At the request of Mr. Sessions, the names of the Senator from Louisiana (Ms. Landrieu) and the Senator from Louisiana (Mr. Vitter) were added as cosponsors of amendment of No. 1059 intended to be proposed by S. 1326 and to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

STATMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1325. A bill to amend the Act of July 3, 1890, to provide for the granting to a State of a parcel of land for use as an agricultural college and to proscribe to a State of a parcel of land for use as a State-supported university of agriculture and home economics, and to provide for the use of the proceeds there from in accordance with temporary investment principles that are current or contemporary investment standards. The University of Idaho, as a partner in the project and beneficiary of the Morrill Act endowment, is well positioned to utilize endowment assets to both support educational purposes and maintain the underlying real estate endowment while contributing to the project. However, modernization of the management of endowed assets needs to occur in order for such a worthy project to move forward. That is why the legislation Senator Craig and I are introducing today will provide more flexibility while allowing for the allocation of management expenses from other State endowments, expand investment authority to match other State endowments, and provide for the use of the earnings from management of the sale of endoweds lands to be used for the acquisition, construction, and improvements for the operation of research farms for teaching and research purposes.

I ask that my colleagues act on this measure in a timely manner.

By Mr. SANDERS:

S. 1326. A bill to amend title 38, United States Code, to improve and enhance compensation and pension, health care, housing, burial, and other benefits for veterans, and for other purposes; to the Committee on Veterans’ Affairs.

Mr. SANDERS. Mr. President, today I am introducing the Comprehensive Veterans Benefits Improvements Act of 2007.

The purpose of this bill is to address many of the long-standing benefits and other policy issues that are a priority to the national veteran service organizations and millions of their members across our country. The legislation tracks many of the recommendations made in the Independent Budget, IB, for fiscal year 2008. The IB, as it is known, is “the collaborative effort of a united veteran and health advocacy community to develop budget recommendations on programs administered by the Department of Veterans Affairs and the Department of Labor.” It is a guide for how this country should treat its veterans. It is written jointly by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars and supported by over 50 other prominent organizations. I am very happy to have consulted extensively with the Independent Budget authors to craft this legislation.

For too many years veterans’ needs have been sent to the back of the line in Congress behind tax cuts for the rich and corporate welfare for multinational corporations. This legislation is one step forward in correcting the shortcomings of the way our current system treats veterans. Instead of turning a blind eye to our veterans’ needs as has happened often in recent years, this bill begins to say “thank you” with real action.

The Comprehensive Veterans Benefits Improvements Act makes more than 25 separate changes to veterans’ programs ranging from disability payments, to insurance premiums, to grants for disabled veterans to adapt their cars to make them easier to use. We also try to make progress on long standing injustices in the VA and DoD benefit and retirement systems that veterans and their families have fought to correct for years. Among them are: Category 8 Veterans: In January of 2007, VA and DoD no longer allow Category 8 veterans to enroll into the VA health care system. The Administration justified this move on the grounds that these are “higher income” veterans. The truth, however, is that these veterans contribute to the VA to the tune of little as $27,000 a year. VA estimates that more than 1.5 million category 8 veterans will have been denied enrollment in the VA health care system by fiscal year 2008. This legislation repeals that ban.

Concurrent Receipt: As the Military Officers Association of America explains, the Concurrent Receipt or Disabled Veterans’ Tax issue exists because of a “19th century law that required a dollar-for-dollar offset of military retired pay for disability compensation received from the VA . . . Retired pay is earned for a career of uniformed service and VA disability compensation is recompense for pain, suffering and lost future earning power due to service-connected disabilities.” For that reason veterans should receive both payments and not have one offset the other. This legislation would allow veterans to receive concurrent compensation/pension benefits and retired or retirement pay.

