Federal Register the rationale for the waiver.

''(2) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

''(h) REENTRY STRATEGIC PLAN.—

''(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes, and that uses, to the maximum extent possible, random assigned and controlled studies to determine the effectiveness of the program funded with a grant under this section. One goal of that plan shall be to reduce the rate of recidivism (as defined by the Attorney General, consistent with the research on offender reentry undertaken by the Bureau of Justice Statistics) for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section by 50 percent over a period of 5 years.

''(2) COORDINATION.—In developing a reentry plan under this subsection, an applicant shall coordinate with communities and stakeholders, including persons in the fields of public safety, juvenile and adult corrections, housing, health, education, substance abuse, children and families, victims services, employment, and business and members of nonprofit organizations that can provide reentry services.

''(3) MEASUREMENTS OF PROGRESS.—Each reentry plan developed under this subsection shall measure the progress of the applicant toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

''(i) REENTRY TASK FORCE.—

''(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to—

''(A) examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders' time in prison, jail, or a juvenile facility on families and communities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations; and

''(B) provide the analysis described in subsection (e)(4).

''(2) MEMBERSHIP.—The task force or other authority under this subsection shall be comprised of—

''(A) relevant State, tribal, territorial, or local leaders; and

''(B) representatives of relevant—

''(i) agencies;

''(ii) service providers;

''(iii) nonprofit organizations; and

''(iv) stakeholders.

''(j) STRATEGIC PERFORMANCE OUTCOMES.—

''(1) IN GENERAL.—Each applicant shall identify in the reentry strategic plan developed under subsection (h), specific performance outcomes relating to the long-term goals of increasing public safety and reducing recidivism.

''(2) PERFORMANCE OUTCOMES.—The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

''(A) reduction in recidivism rates, which shall be reported in accordance with the measure selected by the Director of the Bureau of Justice Statistics under section 234(c)(2) of the Second Chance Act of 2007;

''(B) reduction in crime;

''(C) increased employment and education opportunities;

''(D) reduction in violations of conditions of supervised release;

''(E) increased payment of child support;

''(F) increased housing opportunities;

''(G) reduction in drug and alcohol abuse; and

''(H) increased participation in substance abuse and mental health services.

''(3) OTHER OUTCOMES.—A grantee under this section may include in the reentry strategic plan developed under subsection (h) other performance outcomes that increase the success rates of offenders who transition from prison, jails, or juvenile facilities.

''(4) COORDINATION.—A grantee under this section shall coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and shall consult with the Attorney General for assistance with data collection and measurement activities as provided for in the grant application materials.

''(5) REPORT.—Each grantee under this section shall submit an annual report to the Attorney General that—

''(A) identifies the progress of the grantee toward achieving its strategic performance outcomes; and

''(B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

''(k) PERFORMANCE MEASUREMENT.—

''(1) IN GENERAL.—The Attorney General, in consultation with grantees under this section, shall—

''(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

''(B) identify sources and methods of data collection in support of performance measurement required under this section;

''(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

''(D) consult with the Substance Abuse and Mental Health Services Administration and the National Institute on Drug Abuse on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

''(2) COORDINATION.—The Attorney General shall coordinate with other Federal agencies to identify national and other sources of information to support performance measurement of grantees.

''(3) STANDARDS FOR ANALYSIS.—Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

''(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section in any fiscal year after the fiscal year in which a grantee receives a grant under this section, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

''(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

''(2) the reentry plan of the grantee includes performance measures to assess progress of the grantee toward a 10 percent reduction in the rate of recidivism over a 2-year period.

''(3) the grantee will coordinate with the Attorney General, nonprofit organizations (if relevant input from nonprofit organizations is available and appropriate), and other experts regarding the selection and implementation of the performance measures described in subsection (k).

''(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

''(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

''(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, that provides technical assistance and training to, and has special expertise and broad, national-level experience in, offender reentry programs, training, and research.

''(3) USE OF FUNDS.—The organization receiving a grant under paragraph (1) shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

''(A) provide education, training, and technical assistance for States, tribes, territories, local governments, service providers, nonprofit organizations, and corrections institutions;

''(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

''(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

''(D) disseminate information to States and other relevant entities about best practices, policy standards, and research findings;

''(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

''(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or supervision following release from prison, jail, or a juvenile facility who should be returned to prisons, jails, or juvenile facilities and those who should receive other penalties based on defined, graduated sanctions;

''(G) collaborate with the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, and the Federal Resource Center for Children of Prisoners;

''(H) develop a national reentry research agenda; and

''(I) establish a database to enhance the availability of information that will assist offenders in areas including housing, employment, counseling, mentoring, medical and mental health services, substance abuse treatment, transportation, and daily living skills.

''(4) LIMIT.—Of amounts made available to carry out this section, not more than 4 percent shall be available to carry out this subsection.

''(n) ADMINISTRATION.—Of amounts made available to carry out this section—

''(1) not more than 2 percent shall be available for administrative expenses in carrying out this section; and

''(2) not more than 2 percent shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under this section, using a methodology that—

''(A) includes, to the maximum extent feasible, random assignment of offenders (or entities working with such persons) to program delivery and control groups; and

''(B) generates evidence on which reentry approaches and strategies are most effective.''.

(d) GRANT AUTHORIZATION.—Section 2976(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(a)) is amended by striking ''States, Territories'' and all that follows through the period at the end and inserting the following: ''States, local governments, territories, or Indian tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 2976(o) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w), as so redesignated by subsection (c) of this section, is amended—

(1) in paragraph (1), by striking ''$15,000,000 for fiscal year 2003'' and all that follows and inserting ''$50,000,000 for each of fiscal years 2008 and 2009.''; and

(2) by amending paragraph (2) to read as follows:

''(2) LIMITATION.—Of the amount made available to carry out this section in any fiscal year, not more than 3 percent or less than 2 percent may be used for technical assistance and training.''.

**SEC. 102. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE OFFENDERS PROGRAM.**

(a) REQUIREMENT FOR AFTERCARE COMPONENT.—Section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1(c)), is amended—

(1) by striking the subsection heading and inserting ''REQUIREMENT FOR AFTERCARE COMPONENT.—''; and

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

''(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services, which may include case management services and a full continuum of support services that ensure providers furnishing services under that program are approved by the appropriate State or local agency, and licensed, if necessary, to provide medical treatment or other health services.''.

(b) DEFINITION.—Section 1904(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3(d)) is amended to read as follows:

''(d) RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM DEFINED.—In this part, the term 'residential substance abuse treatment program' means a course of comprehensive individual and group substance abuse treatment services, lasting a period of at least 6 months, in residential treatment facilities set apart from the general population of a prison or jail (which may include the use of pharmacological treatment, where appropriate, that may extend beyond such period).''.

(c) REQUIREMENT FOR STUDY AND REPORT ON AFTERCARE SERVICES.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall conduct a study on the use and effectiveness of funds used by the Department of Justice for aftercare services under section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by subsection (a) of this section, for offenders who reenter the community after completing a substance abuse program in prison or jail.

## Subtitle B—New and Innovative Programs to Improve Offender Reentry Services

**SEC. 111. STATE AND LOCAL REENTRY COURTS.**

(a) IN GENERAL.—Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by adding at the end the following:

**''SEC. 2978. STATE AND LOCAL REENTRY COURTS.**

''(a) GRANTS AUTHORIZED.—The Attorney General shall award grants, in accordance with this section, of not more than $500,000 to—

''(1) State and local courts; and

''(2) State agencies, municipalities, public agencies, nonprofit organizations, territories, and Indian tribes that have agreements with courts to take the lead in establishing a reentry court (as described in section 2976(b)(19)).

''(b) USE OF GRANT FUNDS.—Grant funds awarded under this section shall be administered in accordance with such guidelines, regulations, and procedures as promulgated by the Attorney General, and may be used to—

''(1) monitor juvenile and adult offenders returning to the community;

''(2) provide juvenile and adult offenders returning to the community with coordinated and comprehensive reentry services and programs such as—

''(A) drug and alcohol testing and assessment for treatment;

''(B) assessment for substance abuse from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

''(C) substance abuse treatment from a provider that is approved by the State, and licensed, if necessary, to provide medical and other health services;

''(D) health (including mental health) services and assessment;

''(E) aftercare and case management services that—

''(i) facilitate access to clinical care and related health services; and

''(ii) coordinate with such clinical care and related health services; and

''(F) any other services needed for reentry;

''(3) convene community impact panels, victim impact panels, or victim impact educational classes;

''(4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—

''(A) housing assistance;
''(B) education;
''(C) employment training;
''(D) conflict resolution skills training;
''(E) batterer intervention programs; and
''(F) other appropriate social services; and
''(5) establish and implement graduated sanctions and incentives.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as preventing a grantee that operates a drug court under part EE at the time a grant is awarded under this section from using funds from such grant to supplement the drug court under part EE in accordance with paragraphs (1) through (5) of subsection (b).

''(d) APPLICATION.—To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—
''(1) describes the program to be assisted under this section and the need for such program;
''(2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding is discontinued;
''(3) identifies the governmental and community agencies that will be coordinated by the project;
''(4) certifies that—
''(A) all agencies affected by the program, including community corrections and parole entities, have been appropriately consulted in the development of the program;
''(B) there will be appropriate coordination with all such agencies in the implementation of the program; and
''(C) there will be appropriate coordination and consultation with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) of the State; and
''(5) describes the methodology and outcome measures that will be used to evaluate the program.

''(e) MATCHING REQUIREMENTS.—The Federal share of a grant under this section may not exceed 75 percent of the costs of the project assisted by such grant unless the Attorney General—
''(1) waives, wholly or in part, the matching requirement under this subsection; and
''(2) publicly delineates the rationale for the waiver.

''(f) ANNUAL REPORT.—Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—
''(1) a summary of the activities carried out under the program assisted by the grant;
''(2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and
''(3) such other information as the Attorney General may require.

''(g) AUTHORIZATION OF APPROPRIATIONS.—
''(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2008 and 2009 to carry out this section.
''(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—
''(A) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and
''(B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.''.

**SEC. 112. GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.**

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part BB the following:

**''PART CC—GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES**

**''SEC. 2901. AUTHORIZATION.**

''The Attorney General shall carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, Indian tribes, and other public and private entities for the purpose of establishing and administering task forces (to be known as 'Comprehensive and Continuous Offender Reentry Task Forces'), in accordance with this part.

**''SEC. 2902. COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.**

''(a) IN GENERAL.—For purposes of this part, a Comprehensive and Continuous Offender Reentry Task Force is a planning group of a State, unit of local government, territory, or Indian tribe that—
''(1) develops a community reentry plan, described in section 2903, for each juvenile and adult offender to be released from a correctional facility in the applicable jurisdiction;
''(2) supervises and assesses the progress of each such offender, with respect to such plan, starting on a date before the offender is released from a correctional facility and ending on the date on which the court supervision of such offender ends;
''(3) conducts a detailed assessment of the needs of each offender to address employment training, medical care, drug treatment, education, and any other identified need of the offender to assist in the offender's reentry;
''(4) demonstrates affirmative steps to implement such a community reentry plan by consulting and coordinating with other public and nonprofit entities, as appropriate;
''(5) establishes appropriate measurements for determining the efficacy of such community reentry plans by monitoring offender performance under such reentry plans;
''(6) complies with applicable State, local, territorial, and tribal rules and regulations regarding the provision of applicable services and treatment in the applicable jurisdiction; and
''(7) consults and coordinates with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) and the criminal justice agencies of the State to ensure that offender reentry plans are coordinated and delivered in the most cost-effective manner, as determined by the Attorney General, in consultation with the grantee.

''(b) CONSULTATION REQUIRED.—A Comprehensive and Continuous Offender Reentry Task Force for a county or other defined geographic area shall perform the duties described in paragraphs (1) and (2) of subsection (a) in consultation with representatives of—
''(1) the criminal and juvenile justice and correctional facilities within that county or area;
''(2) the community health care services of that county or area;
''(3) the drug treatment programs of that county or area;
''(4) the employment services organizations available in that county or area;
''(5) the housing services organizations available in the county or area; and
''(6) any other appropriate community services available in the county or area.

**''SEC. 2903. COMMUNITY REENTRY PLAN DESCRIBED.**

''For purposes of section 2902(a)(1), a community reentry plan for an offender is a plan relating to the reentry of the offender into the community and, according to the needs of the offender, shall—
''(1) identify employment opportunities and goals;
''(2) identify housing opportunities;
''(3) provide for any needed drug treatment;
''(4) provide for any needed mental health services;
''(5) provide for any needed health care services;
''(6) provide for any needed family counseling;
''(7) provide for offender case management programs or services; and
''(8) provide for any other service specified by the Comprehensive and Continuous Offender Reentry Task Force as necessary for the offender.

**''SEC. 2904. APPLICATION.**

''To be eligible for a grant under this part, a State or other relevant entity shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies. Such application shall contain such information as the Attorney General specifies.

**''SEC. 2905. RULE OF CONSTRUCTION.**

''Nothing in this part shall be construed as supplanting or modifying a sentence imposed by a court, including any terms of supervision.

**''SEC. 2906. REPORTS.**

''An entity that receives funds under this part for a Comprehensive and Continuous Offender Reentry Task Force during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of such Task Force during such fiscal year.

**''SEC. 2907. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.''.

**SEC. 113. PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.**

(a) AUTHORIZATION.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding after part CC the following:

**''PART DD—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS**

**''SEC. 2911. GRANT AUTHORITY.**

''(a) IN GENERAL.—The Attorney General may make grants to State and local prosecutors to develop, implement, or expand qualified drug treatment programs that are alternatives to imprisonment, in accordance with this part.

''(b) QUALIFIED DRUG TREATMENT PROGRAMS DESCRIBED.—For purposes of this part, a qualified drug treatment program is a program—
''(1) that is administered by a State or local prosecutor;
''(2) that requires an eligible offender who is sentenced to participate in the program (instead of incarceration) to participate in a comprehensive substance abuse treatment program that is approved by the State and licensed, if necessary, to provide medical and other health services;
''(3) that requires an eligible offender to receive the consent of the State or local prosecutor involved to participate in such program;

''(4) that, in the case of an eligible offender who is sentenced to participate in the program, requires the offender to serve a sentence of imprisonment with respect to the crime involved if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the relevant substance abuse treatment program described in paragraph (2);

''(5) that provides for the dismissal of the criminal charges involved in an eligible offender's participation in the program if the offender is determined to have successfully completed the program;

''(6) that requires each substance abuse provider treating an eligible offender under the program to—

''(A) make periodic reports of the progress of the treatment of that offender to the State or local prosecutor involved and to the appropriate court in which the eligible offender was convicted; and

''(B) notify such prosecutor and such court if the eligible offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements; and

''(7) that has an enforcement unit comprised of law enforcement officers under the supervision of the State or local prosecutor involved, the duties of which shall include verifying an eligible offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an eligible offender who has absconded from the facility of a substance abuse treatment provider or otherwise violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements, and returning such eligible offender to court for sentencing for the crime involved.

**''SEC. 2912. USE OF GRANT FUNDS.**

''(a) IN GENERAL.—A State or local prosecutor that receives a grant under this part shall use such grant for expenses of a qualified drug treatment program, including for the following expenses:

''(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

''(2) Payments for substance abuse treatment providers that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement.

''(3) Payments to public and nonprofit private entities that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

''(b) SUPPLEMENT AND NOT SUPPLANT.—Grants made under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this part.

**''SEC. 2913. APPLICATIONS.**

''To request a grant under this part, a State or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall contain the certification by the State or local prosecutor that the program for which the grant is requested is a qualified drug treatment program, in accordance with this part.

**''SEC. 2914. FEDERAL SHARE.**

''The Federal share of a grant made under this part shall not exceed 75 percent of the total costs of the qualified drug treatment program funded by such grant for the fiscal year for which the program receives assistance under this part.

**''SEC. 2915. GEOGRAPHIC DISTRIBUTION.**

''The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this part is equitable and includes State or local prosecutors—

''(1) in each State; and

''(2) in rural, suburban, and urban jurisdictions.

**''SEC. 2916. REPORTS AND EVALUATIONS.**

''For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

**''SEC. 2917. DEFINITIONS.**

''In this part:

''(1) STATE OR LOCAL PROSECUTOR.—The term 'State or local prosecutor' means any district attorney, State attorney general, county attorney, or corporation counsel who has authority to prosecute criminal offenses under State or local law.

''(2) ELIGIBLE OFFENDER.—The term 'eligible offender' means an individual who—

''(A) has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

''(B) has never been charged with or convicted of an offense, during the course of which—

''(i) the individual carried, possessed, or used a firearm or dangerous weapon; or

''(ii) there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) is an element of the offense or for which the person is charged or convicted;

''(C) does not have 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and

''(D)(i) has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and

''(ii) has been found to be in need of substance abuse treatment because that individual has a history of substance abuse that is a significant contributing factor to the criminal conduct of that individual.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

''(26) There are authorized to be appropriated to carry out part DD such sums as may be necessary for each of fiscal years 2008 and 2009.''.

**SEC. 114. GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION.**

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.) is amended by inserting after part II the following:

**''PART JJ—GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION**

**''SEC. 3001. GRANTS AUTHORIZED.**

''The Attorney General may make grants to States, units of local government, territories, and Indian tribes to develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders.

**''SEC. 3002. USE OF GRANT FUNDS.**

''Grants made to an entity under section 3001 for a program described in such section may be used for the following:

''(1) Salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.

''(2) Payments to providers of substance abuse treatment for providing treatment and case management to nonviolent parent drug offenders participating in that program, including comprehensive treatment for mental health disorders, parenting classes, educational classes, vocational training, and job placement.

''(3) Payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in that program.

**''SEC. 3003. PROGRAM REQUIREMENTS.**

''A program for which a grant is made under section 3001 shall comply with the following requirements:

''(1) The program shall ensure that all providers of substance abuse treatment are approved by the State and are licensed, if necessary, to provide medical and other health services.

''(2) The program shall ensure appropriate coordination and consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 201(e) of the Second Chance Act of 2007).

''(3) The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.

''(4) The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.

''(5) The program shall provide that if a nonviolent parent drug offender who participates in that program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.

''(6) The program shall ensure that a determination is made as to whether a nonviolent drug offender has completed the substance abuse treatment program.

''(7) The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug offender involved throughout the course of that program to encourage compliance with that program.

''(8) The program shall develop and implement a reentry plan for each nonviolent parent drug offender that shall include reinforcement strategies for family involvement as appropriate, relapse strategies, support groups, placement in transitional housing, and continued substance abuse treatment, as needed.

**''SEC. 3004. DEFINITIONS.**

''In this part:

''(1) NONVIOLENT PARENT DRUG OFFENDERS.—The term 'nonviolent parent drug offender' means an offender who is—

''(A) a parent of an individual under 18 years of age; and

''(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.

''(2) NONVIOLENT OFFENSE.—The term 'nonviolent offense' has the meaning given that term in section 2991(a).

**''SEC. 3005. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2008 and 2009.''.

**SEC. 115. PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN.**

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.), is amended—

(1) by redesignating part X as part KK; and

(2) by adding at the end the following:

**"PART LL—PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN**

**"SEC. 3021. GRANTS AUTHORIZED.**

''The Attorney General may make grants to States, units of local government, territories, and Indian tribes to provide prison-based family treatment programs for incarcerated parents of minor children.

**"SEC. 3022. USE OF GRANT FUNDS.**

''An entity that receives a grant under this part shall use amounts provided under that grant to—

''(1) develop, implement, and expand prison-based family treatment programs in correctional facilities for incarcerated parents with minor children, excluding from the programs those parents with respect to whom there is reasonable evidence of domestic violence or child abuse;

''(2) coordinate the design and implementation of such programs between appropriate correctional facility representatives and the appropriate governmental agencies; and

''(3) develop and implement a pre-release assessment and a reentry plan for each incarcerated parent scheduled to be released to the community, which shall include—

''(A) a treatment program for the incarcerated parent to receive continuous substance abuse treatment services and related support services, as needed;

''(B) a housing plan during transition from incarceration to reentry, as needed;

''(C) a vocational or employment plan, including training and job placement services; and

''(D) any other services necessary to provide successful reentry into the community.

**"SEC. 3023. PROGRAM REQUIREMENTS.**

''A prison-based family treatment program for incarcerated parents with respect to which a grant is made shall comply with the following requirements:

''(1) The program shall integrate techniques to assess the strengths and needs of immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.

''(2) The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.

''(3) The program shall be located in an area separate from the general population of the prison.

**"SEC. 3024. APPLICATIONS.**

''To be eligible for a grant under this part for a prison-based family treatment program, an entity described in section 3021 shall, in addition to any other requirement specified by the Attorney General, submit an application to the Attorney General in such form and manner and at such time as specified by the Attorney General. Such application shall include a description of the methods and measurements the entity will use for purposes of evaluating the program involved and such other information as the Attorney General may reasonably require.

**"SEC. 3025. REPORTS.**

''An entity that receives a grant under this part for a prison-based family treatment program during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that—

''(1) is based on evidence-based data; and

''(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.

**"SEC. 3026. PRISON-BASED FAMILY TREATMENT PROGRAM DEFINED.**

''In this part, the term 'prison-based family treatment program' means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training.

**"SEC. 3027. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2008 and 2009.''.

**SEC. 116. GRANT PROGRAMS RELATING TO EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.**

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding at the end the following:

**"PART MM—GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES**

**"SEC. 3031. GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.**

''(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and other public and private entities to—

''(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities; and

''(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1).

''(b) APPLICATION.—To be eligible for a grant under this section, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time and accompanied by such information as the Attorney General specifies.

''(c) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this section, the entity described in subsection (a) receiving that grant shall submit to the Attorney General a detailed report of the aggregate findings and conclusions of the evaluation described in subsection (a)(1), conducted by that entity and the recommendations of that entity to the Attorney General described in subsection (a)(2).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section for each of fiscal years 2008 and 2009.

**"SEC. 3032. GRANTS TO IMPROVE EDUCATIONAL SERVICES IN PRISONS, JAILS, AND JUVENILE FACILITIES.**

''(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes for the purpose of improving the academic and vocational education programs available to offenders in prisons, jails, and juvenile facilities.

''(b) APPLICATION.—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

''(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.''.

**Subtitle C—Conforming Amendments**

**SEC. 121. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.**

Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

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

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

(3) by adding at the end the following:

''(4) to carry out any activity described in section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)).''.

## TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

**Subtitle A—Drug Treatment**

**SEC. 201. GRANTS FOR DEMONSTRATION PROGRAMS TO REDUCE DRUG USE AND RECIDIVISM IN LONG-TERM SUBSTANCE ABUSERS.**

(a) AWARDS REQUIRED.—The Attorney General may make competitive grants to eligible partnerships, in accordance with this section, for the purpose of establishing demonstration programs to reduce the use of alcohol and other drugs by supervised long-term substance abusers during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser.

(b) USE OF GRANT FUNDS.—A grant made under subsection (a) to an eligible partnership for a demonstration program, shall be used—

(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership, with respect to the program for which a grant is awarded under this section;

(2) to develop and implement a program for supervised long-term substance abusers during the period described in subsection (a), which shall include—

(A) alcohol and drug abuse assessments that—

(i) are provided by a State-approved program; and

(ii) provide adequate incentives for completion of a comprehensive alcohol or drug abuse treatment program, including through the use of graduated sanctions; and

(B) coordinated and continuous delivery of drug treatment and case management services during such period; and

(3) to provide addiction recovery support services (such as job training and placement, peer support, mentoring, education, and other related services) to strengthen rehabilitation efforts for long-term substance abusers.

(c) APPLICATION.—To be eligible for a grant under subsection (a) for a demonstration program, an eligible partnership shall submit to the Attorney General an application that—

(1) identifies the role, and certifies the involvement, of each agency, organization, or researcher involved in such partnership, with respect to the program;

(2) includes a plan for using judicial or other criminal or juvenile justice authority to supervise the long-term substance abusers who would participate in a demonstration program under this section, including for—

(A) administering drug tests for such abusers on a regular basis; and

(B) swiftly and certainly imposing an established set of graduated sanctions for noncompliance with conditions for reentry into the community relating to drug abstinence (whether imposed as a pre-trial, probation, or parole condition, or otherwise);

(3) includes a plan to provide supervised long-term substance abusers with coordinated and continuous services that are based on evidence-based strategies and that assist such abusers by providing such abusers with—

(A) drug treatment while in prison, jail, or a juvenile facility;

(B) continued treatment during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser;

(C) addiction recovery support services;

(D) employment training and placement;

(E) family-based therapies;

(F) structured post-release housing and transitional housing, including housing for recovering substance abusers; and

(G) other services coordinated by appropriate case management services;

(4) includes a plan for coordinating the data infrastructures among the entities included in the eligible partnership and between such entities and the providers of services under the demonstration program involved (including providers of technical assistance) to assist in monitoring and measuring the effectiveness of demonstration programs under this section; and

(5) includes a plan to monitor and measure the number of long-term substance abusers—

(A) located in each community involved; and

(B) who improve the status of their employment, housing, health, and family life.

(d) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than September 30, 2008, the Attorney General shall submit to Congress a report that identifies the best practices relating to the comprehensive and coordinated treatment of long-term substance abusers, including the best practices identified through the activities funded under this section.

(2) FINAL REPORT.—Not later than September 30, 2009, the Attorney General shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a partnership that includes—

(A) the applicable Single State Authority for Substance Abuse;

(B) the State, local, territorial, or tribal criminal or juvenile justice authority involved;

(C) a researcher who has experience in evidence-based studies that measure the effectiveness of treating long-term substance abusers during the period in which such abusers are under the supervision of the criminal or juvenile justice system involved;

(D) community-based organizations that provide drug treatment, related recovery services, job training and placement, educational services, housing assistance, mentoring, or medical services; and

(E) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the office of a United States attorney).

(2) LONG-TERM SUBSTANCE ABUSER.—The term ''long-term substance abuser'' means an individual who—

(A) is in a prison, jail, or juvenile facility;

(B) has abused illegal drugs or alcohol for a significant number of years; and

(C) is scheduled to be released from prison, jail, or a juvenile facility during the 24-month period beginning on the date the relevant application is submitted under subsection (c).

(3) SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE.—The term ''Single State Authority for Substance Abuse'' means an entity designated by the Governor or chief executive officer of a State as the single State administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services in that State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

**SEC. 202. OFFENDER DRUG TREATMENT INCENTIVE GRANTS.**

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes in an amount described in subsection (c) to improve the provision of drug treatment to offenders in prisons, jails, and juvenile facilities.

(b) REQUIREMENTS FOR APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) for a fiscal year, an entity described in that subsection shall, in addition to any other requirements specified by the Attorney General, submit to the Attorney General an application that demonstrates that, with respect to offenders in prisons, jails, and juvenile facilities who require drug treatment and who are in the custody of the jurisdiction involved, during the previous fiscal year that entity provided drug treatment meeting the standards established by the Single State Authority for Substance Abuse (as that term is defined in section 201) for the relevant State to a number of such offenders that is 2 times the number of such offenders to whom that entity provided drug treatment during the fiscal year that is 2 years before the fiscal year for which that entity seeks a grant.

(2) OTHER REQUIREMENTS.—An application under this section shall be submitted in such form and manner and at such time as specified by the Attorney General.

(c) ALLOCATION OF GRANT AMOUNTS BASED ON DRUG TREATMENT PERCENT DEMONSTRATED.—The Attorney General shall allocate amounts under this section for a fiscal year based on the percent of offenders described in subsection (b)(1) to whom an entity provided drug treatment in the previous fiscal year, as demonstrated by that entity in its application under that subsection.

(d) USES OF GRANTS.—A grant awarded to an entity under subsection (a) shall be used—

(1) for continuing and improving drug treatment programs provided at prisons, jails, and juvenile facilities of that entity; and

(2) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services, such as job training and placement, education, peer support, mentoring, and other similar services.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.

**SEC. 203. ENSURING AVAILABILITY AND DELIVERY OF NEW PHARMACOLOGICAL DRUG TREATMENT SERVICES.**

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and public and private organizations to establish pharmacological drug treatment services as part of the available drug treatment programs being offered by such grantees to offenders who are in prison or jail.

(b) CONSIDERATION OF PHARMACOLOGICAL TREATMENTS.—In awarding grants under this section to eligible entities, the Attorney General shall consider—

(1) the number and availability of pharmacological treatments offered under the program involved; and

(2) the participation of researchers who are familiar with evidence-based studies and are able to measure the effectiveness of such treatments using randomized trials.

(c) APPLICATIONS.—

(1) IN GENERAL.—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies.

(2) INFORMATION REQUIRED.—An application submitted under paragraph (1) shall—

(A) provide assurances that grant funds will be used only for a program that is created in coordination with (or approved by) the Single State Authority for Substance Abuse (as that term is defined in section 201) of the State involved to ensure pharmacological drug treatment services provided under that program are clinically appropriate;

(B) demonstrate how pharmacological drug treatment services offered under the program are part of a clinically-appropriate and comprehensive treatment plan; and

(C) contain such other information as the Attorney General specifies.

(d) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

**SEC. 204. STUDY OF EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.**

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall carry out a grant program under which the Attorney General may make grants to public and private research entities (including consortia, single private research entities, and individual institutions of higher education) to evaluate the effectiveness of depot naltrexone for the treatment of heroin addiction.

(b) EVALUATION PROGRAM.—To be eligible to receive a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application that—

(1) contains such information as the Attorney General specifies, including information that demonstrates that—

(A) the applicant conducts research at a private or public institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1101);

(B) the applicant has a plan to work with parole officers or probation officers for offenders who are under court supervision; and

(C) the evaluation described in subsection (a) will measure the effectiveness of such treatments using randomized trials; and

(2) is in such form and manner and at such time as the Attorney General specifies.

(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

**SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated $10,000,000 to carry out sections 203 and 204 for each of fiscal years 2008 and 2009.

**Subtitle B—Job Training**

**SEC. 211. TECHNOLOGY CAREERS TRAINING DEMONSTRATION GRANTS.**

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to States, units of local government, territories, and Indian tribes to provide technology career training to prisoners.

(b) USE OF FUNDS.—A grant awarded under subsection (a) may be used to establish a technology careers training program to train prisoners during the 3-year period before release from prison, jail, or a juvenile facility for technology-based jobs and careers.

(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

**SEC. 212. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.**

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

**"SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.**

''(a) DEFINITION.—For purposes of this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

''(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

''(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

''(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

''(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and career and technical education;

''(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and career and technical education) and State industry programs;

''(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

''(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4), as necessary to document the attainment of project performance objectives; and

''(2) expend on each participating eligible student for an academic year, not more than the maximum Federal Pell Grant funded under section 401 of the Higher Education Act of 1965 for such academic year, which shall be used for—

''(A) tuition, books, and essential materials; and

''(B) related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

''(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time); and

''(2) is 35 years of age or younger.

''(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

''(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal years 2008 and 2009.''.

**Subtitle C—Mentoring**

**SEC. 221. MENTORING GRANTS TO NONPROFIT ORGANIZATIONS.**

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to nonprofit organizations for the purpose of providing mentoring and other transitional services essential to reintegrating offenders into the community.

(b) USE OF FUNDS.—A grant awarded under subsection (a) may be used for—

(1) mentoring adult and juvenile offenders during incarceration, through transition back to the community, and post-release;

(2) transitional services to assist in the reintegration of offenders into the community; and

(3) training regarding offender and victims issues.

(c) APPLICATION; PRIORITY CONSIDERATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) PRIORITY CONSIDERATION.—Priority consideration shall be given to any application under this section that—

(A) includes a plan to implement activities that have been demonstrated effective in facilitating the successful reentry of offenders; and

(B) provides for an independent evaluation that includes, to the maximum extent feasible, random assignment of offenders to program delivery and control groups.

(d) STRATEGIC PERFORMANCE OUTCOMES.—The Attorney General shall require each applicant under this section to identify specific performance outcomes related to the long-term goal of stabilizing communities by reducing recidivism (using a measure that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6)), and reintegrating offenders into society.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal

year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year and that identifies the progress of the grantee toward achieving its strategic performance outcomes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $15,000,000 for each of fiscal years 2008 and 2009.

**SEC. 222. BUREAU OF PRISONS POLICY ON MENTORING CONTACTS.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall, in order to promote stability and continued assistance to offenders after release from prison, adopt and implement a policy to ensure that any person who provides mentoring services to an incarcerated offender is permitted to continue such services after that offender is released from prison. That policy shall permit the continuation of mentoring services unless the Director demonstrates that such services would be a significant security risk to the offender, incarcerated offenders, persons who provide such services, or any other person.

(b) REPORT.—Not later than September 30, 2008, the Director of the Bureau of Prisons shall submit to Congress a report on the extent to which the policy described in subsection (a) has been implemented and followed.

## Subtitle D—Administration of Justice Reforms

### CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY

**SEC. 231. FEDERAL PRISONER REENTRY PROGRAM.**

(a) ESTABLISHMENT.—The Director of the Bureau of Prisons (in this chapter referred to as the ''Director'') shall establish a prisoner reentry strategy to help prepare prisoners for release and successful reintegration into the community, which shall require that the Bureau of Prisons—

(1) assess each prisoner's skill level (including academic, vocational, health, cognitive, interpersonal, daily living, and related reentry skills) at the beginning of the term of imprisonment of that prisoner to identify any areas in need of improvement prior to reentry;

(2) generate a skills development plan for each prisoner to monitor skills enhancement and reentry readiness throughout incarceration;

(3) determine program assignments for prisoners based on the areas of need identified through the assessment described in paragraph (1);

(4) ensure that priority is given to the reentry needs of high-risk populations, such as sex offenders, career criminals, and prisoners with mental health problems;

(5) coordinate and collaborate with other Federal agencies and with State and local criminal justice agencies, community-based organizations, and faith-based organizations to help effectuate a seamless reintegration of prisoners into their communities;

(6) collect information about a prisoner's family relationships, parental responsibilities, and contacts with children to help prisoners maintain important familial relationships and support systems during incarceration and after release from custody; and

(7) provide incentives for prisoner participation in skills development programs.

(b) INCENTIVES FOR PARTICIPATION IN SKILLS DEVELOPMENT PROGRAMS.—A prisoner who participates in reentry and skills development programs may, at the discretion of the Director, receive any of the following incentives:

(1) The maximum allowable period in a community confinement facility.

(2) A reduction in the term of imprisonment of that prisoner, except that such reduction may not be more than 1 year from the term the prisoner must otherwise serve.

(3) Such other incentives as the Director considers appropriate.

**SEC. 232. IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.**

(a) OBTAINING IDENTIFICATION.—The Director shall assist prisoners in obtaining identification (including a social security card, driver's license or other official photo identification, or birth certificate) prior to release.

(b) ASSISTANCE DEVELOPING RELEASE PLAN.—At the request of a direct-release prisoner, a representative of the United States Probation System shall, prior to the release of that prisoner, help that prisoner develop a release plan.

(c) DIRECT-RELEASE PRISONER DEFINED.—In this section, the term ''direct-release prisoner'' means a prisoner who is scheduled for release and will not be placed in pre-release custody.

**SEC. 233. IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.**

The Attorney General shall take such steps as are necessary to modify the procedures and policies of the Department of Justice with respect to the transition of offenders from the custody of the Bureau of Prisons to the community—

(1) to enhance case planning and implementation of reentry programs, policies, and guidelines;

(2) to improve such transition to the community, including placement of such individuals in community corrections facilities; and

(3) to foster the development of collaborative partnerships with stakeholders at the national and local levels to facilitate the exchange of information and the development of resources to enhance opportunities for successful offender reentry.

**SEC. 234. DUTIES OF THE BUREAU OF PRISONS.**

(a) DUTIES OF THE BUREAU OF PRISONS EXPANDED.—Section 4042(a) of title 18, United States Code, is amended—

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

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(6) establish pre-release planning procedures that help prisoners—

''(A) apply for Federal and State benefits upon release (including Social Security Cards, Social Security benefits, and veterans' benefits); and

''(B) secure such identification and benefits prior to release, subject to any limitations in law; and

''(7) establish reentry planning procedures that include providing Federal prisoners with information in the following areas:

''(A) Health and nutrition.

''(B) Employment.

''(C) Literacy and education.

''(D) Personal finance and consumer skills.

''(E) Community resources.

''(F) Personal growth and development.

''(G) Release requirements and procedures.''.

(b) MEASURING THE REMOVAL OF OBSTACLES TO REENTRY.—

(1) PROGRAM REQUIRED.—The Director shall carry out a program under which each institution within the Bureau of Prisons codes the reentry needs and deficits of prisoners, as identified by an assessment tool that is used to produce an individualized skills development plan for each inmate.

(2) TRACKING.—In carrying out the program under this subsection, the Director shall quantitatively track, by institution and Bureau-wide, the progress in responding to the reentry needs and deficits of individual inmates.

(3) ANNUAL REPORT.—On an annual basis, the Director shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that documents the progress of each institution within the Bureau of Prisons, and of the Bureau as a whole, in responding to the reentry needs and deficits of inmates. The report shall be prepared in a manner that groups institutions by security level to allow comparisons of similar institutions.

(4) EVALUATION.—The Director shall—

(A) implement a formal standardized process for evaluating the success of each institution within the Bureau of Prisons in enhancing skills and resources to assist in reentry; and

(B) ensure that—

(i) each institution is held accountable for low performance under such an evaluation; and

(ii) plans for corrective action are developed and implemented as necessary.

(c) MEASURING AND IMPROVING RECIDIVISM OUTCOMES.—

(1) ANNUAL REPORT REQUIRED.—

(A) IN GENERAL.—At the end of each fiscal year, the Director shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing the statistics demonstrating the relative reduction in recidivism for inmates released by the Bureau of Prisons within that fiscal year and the 2 prior fiscal years, comparing inmates who participated in major inmate programs (including residential drug treatment, vocational training, and prison industries) with inmates who did not participate in such programs. Such statistics shall be compiled separately for each such fiscal year.

(B) SCOPE.—A report under this paragraph is not required to include statistics for a fiscal year that begins before the date of the enactment of this Act.

(C) CONTENTS.—Each report under this paragraph shall provide the recidivism statistics for the Bureau of Prisons as a whole, and separately for each institution of the Bureau.

(2) MEASURE USED.—In preparing the reports required by paragraph (1), the Director shall, in consultation with the Director of the Bureau of Justice Statistics, select a measure for recidivism (such as rearrest, reincarceration, or any other valid, evidence-based measure) that the Director considers appropriate and that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6).

(3) GOALS.—

(A) IN GENERAL.—After the Director submits the first report required by paragraph (1), the Director shall establish goals for reductions in recidivism rates and shall work to attain those goals.

(B) CONTENTS.—The goals established under subparagraph (A) shall use the relative reductions in recidivism measured for the fiscal year covered by that first report as a baseline rate, and shall include—

(i) a 5-year goal to increase, at a minimum, the baseline relative reduction rate by 2 percent; and

(ii) a 10-year goal to increase, at a minimum, the baseline relative reduction rate by 5 percent within 10 fiscal years.

(d) FORMAT.—Any written information that the Bureau of Prisons provides to inmates for reentry planning purposes shall use common terminology and language.

(e) MEDICAL CARE.—The Bureau of Prisons shall provide the United States Probation and Pretrial Services System with relevant

information on the medical care needs and the mental health treatment needs of inmates scheduled for release from custody. The United States Probation and Pretrial Services System shall take this information into account when developing supervision plans in an effort to address the medical care and mental health care needs of such individuals. The Bureau of Prisons shall provide inmates with a sufficient amount of all necessary medications (which will normally consist of, at a minimum, a 2-week supply of such medications) upon release from custody.

**SEC. 235. AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF PRISONS.**

There are authorized to be appropriated to the Director to carry out sections 231, 232, 233, and 234 of this chapter, $5,000,000 for each of the fiscal years 2008 and 2009.

**SEC. 236. ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.**

The Attorney General, in consultation with the Secretary of Labor, shall take such steps as are necessary to implement a program to educate employers and the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) regarding incentives (including the Federal bonding program of the Department of Labor and tax credits) for hiring former Federal, State, or local prisoners.

**SEC. 237. ELDERLY NONVIOLENT OFFENDER PILOT PROGRAM.**

(a) PROGRAM ESTABLISHED.—

(1) IN GENERAL.—Notwithstanding section 3624 of title 18, United States Code, or any other provision of law, the Director shall conduct a pilot program to determine the effectiveness of removing each eligible elderly offender from a Bureau of Prison facility and placing that offender on home detention until the date on which the term of imprisonment to which that offender was sentenced expires.

(2) TIMING OF PLACEMENT IN HOME DETENTION.—

(A) IN GENERAL.—In carrying out the pilot program under paragraph (1), the Director shall—

(i) in the case of an offender who is determined to be an eligible elderly offender on or before the date specified in subparagraph (B), place such offender on home detention not later than 180 days after the date of enactment of this Act; and

(ii) in the case of an offender who is determined to be an eligible elderly offender after the date specified in subparagraph (B) and before the date that is 3 years and 91 days after the date of enactment of this Act, place such offender on home detention not later than 90 days after the date of that determination.

(B) DATE SPECIFIED.—For purposes of subparagraph (A), the date specified in this subparagraph is the date that is 90 days after the date of enactment of this Act.

(3) VIOLATION OF TERMS OF HOME DETENTION.—A violation by an eligible elderly offender of the terms of home detention (including the commission of another Federal, State, or local crime) shall result in the removal of that offender from home detention and the return of that offender to the designated Bureau of Prisons institution in which that offender was imprisoned immediately before placement on home detention under paragraph (1).

(b) SCOPE OF PILOT PROGRAM.—

(1) PARTICIPATING DESIGNATED FACILITIES.—The pilot program under subsection (a) shall be conducted through at least 1 Bureau of Prisons institution designated by the Director as appropriate for the pilot program.

(2) DURATION.—The pilot program shall be conducted during each of fiscal years 2008 and 2009.

(c) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Director shall contract with an independent organization to monitor and evaluate the progress of each eligible elderly offender placed on home detention under subsection (a)(1) for the period that offender is on home detention during the period described in subsection (b)(2).

(2) ANNUAL REPORT.—The organization described in paragraph (1) shall annually submit to the Director and to Congress a report on the pilot program under subsection (a)(1), which shall include—

(A) an evaluation of the effectiveness of the pilot program in providing a successful transition for eligible elderly offenders from incarceration to the community, including data relating to the recidivism rates for such offenders; and

(B) the cost savings to the Federal Government resulting from the early removal of such offenders from incarceration.

(3) PROGRAM ADJUSTMENTS.—Upon review of the report submitted under paragraph (2), the Director shall submit recommendations to Congress for adjustments to the pilot program, including its expansion to additional facilities.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ELDERLY OFFENDER.—The term ''eligible elderly offender'' means an offender in the custody of the Bureau of Prisons who—

(A) is not less than 60 years of age;

(B) is serving a term of imprisonment after conviction for an offense other than a crime of violence (as that term is defined in section 16 of title 18, United States Code) and has served the greater of 10 years or ½ of the term of imprisonment of that offender;

(C) has not been convicted in the past of any Federal or State crime of violence;

(D) has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence; and

(E) has not escaped, or attempted to escape, from a Bureau of Prisons institution.

(2) HOME DETENTION.—The term ''home detention'' has the same meaning given the term in the Federal Sentencing Guidelines, and includes detention in a nursing home or other residential long-term care facility.

(3) TERM OF IMPRISONMENT.—The term ''term of imprisonment'' includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

## CHAPTER 2—REENTRY RESEARCH

**SEC. 241. OFFENDER REENTRY RESEARCH.**

(a) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may conduct research on juvenile and adult offender reentry, including—

(1) a study identifying the number and characteristics of minor children who have had a parent incarcerated, and the likelihood of such minor children becoming involved in the criminal justice system some time in their lifetime;

(2) a study identifying a mechanism to compare rates of recidivism (including rearrest, violations of parole, probation, post-incarceration supervision, and reincarceration) among States; and

(3) a study on the population of offenders released from custody who do not engage in recidivism and the characteristics (housing, employment, treatment, family connection) of that population.

(b) BUREAU OF JUSTICE STATISTICS.—The Bureau of Justice Statistics may conduct research on offender reentry, including—

(1) an analysis of special populations (including prisoners with mental illness or substance abuse disorders, female offenders, juvenile offenders, offenders with limited English proficiency, and the elderly) that present unique reentry challenges;

(2) studies to determine which offenders are returning to prison, jail, or a juvenile facility and which of those returning offenders represent the greatest risk to victims and community safety;

(3) annual reports on the demographic characteristics of the population returning to society from prisons, jails, and juvenile facilities;

(4) a national recidivism study every 3 years;

(5) a study of parole, probation, or post-incarceration supervision violations and revocations; and

(6) a study concerning the most appropriate measure to be used when reporting recidivism rates (whether rearrest, reincarceration, or any other valid, evidence-based measure).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

**SEC. 242. GRANTS TO STUDY PAROLE OR POST-INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.**

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General may make grants to States to study and to improve the collection of data with respect to individuals whose parole or post-incarceration supervision is revoked, and which such individuals represent the greatest risk to victims and community safety.

(b) APPLICATION.—As a condition of receiving a grant under this section, a State shall—

(1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on—

(A) the number and type of parole or post-incarceration supervision violations that occur with the State;

(B) the reasons for parole or post-incarceration supervision revocation;

(C) the underlying behavior that led to the revocation; and

(D) the term of imprisonment or other penalty that is imposed for the violation; and

(2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau.

(c) ANALYSIS.—Any statistical analysis of population data under this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

**SEC. 243. ADDRESSING THE NEEDS OF CHILDREN OF INCARCERATED PARENTS.**

(a) BEST PRACTICES.—

(1) IN GENERAL.—The Attorney General shall collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and coordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents (including those in foster

care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

(2) CONTENTS.—The best practices developed under paragraph (1) shall include information related to policies, procedures, and programs that may be used by States to address—

(A) maintenance of the parent-child bond during incarceration;

(B) parental self-improvement; and

(C) parental involvement in planning for the future and well-being of their children.

(b) DISSEMINATION TO STATES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall disseminate to States and other relevant entities the best practices described in subsection (a).

(c) SENSE OF CONGRESS.—It is the sense of Congress that States and other relevant entities should use the best practices developed and disseminated in accordance with this section to evaluate and improve the communication and coordination between State corrections departments and child protection agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

**CHAPTER 3—CORRECTIONAL REFORMS TO EXISTING LAW**

**SEC. 251. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.**

(a) PRE-RELEASE CUSTODY.—Section 3624(c) of title 18, United States Code, is amended to read as follows:

''(c) PRE-RELEASE CUSTODY.—

''(1) IN GENERAL.—The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

''(2) HOME CONFINEMENT AUTHORITY.—The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

''(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during pre-release custody under this subsection.

''(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Director of the Bureau of Prisons under section 3621.

''(5) REPORTING.—Not later than 1 year after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007 (and every year thereafter), the Director of the Bureau of Prisons shall transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report describing the Bureau's utilization of community corrections facilities. Each report under this paragraph shall set forth the number and percentage of Federal prisoners placed in community corrections facilities during the preceding year, the average length of such placements, trends in such utilization, the reasons some prisoners are not placed in community corrections facilities, and any other information that may be useful to the committees in determining if the Bureau is utilizing community corrections facilities in an effective manner.

''(6) ISSUANCE OF REGULATIONS.—The Director of Bureau of Prisons shall issue regulations pursuant to this subsection not later than 90 days after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007.''.

(b) COURTS MAY NOT REQUIRE A SENTENCE OF IMPRISONMENT TO BE SERVED IN A COMMUNITY CORRECTIONS FACILITY.—Section 3621(b) of title 18, United States Code, is amended by adding at the end the following: ''Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person.''.

**SEC. 252. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL PRISONS.**

Section 3621(e)(5)(A) of title 18, United States Code, is amended by striking ''means a course of'' and all that follows and inserting the following: ''means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population (which may include the use of pharmocotherapies, where appropriate, that may extend beyond the 6-month period);''.

**SEC. 253. MEDICAL CARE FOR PRISONERS.**

Section 3621 of title 18, United States Code, is further amended by adding at the end the following new subsection:

''(g) CONTINUED ACCESS TO MEDICAL CARE.—

''(1) IN GENERAL.—In order to ensure a minimum standard of health and habitability, the Bureau of Prisons shall ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine.

''(2) DEFINITION.—In this subsection, the term 'community confinement' has the meaning given that term in the application notes under section 5F1.1 of the Federal Sentencing Guidelines Manual, as in effect on the date of the enactment of the Second Chance Act of 2007.''.

**SEC. 254. CONTRACTING FOR SERVICES FOR POST-CONVICTION SUPERVISION OFFENDERS.**

Section 3672 of title 18, United States Code, is amended by inserting after the third sentence in the seventh undesignated paragraph the following: ''He also shall have the authority to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.''.

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By Mr. DURBIN (for himself and Mr. GRASSLEY):

S.1062. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I am proud to be joined today by my colleagues, Senator GRASSLEY from Iowa, and Representative STARK in the House, to introduce the William H. Frist Gift of Life Congressional Medal Act. This important legislation gives long overdue recognition to the courageous act of organ donation and encourages others to become new donors.

This bill establishes a congressional medal to recognize organ donors and their families for their selfless acts of organ donation. The medal is named in honor of Dr. William H. Frist, a former transplant surgeon, later Senate majority leader, who first offered the Gift of Life Congressional Medal Act during his time in the Senate.

Nearly 100,000 people are currently waiting for an organ transplant. Over 2,000 are children under age 18. In my home State of Illinois, nearly 5,000 men, women, and children wait for a life-saving donation. Sadly, the national waiting list continues to grow every year. Since the waiting list began, at least 75,000 donation-eligible Americans have died waiting for an organ to become available; in 2005 alone, over 6,000 people died for lack of a suitable organ, including some 300 Illinois residents. Minorities representing approximately 25 percent of the population comprise over 40 percent of the organ transplant waiting list and half of the patients who die while patiently waiting for their gift of life.