Dependency and Indemnity Compensation-Survivor Benefit Plan Offset: Under current law, the survivors of veterans who die as a result of service-connected causes are entitled to compensation known as dependency and indemnity compensation, DIC. In addition, military retirees can have money deducted from their pay to purchase a survivors annuity. This is called the Survivor Benefit Plan, SBP. However, if the military retirees dies from service-connected causes his or her survivors will receive a SBP payment offset dollar for dollar by the amount of the DIC payment they receive. Like the offset between military retiree pay and VA disability payments, this SBP/ DIC offset unfairly denies beneficiaries the full amount of 2 programs that are meant to compensate for different needs as has happened often in recent years. This legislation repeals the offset between dependency and indemnity compensation and the Survivor Benefit Plan.
Veterans' Claims: We also take a new approach to improving the system for rating claims by creating an agency dedicated to electronically sharing clinical information between the VA and the DoD.

For too long these issues have been ignored by the Congress. It is time for that attitude to change.

This legislation also amends other benefit programs important to veterans.

Over time, Congress and the Department of Veterans Affairs have added many benefits and assistance programs for our Nation's veterans and their families. As with many programs, the benefits did not meet all the needs of our veterans and others also have not been updated in many years rendering many of their benefits much less useful. For example, the IB notes the low level of grants the VA gives severely disabled veterans for adapting their cars:

In 1946 the $1,600 allowance represented 85 percent of average retail cost and a sufficient amount to pay the full cost of automobiles in the 'low-price field.' By contrast, in 1999 the allowance was $5,500, and the average retail cost of new automobiles, according to the National Automobile Dealers Association, was $21,750. Currently, the $11,000 automobile allowance represents only about 39 percent of the average cost of a new automobile, which is $28,105.

This legislation increases this car grant amount to $22,484 and adjusts the mobile, which is $28,105.

39 percent of the average retail cost of new automobiles, according to the National Automobile Dealers Association, was $21,750. Currently, the $11,000 automobile allowance represents only about 39 percent of the average cost of a new automobile, which is $28,105.

This legislation increases this car grant amount to $22,484 and adjusts this amount automatically each year using the average retail car cost index established by the Secretary.

This is not the only example of a veteran's benefit being chipped away by inflation. When we look at assistance family members get for burying a loved one we find that the current benefits have not kept up with inflation. As a result, the current benefit of $300 only pays for a small fraction of the costs of a burial. The legislation I am introducing today increases the plot allowance to $745 and expands the eligibility for the plot allowance for all veterans who would be eligible for burial in a national cemetery, not just those who served during wartime. This section also contains a provision to adjust these payments annually.

This legislation contains many other similar corrections and updates, bringing benefits into the 21st Century so that these programs are meaningful again.

These are not controversial proposals. These changes are the least we can do to show our appreciation for those who sacrifice for their country.

This legislation is attempting to strengthen the current VA system so that it can fully provide for those veterans already in the system and those thousands more returning from Iraq and Afghanistan and all over the world that will soon come to the VA for care.

This is just the beginning; one part of a larger effort to honor our veterans and their service. We here in Congress have so much more to do to care for our veterans such as improving mental health care for veterans, Traumatic Brain Injury treatment, Post Traumatic Stress Disorder treatment, transition assistance, polymyrausa care, caring for homeless veterans, and eliminating the waiting lines and claims backlogs at the VA. As a parent of a fallen soldier through our Committee, these veterans have survived the war, now ‘(we’ve got to help them survive the peace.”

We have much work to do in the Veterans Administration. I look forward to working under the leadership of Chairman AKAKA and the other colleagues on our Committee and in the Senate to make sure that meaningful and substantial veterans’ legislation is passed this year.

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. 1326

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 “Comprehensive Veterans Benefits Improvements Act of 2007”.

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

I. HEALTH CARE MATTERS
   A. Enrollment of category 8 veterans
   B. Health care for veterans who are catastrophically disabled
   C. Repeal prior care requirement for eligibility for reimbursement for emergency treatment
   D. Pilot program on lung cancer screening for veterans

II. COMPENSATION AND PENSION MATTERS
   A. Repeal of prohibition on concurrent receipt of compensation or pension and retired or retirement pay
   B. Increase in certain rates of disability compensation
   C. Provision regarding veterans service-connected hearing loss
   D. Repeal of requirement of reduction of dependency and indemnity compensation
   E. Increase in rate of dependency and indemnity compensation

III. HEALTH CARE MATTERS
   A. Enrollment of category 8 veterans
   B. Health care for veterans who are catastrophically disabled
   C. Repeal prior care requirement for eligibility for reimbursement for emergency treatment
   D. Pilot program on lung cancer screening for veterans

IV. BURIAL AND MEMORIAL MATTERS
   A. Plot allowances
   B. Funeral and burial expenses
   C. Authorization of appropriations for State cemetery and veterans program for fiscal year 2008

V. HOUSING MATTERS
   A. Grants for specially adapted housing for veterans
   B. Veterans' mortgage life insurance
   C. Selected Reserves serving at least 1 year eligible for housing loans
   D. Housing loan fees adjusted to rates in effect before passage of Veterans Benefits Act of 2003

VI. BENEFITS ADMINISTRATION
   A. Judicial review
   B. Elimination of rounding down of certain cost-of-living adjustments
   C. Clinical Information Data Exchange Bureau
   D. Study and report on reforms to strengthen and accelerate the evaluation and processing of disability claims by the Department of Veterans Affairs and Defense

VII. OTHER BENEFITS MATTERS
   A. Automobile assistance allowance
   B. Refund of individual contributions for educational assistance made by individuals who have not qualified for benefits due to the pursuit of educational programs due to nature of discharge
   C. Comptroller General report on provision of assisted living benefits for veterans

CONGRESSIONAL RECORD—SENATE
May 8, 2007

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(p. 102)

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TITLES

TITLE I—HEALTH CARE MATTERS

SEC. 101. ENROLLMENT OF CATEGORY 8 VETERANS IN PATIENT ENROLLMENT SYSTEM.

(a) ENROLLMENT.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall permit each veteran described in paragraph (8) of section 1701(a) of title 38, United States Code, who presents for enrollment required by such section to enroll in such system for purposes of the receipt of medical care and services as specified in such section.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 2007.

SEC. 102. HEALTH CARE ELIGIBILITY REFORM ACT OF 1996.

(a) REPORT ON NUMBER OF VETERANS WHOSE CLAIMS WERE WRONGFULLY MISCLASSIFIED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report setting forth the number of veterans who were catastrophically disabled who were wrongfully misclassified as not being catastrophically disabled by reason of discharge, and for the purposes of the administration of the amendments made by title I of the Veterans Health Care Eligibility Reform Act of 1996 (Public Law 104-262).

(b) RECLASSIFICATION OF VETERANS WHOSE CLAIMS WERE WRONGFULLY MISCLASSIFIED.—The Secretary shall reclassify as catastrophically disabled each veteran who was catastrophically disabled but was misclassified as not being catastrophically disabled by reason of discharge, and for the purposes of the administration of the amendments made by title I of the Veterans Health Care Eligibility Reform Act of 1996 (Public Law 104-262).
Department of Veterans Affairs under section 1705 of title 38, United States Code.

(c) Prohibition on Collection of Copayments and Other Fees for Hospital or Nursing Home Services—Section 1717 of title 38, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) Notwithstanding any other provision of this section, a veteran who is catastrophically disabled due to a condition that is not service-connected, and whose care is provided by the Department of Veterans Affairs, and who has a incapacity to work as a result of such condition, is entitled to receive compendious care as made available under section 1717 of this title. Any such care provided under this section shall be deemed to be in the nature of a personal injury sustained in the line of duty. The provision of such care under this section shall be made under the direction of the Secretary concerned, and shall be irrevocable. Such regulations shall provide for the form and manner for making such an election and shall provide for the date as of when such an election shall become effective. In the case of the Secretary of a military department, such regulations shall be subject to approval by the Secretary of Defense.”;

(b) Subsection (b)(2) of such section is amended by striking “sections 5304 and 5305 of title 38” and inserting “section 5304(a)(1) of title 38”;

(d) Other Conforming Amendments.—

(1) Section 211(b) of title 38, United States Code is amended to read as follows:

“(b) During the period between the effective date of an award or increased award as provided under section 5110 of this title or other provision of law and the commencement of the period of payment based on such award as provided under subsection (a) of this section, an individual entitled to receive monetary benefits shall be deemed to be in receipt of such benefit; for the purpose of all laws administered by the Secretary.”;

(2) Sections 1463(a)(1), 1465(c)(1)(A), 1465(c)(1)(B), and 1466(b)(1)(D) of title 10, United States Code, are each amended by striking “or 1414”;

(3) Subparagraphs (A) and (B) of section 1465(c)(4) of title 10, United States Code, are each amended by striking “1413a” and inserting “1413a”;

(e) Effective Date.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to payments of compensation or pension and retired or retirement pay made on or after that date.