Every 16 minutes, a new name is added to the growing list, while the hope of those who have been waiting for months and years at a time begins to diminish. To narrow the gap between the limited supply and the increasing demand for donated organs, willing donors must make their desire to donate clear to the only people able to make the decision if the occasion should arise—their immediate family members. Although there are up to 15,000 potential donors annually, families consent to donation for less than 6,000 donors.

Congressional medals are awarded to individuals who perform an outstanding deed or act of service to the security, prosperity, and national interest of the United States. Is there a more outstanding deed or act than that of the gift of life? Over 21,000 Americans receive the gift of life each year through transplantation surgery made possible by the generosity of organ and tissue donors. The Gift of Life Congressional Medal Act would allow us to recognize these donors and their families and inspire others to become donors.

This is noncontroversial, nonpartisan legislation to recognize the selfless act of donating one's organ for another's well-being and to hopefully increase the rate of organ donation. I ask my colleagues to help bring an end to transplant waiting lists and give recognition to the faith and courage displayed by organ donors and their families. This bill honors these brave acts, while publicizing the critical need for increased organ donation. I urge all of my colleagues to support the William H. Frist Gift of Life Congressional Medal Act.

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. 1062

*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 ''William H. Frist Gift of Life Congressional Medal Act''.

**SEC. 2. CONGRESSIONAL MEDAL.**

The Secretary of the Treasury shall design and strike a bronze medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury, to commemorate organ donors and their families.

**SEC. 3. ELIGIBILITY REQUIREMENTS.**

(a) IN GENERAL.—Any organ donor, or the family of any organ donor, shall be eligible for a medal described in section 2.

(b) DOCUMENTATION.—The Secretary of Health and Human Services shall direct the entity holding the Organ Procurement and Transplantation Network (hereafter in this Act referred to as ''OPTN'') to contract to—

(1) establish an application procedure requiring the relevant organ procurement organization, as described in section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)), through which an individual or their family made an organ donation, to submit to the OPTN contractor documentation supporting the eligibility of that individual or their family to receive a medal described in section 2; and

(2) determine, through the documentation provided, and, if necessary, independent investigation, whether the individual or family is eligible to receive a medal described in section 2.

**SEC. 4. PRESENTATION.**

(a) DELIVERY TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary of the Treasury shall deliver medals struck pursuant to this Act to the Secretary of Health and Human Services.

(b) DELIVERY TO ELIGIBLE RECIPIENTS.—The Secretary of Health and Human Services shall direct the OPTN contractor to arrange for the presentation to the relevant organ procurement organization all medals struck pursuant to this Act to individuals or families that, in accordance with section 3, the OPTN contractor has determined to be eligible to receive medals under this Act.

(c) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), only 1 medal may be presented to a family under subsection (b). Such medal shall be presented to the donating family member, or in the case of a deceased donor, the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

(2) EXCEPTION.—In the case of a family in which more than 1 member is an organ donor, the OPTN contractor may present an additional medal to each such organ donor or their family.

**SEC. 5. DUPLICATE MEDALS.**

(a) IN GENERAL.—The Secretary of Health and Human Services or the OPTN contractor may provide duplicates of the medal described in section 2 to any recipient of a medal under section 4(b), under such regulations as the Secretary of Health and Human Services may issue.

(b) LIMITATION.—The price of a duplicate medal shall be sufficient to cover the cost of such duplicates.

**SEC. 6. NATIONAL MEDALS.**

The medals struck pursuant to this Act are national medals for purposes of section 5111 of title 31, United States Code.

**SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.**

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act.

**SEC. 8. SOLICITATION OF DONATIONS.**

(a) IN GENERAL.—The Secretary of the Treasury may enter into an agreement with the OPTN contractor to collect funds to offset expenditures relating to the issuance of medals authorized under this Act.

(b) PAYMENT OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), all funds received by the Organ Procurement and Transplantation Network under subsection (a) shall be promptly paid by the Organ Procurement and Transplantation Network to the Secretary of the Treasury.

(2) LIMITATION.—Not more than 5 percent of any funds received under subsection (a) shall be used to pay administrative costs incurred by the OPTN contractor as a result of an agreement established under this section.

(c) NUMISMATIC PUBLIC ENTERPRISE FUND.—Notwithstanding any other provision of law—

(1) all amounts received by the Secretary of the Treasury under subsection (b)(1) shall be deposited in the Numismatic Public Enterprise Fund, as described in section 5134 of title 31, United States Code; and

(2) the Secretary of the Treasury shall charge such fund with all expenditures relating to the issuance of medals authorized under this Act.

(d) START-UP COSTS.—A 1-time amount not to exceed $55,000 shall be provided to the OPTN contractor to cover initial start-up costs. The amount will be paid back in full within 3 years of the date of the enactment of this Act from funds received under subsection (a).

(e) NO NET COST TO THE GOVERNMENT.—The Secretary of the Treasury shall take all actions necessary to ensure that the issuance of medals authorized under section 2 results in no net cost to the Government.

**SEC. 9. DEFINITIONS.**

For purposes of this Act—

(1) the term ''organ'' means the human kidney, liver, heart, lung, pancreas, and any other human organ (other than corneas and eyes) specified by regulation of the Secretary of Health and Human Services or the OPTN contractor; and

(2) the term ''Organ Procurement and Transplantation Network'' means the Organ Procurement and Transplantation Network established under section 372 of the Public Health Service Act (42 U.S.C. 274).

**SEC. 10. SUNSET PROVISION.**

This Act shall be effective during the 2-year period beginning on the date of the enactment of this Act.

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By Mrs. CLINTON:

S. 1063. A bill to amend title 10, United States Code, to improve certain death and survivor benefits with respect to members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

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By Mrs. CLINTON:

S. 1064. A bill to provide for the improvement of the physical evaluation processes applicable to members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

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By Mrs. CLINTON (for herself and Ms. COLLINS):

S. 1065. A bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes; to the Committee on Armed Services.

Mrs. CLINTON. Mr. President, today, I am introducing the Heroes at Home Act of 2007, the Restoring Disability Benefits for Injured and Wounded Warriors Act of 2007, and the Protecting Military Family Financial Benefits Act of 2007 to serve our servicemembers and send a message: you will be treated as heroes before deployment, during deployment, and upon returning home. You didn't offer excuses and do not deserve to be offered excuses by your country.

I want to thank Senator COLLINS for co-sponsoring the Heroes at Home Act of 2007 and for partnering with me on numerous pieces of legislation and initiatives related to these and other important health issues.

This is a moment of profound challenge for our country, for our military, and for our men and women in uniform. And while there are often strong disagreements here in Washington, I hope we can unite around our common values and patriotism when it comes to how we treat our servicemembers and veterans.

If you serve your country your country should serve you. That is the promise our country must keep to the men and women who enlist, who fight, and who return home often bearing the visible and invisible scars of sacrifice. Sadly, too often in the past several years, that promise has been broken: whether it's a lack of up-armored vehicles on the ground in Iraq or a lack of appropriate care in outpatient facilities at Walter Reed.

Last year, I authored and passed into law the Heroes at Home initiative to assist returning servicemembers experiencing the complex, diffuse, and life-altering symptoms of traumatic brain injury and other mental health difficulties.

One out of every 10 returning servicemembers are affected by traumatic brain injury (TBI), which has been widely identified as the ''signature wound'' of the Global War on Terror. This includes severe injuries as well as invisible wounds that result in trouble remembering appointments, holding down a job, and returning to civilian life. Unfortunately, troops have an increased risk of sustaining more than one mild or moderate TBI because of multiple deployments and the prevalent use of Improved Explosive Devices by enemy combatants in Operation Iraqi Freedom and Operation Enduring Freedom. However, mild and moderate TBI may go undetected, especially if the servicemember has sustained more obvious injuries. Further, it can be difficult to distinguish mild TBI from Post Traumatic Stress Disorder since both conditions have common symptoms, such as irritability, anxiety and depression. Although many wounded

servicemembers receive cognitive evaluations upon returning from deployment, the lack of a baseline test conducted prior to the injury leads these servicemembers to question the validity of their post-deployment assessments.

When I visited Walter Reed a few weeks ago, I met a young Army soldier who had lost one arm and lost his ring finger because his wedding band had melted onto it. I asked him how he was doing, and he said, ''You know, I'm working hard at my rehabilitation and they're taking great care of me with my prosthetics.''

He said, ''but what really bothers me is my memory. I don't have the focus that I used to have. I can't really set out tasks and know that I can accomplish them.'' And he said, ''That's the thing that really bothers me I've got to have my brain back.''

His story, and the stories of hundreds of other servicemembers like him, demonstrates that we need to do more to help rapid identification of traumatic brain injury in order to facilitate the best care once the servicemembers return home, and expand support systems for members and former members of the Armed Services with traumatic brain injury and their families.

That's why I, along with Senator COLLINS, am introducing the Heroes at Home Act of 2007 today, to build on last year's Heroes at Home initiative. I am grateful to have developed this proposal with the Wounded Warrior Project, the National Military Family Association, the Military Officers Association of America, and the American Academy of Neurology.

We should provide pre-deployment cognitive screening to better diagnose and treat traumatic brain injury when these men and women return home. This legislation will improve detection of mild and moderate TBI by implementing an objective, computer-based assessment protocol to measure cognitive functioning both prior to and after deployment. This baseline test will help detect mild and moderate cases of TBI and distinguish them from PTSD. My legislation will also require that the same assessment tool be used across all branches of the 6yArmed Services and for every member of the Armed Forces who will be deployed to Iraq and Afghanistan.

We should also help families take care of a loved one by providing them with training to become certified caregivers, so that they can receive compensation for care giving they already provide. Family members of returning soldiers with TBI are often ill-equipped to handle the demands of caring for their loved one, which in some bases can become a full-time responsibility. My legislation will establish a Traumatic Brain Injury Family Caregiver Personal Care Attendant Training and Certification Program, which would train and certify family caregivers of TBI patients as personal care attendants, enabling them to provide quality care at home and at the same time qualify for compensation from the VA.

Finally, we should explore new ways to treat TBI in rural settings and outpatient clinics through telemedicine. Servicemembers and veterans continue to face problems in accessing needed medical and mental health care, especially veterans or Guard and Reserve members who live in rural areas. The Heroes at Home Act of 2007 will help increase the reach of needed care for TBI by creating a demonstration project, administered jointly by the Departments of Defense and Veterans Affairs that would use telehealth technology to assess TBI and related mental health conditions and facilitate rehabilitation and dissemination of educational material on techniques, strategies and skills for servicemembers with TBI.

On March 6, 2007 Chief of Staff of the Army General Peter Schoomaker and the then Army Surgeon General Lieutenant General Kevin C. Kiley, testified before the Senate Armed Services Committee that soldiers appearing before the Physical Evaluation Board were ''short-changed'' and had not received appropriate disability benefits. According to the Congressional Research Service, since the enactment of the Traumatic Servicemembers Group Life Insurance program at least 45 percent of claims have been denied. In March 2006 the Comptroller General issued GAO Report 06–362: Military Disability System: Improved Oversight Needed to Ensure Consistent and Timely Outcomes for Reserve and Active Duty Service Members—the Department of Defense did not heed the recommendations provided in this report and as a result injured and wounded warriors continue to languish in an inefficient and adversarial disability system.

I am also introducing legislation to fix the disability benefits system for our wounded warriors. When I've visited Walter Reed, one common thread uniting the problems is the disjointed and unfair process for evaluating disabilities. There were only three lawyers and one paralegal assigned to Walter Reed's entire evaluation process. Compare that to 4,000 Army JAG lawyers assigned to active duty, the National Guard, and the Reserves.

The ''Restoring Disability Benefits for Injured and Wounded Warriors Act of 2007'' will restore disability benefits for wounded and injured members of the Armed Forces. The act will direct reviews of disability claims, traumatic injury claims, and the Physical Evaluation Board process. Additionally, the ''Restoring Disability Benefits for Injured and Wounded Warriors Act of 2007'' will increase the availability of legal counsel for members appealing their disability cases, and direct the Comptroller General to provide a follow up report on the efforts currently being made by the Department of Defense to address certain deficiencies in the Disability Evaluation Systems; the adequacy of the Department of Veterans Affairs Disability Schedule for Ratings as it relates to the nature of wounds our warriors suffer in combat today; and to report on the standards and procedures of Physical Evaluation Boards.

So I am proposing an up-and-down review of previously-denied cases and failed appeals, an independent review of traumatic injury claims under the Traumatic Servicemembers Group Life Insurance program where up to 45 percent of claims have been denied, and a fix to ensure members have the proper liaison and legal assistance when appearing before the Physical Evaluation Board. We must stop short-changing our wounded warriors.

Finally, I am introducing the Protecting Military Family Financial Benefits Act of 2007 to close gaps in coverage for the Death Gratuity and Survivor Benefits beneficiaries and improve pre-deployment counseling and services for all members of the Armed Forces.

Every day single-parents deploy to distant battlefields and leave their minor children in the care of a financially ill-prepared guardian or caretaker. Unfortunately, when tragedy strikes and a military servicemember makes the ultimate sacrifice, minor dependent children and families are excluded from benefits and entitlements. In too many cases pre-deployment counseling and help are under-funded or unavailable.

These provisions will add an option for members of the Armed Forces to designate guardians or caretakers as a beneficiary for Death Gratuity benefits for care of dependent children and to receive annuities under the Survivor Benefit Plan for care of dependent children. These options do not exist under current law.

The Department of Defense will be required to commission an independent panel to review and assess military pre-deployment counseling and services, and implement recommended changes and best practices within 120 days of receiving the report. This review will include pre-deployment counseling and services available for unmarried members of the Armed Forces with dependent children, unmarried single members without dependent children, and married members with or without dependent children.

Specifically, what level of counseling or services are available for these members to maximize financial protections for the proper care of their surviving dependents under the Servicemembers' Group Life Insurance, Traumatic Servicemembers' Group Life Insurance, Death Gratuity, Dependency and Indemnity Compensation, Survivor Benefits Plan, and benefits payable under the Social Security Act.

The review will include the preparation and maintenance of Family Care Plans for single-parents including elements for such plans relating to death

benefits, wills, powers of attorney, trusts, safeguarding of the plan during deployment, and the acknowledgement of specific guardian and caretaker duties relating to use of financial benefits for the care of minor dependent children.

Finally, this review will determine the adequate level of resources available at military pre-deployment centers including: the availability of legal and financial counseling, training level of pre-deployment counselors, Family Support Group involvement, availability of PTSD screening, and availability of suicide prevention counseling.

Let us all join together in accepting our responsibility as a nation to those who serve and resolve to improve their care for traumatic brain injuries, reform their disability benefits, and fix their survivor benefits.

I ask unanimous consent letters of support for this legislation be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the record, as follows:

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
*Alexandria, VA, March 28, 2007.*

Hon. HILLARY RODHAM CLINTON,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR CLINTON: On behalf of the 362,000 members of the Military Officers Association of America (MOAA), I am writing to express our support for your leadership in sponsoring the ''Heroes at Home Act of 2007'' that will improve the diagnosis and treatment of traumatic brain injury (TBI) in current and former military members. This is a key step in closing the gap and providing for a more seamless transition between DoD and the VA.

We are proud of the sacrifice our military members and their families are willing to make for our country. For those wounded servicemembers, their sacrifices represent an especially unique population that deserves special attention. Like you, we are particularly concerned about those who bear the burden of what has been diagnosed as TBI, the ''signature wound'' for this War on Terrorism.

MOAA appreciates your dedication to our military community and for taking the lead in sponsoring this very important measure to help improve the quality of life of our wounded troops and family members. Your legislation will facilitate diagnosing servicemembers with TBI early in the health care and rehabilitation process, it will provide a program that will ensure family caregivers have the resources and training they need to care for their loved ones, and allows for a demonstration project to evaluate existing technology and identify effective telehealth or telemental health resources within the DoD and VA systems.

MOAA thanks you for introducing this legislation. We look forward to working closely with you in seeking timely enactment of this legislation in the 110th Congress.

Sincerely and Thank You,

NORBERT R. RYAN,
*President and CEO.*

NATIONAL MILITARY
FAMILY ASSOCIATION, INC.,
*Alexandria, VA, March 29, 2007.*

Hon. HILLARY RODHAM CLINTON,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR CLINTON: The National Military Family Association (NMFA) is the only national organization whose sole focus is the military family and whose goal is to influence the development and implementation of policies that will improve the lives of the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration. For more than 35 years, its staff and volunteers, comprised mostly of military members, have built a reputation for being the leading experts on military family issues. On behalf of NMFA and the families it serves, we commend your proposal of the Heroes at Home Act of 2007 that builds on previous legislation.

The National Military Family Association supports this legislation addressing several issues affecting military service members, veterans and their families. Traumatic Brain Injury (TBI) has been found to be the signature wound of service members serving in Operation Enduring Freedom and Operation Iraqi Freedom. Establishing a protocol for obtaining a baseline measurement for cognitive functioning of service members would provide a better understanding of TBI. NMFA is concerned with the lack of knowledge regarding mild and moderate TBI incidents, its long term effects on service members and potential long-term impact on the resources required by the DoD and VA health care systems. Also, research on TBI will help to identify better methods for diagnosis and treatment of this condition. Establishing a training and certification program for family caregivers recognizes the important commitment family members make in caring for their loved ones diagnosed with TBI.

Access to health care and counseling is a major challenge facing returning service members and veterans living in rural areas. Telehealth and telemental health services would offer an alternative to long travel time and encourage service members and veterans to make greater use of these needed services. Additionally, partnering with existing resources offers an efficient way to deliver these services.

Thank you for your support of military service members and veterans diagnosed with TBI, and the families who care for them. If you have any questions you may contact Barbara Cohoon in our Government Relations department.

Sincerely,

TANNA K. SCHMIDLI,
*Chairman, Board of Governors.*

AMERICAN ACADEMY OF NEUROLOGY,
*St. Paul, MN, March 28, 2007.*

Hon. HILLARY CLINTON,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR CLINTON: The American Academy of Neurology (AAN), representing over 20,000 neurologists and neuroscience professionals, believes that our veterans deserve the best possible care and treatment for neurological injuries sustained in their service to our country. The conflicts in Iraq and Afghanistan have created an emerging epidemic of traumatic brain injury (TBI) among combat veterans.

For that reason, we are proud to support your Heroes at Home Act of 2007. TBI is associated with cognitive dysfunction, post-traumatic epilepsy, headaches and other motor and sensory neurological complications. It is essential that the federal government provide all veterans with access to the necessary neurological interventions and long-term treatments that their injuries require. The Heroes at Home Act of 2007 makes great steps towards providing that care.

Specifically, the AAN strongly supports the Act's provisions to implement fully pre- and post-deployment cognitive and memory screening of all active duty and reserve personnel.

The AAN also supports the bill's provision to expand telehealth and telemental health services offered by the VA to improve the surveillance and treatment of veterans with TBI and related seizure disorders. Ongoing outreach to veterans suffering TBI is essential, especially those who are discharged and return to rural communities.

Lastly, the AAN supports the Heroes at Home Act's implementation of a national program to train veterans who have experienced a TBI, their family caregivers and personal care attendants in the skills necessary to manage the long-term consequences of TBI.

Sincerely,

THOMAS R. SWIFT,
*President.*

BRAIN INJURY ASSOCIATION
OF AMERICA,
*McLean, VA, March 28, 2007.*

Sen. HILLARY RODHAM CLINTON,
*Russell Senate Building,*
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR CLINTON: The Brain Injury Association of America enthusiastically endorses the ''Heroes at Home Act of 2007'' as a critical move forward in meeting the rehabilitation and emotional adjustment needs of traumatic brain injury (TBI) survivors of Operation Iraq Freedom (OIF) and Operation Enduring Freedom (OEF).

The Brain Injury Association of America and its nationwide network of state affiliates commend you for recognizing the critical role played by family caregivers in facilitating recovery from brain injury and for addressing the pressing need to increase support for these caregivers by providing access to education, training and financial compensation.

The Brain Injury Association of America also applauds the steps this bill takes to establish a protocol for the assessment and documentation of cognitive functioning of each member of the Armed Forces both before and after deployment, including appropriate mechanisms to permit the differential diagnosis of TBI and post traumatic stress disorder (PTSD) in returning service members. It is time to make use of the increased availability of superior technology in detecting and treating TBI among all Armed Services personnel.

The Brain Injury Association of America is proud to endorse the ''Heroes at Home Act of 2007,'' and commends your leadership on one of the most important issues related to the War on Terror, the unanticipated high incidence of traumatic brain injuries among America's brave service members.

Sincerely,

SUSAN H. CONNORS,
*President/CEO.*

WOUNDED WARRIOR PROJECT,
*Jacksonville, FL, March 29, 2007.*

Hon. HILLARY RODHAM CLINTON,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR CLINTON: The Wounded Warrior Project (WWP) strongly supports your legislation entitled the ''Heroes At Home

Act of 2007'' that you will soon be introducing. We are especially grateful that, included in your legislation are provisions brought to your attention by our organization. These provisions require the Department of Defense to perform a pre-deployment cognitive assessment on all servicemembers and will require the Department of Veterans Affairs to establish a Personal Care Attendant (PCA) Training and Certification program for family caregivers of severely brain injured servicemembers.

Traumatic Brain Injury (TBI) has been called the ''signature wound'' of the Global War on Terror. Many wounded servicemembers have received cognitive evaluations upon returning from deployment, but question the value of their assessment as no baseline test was conducted prior to the injury. The adoption of a ''Pre-Deployment Cognitive Assessment'' would assist both the Departments of Defense and Veterans Affairs in the diagnosis and treatment of brain injured servicemembers and, in some cases, help enhance the ability to distinguish between Post Traumatic Stress Disorder (PTSD) and TBI.

The second provision, the ''Traumatic Brain Injury Family Caregiver Personal Care Attendant (PCA) Training and Certification program'' would offer family members serving as the primary caregivers for severely traumatically brain injured servicemembers training and certification from the Department of Veterans Affairs (VA) as a personal care attendant. They would also then qualify for VA payment for services rendered to the TBI veteran in their care. In many circumstances, the family caregiver is forced to leave his/her job to provide the necessary care for their loved one, leaving the entire family in an adverse economic situation. In these cases, the family member often develops critical skills to assist in the servicemember's care but have been denied financial compensation for such labor. This program would be offered through the four Tier I VA Polytrauma centers on a rotating and regular basis.

These provisions, as well as the Telehealth and TeleMental Health study, contained in the ''Heroes At Home Act'' will go far towards insuring the long term health and well-being of service members incurring Traumatic Brain Injury. Again, WWP thanks you for your leadership on these issues and we stand committed to assisting you in seeing this legislation through to passage and enactment.

Sincerely,

JOHN MELIA,
*Executive Director*.

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By Mr. DODD (for himself, Mr. KERRY, Mr. DURBIN, and Mr. FEINGOLD):

S. 1066. A bill to require the Secretary of Education to revise regulations regarding student loan repayment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senators KERRY, DURBIN, and FEINGOLD to introduce the Medical Education Affordability Act, MEAA. The purpose of this bill is to make medical and dental education more affordable.

Upon graduation from college, students who can demonstrate economic hardship are eligible to extend their student loan deferment for up to 3 additional years. Using the economic hardship deferment, a formula that takes into account earnings and debt level, the majority of medical and dental residents defer repayment of their student loans until the end of their residency period. Unfortunately, for those specialties that require a residency of more than 3 years—OB/GYN, psychiatry, general surgery, and oral maxillofacial dentistry to name a few—student loan repayment begins before a resident's medical or dental education is completed. This situation creates an enormous financial burden for residents who have, in most cases, incurred significant debt. In 2006, the average indebtedness for graduating medical students was $130,000, for graduating dental students it was $145,465. While lenders are currently required to offer forbearance to medical and dental students, this is an expensive option as interest continues to accrue and may be capitalized more.often.

The Medical Education Affordability Act would solve this problem by extending the economic hardship deferment to cover the entire length of a medical or dental residency. By altering the definition we are removing a significant financial obstacle facing students with residency periods longer than 3 years. I want to stress again, residents will still have to demonstrate economic hardship—MEAA only extends the deferment for borrowers that continue to meet the debt-to-income requirements of the economic hardship deferment.

Mr. President, I hope my colleagues will join me in support of medical education by signing onto this bill. By working together, I believe that the Senate as a body can act to ensure that more individuals are able to pursue a full range of medical specialties. I ask unanimous request 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. 1066

*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 ''Medical Education Affordability Act''.

**SEC. 2. REGULATION REVISION REQUIRED.**

(a) ACTION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Education shall revise the regulations of the Department of Education that are promulgated to carry out the provisions relating to student loan repayment deferment under the Federal Family Education Loan Program under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.), the William D. Ford Federal Direct Loan Program under part D of title IV of such Act (20 U.S.C. 1087a et seq.), and the Federal Perkins Loan Program under part E of title IV of such Act (20 U.S.C. 1087aa et seq.), which are promulgated under sections 682.210, 685.204, and 674.34 of title 34, Code of Federal Regulations, to comply with the requirements of subsection (b).

(b) REQUIREMENTS.—The student loan repayment deferment regulations shall be revised to provide, with respect to a borrower who is in a postgraduate medical or dental internship, residency, or fellowship program, that if the borrower qualifies for student loan repayment deferment under the economic hardship provision—

(1) the deferment shall be available for the length of the internship, residency, or fellowship program if the program—

(A) must be successfully completed by the borrower before the borrower may begin professional practice or service; or

(B) leads to a degree or certificate awarded by a health professional school, hospital, or health care facility that offers postgraduate training; and

(2) the borrower shall not be required to apply annually for such student loan repayment deferment during the length of the program.

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By Mr. OBAMA (for himself, Mr. KERRY, Mrs. CLINTON, and Mr. DURBIN):

S. 1067. A bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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By Mr. OBAMA (for himself, Mr. KERRY, and Mrs. CLINTON):

S. 1068. A bill to promote healthy communities; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, next week is National Public Health week—a week to raise awareness about the importance of public health all around this Nation. I applaud the efforts of the American Public Health Association in organizing events across the country to assist in this awareness building.

We all know the alarming statistics demonstrating the worsening health status in both children and adults in this Nation. Without intervention, 1 in 3 children born in 2000 can expect to develop diabetes in their lifetime because of obesity resulting from poor nutrition and sedentary lifestyles. In my home State of Illinois, we have the highest number of lead-poisoned children in the Nation because of the large amount of older housing in places like Chicago. And asthma rates are on the rise in minority populations, reflecting worsening air quality in many areas.

But what many don't know is how, and the degree to which, changes in the environment are contributing to this health decline. Yet, study after study has shown that environmental factors can be just as problematic as poor genes in causing disease.

While working as a community organizer in the mid-1980s on Chicago's south side, I became intimately aware of the impact of the built environment on public health. One of the neighborhoods in which I worked was bordered by the highly polluted Calumet River on one side and railroad tracks on the other side. People didn't just grow up in this neighborhood—generation after generation stayed in a community with pollutants and extremely limited access to physical activity and healthy

living. This image stays with me and is a motivating force to improve community design that includes all members of society.

The American Public Health Association and countless other expert organizations have shown us that if we make a real commitment to, and investment in, building healthy communities, we can substantially improve the health of children and adults.

There are many simple ways we can do this. Whenever we build a new highway or a new condo complex, we could also build a park where kids can play. Whenever we plan new communities, we could put grocery stores, restaurants and post offices within easy walking distance. We could take steps to ensure that factories or power plants aren't located near schools. We could ensure that kids are not exposed to lead hazards. And we could encourage the development of ''green'' homes and buildings that decrease energy consumption.

And that is why I come to the floor today to reintroduce the Healthy Places Act, and the Healthy Communities Act. The Healthy Places Act would help State and local governments assess the health impact of new policies or projects, whether it's a new highway or a shopping center. And once the health impact is determined, the bill gives grant funding and technical assistance to help address the potential health problems. And while we already know a great deal about the relationship between the built environment and the health status of residents, the bill supports additional research so we can look into new environmental health hazards.

The Healthy Communities Act goes hand in hand with the Healthy Places Act, calling for the assessment of the impact of federal policies on environmental health and justice. To make sure our policy decisions are not hurting public health, this legislation requires an Environmental Health Report Card for each state and the Nation at large. Since areas with poor environmental health tend to be disproportionately fiscally poor as well, this legislation establishes health action zones that qualify for grant assistance to address these problems. And since much more remains to be understood in this arena, the bill calls for environmental health research and for environmental health workforce development.

We as a society are moving in the direction of designing communities with healthy living and public health in mind. For example, in Chicago, city leaders recognized the lack of grocery stores in many lower income neighborhoods, forcing families to go without fresh foods. To address this issue, the city's Department of Planning and Development developed a program called Retail Chicago, which used redevelopment funds to attract local developers to build grocery stores in low-income neighborhoods.

While we celebrate the success of such local efforts, we must call upon the Federal Government to provide adequate support. And we must ensure that all segments of society reap the rewards of building and maintaining healthy communities. I thank you for this time, and I urge my colleagues to support the Healthy Places Act and the Healthy Communities Act.

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By Ms. SNOWE (for herself and Mr. HARKIN):

S. 1069. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introdnce the Early Hearing Detection and Intervention Act of 2007. This bill is a companion bill to H.R. 1198, introduced in the House by Representative LOIS CAPPS. I am pleased to be joined again this year by my colleague from Iowa, Senator HARKIN, who has long been a champion of the hearing impaired. Together we worked to address hearing impairment in children in 1999, and today we unite again to achieve even greater progress for children.

The number of Americans with a hearing loss has doubled during the past 30 years. Most of us associate hearing problems with the aging process, and it is true that the largest group of Americans suffering from hearing impairment are those in the 65 to 75 year age range. At the same time, each year more than 12,000 babies in the United States are born with permanent hearing loss. With another 2 to 3 of every 1,000 newborns suffering partial hearing loss, this is the number one birth defect in America. Unfortunately, hearing loss can go undiagnosed for years.

In recent years, scientists have stressed how crucial the first years of a child's life are to their future development. Specialists in speech and language development tell us that the crucial period for developing speech and communication in a child's life can begin as early as 6 months of age. Many babies with hearing loss experience delays in speech, language, and cognitive development which compromises the foundation they need for later schooling and success in society. This makes early detection and intervention of hearing loss a necessity if we are to ensure that all our children get the strong start they deserve.

The ability to hear is a major element of one's ability to read and communicate. To the extent that we can help infants and young children overcome disabilities detected early in life, we will improve their ability to function in society, receive an education, obtain meaningful employment, and enjoy a better quality of life. Without early diagnosis and intervention, these children are behind the learning curve, literally. before they have even started. They should not be denied a strong start in life simply for the lack of a simple screening test.

For 50 years, expert commissions and task forces have emphasized the need to detect hearing loss early. In 1989, concerned about the lack of progress in this area, Surgeon General C. Everett Koop set a goal that by the year 2000, all infants—at least 90 percent of all births or admissions—would be screened for hearing loss prior to discharge from hospital. Subsequent Federal initiatives, combined with improved technology and concerted action from hospitals and State agencies, have since led to dramatic advances in procedures for early identification. By the beginning of 1993, about a dozen hospitals had instituted essentially universal screening—defined as testing at least 90 percent of all newborns or infants admitted, prior to discharge. In 1997, an expert panel at the National Institute of Deafness and Other Communication Disorders recommended that the first hearing screening be carried out before an infant is 3 months old in order to ensure that treatment can begin before 6 months of age. The panel also recommended that the most comprehensive and effective way of ensuring screening before an infant is 6 months old is to have newborns screened before they are sent home from the hospital. Yet a 1998 report by the Commission on Education of the Deaf estimated that the average age at which a child with congenital hearing loss was identified in the United States was a 2½ to 3 years old, with many children not being identified until 5 or 6 years old.

Today we have seen substantial progress in screening, 69 percent of babies are now screened for hearing loss before one month of age. This is an increase of 47 percent compared to back in 1998. That improvement is the result of a bipartisan effort I undertook with Senators HARKIN and FRIST in 1999 when we introduced the Newborn and Infant Hearing Screening and Intervention Act of 1999.

That act helped states to establish programs to detect and diagnose hearing loss in all newborn children and to promote appropriate treatment and intervention for newborns with hearing loss. The legislation funded research by the National Institutes of Health to determine the best detection, diagnostic, treatment and intervention techniques and technologies.

The legislation we are introducing today builds on that success. The bill we are introducing today provides the additional assistance necessary to help States in implementing programs to ensure that all our newborns are tested and to ensure that those identified with a hearing impairment get the help they need. Therefore, this legislation assures that reasonable action will be taken to identify hearing loss within the groups of newborns and infants, so we reach each child as early as possible. Furthermore, the bill supports the recruitment, retention, education, and training of qualified personnel and

health care providers, which will provide us with the healthcare professionals we need. And finally the legislation sets targets for a long-term follow-up. It requires the development of models that reduce the loss to follow-up of newborns and infants who are identified with a hearing loss through screening.

A baby born today will be part of this country's future. Surely we owe it to that child to give them a strong start on that future by ensuring that if they do have a hearing impairment it is diagnosed and treatment started well before their first year of life is completed. I urge my colleagues to join with Senator HARKIN and myself in supporting the Early Hearing Detection and Intervention Act of 2007.

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

S. 1069

*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 ''Early Hearing Detection and Intervention Act of 2007''.

**SEC. 2. EARLY DETECTION, DIAGNOSIS, AND TREATMENT OF HEARING LOSS.**

Section 399M of the Public Health Service Act (42 U.S.C. 280g–1) is amended—

(1) in the section heading, by striking ''**INFANTS**'' and inserting ''**NEWBORNS AND INFANTS**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''newborn and infant hearing screening, evaluation and intervention programs and systems'' and inserting ''newborn and infant hearing screening, evaluation, diagnosis, and intervention programs and systems, and to assist in the recruitment, retention, education, and training of qualified personnel and health care providers,''; and

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

''(1) To develop and monitor the efficacy of statewide programs and systems for hearing screening of newborns and infants; prompt evaluation and diagnosis of children referred from screening programs; and appropriate educational, audiological, and medical interventions for children identified with hearing loss. Early intervention includes referral to and delivery of information and services by schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns and infants. Programs and systems under this paragraph shall establish and foster family-to-family support mechanisms that are critical in the first months after a child is identified with hearing loss.''; and

(C) by adding at the end the following:

''(3) To develop efficient models to ensure that newborns and infants who are identified with a hearing loss through screening are not lost to follow-up by a qualified health care provider. These models shall be evaluated for their effectiveness, and State agencies shall be encouraged to adopt models that effectively reduce loss to follow-up.

''(4) To ensure an adequate supply of qualified personnel to meet the screening, evaluation, and early intervention needs of children.'';

(3) in subsection (b)—

(A) in paragraph (1)(A), by striking ''hearing loss screening, evaluation, and intervention programs'' and inserting ''hearing loss screening, evaluation, diagnosis, and intervention programs'';

(B) in paragraph (2)—

(i) by striking ''for purposes of this section, continue'' and insert the following: ''for purposes of this section—

''(A) continue'';

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

(iii) by adding at the end the following:

''(B) establish a postdoctoral fellowship program to foster research and development in the area of early hearing detection and intervention.'';

(4) in paragraphs (2) and (3) of subsection (c), by striking the term ''newborn and infant hearing screening, evaluation and intervention programs'' each place such term appears and inserting ''newborn and infant hearing screening, evaluation, diagnosis, and intervention programs''; and

(5) in subsection (e)—

(A) in paragraph (3), by striking ''ensuring that families of the child'' and all that follows and inserting ''ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, and language and communication options and are given the opportunity to consider and obtain the full range of early intervention services, educational and program placements, and other options for their child from highly qualified providers.''; and

(B) in paragraph (6), by striking '', after rescreening,''; and

(6) in subsection (f)—

(A) in paragraph (1), by striking ''fiscal year 2002'' and inserting ''fiscal years 2008 through 2013'';

(B) in paragraph (2), by striking ''fiscal year 2002'' and inserting ''fiscal years 2008 through 2013''; and

(C) in paragraph (3), by striking ''fiscal year 2002'' and inserting ''fiscal years 2008 through 2013''.

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

S. 1070. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, with my colleagues, Senator BLANCHE LINCOLN, Senator GORDON SMITH and Senator HERB KOHL, I rise to introduce the Elder Justice Act of 2007.

Senators LINCOLN, SMITH, KOHL and I introduced similar legislation last Congress and former Senator John Breaux and I were the lead sponsors of the Elder Justice Act in the 107th and 108th Congresses, with the strong support of Senators LINCOLN, SMITH and KOHL. While the legislation has been reported unanimously by the Finance Committee in the 109th and 108th Congresses, it, unfortunately, has not become law. I am here to say that will not be the case this Congress.

I would like to take this opportunity to highlight the provision of the Elder Justice Act. This legislation establishes an Elder Justice Coordinating Council to make recommendations to the Secretary of Health and Human Services on the coordination of activities of the Federal, State, local and private agencies and entities relating to elder abuse, neglect and exploitation. It also provides a first time direct funding stream separate from the Social Services Block Grant for adult protective services. In addition, the Elder Justice Act creates an advisory board to create a short and long-term multidisciplinary strategic plan for the developing field of elder justice.

The legislation creates new forensic centers to promote detection and increase expertise—new programs will train health professionals in both forensic pathology and geriatrics. The bill also authorizes $10 million for national organizations or States that represent or train long-term care ombudsman representatives to provide training, technical assistance, demonstration programs and research to improve ombudsman effectiveness in addressing abuse and neglect in nursing homes and assisted living facilities.

In addition, the Elder Justice Act requires immediate reporting to law enforcement of crimes in a long-term care facility. It also allows the seven State demonstration projects authorized through the Medicare Modernization Act of 2003 to be completed and directs the Secretary of Health and Human Services to report the findings to the appropriate congressional committees no later than six months after the completion of the demonstration projects. The bill also authorizes $500,000 to determine the efficacy of establishing and maintaining a national nurse aide registry. Finally, the legislation authorizes $20 million in grants to enhance long-term care staffing through training and recruitment to establish employee incentives including career and wage benefit ladders and programs to improve management practices.

With more than 77 million baby boomers retiring over the next three decades, we cannot wait any longer for this legislation to pass. One of my top priorities of the 110th Congress is having the Elder Justice Act signed into law. Older Americans deserve nothing less.

In closing, our legislation has been endorsed by the Elder Justice Coalition, a national membership organization dedicated to eliminating elder abuse, neglect, and exploitation in America. This coalition, which has been a strong advocate and supporter of the Elder Justice Act, has over 500 members.

I urge my colleagues to support this legislation so we can provide older Americans the same protections that we provide to our children and victims of domestic violence.

Mr. KOHL. Mr. President, today I am pleased to be a cosponsor of the Elder Justice Act of 2007. As in previous Congresses, I am an original cosponsor and fully support the bill's goals and passage. I want to thank Senators HATCH,

LINCOLN and SMITH for their continued leadership to make sure that our Nation finally acts in a comprehensive way to prevent elder abuse.

Our Nation has for far too long turned its back on the shame of elder abuse. Congress has held hearings on the devastating effects of elder abuse for a quarter of a century. With this bill, we are finally saying enough is enough—elder abuse is unacceptable and we are going to act to stop it.

This bill takes several important steps to make improvements to what is now an inadequate system of protection for our vulnerable elders. First, it boosts funding for the long-term care ombudsman program, which serves as an advocate for the elderly and disabled in long-term care. It also establishes an adult protective services grant program and forensics centers that are charged with developing expertise on elder abuse. In addition, it elevates the importance of elder justice issues by creating a coordinating council of Federal agencies that will make policy recommendations and submit reports to Congress every 2 years. And the legislation requires the Departments of Labor and Health and Human Services to take a proactive role in funding initiatives aimed at improving training programs and working conditions for long-term care professionals as a strategy for increasing the number of such workers during the coming years.

As much as I support this bill, however, I am disappointed that it does not include one important policy that can prevent abuse—a common-sense background check system that can screen out potential workers with serious criminal convictions that may put fragile seniors in long-term care at risk.

Almost every day, we read terrible stories about elderly patients who are beaten, sexually assaulted, or robbed by the very people who are charged with their care. Research shows that many instances of elder abuse could be avoided by a simple background check. It is time to put in place a nationwide system that can detect and prevent elder abuse. The seven-State pilot program that began in 2003 is an excellent start. Already, it is showing that States can successfully implement comprehensive, cost-effective programs that consolidate checks from State registries, State criminal records, and FBI records. In the coming weeks, I plan to introduce legislation that will take steps to make these pilot programs a reality for all States. I hope my colleagues will join me in this effort.

Again, I want to thank Senators HATCH, LINCOLN, and SMITH for their commitment to the cause of elder justice. The legislation we are introducing today will go a long way to focusing more attention on solutions for elder abuse, and developing new approaches to improve the quality of long-term care.

By Mr. STEVENS:

S. 1072. A bill to require Federal agencies to conduct their environmental, transportation, and energy-related activities in support of their respective missions in an environmentally, economically, and fiscally sound manner, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. STEVENS. Mr. President, the bill that I introduce today seeks to codify the initiatives announced by President Bush in January of this year in his Executive order to strengthen Federal environmental, energy, and transportation management. The bill would require the head of agencies to improve their agency's energy efficiency and reduce greenhouse gas emissions through the reduction of energy intensity by 3 percent annually through the end of fiscal year 2014 or by 30 percent by the end of fiscal year 2014.

The bill would require that at least half of an agency's statutorily required renewable energy consumed in a fiscal year come from a new renewable source and allows agencies, to the extent possible, to implement renewable energy generation projects on agency property. The bill would also set energy efficiency goals for water consumption, acquisition of goods and services, operation of Government vehicles, and the acquisition of electronic products.

This bill would put the Federal Government at the forefront of the Nation's efforts to improve our energy efficiency and ultimately reduce our greenhouse gas emissions.

A September 2002 report from the U.S. Department of Energy entitled, U.S. Lighting Market Characterization. Volume I: National Lighting Inventory and Energy Consumption Estimate, states that 38 percent of all energy consumed in the United States is used to generate electricity and that lighting consumes 22 percent of all the electricity produced in the United States.

Lighting consumes a significant percentage of the Nation's energy production. Because of this consumption, the bill would also require the Federal Government to take the lead in the use of energy efficient light bulbs. The bill does not specify any particular technology, but would define energy efficient light bulbs as those with an efficiency rating of not less than 30 lumens per watt. This definition would change from 30 lumens per watt to 45 lumens per watt in the year 2018. The replacement of low energy efficient light bulbs to more energy efficient light bulbs on Federal properties would be required to be completed within the next 5 years.

Many of the new energy efficient bulbs, such as compact fluorescent light bulbs, contain mercury. The bill would require that a disposal plan be developed to support the use of these bulbs and their proper disposal.

As the Nation looks to take advantage of the new energy efficient light bulbs at significant savings to individual households and businesses, the Federal Government should lead the way. The Government should be setting the standard for energy efficiency. This bill would mandate Federal Government leadership in this area with substantial savings in our energy consumption.

I urge my colleagues to support these legislative concepts.

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

S. 1073. A bill to amend the Clear Air Act to promote the use of fuels with low lifecycle greenhouse gas emissions, to establish a greenhouse gas performance standard for motor vehicle fuels, to require a significant decrease in greenhouse gas emissions from motor vehicles, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators COLLINS and SNOWE to introduce legislation that will significantly reduce the amount of greenhouse gases emitted from our Nation's transportation sector.

This bill would reduce carbon dioxide emissions from passenger vehicles and motor vehicle fuels by 22 percent below projected levels under business as usual by 2030. This reduction is equivalent to the removal of 662 million metric tons of carbon dioxide from the atmosphere or taking over 108 million cars off the road for a year. This would save 3.6 million barrels of oil per day by 2030.

It would achieve these reductions by requiring a: 3 percent reduction in emissions from the motor vehicle fuel pool by 2015, with an additional 3 percent reduction every 5 years, and 30 percent reduction in vehicle tailpipe emissions by 2016, with additional reductions every 5 years.

Highway vehicles are responsible for 32 percent of annual U.S. emissions of carbon dioxide ($CO_2$), the primary global-warming gas. And, motor vehicle emissions will continue to increase as more and more Americans purchase vehicles and the number of miles driven grows.

With more than 240 million motor vehicles on the road, producing 2 billion metric tons of carbon dioxide emissions per year, increasing our use of low carbon fuels is an essential part of a climate-safe transportation strategy.

So, the signs could not be clearer: It's time to sound the death-knell for the era of gas-guzzling motor vehicles. It is time to utilize improved vehicle technology and to increase access to cleaner, renewable fuels at the pump.

First, this bill will achieve this goal by increasing the availability of low carbon emitting fuels for motor vehicles.

We must start considering fuel emissions not only in terms of emissions produced at the tailpipe, but also in terms of the emissions generated by the production and transportation of fuels. The total emissions of a fuel,

from production to end-use, are known as the ''lifecycle emissions'' of a fuel.

Not all fuels are created equal in terms of emissions; in fact, not all fuels within a give fuel category are created equal.

For example, ethanol produced from corn emits only about 10 to 20 percent less greenhouse gas emissions per unit of energy delivered compared to petroleum-based gasoline. In contrast, ethanol produced from cellulosic biomass achieves an 80 to 90 percent reduction in greenhouse gas emissions per unit of energy.

Electricity would also qualify as an alternative fuel under this bill. The lifecycle emissions of electricity produced by traditional coal-fired power plants will be far greater than that produced by wind or other zero-carbon electricity generation technologies.

By 2009, this bill would require the Environmental Protection Agency (EPA) to quantify the total lifecycle emissions of all motor vehicle fuels. The bill would also require EPA to develop a fuel labeling process to provide this information to consumers at the pump.

Armed with this information about the lifecycle emissions of different fuels, oil refiners and importers would be required to reduce the greenhouse gas emissions of their entire fuel pool by 3 percent below projected levels by 2015. And, every 5 years thereafter, emissions would be cut by an additional 3 percent.

To help fuel providers meet the mandated emissions reductions in a cost-effective manner, the bill would establish a carbon-credit trading market.

This would reduce emissions from motor vehicle fuels by 10 percent below projected levels by 2030 and would increase the supply of low-carbon fuels such as biodiesel, E–85, hydrogen, electricity, and others.

Second, the bill would achieve reductions in transportation sector emissions by federalizing California's landmark tailpipe emissions standard. California passed a landmark law in 2002 that required a reduction in tailpipe emissions and was the first State in the country to do so. This would require automakers to reduce tailpipe emissions, such as carbon dioxide, by 30 percent by 2016. It will also require EPA to tighten the reductions every 5 years.

Combined, these provisions would achieve a 22 percent reduction in transportation sector emissions below projected levels by 2030.

Additional provisions in the bill mandate: auto manufacturers to optimize dual-fueled vehicles to improve their fuel economy when running on alternative fuels, and alternative fuel vehicles, and only alternative fuel vehicles, come with a green fuel cap. This would alert consumers that these vehicles can accept other fuels besides traditional gasoline.

Just as it is necessary to reduce emissions in the electricity and industrial sectors, it is equally necessary to reduce emissions from the transportation sector. This bill makes significant, yet feasible, strides to reduce emissions through upgrades in vehicle technology and the incorporation of lower lifecycle emission fuels into the motor vehicle fuel pool. I urge my colleagues to join me in supporting this bill.

I ask unanimous consent that the text of the legislation 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. 1073

*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 ''Clean Fuels and Vehicles Act of 2007''.

**SEC. 2. FUEL WITH LOW LIFECYCLE GREENHOUSE GAS EMISSIONS; GREENHOUSE GAS EMISSION REDUCTIONS.**

Title II of the Clean Air Act (42 U.S.C. 7581 et seq.) is amended by adding at the end the following:

**''PART D—FUEL WITH LOW LIFECYCLE GREENHOUSE GAS EMISSIONS; GREENHOUSE GAS EMISSION REDUCTIONS**

**''SEC. 251. DEFINITIONS.**

''In this part:

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

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(2) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gases emitted per unit of fuel from production to use (including feedstock production or extraction and distribution).

''(3) MAJOR OIL COMPANY.—The term 'major oil company' has the meaning given the term in section 105(b) of the Energy Policy and Conservation Act (42 U.S.C. 6213(b)).

''(4) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given the term in section 216.

**''SEC. 252. GREENHOUSE GAS EMISSION REDUCTIONS FROM FUELS AVAILABLE FOR MOTOR VEHICLES.**

''(a) DETERMINATION PROCESS; FUEL EMISSIONS BASELINE.—

''(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall, by regulation—

''(A) establish a determination process for use in determining the lifecycle greenhouse gas emissions of a fuel; and

''(B) based on the aggregate quantity and variety of fuels available for motor vehicles used in the United States during calendar year 2007, determine the average quantity of lifecycle greenhouse gas emissions per unit of energy delivered to a motor vehicle (referred to in this section as the 'fuel emissions baseline').

''(2) CONSIDERATIONS.—For purposes of determining the lifecycle greenhouse gas emissions of a fuel under paragraph (1), the Administrator shall consider—

''(A) greenhouse gas emissions resulting from—

''(i) production, extraction, distribution, transportation, and end use of the fuel;

''(ii) issues relating to the end use efficiency of the fuel;

''(iii) changes in land use and land cover resulting from an activity described in clause (i) with respect to the fuel; and

''(iv) net climate impacts affecting the energy and agricultural sectors resulting from an activity described in clause (i) with respect to the fuel; and

''(B) any other appropriate matters, as determined by the Administrator.

''(3) REQUIREMENTS.—The Administrator shall include in regulations promulgated to carry out paragraph (1) procedures by which the Administrator shall—

''(A) determine the lifecycle greenhouse gas emissions of a fuel and the fuel emissions baseline;

''(B) make each determination described in subparagraph (A), and information used in making the determinations, available to consumers;

''(C) label fuels with low lifecycle greenhouse gas emissions; and

''(D) provide information about adverse impacts of the fuel on—

''(i) land use and land cover;

''(ii) water, soil, and air quality; and

''(iii) public health.

''(b) SUBSEQUENT AVERAGE LIFECYCLE GREENHOUSE GAS EMISSIONS.—Not later than June 1, 2013, and annually thereafter, based on the aggregate quantity and variety of fuel available for motor vehicles used in the United States during the preceding calendar year, the Administrator shall determine, in accordance with the regulations promulgated under subsection (a), the average quantity of lifecycle greenhouse gas emissions per unit of energy delivered to a motor vehicle through the use of a unit of fuel for motor vehicles for the preceding calendar year.

''(c) REQUIRED REDUCTIONS IN LIFECYCLE GREENHOUSE GAS EMISSIONS.—

''(1) REGULATIONS.—The Administrator shall promulgate regulations to establish a credit trading program to address the lifecycle greenhouse gas emissions from fuels available for use in motor vehicles.

''(2) REQUIRED EMISSION REDUCTIONS.—The Administrator shall, by regulation, require each major oil company, refiner, or fuel importer that produces, sells, or introduces gasoline or other fuels available for use in motor vehicles into commerce in the United States to reduce the average lifecycle greenhouse gas emissions per unit of energy delivered to a motor vehicle through fuel to a level that is—

''(A) for calendar year 2015, 3 percent below the fuel emissions baseline; and

''(B) not later than every fifth calendar year thereafter, 3 percent below the average quantity of lifecycle greenhouse gas emissions per unit of energy delivered to a vehicle allowed pursuant to this section during the required fuel emissions level for the preceding calendar year, as determined by the Administrator under subsection (b).

''(3) USE OF CREDITS.—

''(A) IN GENERAL.—For the purpose of complying with the required reductions in lifecycle greenhouse gas emissions under this section, each major oil company, fuel refiner, or fuel importer shall demonstrate, on an annual basis, that the fuel mix provided to the market by the company, refiner, or importer meets the lifecycle greenhouse gas emission level specified in subparagraphs (A) and (B) of paragraph (2), including if necessary, by using credits previously banked or purchased.

''(B) CREDITS FOR ADDITIONAL REDUCTIONS.—The regulations promulgated to carry out this section shall permit a provider of a fuel that achieves a greater reduction in lifecycle greenhouse gas emissions than is required under subparagraph (A) or (B) of

paragraph (2) for a particular compliance period to generate credits, based on—

''(i) the quantity of fuel provided; and

''(ii) the difference between—

''(I) the greater reduction in lifecycle greenhouse gas emissions of the fuel under subparagraph (A) or (B) of paragraph (2); and

''(II) the minimum required reduction in lifecycle greenhouse gas emissions of the fuel under that subparagraph.

''(d) STATEMENT OF CONGRESSIONAL INTENT.—It is the intent of Congress that, through implementation of this section—

''(1) an incentive will be created for the use, in lieu of gasoline, of fuels having lower lifecycle greenhouse gas emissions; and

''(2) fuels with the lowest lifecycle greenhouse gas emissions will continue over time—

''(A) to be improved;

''(B) to become widely-available and competitive in the marketplace; and

''(C) to contribute to an overall reduction in greenhouse gas emissions.

**''SEC. 253. GREENHOUSE GAS EMISSION REDUCTIONS FROM AUTOMOBILES.**

''(a) VEHICLE EMISSIONS BASELINE.—Not later than January 1, 2009, based on the aggregate quantity and variety of new automobiles sold in the United States during model year 2002 and the average greenhouse gas emissions from those new automobiles, the Administrator shall determine the average quantity of greenhouse gas emissions per vehicle mile (referred to in this section as the 'new vehicle emissions baseline').

''(b) SUBSEQUENT AVERAGE EMISSIONS FROM NEW AUTOMOBILES.—Not later than June 1, 2015, and annually thereafter, based on the aggregate quantity and variety of new automobiles sold in the United States during the preceding model year and the average greenhouse gas emissions from those new automobiles during the preceding model year, the Administrator shall determine the average quantity of greenhouse gas emissions per vehicle mile for the model year.

''(c) REQUIRED REDUCTIONS IN GREENHOUSE GAS EMISSIONS FROM AUTOMOBILES.—

''(1) IN GENERAL.—The Administrator shall, by regulation, require each manufacturer of automobiles for sale in the United States to reduce the average quantity of greenhouse gas emissions per vehicle mile of the aggregate quantity and variety of automobiles manufactured by the manufacturer to a level that is—

''(A) for automobiles manufactured in model year 2016, 30 percent less than the new vehicle emissions baseline; and

''(B) not later than every fifth model year thereafter, such percent as shall be specified by the Administrator that is less than the average quantity of greenhouse gas emissions per vehicle mile required for the model year preceding that fifth model year, as determined by the Administrator under subsection (b).''.

**SEC. 3. OPTIMIZED DUAL FUELED VEHICLES.**

(a) OPTIMIZED DUAL FUELED AUTOMOBILES.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) 'alternative fueled automobile' means an automobile that is—

''(A) a dedicated automobile;

''(B) a dual fueled automobile; or

''(C) an optimized dual fueled automobile.''; and

(2) by adding at the end the following:

''(17) 'optimized dual fueled automobile' means an automobile that—

''(A) is capable of operating on alternative fuel and on gasoline or diesel fuel;

''(B) can satisfactorily operate throughout a Federal testing procedure exclusively on alternative fuel, when fueled with the maximum alternative fuel capacity, as determined by the Administrator of the Environmental Protection Agency; and

''(C) when operated on alternative fuel, achieves an average fuel economy that is not less than 20 percent greater, on a gallon of gasoline-equivalent energy basis, than the fuel economy of the same automobile operated on gasoline or diesel fuel.''.

(b) FUEL ECONOMY CALCULATION FOR OPTIMIZED DUAL FUEL AUTOMOBILES.—Section 32905 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(B) by striking ''title, for any'' and inserting ''title—

''(1) for any'';

(C) in paragraph (1)(B) (as designated and redesignated by subparagraphs (A) and (B)), by striking ''fuel.'' and inserting ''fuel; and''; and

(D) by adding at the end the following:

''(2) for any model of dual fueled automobile manufactured by a manufacturer in any of model years 2011 through 2015, the Administrator of the Environmental Protection Agency shall measure the fuel economy for that model by dividing 1.0 by the sum obtained by adding—

''(A) for optimized dual fueled automobiles, the sum obtained by adding—

''(i) .5 divided by the fuel economy measured under section 32904(c), when operating the model on gasoline and diesel fuel; and

''(ii) .5 divided by the fuel economy measured under subsection (a), when operating the model on alternative fuel; and

''(B) for dual fueled automobiles other than optimized dual fueled automobiles, values that reflect the actual use of gasoline and diesel fuel relative to alternative fuel in the models based on a determination made by the Administrator, taking into account alternative fuel sales and total number of models of dual fueled vehicles other than optimized dual fueled automobiles.''; and

(2) by striking subsection (f).

(c) YEAR MODIFICATION.—Section 32906(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''(1)(A) For'' and inserting ''(1) For'';

(B) by striking ''2010'' and inserting ''2015''; and

(C) by striking subparagraph (B); and

(2) in paragraph (2), by striking ''described—'' and all that follows through subparagraph (B) and inserting ''described in paragraph (1) is more than 1.2 miles per gallon, the limitation in that paragraph shall apply.''.

(d) INCREASING CONSUMER AWARENESS OF ALTERNATIVE FUEL VEHICLES.—Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL VEHICLES.—The Secretary of Transportation shall promulgate regulations that—

''(1) require each manufacturer that manufactures alternative fuel vehicles that run on fuels with low lifecycle greenhouse gas emissions to install a green-colored fuel cap on each alternative fuel vehicle to distinguish the vehicle from vehicles that do not use low lifecycle greenhouse gas-emitting alternative fuels; and

''(2) prohibit a manufacturer from installing a green-colored fuel cap on an automobile manufactured by the manufacturer that does not run on a low lifecycle greenhouse gas-emitting alternative fuel.''.

By Mr. AKAKA (for himself and Mr. BINGAMAN):

S. 1074. A bill to provide for direct access to electronic tax return filing, and for other purposes; to the Committee on Finance.

Mr. AKAKA. Mr. President, I am delighted to reintroduce the Free Internet Filing Act as the tax filing deadline approaches. The bill requires the Internal Revenue Service (IRS) to provide universal access to individual taxpayers filing their tax returns directly through the IRS Web site. I thank Senator BINGAMAN for cosponsoring this bill and working with me on taxpayer rights issues.

It is frustrating that individual taxpayers completing their own returns are still not able to electronically file directly with the IRS. Taxpayers are dependent on commercial preparers to electronically file their taxes. If taxpayers take the time necessary to prepare their returns by themselves, they must be given the option of electronically filing directly with the IRS. My legislation would make this direct filing possible.

The current system, the Free File Alliance, provides only a select group of taxpayers with the ability to file electronically for free using third party intermediaries. The current Free File Alliance agreement is a failure because it leaves out too many taxpayers. Taxpayers that make more than $52,000 are not eligible.

Taxpayers should not have the additional worry associated with sharing their private financial information with a tax preparation company. In an era when there have been so many electronic breaches of financial information, taxpayers should not be forced to hand over their private information if they want to electronically file their return with the IRS. Taxpayers should not lose out on the benefits of electronic filing simply because they are worried about sending their data to third parties.

IRS Commissioner Mark Everson has stated, ''E-file is the fastest, safest, and most accurate way to file a tax return. People will get their returns faster through E-file. E-file greatly reduces the chances for making an error compared to filing a paper 1040.'' I simply want to provide every individual taxpayer the ability to electronically file their taxes at no cost and without having to use a commercial tax preparer.

My legislation will lead to an increase in the number of electronically filed returns. Approximately 45 million returns prepared using software are mailed in rather than electronically filed. With universal access to free e-file, this number could be substantially reduced. Electronic filing helps taxpayers receive their refunds faster than mailing in paper returns.

My legislation would also reduce errors and IRS administrative costs. According to Mr. Bert Dumars, the Director of the IRS Electronic Tax Administration, it costs 55 to 75 cents to process an electronic return while it costs

about two dollars to process a paper return. In addition, the error rate for electronic returns is one percent while the error rate for paper returns is 20 percent.

We have an obligation to make free electronic filing available to all individual taxpayers. Electronic filing benefits both taxpayers and the IRS. I have appreciated the attention paid to this issue by Senator BAUCUS and Senator GRASSLEY. I will continue to work with my colleagues to enact the Free Internet Filing Act.

I ask unanimous consent that the text of the bill be printed in the RECORD. I also ask unanimous consent that a letter of support from the Hawaii Alliance for Community-Based Economic Development be included in the RECORD. Finally, I ask unanimous consent that a letter of support from the National Consumer Law Center, Consumer Federation of America, U.S. Public Interest Research Group, California Reinvestment Coalition, Center for Economic Progress, Consumer Action, and the Neighborhood Economic Development Advocacy Project, be printed in the RECORD.

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

S. 1074

*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 ''Free Internet Filing Act''.

**SEC. 2. DIRECT ACCESS TO E-FILE FEDERAL INCOME TAX RETURNS.**

(a) IN GENERAL.—The Secretary of the Treasury shall provide individual taxpayers with the ability to electronically file their Federal income tax returns through the Internal Revenue Service website without the use of an intermediary or with the use of an intermediary which is contracted by the Internal Revenue Service to provide free universal access for such filing (hereafter in this section referred to as the ''direct e-file program'') for taxable years beginning after the date which is not later than 3 years after the date of the enactment of this Act.

(b) DEVELOPMENT AND OPERATION OF PROGRAM.—In providing for the development and operation of the direct e-file program, the Secretary of the Treasury shall—

(1) consult with nonprofit organizations representing the interests of taxpayers as well as other private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary,

(2) promulgate such regulations as necessary to administer such program, and

(3) conduct a public information and consumer education campaign to encourage taxpayers to use the direct e-file program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the direct e-file program. Any sums so appropriated shall remain available until expended.

(d) REPORTS TO CONGRESS.—

(1) REPORT ON IMPLEMENTATION.—The Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives every 6 months regarding the status of the implementation of the direct e-file program.

(2) REPORT ON USAGE.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives annually on taxpayer usage of the direct e-file program.

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MARCH 28, 2007.

Hon. DANIEL K. AKAKA,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR AKAKA: The National Consumer Law Center (on behalf of its low-income clients), Consumer Federation of America, Consumer Action, U.S. Public Interest Research Group, California Reinvestment Coalition, Center for Economic Progress, and the Neighborhood Economic Development Advocacy Project write to support your bill entitled the ''Free Internet Filing Act.'' Consumer groups have long advocated for what the Free Internet Filing Act would provide—the ability of taxpayers to electronically file their returns without the need for a third party intermediary.

Enabling taxpayers to file electronically directly with the Internal Revenue Service will benefit taxpayers tremendously. It will save taxpayers the fees charged by some commercial preparers for electronic filing. Unlike the current Free File program established by the IRS, the Free Internet Filing Act will provide taxpayers with free electronic filing without the potential of being subject to cross-marketing pitches for financial products which may not be in their best interests. While the marketing pitches for refund anticipation loans and other ancillary products were dropped this year from the Free File program, such a limitation is not enshrined in law or regulation.

The Free Internet Filing Act will also help taxpayers to keep their information private. By allowing free direct electronic filing with the IRS, taxpayers will have the ability to bypass commercial preparers that might exploit or share their personal, confidential tax information for non-tax purposes.

We believe the IRS should have been required a long time ago to establish free direct electronic filing. For many years, Americans have been able to apply for federal student financial aid on www.fafsa.ed.gov and Social Security retirement benefits at www.ssa.gov. A free direct electronic filing program at www.irs.gov is long overdue.

If you have any questions about this letter, please contact Chi Chi Wu. Thank you again for all your efforts to protect taxpayer rights.

Sincerely,

Chi Chi Wu, Staff Attorney, National Consumer Law Center; Jean Ann Fox, Director of Consumer Protection, Consumer Federation of America; David Marzahl, Executive Director, Center for Economic Progress; Ed Mierzwinski, Consumer Program Director, U.S. Public Interest Research Group (U.S. PIRG); Linda Sherry, Director, National Priorities, Consumer Action; Rhea L. Serna, Policy Advocate, California Reinvestment Coalition; Chris Keeley, Campaigns Organizer, Neighborhood Economic Development Advocacy Project (NEDAP).

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HAWAI'I ALLIANCE FOR COMMUNITY-BASED ECONOMIC DEVELOPMENT,
*Honolulu, HI, March 22, 2007.*

Hon. DANIEL K. AKAKA,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR AKAKA: The Hawai'i Alliance for Community Based Economic Development (HACBED) is writing in support of the ''Free Internet Filing Act.''

HACBED is a statewide 501(c)3 organization established in 1992 to help maximize the impact of community-based economic development organizations (CBEDOs). We pursue our mission by helping CBEDOs to increase community control of their assets and means of production. We accomplish this in many ways—by providing technical support to help CBEDOs deal with organizational issues; by networking on a local and national basis for funding and financing for community-based efforts; and, by advocating for communities to play a more active role in the political process in order to effect systemic change. To this end, HACBED has been facilitating statewide conversations to develop a comprehensive asset policy agenda. Core to this agenda is the recognition of the importance of creating policies that assist individuals, families and the broader community to build wealth.

Tax season is an essential time for low income families to take advantage of their tax related benefits, including the earned income tax credit. Electronic filing of taxes is a quicker, more efficient way to process a tax return. In many cases, working families must pay a professional tax preparer to prepare their return and file electronically. By providing free universal access to electronic filing these low-income working families would be able to keep more of their hard-earned dollars in their pocket.

HACBED fully supports this bill and we look forward to working with you in the future to insure free and low cost tax-related services for low-income families.

Sincerely,

BRENT DILLABAUGH,
*Deputy Director.*

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By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S1076. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2010, to improve aviation safety and capacity, to provide stable, cost-based funding for the national aviation system, and for other purposes; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise today to announce the introduction, by request, of the Next Generation Air Transportation System Financing Reform Act of 2007, the Bush administration's proposal for the Federal Aviation Administration, (FAA), reauthorization.

As chairman of the Commerce Committee, I, along with vice chairman STEVENS, introduce this bill out of courtesy to the Bush administration. They have outlined an aggressive proposal for the FAA reauthorization and while I cannot support all portions of this bill, I believe our colleagues should have an opportunity to consider the ideas outlined.

While I commend the Department of Transportation and the FAA for their work on the proposal, I have great concerns with some of the provisions. Specifically, I am troubled by the proposal to dramatically increase the general aviation fuel tax and substantially cut the Airport Improvement Program, AIP, funding level.

The Commerce Committee has jurisdiction over the FAA and I will work with Senator JAY ROCKEFELLER, the chairman of the Aviation Subcommittee, and Senator TRENT LOTT,

the ranking member of the subcommittee, along with other members of the committee, to craft a bipartisan bill that we can bring before the full Senate.

It is important that we act quickly, as the current aviation tax structure expires at the end of the fiscal year. Therefore, we must present our committee and this body with a bill that not only solves funding issues for our Nation's air system, but also puts us on a course to fully modernize our aviation system to safely and efficiently handle the increase in air traffic that is expected.

In the coming weeks, we will be back here with a bill that I believe will gain the support of the majority of the Commerce Committee and the support of the Senate.

Mr. STEVENS. Mr. President, as vice chairman of the Commerce Committee I concur with my good friend and colleague. I applaud the administration for moving the process forward but I echo Senator INOUYE's concerns with the proposal. I look forward to working with him and our colleagues on the Commerce, Science, and Transportation Committee to craft a Committee proposal in the coming weeks.

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By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. CHAMBLISS, Mr. COCHRAN, Mrs. DOLE, Mr. INHOFE, Mr. LOTT, and Mr. ISAKSON).

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

Mr. BYRD. Mr. President, West Virginians have always been a deeply spiritual people. Historically, we have stood fast in our devotion to the Creator, even when—or especially when—faced with adversity, deprivation, or misfortune. Just as we recognize that joyful events are best celebrated with prayers of gratitude, we also believe that hardship can be endured and, in fact, diminished through the infinite power of the healing word.

As we leave for Easter recess to celebrate the resurrection, we lift our heads from the darkness to the light. We ask for God's blessings. The Gospel at John 14:13 tells us that God answers prayer, meaning that he hears us whenever we ask for anything according to his will.

The importance of prayer is recognized by people of faith in nearly every denomination. Yet, in America, too many of our citizens belittle, ignore, or denigrate the power of prayer. They believe that the doctrine of separation of powers means that we can pray only within the four walls of a house of worship, and nowhere else. But that viewpoint does not reflect the intent of the Creator.

Prayer, no matter where undertaken, by design, provides both inspiration and solace. It is comforting, particularly during a time of war. No wonder, then, that prayer has always had a place in the lives of our military. In December 1944, General George S. Patton, Jr., ordered Colonel James H. O'Neill, the chaplain of the Third Army, to produce a prayer to the heavens, which requested clear weather. The prayer, written by Chaplain O'Neill, reads as follows:

> Almighty and most merciful Father, we humbly beseech Thee, of Thy great goodness . . . Grant us fair weather for Battle. Graciously hearken to us as soldiers who call upon Thee, that, armed with Thy power, we may advance from victory to victory . . . and establish Thy justice among men and nations. Amen.

Chaplain O'Neill's prayer was provided on behalf of all soldiers, regardless of denomination, when or where they prayed, and with whom. It was a prayer in addition to the silent or outspoken, individual and voluntary prayers of each of the enlisted men and women of the Army.

Although I cannot be sure of it, I would imagine that soldiers in the field responded favorably to the prayer of Chaplain O'Neill. They assuredly did not object to his expression of faith—one in which they were free to participate or not. Undoubtedly, the soldiers drew inspiration from the Chaplain's words.

Now, while our children do not normally face the mortal peril that U.S. troops inevitably face in a time of war, all Americans—whether young or old—in school or in battle, surely from time to time need to draw upon the blessings of a higher power to face whatever tests fate may throw their way on any given day.

Yet, one wonders what would happen if a student in an American classroom today decided, of his or her own volition, to recite a prayer like the one by Chaplain O'Neill. In some jurisdictions, it is probable that the student would be disciplined and his/her teachers punished for potentially violating the First Amendment.

Is today's state of affairs consistent with the intent of the Framers? No. The Founding Fathers believed in a Supreme Being, and they were proud of their faith. On February 22, 1756, John Adams wrote:

> Suppose a nation in some distant region should take the Bible for their only law book and every member should regulate his conduct by the precepts there exhibited! Every member would be obliged in conscience to temperance, frugality, and industry; to justice, kindness, and charity towards his fellow men; and to piety, love, and reverence toward Almighty God . . . what a Utopia, what a paradise would this region be.

As his words reflect, John Adams knew and recognized that we were and are a religious people.

The Religion Clauses of the First Amendment to the U.S. Constitution state: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . .''

In my opinion, too many have not given equal weight to both of these clauses. Instead, they have focused only on the first clause, which prohibits the establishment of religion, at the expense of the second clause, which protects the right of Americans to worship as they please. This country was founded by men and women of strong faith, whose intent was not to suppress religion, but to ensure that the government favored no single religion over another.

In particular, the Free Exercise Clause of the First Amendment states that Congress cannot make laws that prohibit the free exercise of religion. Consequently, I believe that any prohibition of voluntary prayer in school, either spoken aloud or recounted in silence, violates the right of our schoolchildren to practice freely their religion. And that's not right. Any child should be free to pray to God, of his or her own volition, whether at home, in church, or at school. Period.

I am not a proponent of repeatedly amending the U.S. Constitution. I believe that such amendments should be done only rarely and with great care. However, because I feel as strongly about this today as I have for over four decades, I am going to take this opportunity, once again, as I have at least eight times over the past 45 years, to introduce today a joint resolution to amend the Constitution to clarify the intent of the Framers with respect to voluntary prayer in school.

The language of the resolution that I am introducing today to amend the Constitution simply states: ''Nothing in this Constitution, including any amendment to this Constitution, shall be construed to prohibit voluntary prayer or require prayer in a public school, or to prohibit voluntary prayer or require prayer at a public school extracurricular activity.''

This resolution is similar to legislation that I introduced or cosponsored starting in 1962, but more recently in 1973, 1979, 1982, 1993, 1995, 1997, and 2006. This resolution is not a radical departure. It simply reiterates what should already be permissible under a correct interpretation of the First Amendment. It does not change the language of the First Amendment, and it would not permit any school to advocate a particular religious message endorsed by the government. The resolution seeks neither to advance nor to inhibit religion. It does not signify government approval of any particular religious sect or creed. It does not compel a ''non-believer'' to pray. In fact, it does not require an atheist to embrace or adopt any religious action, belief, or expression. It does not coerce or compel anyone to do anything, and it does not foster excessive government entanglement with religion.

This Constitutional Amendment simply allows children to pray, voluntarily, if they wish to do so. The Supreme Court has held that the Establishment Clause is not violated so long

as the government treats religious speech and other speech equally. The resolution has a preeminently secular purpose, which is to ensure that religious and non-religious speech are treated equally.

The First Amendment is to secure religious liberty. Justice Stevens has written that, ''nothing in the Constitution as interpreted by this Court prohibits any public school student from voluntarily praying at any time before, during or after the school day.''

Similarly, Justice Sandra Day O'Connor has written that the Religion Clauses of our Constitution have ''kept religion a matter for the individual conscience, not for the prosecutor or bureaucrat.''

And we should make certain that religion is a matter for the individual conscience. But keeping religion a matter for the individual conscience should not mean that a schoolchild must stand silent, unable to turn to God for comfort or guidance in times of need. Not every reference to God represents the impermissible establishment of religion. Instead, let us make certain that every individual, including every schoolchild, can be assured of his/her right to pray voluntarily to God, as he/she pleases, consistent with the intent of the Framers, who wrote the U.S. Constitution and the Bill of Rights.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 134—DESIGNATING SEPTEMBER 2007 AS ''ADOPT A SCHOOL LIBRARY MONTH''

Mr. DURBIN (for himself and Mr. COLEMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 134

Whereas extensive research has demonstrated a link between high-quality school libraries and student achievement in the classroom and on standardized tests, regardless of the level of poverty or family instability experienced by the student;

Whereas 37 percent of all fourth grade children in the United States are reading at below-basic reading levels;

Whereas the school libraries of the United States are valuable tools that could be used to inspire and enhance literacy for all children;

Whereas, to become a lifelong reader, a student must be exposed to adults who read regularly and serve as positive reading role models;

Whereas school librarians are—

(1) instrumental in helping teachers educate the students of the United States; and

(2) through the use of books, computer resources, and other resources, a necessary component for expanding the curriculum of the public schools of the United States;

Whereas the school libraries of the United States are used as media centers to provide students with opportunities to interact with computers and other electronic information resources;

Whereas the use of school library computers helps students develop media and technological skills, including—

(1) critical thinking;

(2) communication competency; and

(3) the ethical and appropriate use of technology information access, retrieval, and production;

Whereas the school libraries of the United States serve as a gathering place for students of all ages, backgrounds, and interests to come together to debate ideas;

Whereas only approximately $1,000,000,000 is allocated to school libraries each year, which translates to $0.54 per student; and

Whereas numerous programs, including the READesign program of the Heart of America Foundation, are working to reestablish school libraries as the hearts of the public schools of the United States by—

(1) offering intensive care for school libraries though efforts designed—

(A) to redecorate school libraries;

(B) to revitalize technology available to school libraries; and

(C) to replenish the book shelves of school libraries; and

(2) renewing community support and interest for—

(A) enriching the lives of children; and

(B) helping students regain lost opportunities for learning: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2007 as ''Adopt a School Library Month'' to raise public awareness about the important role school libraries play in the academic achievement of children; and

(2) calls on the Federal Government, States, local governments, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate ceremonies, programs, and other activities.

Mr. DURBIN. Mr. President, When I was growing up in East St. Louis, I spent hours reading about faraway places, exciting adventures, and historic figures and events. I spent countless hours in the library discovering wonderful stories and developed a lifelong love of reading.

Now imagine going to school where the library is dark and uninviting, and where there is no librarian in sight. These conditions are real. I have visited schools in my home State of Illinois and seen libraries that show their years of neglect.

The dire circumstances that face some of these school libraries are not due to lack of concern by school officials. School leaders are working with limited budgets and unforgiving performance standards. School libraries were once one of the central features of our school, but are now one of the first programs to be cut.

In Cairo, IL, there is no money available for new books. The superintendent told me that his school libraries would have no books at all if it were not for the donations from the local community. In Collinsville, school libraries had science books so outdated they were published before man landed on the moon. We cannot expect our students to compete in today's global economy unless we provide them with the tools that they need to succeed.

Many studies have demonstrated the strong link between high-quality school libraries and student achievement, both in the classroom and on standardized tests. School libraries benefit all students, regardless of race, class, or family situation. According to a study by the Illinois School Library Media Association, students average 5 percent to 13 percent higher on their reading and writing test scores when their libraries are well-funded. Students in schools with more current collections in their libraries scored 7 percent to 13 percent higher in reading and writing in lower grades and 3 percent higher on college entrance exams. In Illinois, additional computers in school libraries led to an 8-percent increase in the reading performance of fifth to eighth graders, and to an 11-percent increase in the writing scores for eighth graders. The data is consistent and clear: All of our children are more likely to succeed when their school possesses a high-quality school library.

Many groups recognize the importance of school libraries and are doing something about it. In particular, I commend the Heart of America Foundation, which is focused on improving some of the Nation's most needy school libraries. In impoverished communities where many libraries have one book or less per student, Heart of America tries to bring the collections of these libraries up to at least the national average of 22 books per student. Its READesign program offers intensive care for school libraries through renovation, revitalizing technology, and replenishing book shelves. Heart of America makes READesigns a community effort by bringing together individuals, corporate sponsors, and community groups to provide schools with ''library makeovers.'' The transformation of these school libraries is truly extraordinary. It goes beyond simply painting and restocking the bookshelves. After a READesign, a school library once again becomes a welcoming and vibrant center of learning, books, and technology.

I am confident that others will be as inspired by the READesign program and the potential of our school libraries as I am. In designating September 2007 as ''Adopt a School Library Month,'' it is my hope that individuals will remember the importance of school libraries in facilitating the academic achievement of our children and support needy school libraries in their respective communities.

### SENATE RESOLUTION 135—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD SUPPORT INDEPENDENCE FOR KOSOVO

Mr. LIEBERMAN (for himself, Mr. BIDEN, Mr. MCCAIN, and Mr. SMITH) submitted the followoing resolution; which was referred to the Committee on Foreign Relations:

S. RES. 135

Whereas the United States has enduring national interests in the peace and security of southeastern Europe, and in the greater integration of the region into the Euro-Atlantic community of democratic, well-governed states;

Whereas, in March 1999, the United States, along with other members of the North Atlantic Treaty Organisation (NATO), commenced military action aimed at ending Slobodan Milosevic's brutal campaign of ethnic cleansing against the people of Kosovo;

Whereas that military action resulted in the defeat of Serb forces and the creation of the United Nations Mission in Kosovo, an interim United Nations administration that governs Kosovo, and which ended, de facto, the sovereignty that was previously exercised by the Government of the Federal Republic of Yugoslavia over Kosovo;

Whereas the men and women of the Armed Forces of the United States have served bravely in Kosovo since 1999, and their presence and participation in the NATO-led Kosovo Force has been indispensable in protecting the people of Kosovo and stabilizing the region;

Whereas United Nations administration was never intended nor understood as a permanent solution to the political status of Kosovo;

Whereas, in light of NATO's military intervention in Kosovo and the United Nations trusteeship established in Kosovo pursuant to United Nations Security Council Resolution 1244 (1999), the international community has recognized the political circumstances in Kosovo as unique, and the settlement of Kosovo's status therefore does not establish a precedent for the resolution of other conflicts;

Whereas continuing uncertainty about the status of Kosovo is unacceptable to the overwhelming majority of the inhabitants of Kosovo, inhibits economic and political development in Kosovo, and contributes to instability and radicalism in both Kosovo and Serbia;

Whereas, in 2005, the United Nations Secretary-General appointed the former President of Finland, Martti Ahtisaari, as United Nations Special Envoy for Kosovo to develop a comprehensive settlement proposal to resolve the political status of Kosovo;

Whereas, in March 2007, after 14 months of intensive diplomacy, Special Envoy Ahtisaari submitted to the Security Council a comprehensive settlement proposal that would result in supervised independence for Kosovo, with robust protections for the rights of minorities; and

Whereas Special Envoy Ahtisaari has explored every reasonable avenue for compromise in the course of his diplomacy and has stated that further negotiations would be counterproductive: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States should support the independence of Kosovo in accordance with its currently constituted borders, a resolution that represents the only just, sustainable solution for an economically viable and politically stable Kosovo;

(2) the United States should, in consultation and cooperation with its allies, vigorously and promptly pursue a United Nations Security Council resolution that endorses the recommendations of United Nations Special Envoy for Kosovo Martti Ahtisaari;

(3) in the absence of timely action by the United Nations Security Council, the United States should be prepared to act in conjunction with like-minded democracies to confer diplomatic recognition on, and establish full diplomatic relations with, Kosovo as an independent state, much as the United States worked in cooperation with like-minded democracies to protect the people of Kosovo in 1999;

(4) the United States should oppose any delay in the resolution of the political status of Kosovo as counterproductive, potentially dangerous, and likely to make the achievement of a lasting settlement more difficult;

(5) the United States should work together with the European Union as a full partner in supporting the political and economic development of an independent Kosovo;

(6) the United States should support the integration of Kosovo into international and Euro-Atlantic institutions, including its timely admission to the Partnership for Peace program of the North Atlantic Treaty Organisation (NATO), with the ultimate goal of full membership in NATO;

(7) the United States should reaffirm its commitment to southeastern Europe, including the continuation of the military mission in Kosovo to deter and disrupt any efforts by any party to destabilize the region through violence;

(8) the Government of Kosovo should exercise responsible leadership under supervised independence and thereby accelerate the transition to full independence, taking particular care to reassure, protect, and ensure the full political and economic rights of Serb and other minority communities in Kosovo;

(9) the Government of Kosovo should make every reasonable effort to develop a cooperative relationship with the Government of Serbia, in recognition of its legitimate interests in the safety of the Serb population in Kosovo and in the protection and preservation of the patrimonial sites of the Serbian Orthodox Church in Kosovo; and

(10) the Government of Serbia should exercise responsible leadership and seize the opportunity and the imperative presented by the independence of Kosovo to end the dark chapter of the 1990s and focus its energies toward achieving a prosperous and peaceful future through regional cooperation and integration into Euro-Atlantic institutions, including NATO and the European Union, and toward the establishment of open, constructive relations with the government of Kosovo.

## SENATE RESOLUTION 136—EXPRESSING THE SENSE OF THE SENATE CONDEMNING THE SEIZURE BY THE GOVERNMENT OF IRAN OF 15 BRITISH NAVAL PERSONNEL IN IRAQI TERRITORIAL WATERS, AND CALLING FOR THEIR IMMEDIATE, SAFE, AND UNCONDITIONAL RELEASE

Mr. COLEMAN (for himself, Mrs. FEINSTEIN, Mr. DEMINT, Mr. BIDEN, Mr. BROWNBACK, Ms. MIKULSKI, Mr. KERRY, Mr. LIEBERMAN, Mr. ENSIGN, Mr. GRAHAM, Mr. CARDIN, Mr. ROCKEFELLER, Mr. CASEY, Mr. DODD, Mrs. CLINTON, Mrs. DOLE, Mr. VITTER, Mr. ISAKSON, Mr. MARTINEZ, Mr. NELSON of Florida, Mr. SCHUMER, Mr. VOINOVICH, and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 136

Whereas, on March 23, 2007, a naval vessel of the United Kingdom, the HMS Cornwall, was conducting routine operations in Iraqi territorial waters pursuant to United Nations Security Council Resolution 1723 (2006) and in support of the Government of Iraq;

Whereas, on March 23, 2007, a boarding team consisting of 7 Royal Marines and 8 sailors embarked in 2 of the boats of the HMS Cornwall to conduct a routine boarding of an Indian flagged merchant vessel pursuant to the authorization of United Nations Security Council Resolution 1723 (2006);

Whereas, as Vice Admiral Charles Style, Deputy Chief of the British Defense Staff (Commitments), demonstrated in a presentation on March 28, 2007, ''the merchant vessel was 7.5 nautical miles south east of the Al Faw Peninsula, . . . 29 degrees 50.36 minutes North 048 degrees 43.08 minutes East. This places her 1.7 nautical miles inside Iraqi territorial waters. This fact has been confirmed by the Iraqi Foreign Ministry.'';

Whereas at some point shortly after completion of the successful inspection of the merchant ship, the two United Kingdom vessels were surrounded and escorted by Iranian Islamic Republican Guard Navy vessels toward the Shatt 'Al Arab Waterway and into Iranian territorial waters;

Whereas, as Margaret Beckett, the Foreign Secretary of the United Kingdom, stated to the House of Commons on March 28, 2007, even the coordinates of the seizure event that were given by Iran's Ambassador to the United Kingdom at the Ambassador's first meeting with United Kingdom officials were themselves in Iraqi waters;

Whereas Foreign Secretary Beckett noted in that same statement that authorities of the Government of Iran provided ''corrected'' coordinates of the incident on March 25, 2007, claiming that the event took place in Iranian waters;

Whereas the merchant vessel that was boarded had remained anchored since the time it was boarded, and on March 25, 2007, its location was verified to be in Iraqi waters;

Whereas Prime Minister of the United Kingdom Tony Blair stated on March 25, 2007, that ''there is no doubt at all that these people were taken from a boat in Iraqi waters. It is simply not true that they went into Iranian territorial waters.''; and

Whereas the Government of Iran has yet to release the 15 British sailors it has been holding captive since seizing the sailors from Iraqi waters on March 23, 2007: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns in the strongest possible terms the seizure by the Government of Iran of 15 British naval personnel from Iraqi territorial waters as a provocative and illegal act; and

(2) calls for the immediate, safe, and unconditional release of the personnel from captivity.

## SENATE RESOLUTION 137—RECOGNIZING THE IMPORTANCE OF HOT SPRINGS NATIONAL PARK ON THE 175TH ANNIVERSARY OF THE ENACTMENT OF THE ACT THAT AUTHORIZED THE ESTABLISHMENT OF HOT SPRINGS RESERVATION

Mrs. LINCOLN (for herself and Mr. PRYOR) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 137

Whereas, with the establishment of the Hot Springs Reservation, the concept in the United States of setting aside a nationally significant place for the future enjoyment of the citizens of the United States was first carried out 175 years ago in Hot Springs, Arkansas;

Whereas the Hot Springs Reservation protected 47 hot springs in the area of Hot Springs, Arkansas;

Whereas, in the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70), Congress required that ''the hot springs in said territory, together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for

the future disposal of the United States, and shall not be entered, located, or appropriated, for any other purpose whatever'';

Whereas the Hot Springs Reservation was the first protected area in the United States;

Whereas the Act that authorized the establishment of the Hot Springs Reservation was enacted before the establishment of the Department of the Interior in 1849, and before the establishment of Yellowstone National Park as the first national park of the United States in 1872;

Whereas, in 1921, the Hot Springs Reservation was renamed ''Hot Springs National Park'' and became the 18th national park of the United States; and

Whereas the tradition of preservation and conservation that inspired the development of the National Park System, which now includes 390 units, began with the Act that authorized the establishment of the Hot Springs Reservation: Now, therefore, be it

*Resolved,* That on 175th anniversary of the Act of Congress that authorized the establishment of the Hot Springs Reservation, the Senate recognizes the important contributions of the Hot Springs Reservation and the Hot Springs National Park to the history of conservation in the United States.

## SENATE RESOLUTION 138—HONORING THE ACCOMPLISHMENTS AND LEGACY OF CÉSAR ESTRADA CHÁVEZ

Mr. SALAZAR (for himself, Mr. MENENDEZ, Mr. REID, Mr. DURBIN, Ms. STABENOW, Mr. BINGAMAN, Mrs. BOXER, Mrs. CLINTON, Mr. LIEBERMAN, Mr. WEBB, and Mr. KERRY) submitted the following resolution; which was referred to the Judiciary:

S. RES. 138

Whereas César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona, where he spent his early years on his family's farm,

Whereas, at the age of 10, César Estrada Chávez joined the thousands of migrant farm workers laboring in fields and vineyards throughout the Southwest, when his family lost their farm due to a bank foreclosure;

Whereas César Estrada Chávez, after attending more than 30 elementary and middle schools and achieving an eighth-grade education, left to work full-time as a farm worker to help support his family;

Whereas, at the age of 17, César Estrada Chávez entered the United States Navy and served the Nation with distinction for 2 years;

Whereas, in 1948, César Estrada Chávez returned from military service to marry Helen Fabela, whom he met working in the vineyards of central California, and had 8 children;

Whereas, as early as 1949, César Estrada Chávez committed himself to organizing farm workers to campaign for safe and fair working conditions, reasonable wages, decent housing, and the outlawing of child labor;

Whereas, in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked to coordinate voter registration drives and conduct campaigns against discrimination in East Los Angeles, and later served as the national director of the organization;

Whereas, in 1962, César Estrada Chávez left the Community Service Organization to found the National Farm Workers Association, which eventually became the United Farm Workers of America;

Whereas César Estrada Chávez was a strong believer in the principles of nonviolence practiced by Mahatma Gandhi and Dr. Martin Luther King, Jr.;

Whereas César Estrada Chávez effectively utilized peaceful tactics, such as fasting in 1968 for 25 days, in 1972 for 25 days, and in 1988 for 38 days, to call attention to the terrible working and living conditions of farm workers in the United States;

Whereas, under the leadership of César Estrada Chávez, the United Farm Workers of America organized thousands of migrant farm workers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect;

Whereas, through his commitment to nonviolence, César Estrada Chávez brought dignity and respect to the farm workers who organized themselves, and became an inspiration and a resource to other people in the United States and people engaged in human rights struggles throughout the world;

Whereas the influence of César Estrada Chávez extends far beyond agriculture and provides inspiration for those working to better human rights, to empower workers, and to advance an American Dream that includes all its inhabitants of the United States;

Whereas César Estrada Chávez died on April 23, 1993, in San Luis, Arizona, only miles from his birthplace of 66 years earlier;

Whereas more than 50,000 people attended the funeral services of César Estrada Chávez in Delano, California, and he was laid to rest at the headquarters of the United Farm Workers of America, known as Nuestra Señora de La Paz, located in the Tehachapi Mountains at Keene, California;

Whereas, since his death, schools, parks, streets, libraries, and other public facilities, and awards and scholarships have been named in honor of César Estrada Chávez;

Whereas, since his death, 8 States and dozens of communities across the Nation honor the life and legacy of César Estrada Chávez on March 31 of each year, the day of his birth;

Whereas César Estrada Chávez was a recipient of the Martin Luther King, Jr. Peace Prize during his lifetime, and after his death was awarded the Presidential Medal of Freedom on August 8, 1994; and

Whereas the United States should not cease its efforts to ensure equality, justice, and dignity for all people in the United States: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the accomplishments and example of a great American hero, César Estrada Chávez;

(2) pledges to promote the legacy of César Estrada Chávez; and

(3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez, and to always remember his great rallying cry, ''Sí, se puede!''.

Mr. MENENDEZ. Mr. President, this week, our Nation comes together to honor one of our Nation's foremost civil rights and labor leader, César Estrada Chávez. I rise today, along with my colleague Senator KEN SALAZAR, to submit a resolution honoring the accomplishments and legacy of César Chávez.

César Estrada Chávez was born 80 years ago, on March 31, 1927, in Arizona to poor migrant farm workers. He and his family struggled to survive at a time when ''Whites only'' signs were still on display and when it was necessary to trade in his school books to support his family working full-time in the fields.

''But rather than just survive those times, César Chávez turned his experiences into ammunition to help fight for a better life for all Americans, becoming one of our Nation's most inspirational leaders.

Following the principles of Mahatma Gandhi and Martin Luther King Jr., in 1962 César Chávez co-founded the first successful farm workers union in the United States—the United Farm Workers (UFW). Through the UFW, Chávez brought many farm workers together, including Mexican- and Filipino-Americans, to fight for common goals. He also inspired hope in these workers through his great rallying catchphrase, ''Sí Se Puede.''

In one of their major victories, after 5 years of boycotting table grapes, the United Farm Workers gained the first-ever collective bargaining agreement between farm workers and growers in the history of our country.

As the son of poor, working-class parents who were not afforded the benefits of a union, I am moved by César Chávez's selfless work on behalf of others. Remembering his legacy reinforces my belief that all hard-working individuals deserve the right to bargain collectively to achieve better wages, better health benefits and suitable working conditions.

I am happy that New Jersey has a proud labor tradition, which would not have been possible without people committed to fairness, social justice and equality. The legacy of César Chávez still resonates today, from the rural agricultural fields to the urban centers all across this Nation, and his achievements are an inspiration to all hard-working Americans who want to achieve a better quality of life.

Senator Robert F. Kennedy rightly said that César Chávez was ''one of the heroic figures of our time,'' and I believe our resolution reinforces that statement. Therefore, I urge my colleagues to support this resolution, and by doing so, acknowledge that César Chávez is truly an American hero.

## SENATE RESOLUTION 139—COMMENDING GENERAL PETER J. SCHOOMAKER FOR HIS EXTRAORDINARY DEDICATION TO DUTY AND SERVICE TO THE UNITED STATES

Mr. INHOFE (for himself and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 139

Whereas General Peter J. Schoomaker, the 35th Chief of Staff of the United States Army, will be released from active duty in April 2007, after over 35 distinguished years of active Federal service;

Whereas General Schoomaker, a native of Wyoming, graduated from the University of Wyoming in 1969, served in a variety of command and staff assignments with both conventional and special operations forces, including participation in numerous combat operations, such as Desert One in Iran, Urgent Fury in Grenada, Just Cause in Panama, Desert Shield/Desert Storm in Southwest Asia, and Uphold Democracy in Haiti,

and supported various worldwide joint contingency operations, including those in the Balkans;

Whereas General Schoomaker has been awarded the Defense Distinguished Service Medal, 2 Army Distinguished Service Medals, 4 Defense Superior Service Medals, 3 Legions of Merit, 2 Bronze Star Medals, 2 Defense Meritorious Service Medals, 3 Meritorious Service Medals, the Joint Service Commendation Medal, the Joint Service Achievement Medal, the Combat Infantryman Badge, the Master Parachutist Badge and HALO Wings, the Special Forces Tab, and the Ranger Tab;

Whereas General Schoomaker was recalled from retirement, spent the last 4 years of his career in the highest position attainable in the Army, and has proven himself a tremendous wartime leader who has demonstrated unselfish devotion to the Nation and the soldiers he leads;

Whereas General Schoomaker's efforts to prepare the Army to fight a long war today while transforming it for an uncertain and complex future have been unprecedented;

Whereas General Schoomaker has demonstrated strategic leadership and vision and has had a remarkably positive and lasting impact on the Army by leveraging the momentum of the Global War on Terror to accelerate the transformation of the Army;

Whereas General Schoomaker, through modularization, rebalancing the total Army, development of a force generation model, restationing, and restructuring the Future Combat Systems, kept the Army focused on developing capabilities to meet traditional, irregular, catastrophic, and disruptive challenges threatening the interests of the United States;

Whereas General Schoomaker recognized that technological and organizational change requires intellectual and emotional transformation and tirelessly cultivated a learning and adaptive Army culture, while reaffirming the predominance of the human dimension of war;

Whereas General Schoomaker reflected the spirit of the warrior ethos he sought to instill in the United States Army—always placing the mission first, never accepting defeat, never quitting, and never leaving a fallen comrade;

Whereas General Schoomaker exemplifies the nonnegotiable characteristics exhibited by all great leaders—a strong sense of duty, honor, courage, and a love of country;

Whereas General Schoomaker has been selfless in his service to the Nation through peace and war;

Whereas one of General Schoomaker's predecessors, George C. Marshall, once remarked that ''it is not enough to fight, it is the spirit we bring to the fight that decides the issue''; and

Whereas when history looks back at the Army's 35th Chief of Staff, it will be clear that he had the spirit at a critical time in the Nation's history: Now, therefore, be it

*Resolved,* That the Senate—

(1) commends General Peter J. Schoomaker for his extraordinary dedication to duty and service to the United States throughout his distinguished career in the U.S. Army; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to General Peter J. Schoomaker.

## SENATE CONCURRENT RESOLUTION 25—CONDEMNING THE RECENT VIOLENT ACTIONS OF THE GOVERNMENT OF ZIMBABWE AGAINST PEACEFUL OPPOSITION PARTY ACTIVISTS AND MEMBERS OF CIVIL SOCIETY

Mr. OBAMA (for himself, Mr. BIDEN, Mr. FEINGOLD, Mr. DURBIN, Mr. KERRY, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 25

Whereas in 2005 the Government of Zimbabwe launched Operation Murambatsvina (''Operation Throw Out the Trash'') against citizens in major cities and suburbs throughout Zimbabwe, depriving over 700,000 people of their homes, businesses, and livelihoods;

Whereas on March 11, 2007, opposition party activists and members of civil society attempted to hold a peaceful prayer meeting to protest the economic and political crisis engulfing Zimbabwe, where inflation is running over 1,700 percent and unemployment stands at 80 percent and in response to President Robert Mugabe's announcement that he intends to seek reelection in 2008 if nominated;

Whereas opposition activist Gift Tandare died on March 11, 2007, as a result of being shot by police while attempting to attend the prayer meeting and Itai Manyeruke died on March 12, 2007, as a result of police beatings and was found in a morgue by his family on March 20, 2007;

Whereas under the direction of President Robert Mugabe and the ZANU–PF government, police officers, security forces, and youth militia brutally assaulted the peaceful demonstrators and arrested opposition leaders and hundreds of civilians;

Whereas Movement for Democratic Change (MDC) leader Morgan Tsvangarai was brutally assaulted and suffered a fractured skull, lacerations, and major bruising; MDC member Sekai Holland, a 64-year-old grandmother, suffered ruthless attacks at Highfield Police Station, which resulted in the breaking of her leg, knee, arm, and three ribs; fellow activist Grace Kwinje, age 33, also was brutally beaten, while part of one ear was ripped off; and Nelson Chamisa was badly injured by suspected state agents at Harare airport on March 18, 2007, when trying to board a plane for a meeting of European Union and Africa, Caribbean, and Pacific Group of States lawmakers in Brussels, Belgium;

Whereas Zimbabwe's foreign minister warned Western diplomats that the Government of Zimbabwe would expel them if they gave support to the opposition, and said Western diplomats had gone too far by offering food and water to jailed opposition activists;

Whereas victims of physical assault by the Government of Zimbabwe have been denied emergency medical transfer to hospitals in neighboring South Africa, where their wounds can be properly treated;

Whereas those incarcerated by the Government of Zimbabwe were denied access to legal representatives and lawyers appearing at the jails to meet with detained clients were themselves threatened and intimidated;

Whereas at the time of Zimbabwe's independence, President Robert Mugabe was hailed as a liberator and Zimbabwe showed bright prospects for democracy, economic development, domestic reconciliation, and prosperity;

Whereas President Robert Mugabe and his ZANU–PF government continue to turn away from the promises of liberation and use state power to deny the people of Zimbabwe the freedom and prosperity they fought for and deserve;

Whereas the staggering suffering brought about by the misrule of Zimbabwe has created a large-scale humanitarian crisis in which 3,500 people die each week from a combination of disease, hunger, neglect, and despair;

Whereas the Chairman of the African Union, President Alpha Oumar Konare, expressed ''great concern'' about Zimbabwe's crisis and called for the need for the scrupulous respect for human rights and democratic principles in Zimbabwe;

Whereas the Southern African Development Community (SADC) Council of Nongovernmental Organizations stated that ''We believe that the crisis has reached a point where Zimbabweans need to be strongly persuaded and directly assisted to find an urgent solution to the crisis that affects the entire region.'';

Whereas Zambian President, Levy Mwanawasa, has urged southern Africa to take a new approach to Zimbabwe instead of the failed ''quiet diplomacy'', which he likened to a ''sinking Titanic,'' and stated that ''quiet diplomacy has failed to help solve the political chaos and economic meltdown in Zimbabwe'';

Whereas European Union and African, Caribbean, and Pacific lawmakers strongly condemned the latest attack on an opposition official in Zimbabwe and urged the government in Harare to cooperate with the political opposition to restore the rule of law; and

Whereas United States Ambassador to Zimbabwe, Christopher Dell, warned that opposition to President Robert Mugabe had reached a tipping point because the people no longer feared the regime and believed they had nothing left to lose: Now, therefore, be it

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

(1) it is the sense of Congress that

(A) the state-sponsored violence taking place in Zimbabwe represents a serious violation of fundamental human rights and the rule of law and should be condemned by all responsible governments, civic organizations, religious leaders, and international bodies; and

(B) the Government of Zimbabwe has not lived up to its commitments as a signatory to the Constitutive Act of the African Union and African Charter of Human and Peoples Rights which enshrine commitment to human rights and good governance as foundational principles of African states; and

(2) Congress—

(A) condemns the Government of Zimbabwe's violent suppression of political and human rights through its police force, security forces, and youth militia that deliberately inflict gross physical harm, intimidation, and abuse on those legitimately protesting the failing policies of the government;

(B) holds those individual police, security force members, and militia involved in abuse and torture responsible for the acts that they have committed;

(C) condemns the harassment and intimidation of lawyers attempting to carry out their professional obligations to their clients and repeated failure by police to comply promptly with court decisions;

(D) condemns the harassment of foreign officials, journalists, human rights workers, and others, including threatening their expulsion from the country if they continue to provide food and water to victims detained in prison and in police custody while in the hospital;

(E) commends United States Ambassador Christopher Dell and other United States Government officials and foreign officials for their support to political detainees and victims of torture and abuse while in police custody or in medical care centers and encourages them to continue providing such support;

(F) calls on the Government of Zimbabwe to cease immediately its violent campaign against fundamental human rights, to respect the courts and members of the legal profession, and to restore the rule of law while adhering to the principles embodied in an accountable democracy, including freedom of association and freedom of expression;

(G) calls on the Government of Zimbabwe to cease illegitimate interference in travel abroad by its citizens, especially for humanitarian purposes; and

(H) calls on the leaders of the Southern Africa Development Community (SADC) and the African Union to consult urgently with all Zimbabwe stakeholders to intervene with the Government of Zimbabwe while applying appropriate pressures to resolve the economic and political crisis.

## NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources.

The hearing will be held on Thursday, April 12, 2007, at 10 a.m.,in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 987, the Biofuels for Energy Security and Transportation Act.

Due to the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Britni—rillera@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224–4756 or Britni Rillera at (202) 224–1219.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 29, 2007, AT 9:30 a.m., to receive testimony on the posture of the Department of the Navy in review of the defense authorization request for fiscal year 2008 and the future years defense program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, March 29, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The hearing is on the nomination of David James Gribbin IV to be the General Counsel for the U.S. Department of Transportation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet for a business meeting on Thursday, March 29, 2007, at 10:00 a.m. in S-211. The Business Meeting will consider the following agenda:

*Nominations*

Nomination of Bradley Udall to be a member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, reappointment.

Nomination of Roger Romulus Martella, Jr. to be an Assistant Administrator of the Environmental Protection Agency, General Counsel.

*Legislation*

S. 801, a bill to designate a United States courthouse in Fresno, CA, as the Robert E. Coyle United States Courthouse.

S. 521, a bill to designate the Federal building and courthouse in Duluth, MN, as the Gerald W. Heaney Federal Building and United States Courthouse and Customhouse.

S. 992, The Public Buildings Cost Reduction Act of 2007.

S. _____, The Water Resources Development Act of 2007.

S. 496, The Appalachian Regional Development Act Amendments of 2007 as revised.

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

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Thursday, March 29, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Clean Energy: From the Margins to the Mainstream.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 29, 2007, at 9:30 a.m. to hold a hearing on Iran.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 29, 2007, at 9:15 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian trust fund litigation.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

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

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part III'' on Thursday, March 29, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

*Witness:*

D. Kyle Sampson, Former Chief of Staff to the Attorney General of the United States.

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

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 29, 2007, at 2 p.m. in Dirksen Room 226.

Agenda

I. Committee Authorization: Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills: S. 236. Federal Agency Data Mining Reporting Act of 2007, Feingold, Sununu, Leahy, Kennedy, Cardin; S. 376. Law Enforcement Officers Safety Act of 2007, Leahy, Specter, Grassley, Kyl, Sessions, Cornyn; S. 849. OPEN Government Act, Leahy, Cornyn, Specter, Feingold; S. 119. War Profiteering Prevention Act of 2007, Leahy, Feinstein, Feingold, Schumer, Durbin; S. 621. Wartime Treatment Study Act of 2007, Feingold, Grassley, Kennedy.

III. Resolutions: S. Res. 108. Designating the first week of April 2007 as ''National Asbestos Awareness Week,'' Baucus, Leahy, Kennedy, Feinstein, Durbin.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a markup entitled, ''Small Business Disaster Response and Loan Improvements Act of 2007''on Thursday, March 29, 2007, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 29, 2007 at 9:30 a.m. in room 226 of the Dirksen Senate Office

Building, to hear the legislative presentation of the AMVETS, American Ex-Prisoners of War, Military Order of the Purple Heart, Gold Star Wives of America, Fleet Reserve Association, The Retired Enlisted Association, Military Officers Association of America, and the National Association of State Directors of Veterans Affairs.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 29, 2007 at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet on Thursday, March 29, 2007 at 10 a.m. for a hearing entitled, Eliminating and Recovering Improper Payments.

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

The PRESIDING OFFICER. The majority leader.

Mr. REID. It is my understanding a quorum call is not in progress.

The PRESIDING OFFICER. It is not. The leader is correct.

## THREATENED PRESIDENTIAL VETO

Mr. REID. Mr. President, earlier this week the Senate took an important step for our troops and for the security of our Nation. For the first time since this ill-conceived war began more than 4 years ago, a bipartisan majority of the Senate told the President to change course in Iraq. As the American people know, this war has lasted going into 5 years, costing the lives of more than 3,200 Americans and tens of thousands of wounded troops, many of whom I met yesterday at Walter Reed. It has also depleted our Treasury of over $400 billion.

Despite these facts and the brave sacrifice of our troops, the violence continues unabated in Iraq. Our troops are enmeshed in an unquestionable civil war. The people who attacked us on 9/11 have not been brought to justice, and America is less secure today than it was on 9/11.

After all of that, one would think every Member of this body would recognize we are on the wrong path. The more we look at this, it is clear that more of the same will not produce a different result; that success requires a different course. As General Petraeus has said, there is no military solution in Iraq. In fact, he said only 20 percent can be solved militarily; the rest has to be solved diplomatically and economically. That is clear.

Unfortunately, as evidenced by the votes of many of my Republican colleagues and the words of the minority leader on the floor earlier today, this is not the case. There are still too many Members of this body, including the minority leader, who are willing to give this administration a blank check and a green light to proceed down this failed path. It is a long path, with failure every step of the way.

The supplemental spending bill contains an important change of course in the President's Iraq policy, something we, as a separate, independent branch of Government, have the right to do. Our Founding Fathers, when they drafted the Constitution 220 years ago, set forth the few words that have directed this country for more than two centuries: that there would be three separate branches of Government, not any one more powerful than the other—the House and the Senate make up the legislative branch, the judiciary, and executive branches of Government.

We have every right to do what we did. For 6 plus years the President has ignored us. The Republican House and Senate have given him everything he has wanted. But now there is a new Congress. He can't do that anymore. We have constitutional responsibilities. We have to fulfill those responsibilities.

On November 7 the American people spoke very clearly. They said: We want a change of course in Iraq. That is what we legislated this week.

The supplemental spending bill contains important changes in the course of the President's Iraq policy. Given the importance and urgency of this legislation, I am surprised to hear the minority leader discredit this bill and the need to change course in Iraq the way he did earlier today. Senate Democrats believe our troops should get the funding they need without further delay. The only question is whether President Bush and the Senate Republicans will prevent that from happening.

The Senate has now acted and the ball is squarely in the President's court. However, before even being presented with the final version of the legislation, the President has promised a veto. This appears to be nothing more than a strategy designed to score political points, not doing a thing to assist the troops. I am sorry the minority leader has become a facilitator of that strategy.

Senate Democrats will continue to fight to provide the troops the funds they need and a real strategy for success. We have taken an important step in that direction this week, and we will continue to press the President and congressional Republicans to join us in this effort.

This is our constitutional responsibility. I am disappointed and somewhat in a state of disbelief that our President would threaten a veto without even seeing the final legislation. We have obligations, and we are going to fulfill those obligations.

Does the Senator from Pennsylvania wish to speak?

Mr. SPECTER. Mr. President, I came to hear the majority leader's concluding comments and to put a statement in the RECORD.

Mr. REID. I do have to say to Senator SPECTER, I haven't had a chance to compliment him lately, but I have done it in the past. Even though it has been 25 years since I practiced law, I look back with great, fond memories of my practice of law. I did a lot of trial work. From the first day I arrived in Washington, I recognized the intellectual, legal brilliance of the Senator from Pennsylvania. I say that without any question. He is someone who has made Washington a better place because of his probative questions always. I appreciate having the opportunity to congratulate the Senator once again on his skill as a lawyer. He has used it well in the Senate.

Mr. SPECTER. Mr. President, I am grateful to the distinguished majority leader for those comments. I am going to drop in on his speeches more often. Now that I know what to expect, I will show up on all occasions.

Senator REID is a distinguished lawyer and a trial lawyer. He exhibits those skills on this floor with frequency and fluency and erudition. Every now and then our legal training comes through.

We have just finished a lengthy proceeding in the Judiciary Committee on the issue of the resignation of the U.S. attorneys. The distinguished Senator from Rhode Island, former U.S. attorney, was there and participated. We are determined to find out all the facts before coming to judgment.

In the course of those proceedings, there were a lot of questions, and some of the legal skills of a number of the people were present. We have a great many lawyers on the Judiciary Committee. We have some who are not lawyers. All performed well today.

Again, I thank the Senator.

Mr. REID. Mr. President, if I could, through the Chair, say to my friend from Pennsylvania, one of the things we learn as lawyers, which is certainly important, and I wish it would rub off on all Members of this body—I have been in trials with people, and these have been tough cases, but we would walk out of there, shake hands, and become better friends as a result of our adversarial positions.

I wish that would happen on the Senate floor more often. We can disagree on issues, but it should not make us disagreeable. I know the distinguished Senator from Pennsylvania and I, on rare occasions, have disagreed on issues, but instead of weakening our bonding, it strengthens it because it reminds us—I am confident for him as it does me—of our days in the courtroom, where you would have someone whom you would oppose on an issue, but it

did not mean you opposed them as a person. We would have a responsibility. We were simply doing as a lawyer what that person we represented would have done if they had our education and training.

So as we finish this very difficult week, I again say I look back with such——

Mr. SPECTER. Mr. President, one addendum to what the majority leader has said; that is, the interaction among Members is not understood unless you either are a keen observer of the Senate or have been here for a while. But the relationships are very important. It is the development of skills on accommodation.

One of the facets about the Senate that has always intrigued me is what happens between the votes when we are all captive here, so to speak. You have to wait a while for late Senators to show up—though not as long with the new majority leader—and there are conversations that go on. A tremendous amount of business is transacted. In a sense, it is like there is a certain aspect of a social event—not quite a cocktail party without cocktails—but a lot of business is transacted. There are a lot of accommodations and a lot of learning about personalities and how to come together on issues.

We have too much partisanship in this body. This aisle that separates the Democrats and the Republicans is too wide much of the time. But there are also occasions where we come together and work together. I am pleased to say in the last few days I think we are going to meet the majority leader's timetable on an immigration bill, where we have to come together.

It is experience and relationships and skills which lead us to many conclusions, notwithstanding all of our problems. Nobody said it better than Churchill, that the system has lots of failings, but it is the best compared to any other system. Sometimes we muddle through, but at least we get through.

Well, I see the real Republican leader on the floor, so I am going to give him his podium.

Mr. REID. Finally, I would say, in closing here, one of the things I have found in this legislative body that is so unique is, if a Member of the Senate gives their word to a Democrat or Republican, or whatever combination thereof, that is it; there need be nothing in writing. The agreements that are made in this body last for years and years. Once you tell a Member of this body: ''This is the deal we have,'' that is the way it is, and I have never had anyone change that. On one occasion, I am sure it happened. I am sure it was from a misunderstanding. But in all the 25 years I have been here, all you need is somebody to tell you what they are going to do, and that is the way it is. That speaks well of everyone serving here.

## UNANIMOUS-CONSENT REQUEST—S. 1071

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1071, which was introduced earlier today by Senators LANDRIEU and LOTT; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, there are objections on this side. I, therefore, have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I would say, very briefly, Senator LANDRIEU has spoken at great length on this issue. Senator LOTT has talked to me several times about this issue. I hope we can get this cleared in the near future.

## UNANIMOUS-CONSENT REQUEST—H.R. 137

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 91, H.R. 137, that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, let me say to the majority leader, we are close to being able to get this measure cleared, but, regretfully, we are not there yet. So, therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, on this I am very disappointed. There are 3 million members of the Humane Society in America. For every one of them, this is their No. 1 issue; that is, to stop the viciousness, the barbarity of having animals fight each other. People bet on this, as we all know. It is done in several States, and it should be stopped.

That is what this is all about. I am not going to belabor the point, but this is something a number of people on both sides of the aisle feel strongly about. I would think in the next go-around whoever is objecting to this should step forward and state their objection.

We are going to have to—on one of these days when there is not a lot to do; I don't know when that will be, but we will find some time—we are going to have to file cloture on this because it is unfair we are being stopped from moving on a bill that is entitled ''Animal Fighting Prohibition Enforcement Act.'' I think that says it all.

## UNANIMOUS-CONSENT AGREEMENT—S. 5 AND S. 30

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, April 10, following morning business, the Senate proceed en bloc to the consideration of S. 5 and S. 30; that the bills be debated concurrently for a time limitation of 20 hours, with the time divided as follows: 5 hours each under the control of the majority and Republican leaders or their designees; 5 hours each under the control of Senators HARKIN and BROWNBACK or their designees; that no amendments or motions be in order to either bill; that upon the completion of debate, the bills be read for a third time en bloc, and that each bill be required to receive 60 affirmative votes to pass; and that if neither achieves 60 votes, then S. 5 be returned to the Senate Calendar, and S. 30 be placed on the Senate Calendar; that S. 5 be the first vote in the sequence; and that there be 2 minutes of debate between the two votes, with the time equally divided between the majority and Republican leaders or their designees; that upon the use or yielding back of all time, the Senate proceed to vote on passage of the bills covered under this agreement; if either or both of the bills pass under the provisions provided in this agreement, then the motions to reconsider be considered laid upon the table.

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

Mr. REID. Mr. President, I ask unanimous consent that S. 30 be held at the desk.

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

Mr. REID. Mr. President, again, I do this often because it is necessary often, and that is we do a lot together. This is a unanimous consent on one of the most contentious issues in the country today: stem cell research. The distinguished Republican leader and I were able to work this out. I expressed appreciation to him and the others who felt so strongly about this on the other side of the aisle. This will be good. We can move on after this matter is determined one way or the other when we return from our work period.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 49 through 52; Calendar Nos. 56, 57, and 58; Calendar No. 60; Calendar Nos. 62 through 70; Calendar No. 71, with the exception of BG John F. Kelly, and all nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, and any statements be printed at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action, and that the Senate resume legislative session. I would also note that these have all been cleared on this side of the aisle.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

John Wood, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

DEPARTMENT OF STATE

Ford M. Fraker, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

Zalmay Khalilzad, of Maryand, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

Zalmay Khalilzad, of Maryland, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

ASIAN DEVELOPMENT BANK

Curtis S. Chin, of New York, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Eli Whitney Debevoise II, of Maryland, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

INTERNATIONAL MONETARY FUND

Margrethe Lundsager, of Virginia, to be United States Executive Director of the International Monetary Fund for a term of two years.

DEPARTMENT OF DEFENSE

S. Ward Casscells, of Texas, to be an Assistant Secretary of Defense.

DEPARTMENT OF ENERGY

William Charles Ostendorff, of Virginia, to be Principal Deputy Administrator, National Nuclear Security Administration.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Adm. Gary Roughead, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Adm. Robert F. Willard, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Samuel J. Locklear, III, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Jeffrey A. Sorenson, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. William B. Caldwell, IV, 0000

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. James L. Williams, 0000

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. James T. Cook, 0000

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Richard S. Kramlich, 0000

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. John R. Allen, 0000
Brig. Gen. Thomas L. Conant, 0000
Brig. Gen. Frank A. Panter, Jr., 0000
Brig. Gen. Mastin M. Robeson, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN166 AIR FORCE nominations (144) beginning KATHERINE J. ALGUIRE, and ending KRISTEN M. ZEBROWSKI, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN169 AIR FORCE nominations (2245) beginning ROBERT J. AALSETH, and ending MARIO F. ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN326 AIR FORCE nomination of Mark A. Yuspa, which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN365 AIR FORCE nomination of Cheryl A. Udensi, which was received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN366 AIR FORCE nominations (8) beginning KEITH A. DARLINGTON, and ending FRANK A. YERKES JR., which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN367 AIR FORCE nominations (25) beginning KENNETH A. ARNOLD, and ending THOMAS F. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN370 AIR FORCE nominations (9) beginning GLENN M. FREDERICK, and ending JULIE L. STEELE, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN371 AIR FORCE nominations (6) beginning PIO VAZQUEZDIAZ, and ending DREW D. SCHNYDER, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN372 AIR FORCE nominations (18) beginning KAREN D. DOHERTY, and ending MAUREEN G. TOOMEY, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

IN THE ARMY

PN327 ARMY nomination of Gerald J. Lukowski Jr., which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN328 ARMY nomination of Charles W. Whittington, which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN329 ARMY nomination of Vasilios Lazos, which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN330 ARMY nomination of Thomas G. McFarland, which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN331 ARMY nominations (2) beginning JEFFREY R. BAVIS, and ending SORREL B. COOPER, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN375 ARMY nomination of Kathleen S. Loper, which was received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN376 ARMY nomination of Michael A. White, which was received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN377 ARMY nomination of Anthony T. Roper, which was received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN378 ARMY nominations (3) beginning ERIC A. HANSEN, and ending PETER J. VARLJEN, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN379 ARMY nominations (2) beginning STEVEN S. GELBERT, and ending PATRICK R. MCBREARTY, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

FOREIGN SERVICE

PN115–1 FOREIGN SERVICE nominations (210) beginning Natalie J. Freeman, and ending Deborah Ann McCarthy, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

IN THE MARINE CORPS

PN267 MARINE CORPS nominations (102) beginning PETER W. AHERN, and ending KEVIN T. WOOLEY, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

IN THE NAVY

PN332 NAVY nomination of Arthur W. Stauff, which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN333 NAVY nomination of Charles A. McLenithan, which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN334 NAVY nominations (8) beginning JEFFREY P. BEJMA, and ending JORDAN I. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2007.

Mr. REID. Mr. President, we also are ready on this side to clear three USAID nominations and the Under Secretary for Defense for Intelligence, but it is my understanding these have not been cleared by the Republicans.

Mr. MCCONNELL. Yes. That is my understanding, Mr. President.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

## ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 103, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 103) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 103) was agreed to, as follows:

H. CON. RES. 103

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Thursday, March 29, 2007, or Friday, March 30, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, April 16, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, March 29, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, April 10, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

## STAR PRINT—S. 5

Mr. REID. Mr. President, I ask unanimous consent that S. 5 be star printed with the changes at the desk.

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

## CONDEMNING THE SEIZURE OF 15 BRITISH NAVAL PERSONNEL BY IRAN

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 136.

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

The legislative clerk read as follows:

A resolution (S. Res. 136) expressing the sense of the Senate condemning the seizure by the government of Iran of 15 British naval personnel in Iraqi territorial waters, and calling for their immediate safe and unconditional release.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 136) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 136

Whereas, on March 23, 2007, a naval vessel of the United Kingdom, the HMS Cornwall, was conducting routine operations in Iraqi territorial waters pursuant to United Nations Security Council Resolution 1723 (2006) and in support of the Government of Iraq;

Whereas, on March 23, 2007, a boarding team consisting of 7 Royal Marines and 8 sailors embarked in 2 of the boats of the HMS Cornwall to conduct a routine boarding of an Indian flagged merchant vessel pursuant to the authorization of United Nations Security Council Resolution 1723 (2006);

Whereas, as Vice Admiral Charles Style, Deputy Chief of the British Defense Staff (Commitments), demonstrated in a presentation on March 28, 2007, ''the merchant vessel was 7.5 nautical miles south east of the Al Faw Peninsula, . . . 29 degrees 50.36 minutes North 048 degrees 43.08 minutes East. This places her 1.7 nautical miles inside Iraqi territorial waters. This fact has been confirmed by the Iraqi Foreign Ministry.'';

Whereas at some point shortly after completion of the successful inspection of the merchant ship, the two United Kingdom vessels were surrounded and escorted by Iranian Islamic Republican Guard Navy vessels toward the Shatt 'Al Arab Waterway and into Iranian territorial waters;

Whereas, as Margaret Beckett, the Foreign Secretary of the United Kingdom, stated to the House of Commons on March 28, 2007, even the coordinates of the seizure event that were given by Iran's Ambassador to the United Kingdom at the Ambassador's first meeting with United Kingdom officials were themselves in Iraqi waters;

Whereas Foreign Secretary Beckett noted in that same statement that authorities of the Government of Iran provided ''corrected'' coordinates of the incident on March 25, 2007, claiming that the event took place in Iranian waters;

Whereas the merchant vessel that was boarded had remained anchored since the time it was boarded, and on March 25, 2007, its location was verified to be in Iraqi waters;

Whereas Prime Minister of the United Kingdom Tony Blair stated on March 25, 2007, that ''there is no doubt at all that these people were taken from a boat in Iraqi waters. It is simply not true that they went into Iranian territorial waters.''; and

Whereas the Government of Iran has yet to release the 15 British sailors it has been holding captive since seizing the sailors from Iraqi waters on March 23, 2007: Now, therefore, be it

*Resolved,* That the Senate—

(1) condemns in the strongest possible terms the seizure by the Government of Iran of 15 British naval personnel from Iraqi territorial waters as a provocative and illegal act; and

(2) calls for the immediate, safe, and unconditional release of the personnel from captivity.

## DESIGNATING THE FIRST WEEK OF APRIL 2007 AS ''NATIONAL ASBESTOS AWARENESS WEEK''

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 131 and the Senate then proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 131) designating the first week of April 2007 as ''National Asbestos Awareness Week.''

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

Mr. BAUCUS. Mr. President, I rise to talk to you about an important resolution that the Senate adopted today: the Asbestos Awareness Week resolution. This resolution recognizes the first week in April as National Asbestos Awareness Week.

This resolution acknowledges the dangerous nature of asbestos. Importantly, it gives tribute to hundreds of thousands of people who have died from exposure.

To me, this resolution is very personal Deaths from exposure to asbestos are common in my home State of Montana—all too common. Libby, MT is a small community in the western part of Montana. Libby is a very unique place.

It is surrounded by the beauty and splendor of the Cabinet Mountains. But it is also plagued with sickness and disease. The extent of asbestos contamination in Libby, the number of people who are sick, the amount of people who have died from asbestos exposures just staggering.

The community of Libby suffers from asbestos related diseases at 40 to 60 times higher than the rest of the country. Folks in Libby are diagnosed with mesothelioma, the deadly form of cancer from asbestos, at 100 times higher than the average rate.

Mesothelioma recently took the life of a very dear friend of mine from Libby—Les Skramstad. Just a few weeks ago, I came to the floor to talk about Les and how he was an outspoken advocate for Libby.

Until the day he died, Les worked tirelessly to share his story and the story of Libby's quiet emergency.

The first night I met Les in January of 2000, he challenged me to help all those in Libby suffering from asbestos-related diseases. Les challenged me ''to do something.''

He said: MAX, please, as a man like me—as someone's father too, as someone's husband, as someone's son, help me. Help us. Help us make this town safe for Libby's sons and daughters not even born yet. They should not suffer my fate too. I was a miner and

breathed that dust in. Everyday I carried that deadly dust home on my clothes. I took it into our house and I contaminated my own wife and each of my babies with it too. I just don't know how to live with the pain of what I have done to them.

If we can make something good come of this, maybe I'll stick around to see that, maybe that could make this worthwhile.

I told him I would do all that I could, that I wouldn't back down, and that I wouldn't give up. Les accepted my offer and then pointed his finger and said to me: I'll be watching, Senator.

I have kept my promise to Les and I have worked hard to help people in Libby. I will continue to do all I can to help Libby.

I know that now even though Les is not with us today he is still watching. Les is my inspiration.

Because of Les's work and other advocates in Libby, we launched the Center for Asbestos Related Diseases in Libby—called the CARD clinic. CARD has screened and provided health care to hundreds of Libby residents.

Screening is an essential part of making sure people get the help they need. Spreading the word about asbestos exposure is also vital to ensure that people who are sick get the treatment they deserve.

The Asbestos Disease Awareness Organization is a leader in this fight. They work tirelessly to advocate on behalf of asbestos victims so that thousands more in the future should not suffer the same fate.

Along with the Asbestos Disease Awareness Organization, others in the Libby community such as Gayla Benefield and Dr. Brad Black have worked to educate people about the dangers of asbestos exposure.

Then there are also those who have left Libby, but continue to advocate on behalf of asbestos victims such as Margy Urnberg and Kenny and Karen Moss, all former residents of Libby and remarkable volunteers.

An asbestos awareness week will help spread the word about the deadliness of these fibers and bring relief to those who suffer from asbestos-related diseases. I will continue to fight for those like Les, whose lives have been taken by asbestos. I made a promise to Les and I won't stop until I have fulfilled that promise.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD as if given, with no intervening action or debate.

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

The resolution (S. Res. 131) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 131

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas these fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognosis;

Whereas the United States has substantially reduced its consumption of asbestos yet continues to consume almost 7,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas asbestos exposures continue and safety and prevention will reduce and has reduced significantly asbestos exposure and asbestos-related diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a ''National Asbestos Awareness Week'' would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the first week of April 2007 as ''National Asbestos Awareness Week'';

(2) urges the Surgeon General, as a public health issue, to warn and educate people that asbestos exposure may be hazardous to their health; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Surgeon General.

## TRAUMA CARE SYSTEMS PLANNING AND DEVELOPMENT ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 727.

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

The legislative clerk read as follows:

A bill (H.R. 727) to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD as if read, with no intervening action or debate.

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

The bill (H.R. 727) was ordered to a third reading, was read the third time, and passed.

## NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM REAUTHORIZATION ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to H.R. 1132.

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

The legislative clerk read as follows:

A bill (H.R. 1132) to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

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

Ms. MIKULSKI. Mr. President, I rise today to applaud the passage of H.R. 1132, the Breast and Cervical Cancer Reauthorization Act of 2007, a program that the Senator from Texas, MRS. HUTCHISON, and I have worked closely to reauthorize. H.R. 1132, like our companion bill S. 624, reauthorizes the successful Breast and Cervical Cancer Early Detection Program. The legislation authorizes increased funding for this program to $275 million over 5 years and provides States with greater flexibility to reach priority, hard to reach populations including women living in rural areas and racial and ethnic minorities.

Senator HUTCHISON and I would like to clarify with the chairman and ranking member the intent of the new waiver demonstration project. The legislation authorizes the establishment of a waiver demonstration project that will allow States to leverage nonFederal funds for breast and cervical cancer screening and follow-up services, reduce barriers to screening, and increase the number of women served. Non-Federal funds for breast and cervical cancer services/activities are available in some States through State or local government sources and private sources. Leveraging these non-Federal funds will augment limited available Federal funding and thus enable the efficient and effective utilization of resources to provide education and outreach to screen more women. It is Congress's intent that the Secretary, acting through the Director of the Center for Disease Control and Prevention, will administer the described demonstration project as part of its overall management of the National Breast and Cervical Cancer Program.

Mrs. HUTCHISON. Mr. President, I thank my good friend from Maryland for her support and partnership in reauthorizing this very important piece of legislation, and I appreciate the assistance we received from Chairman KENNEDY and Ranking Member ENZI, as well as the administration and our House colleagues. Early detection of breast and cervical cancers saves lives

and is essential to our fight against these devastating diseases. The national early detection program has given millions of disadvantaged women access to vitally important cancer screenings, and I am proud of our commitment to continuing the Federal investment in these services. I hope that the new waiver demonstration project will provide the small number of States seeking to fully leverage private contributions the ability to capitalize on those fund expand access and services to even more women. I also look forward to the information CDC gathers in its report to help guide us in ensuring we provide the most screenings for our Federal investment. I thank my colleagues for working with us to expand this important program in our fight to reduce the number of cancer deaths in the United States.

Mr. KENNEDY. I commend Senators MIKULSKI and HUTCHISON for their leadership on this issue and thank Senator ENZI for his hard work to get this bill through the Senate. I agree with Senator MIKULSKI that it is the intent of Congress that the Secretary, acting through the Director, Center for Disease Control and Prevention, will administer the described demonstration project as part of its overall management of the National Breast and Cervical Cancer Program.

Mr. ENZI. I want to thank all of the key members—Senator HUTCHISON, Senator MIKULSKI, Senator KENNEDY and others for their ongoing work and dedication to this program. I am glad that we have been able to complete our work today and send this bill to the Presiaent. I also agree that it is our intent that the Centers for Disease Control and Prevention administer the new waiver authority which is added to the National Breast and Cervical Cancer Program as part of this reauthorization process. The waiver authority is integral to the overall program implementation. As such, it should remain within the purview of the CDC.

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

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

The bill (H.R. 1132) was ordered to a third reading, was read the third time, and passed.

## EDWARD WILLIAM BROOKE III CONGRESSIONAL GOLD MEDAL ACT

Mr. REID. Mr. President, I ask unanimous consent that the Banking, Housing, and Urban Affairs Committee be discharged from further consideration of S. 682 and the Senate proceed to the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 682) to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

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

Mr. KENNEDY. Mr. President, the award of a Congressional Gold Medal to our former colleague, Senator Ed Brooke, is eminently well-deserved, and I urge the Senate to approve this legislation.

To all of us who know Ed Brooke, he was an outstanding Senator, a true statesman, a champion of equal justice and opportunity for all, and a man of great conscience and compassion.

Senator Brooke was born in Washington, DC, not far from these Chambers on Capitol Hill, and he graduated from Howard University. He had studied medicine, intending to become a physician, but realized that he was more at home in the fields of literature, political science, and history.

After finishing his degree at Howard, he served our country in World War II as a captain in the Army's segregated 366th Infantry Regiment, which fought with great courage in the Italian theater. During his service, he distinguished himself not only as a gifted leader, but as a skilled defense counsel in court martial proceedings.

Returning from the war, he enrolled in Boston University Law School and became editor of the Law Review. After graduating, he began a successful law practice in Massachusetts and continued his commitment to public service as well. He chaired the Finance Commission of Boston, and specialized in rooting out public corruption. His ability, energy, and dedication won him renown, and he was elected attorney general of Massachusetts, becoming the first African American in the Nation to hold such a position.

In his two terms as attorney general, he became a leader in the battle against organized crime

In 1966, he was elected to the Senate from Massachusetts, the first African-American Senator since Reconstruction. I vividly remember escorting him down the center aisle of this Chamber for his swearing in. At that time, the Senate was deeply involved in enacting the historic civil rights legislation of the 1960s, and I was touched by the magnitude and immense symbolism of that moment for Ed and his family, for African Americans, for the Commonwealth of Massachusetts, and for the Nation as a whole.

When people question Ed about his significant place in history, his response is always spirited and unchanging. He didn't want to be remembered only as the Senate's African-American Member. During his campaign for attorney general, he had said, ''I'm not running as a Negro. I never have. I'm trying to show that people can be elected on the basis of their qualifications and not their race.''

Ed always saw himself in this light. Despite his other ''firsts,'' he was first and foremost an American and a son of Massachusetts, and it was important to him that his accomplishments and talents speak louder than the color of his skin.

Needless to say, his heritage uniquely qualified him to combat social injustice and stand as an eloquent voice for America's oppressed. He served on President Johnson's Commission on Civil Disorders, which investigated the causes of the race riots in American cities at the time, and the committee's recommendations became a central part of the Civil Rights Act of 1968.

When he spoke on the Senate floor in support of the extending the Voting Rights Act in 1975, he addressed this body with inspiring candor and sincerity. In a time of great turmoil and division, he was a symbol of hope for Americans of color throughout our Nation—hope that our country was changing, hope that the American dream was still alive.

Those who were intent on defeating the Voting Rights Act could not avoid pangs of conscience as Ed declared, ''I cannot believe that in 1975, on the floor of the U.S. Senate, we are ready to say to the American people, black and white, red and brown, that they cannot be assured of the basic right to vote!'' His point was irresistible, and the very next day, the Senate passed the bill.

Ed was passionate about opportunity for all. In his two terms with us, he set a high standard for public service and was a model of senatorial independence, supporting measures on both sides of the aisle that he felt strengthened our country, and improved the lives of all Americans. He was a champion of the minimum wage, a strong voice for Medicare and Social Security, and an effective defender of women's rights. The title of his autobiography, ''Bridging the Divide,'' published earlier this year, says it all. He bridged race, he bridged parties, and defied any conventional categorization.

I remember Ed discussing the difficulty of providing a home for his family after his return from World War II, at a time when race disqualified him from considering certain properties. His plight was characteristic of the struggle experienced by millions of Americans at that time. The Fair Housing Act of 1968 is a tribute to his leadership as a Senator, and long after he left the Senate, he continued the battle for fair housing and opportunity as leader of the National Low Income Housing Coalition.

As Martin Luther King, Jr. once said, ''We must come to see that the end we seek is a society of peace. That will be the day not of the white man, not the black man. That will be the day of man as man.'' Edward Brooke is the embodiment of Dr. King's vision. He was a great Senator among us, he is still a caring public servant. He is a great American, and he certainly deserves this very special tribute from Congress. I urge my colleagues to approve this award of the Congressional Gold Medal to our former colleague, Ed Brooke.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD, with no intervening action or debate.

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

The bill (S. 682) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 682

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Edward William Brooke III Congressional Gold Medal Act''.

**SEC. 2. FINDINGS.**

The Congress finds as follows:

(1) Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979.

(2) In 1960, Senator Brooke began his public career when Governor John Volpe appointed him chairman of the Boston Finance Commission, where the young lawyer established an outstanding record of confronting and eliminating graft and corruption and proposed groundbreaking legislation for consumer protection and against housing discrimination and air pollution.

(3) At a time when few African Americans held State or Federal office, Senator Brooke became an exceptional pioneer, beginning in 1962, when he made national and State history by being elected Attorney General of Massachusetts, the first African American in the Nation to serve as a State Attorney General, the second highest office in the State, and the only Republican to win statewide in the election that year, at a time when there were fewer than 1,000 African American officials in our nation.

(4) He won office as a Republican in a state that was strongly Democratic.

(5) As Massachusetts Attorney General, Senator Brooke became known for his fearless and honest execution of the laws of his State and for his vigorous prosecution of organized crime.

(6) The pioneering accomplishments of Edward William Brooke III in public service were achieved although he was raised in Washington, DC at a time when the Nation's capital was a city where schools, public accommodations, and other institutions were segregated, and when the District of Columbia did not have its own self-governing institutions or elected officials.

(7) Senator Brooke graduated from Paul Laurence Dunbar High School and went on to graduate from Howard University in 1941.

(8) Senator Brooke's enduring advocacy for self-government and congressional voting rights for the citizens of Washington, DC has roots in his life and personal experience as a native Washingtonian.

(9) Senator Brooke served for 5 years in the United States Army in the segregated 366th Infantry Regiment during World War II in the European theater of operations, attaining the rank of captain and receiving a Bronze Star Medal for ''heroic or meritorious achievement or service'' and the Distinguished Service Award.

(10) After the war, Senator Brooke attended Boston University School of Law, where he served as editor of the school's Law Review, graduating with an LL.B. in 1948 and an LL.M. in 1949, and made Massachusetts his home.

(11) During his career in Congress, Senator Brooke was a leader on some of the most critical issues of his time, including the war in Vietnam, the struggle for civil rights, the shameful system of apartheid in South Africa, the Cold War, and United States' relations with the People's Republic of China.

(12) President Lyndon B. Johnson appointed Senator Brooke to the President's Commission on Civil Disorders in 1967, where his work on discrimination in housing would serve as the basis for the 1968 Civil Rights Act.

(13) Senator Brooke continued to champion open housing when he left the Senate and became the head of the National Low-Income Housing Coalition.

(14) Senator Brooke has been recognized with many high honors, among them the Presidential Medal of Freedom in 2004, an honor that recognizes ''an especially meritorious contribution to the security or national interests of the United States, world peace, cultural or other significant public or private endeavors''; the Grand Cross of the Order of Merit from the Government of Italy; a State courthouse dedicated in his honor by the Commonwealth of Massachusetts, making him the first African American to have a State courthouse named in his honor; the NAACP Spingarn Medal; and the Charles Evans Hughes award from the National Conference of Christians and Jews.

(15) Senator Brooke's biography, Bridging The Divide: My Life, was published in 2006, and he is the author of The Challenge of Change: Crisis in Our Two-Party System, published in 1966.

(16) Senator Brooke became a racial pioneer, but race was never at the center of his political campaigns.

(17) He demonstrated to all that with commitment, determination, and strength of character, even the barriers once thought insurmountable can be overcome.

(18) He has devoted his life to the service of others, and made enormous contributions to our society today.

(19) The life and accomplishments of Senator Brooke is inspiring proof, as he says, that ''people can be elected on the basis of their qualifications and not their race''.

**SEC. 3. CONGRESSIONAL GOLD MEDAL.**

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

**SEC. 4. DUPLICATE MEDALS.**

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

**SEC. 5. STATUS OF MEDALS.**

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

**SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.**

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

## AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

## UNANIMOUS CONSENT REQUEST—HONORING CESAR ESTRADA CHAVEZ

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a resolution submitted earlier today honoring the accomplishments and legacy of Cesar Estrada Chavez; that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will have to object, we have been working on some modifications and have not been able to reach agreement yet, so therefore I must object.

The PRESIDING OFFICER. Objection is heard.

## REMEMBERING CESAR CHAVEZ

Mr. DURBIN. A great man once said, ''We cannot seek achievement for ourselves and forget about progress and prosperity for our community . . . Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own.''

Those are the words of Cesar Chavez.

His friend, Robert Kennedy, once called Cesar Chavez ''one of the heroic figures of our time.''

He was a man of uncommon moral courage, a disciple of nonviolence who believed deeply in the promise of American democracy. He sacrificed much to extend that promise to some of the poorest people in America: farm workers.

''Yes, we can.'' That was Cesar Chavez's message to people who had felt powerless against the crushing

hand of fate. Yes, we can make a better life for ourselves and our children. Yes, we can overcome injustice, without resorting to violence.

His words and his work inspired not only the Latino farmworkers with whom he lived but all Americans.

This coming Saturday, March 31, would have been Cesar Chavez's 80th birthday. In California, where his birthday is a legal holiday, and in homes and communities throughout our Nation, Americans will pause over the next few days to remember and celebrate the life and legacy of this great man.

Cesar Chavez was the founder of the United Farm Workers Union, a labor and civil rights leader. He established the first collective bargaining agreement between farmworkers and growers in the United States. That agreement allowed farmworkers to negotiate for safer and better working conditions—for such simple, basic human needs such as the right to a drink of clean water after hours working in a hot field.

In 1993, at the age of 66, Cesar Chavez died—his great heart weakened by the many fasts he had conducted to call attention to the plight of farmworkers. But his legacy lives on.

In a time when our Nation is at war and the income and equality gaps are again widening in America, we would do well to remember the lessons of peace and social justice from the life of Cesar Chavez.

There is no better way to promote his legacy than to continue these teachings in our communities and especially among our young people.

In my State of Illinois, schools set aside 1 day in the month of March as ''Cesar Chavez Day of Service and Learning.'' It is an idea that was introduced by our Lieutenant Governor, Pat Quinn, in 2004. Students in kindergarten through high school learn about Cesar Chavez's life and beliefs in the classroom, and they also learn about his ethic of service and social responsibility by participating in community service projects.

Here in Congress, as we debate the war, the Federal budget, and other matters that affect the lives of so many people so profoundly, perhaps we should have our own Cesar Chavez Day of Service and Learning.

We would do well to remember his challenge: ''We cannot seek achievement for ourselves and forget about progress and prosperity for our community . . . Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own.''

Can we make America better, more just—a more perfect union? In the words of Cesar Chavez, ''Yes, we can.'' It is not easy, but it can be done. And it is up to each of us to try.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## EXECUTIVE SESSION

### NOMINATION OF BRADLEY UDALL TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP FOUNDATION

### NOMINATION OF ROGER ROMULUS MARTELLA, JR. TO BE ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nominations reported out earlier today by the Environment and Public Works Committee: PN 110, Bradley Udall to be a member of the Board of Trustees of the Morris K. Udall Scholarship Foundation; PN 53, Roger Romulus Martella, Jr. to be assistant administrator of the Environmental Protection Agency; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

The nominations considered and confirmed are as follows:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL POLICY FOUNDATION

Bradley Udall, of Colorado, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence In National Environmental Policy Foundation for a term expiring October 6, 2012.

ENVIRONMENTAL PROTECTION AGENCY

Roger Romulus Martella, Jr., of Virginia, to be Assistant Administrator of the Environmental Protection Agency.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## ORDERS FOR TUESDAY, APRIL 10, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, April 10; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date; the morning hour be deemed expired; and the time of the two leaders be reserved for use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each; with the first 30 minutes under the control of the Republicans, and the final 30 minutes under the control of the majority; that following morning business, the Senate proceed to consider the two stem cell bills, as provided for under a previous order entered by the President earlier today.

The PRESIDING OFFICER. Without objection, it so ordered.

## PROGRAM

Mr. REID. I would also say, Mr. President, that I have conferred with the Republican leader, and there is no reason that we will have any votes scheduled for Tuesday, the day we return. Monday is a legal holiday, and Tuesday we are going to start the stem cell debate. The debate on that will last for at least 2 days, so there is no reason we will need to come back for a vote on Tuesday. People will have plenty to do here, and the vote would just interrupt that.

I have told the Republican leader, and he acknowledges that is probably the right thing to do. So we will have no votes on Tuesday. The first vote will be sometime on Wednesday.

If there is no further business today, I would turn to the Republican leader.

Mr. MCCONNELL. Mr. President, I would just say to the majority leader that I agree there is no necessity to have a vote on Tuesday, the week after next, and I think we will proceed with the debate on the stem cell proposals and be ready to vote on Wednesday.

Mr. REID. Mr. President, I failed to announce, but it was very important, those numbers that we read off were two very important ambassadorships: Ford M. Fraker, to be the Ambassador to the Kingdom of Saudi Arabia; Zalmay Khalilzad, who, of course, has served so well in Iraq and is now going to be the Ambassador to the United Nations. That is very important, and I am glad we did that.

One thing I did not mention is, for all Senators and staff, our Democratic caucus, which is normally held on Tuesday, we are going to have that on Wednesday. It is obvious now, with no votes on Tuesday, that is probably the right thing to do. So, for all Democrats, we will have our caucus on Wednesday.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, likewise on this side of the aisle, we will be having our policy luncheon, which normally happens on Tuesday, on Wednesday. We have already notified our members of that, but it bears repeating here today.

## ADJOURNMENT UNTIL TUESDAY, APRIL 10, 2007, AT 10 A.M.

Mr. REID. I now ask unanimous consent that the Senate stand adjourned under the provisions of H. Con. Res. 103.

There being no objection, the Senate, at 6:22 p.m., adjourned until Tuesday, April 10, 2007, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 29, 2007:

THE JUDICIARY

JENNIFER WALKER ELROD, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE PATRICK E. HIGGINBOTHAM, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

*To be rear admiral*

REAR ADM. (LH) CRAIG E. BONE, 0000
REAR ADM. (LH) ROBERT S. BRANHAM, 0000
REAR ADM. (LH) JOHN S. BURHOE, 0000
REAR ADM. (LH) RONALD T. HEWITT, 0000
REAR ADM. (LH) WAYNE E. JUSTICE, 0000
REAR ADM. (LH) DANIEL B. LLOYD, 0000
REAR ADM. (LH) JOSEPH L. NIMMICH, 0000
REAR ADM. (LH) ROBERT C. PARKER, 0000
REAR ADM. (LH) BRIAN M. SALERNO, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. WILLIAM G. WEBSTER, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. MARK J. MACCARLEY, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

DAVID J. CARRELL, 0000

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

JAMES G. WOLF, 0000

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

CRAIG L. ALLEN, 0000

THE FOLLOWING NAMED OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

BRIAN L. EVANS, 0000
WAYNE C. GOULET, 0000
MARY E. HANSON, 0000
JEFFREY J. HEILMAN, 0000
DUNCAN D. SMITH, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be lieutenant colonel*

ROBERT W. BEADLE, 0000
STEVEN D. BROHM, 0000

*To be major*

DAVID E. ANDRUS, 0000
ERNESTINE R. HARRIS, 0000
RONALD L. HEALY, 0000
BRENT S. MILLER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

STANLEY R. RICHARDSON, 0000

## CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, March 29, 2007:

DEPARTMENT OF STATE

FORD M. FRAKER, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

ZALMAY KHALILZAD, OF MARYLAND, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

ZALMAY KHALILZAD, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

ASIAN DEVELOPMENT BANK

CURTIS S. CHIN, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ELI WHITNEY DEBEVOISE II, OF MARYLAND, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS.

DEPARTMENT OF DEFENSE

S. WARD CASSCELLS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF ENERGY

WILLIAM CHARLES OSTENDORFF, OF VIRGINIA, TO BE PRINCIPAL DEPUTY ADMINISTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

BRADLEY UDALL, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2012.

ENVIRONMENTAL PROTECTION AGENCY

ROGER ROMULUS MARTELLA, JR., OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

JOHN WOOD, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be admiral*

ADM. GARY ROUGHEAD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be admiral*

ADM. ROBERT F. WILLARD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. SAMUEL J. LOCKLEAR III, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JEFFREY A. SORENSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. WILLIAM B. CALDWELL IV, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. JAMES L. WILLIAMS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. JAMES T. COOK, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. RICHARD S. KRAMLICH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. JOHN R. ALLEN, 0000
BRIG. GEN. THOMAS L. CONANT, 0000
BRIG. GEN. FRANK A. PANTER, JR., 0000
BRIG. GEN. MASTIN M. ROBESON, 0000
BRIG. GEN. TERRY G. ROBLING, 0000
BRIG. GEN. ROBERT E. SCHMIDLE, JR., 0000
BRIG. GEN. RICHARD T. TRYON, 0000
BRIG. GEN. THOMAS D. WALDHAUSER, 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH KATHERINE J. ALGUIRE AND ENDING WITH KRISTEN M. ZEBROWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT J. AALSETH AND ENDING WITH MARIO F. ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATION OF MARK A. YUSPA, 0000, TO BE MAJOR.

AIR FORCE NOMINATION OF CHERYL A. UDENSI, 0000, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH KEITH A. DARLINGTON AND ENDING WITH FRANK A. YERKES, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH KENNETH A. ARNOLD AND ENDING WITH THOMAS F. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH GLENN M. FREDERICK AND ENDING WITH JULIE L. STEELE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH PIO VAZQUEZDIAZ AND ENDING WITH DREW D. SCHNYDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH KAREN D. DOHERTY AND ENDING WITH MAUREEN G. TOOMEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

IN THE ARMY

ARMY NOMINATION OF GERALD J. LUKOWSKI, JR., 0000, TO BE COLONEL.

ARMY NOMINATION OF CHARLES W. WHITTINGTON, 0000, TO BE COLONEL.

ARMY NOMINATION OF VASILIOS LAZOS, 0000, TO BE MAJOR.

ARMY NOMINATION OF THOMAS G. MCFARLAND, 0000, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH JEFFREY R. BAVIS AND ENDING WITH SORREL B. COOPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2007.

ARMY NOMINATION OF KATHLEEN S. LOPER, 0000, TO BE COLONEL.

ARMY NOMINATION OF MICHAEL A. WHITE, 0000, TO BE COLONEL.

ARMY NOMINATION OF ANTHONY T. ROPER, 0000, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH ERIC A. HANSEN AND ENDING WITH PETER J. VARLJEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

ARMY NOMINATIONS BEGINNING WITH STEVEN S. GELBERT AND ENDING WITH PATRICK R. MCBREARTY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

IN THE FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH NATALIE J. FREEMAN AND ENDING WITH DEBORAH ANN MCCARTHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH PETER W. AHERN AND ENDING WITH KEVIN T. WOOLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

IN THE NAVY

NAVY NOMINATION OF ARTHUR W. STAUFF, 0000, TO BE CAPTAIN.

NAVY NOMINATION OF CHARLES A. MCLENITHAN, 0000, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JEFFREY P. BEJMA AND ENDING WITH JORDAN I. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2007.