SEC. 104. PILOT PROGRAM ON LUNG CANCER PREVENTION PROGRAMS FOR VETERANS.

(a) Pilot Program.—The Secretary of Veterans Affairs shall carry out a pilot program that provides for screening for lung cancer of veterans with a high risk of lung cancer. 

(b) Elements.—

(1) In General.—The pilot program under subsection (a) shall include such programs and activities as the Secretary considers appropriate in light of the pilot program. 

(2) Consultation.—The Secretary shall carry out the pilot program in consultation with the International Early Lung Cancer Action Program and such other public and private organizations as the Secretary considers appropriate for purposes of the pilot program. 

(c) Report.—Not later than 2 years after the commencement of the pilot program under subsection (a), the Secretary shall submit to Congress a report on the pilot program, including—

(1) a description of the programs and activities under the pilot program; 

(2) the comprehensive assessment of the Secretary described in subsection (b)(1); 

(3) recommendations, if any, for legislation necessary to implement on a wider basis a screening program for lung cancer of veterans with a high risk of lung cancer; 

(4) such other matters as the Secretary considers appropriate in light of the pilot program; 

(d) Authorization of Appropriations.—

(1) In General.—There is hereby authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2008, $3,000,000 for this purpose.

(2) Availability.—The amount authorized to be appropriated by paragraph (1) shall remain available until expended.

TITLE II—COMPENSATION AND PENSION MATTERS

SEC. 201. REPEAL OF PROHIBITION ON CONCURRENT RECEIPT OF COMPENSATION OR PENSION AND RETIRED OR RETIREMENT PAY.

(a) Repeal.—

(1) IN GENERAL.—Section 5304(a) of title 38, United States Code, is amended to read as follows:

“(a)(1)(A) If an election is in effect under section 1413a of title 10, United States Code, with respect to any person, no pension or compensation under this title shall be made concurrently to the person based on the person’s own service or concurrently to the person based on the service of any other person.

This subparagraph shall not apply to the extent the person waives any applicable retired or retirement pay made on or after October 1, 2007.

(B) A person to whom subparagraph (A) applies who is receiving any applicable retired or retirement pay made before October 1, 2007, and who has elected under paragraph (2) of this subsection to make a payment to the United States under this section, if the person waives any applicable retired or retirement pay made on or after October 1, 2007, and ending on the last day of the month to which the payment relates, the amount waived, and the effective date of the reduction in pay.

“(2) The annual amount of any applicable retired or retirement pay shall be counted as annual income for purposes of chapter 15 of this title.

“(3) In this subsection, the term ‘applicable retired or retirement pay’ means retired or retirement pay under a provision of law providing retired or retirement pay to persons in the Armed Forces or to commissioned officers of the National Oceanic and Atmospheric Administration or of the Public Health Service.”;

(2) Prohibition.—

(2) The table of sections at the beginning of chapter 53 of title 38, United States Code, is amended by striking “Prohibition against” and inserting “Provisions relating to”.

(3) The item relating to section 5304 in the table of sections at the beginning of chapter 53 of title 38, United States Code, is amended by striking “Prohibition against” and inserting “Provisions relating to”.

(b) The heading for section 5304 of such title is amended by striking “Prohibition against” and inserting “Provisions relating to”.

(2) The item relating to section 5304 in the table of sections at the beginning of chapter 53 of title 38, United States Code, is amended by striking “Prohibition against” and inserting “Provisions relating to”.

(c) Effective Date.—

(1) IN GENERAL.—Section 5305 of title 38, United States Code, is amended to read as follows:

“(1) by striking “$3,075” and inserting “$4,613”;

(2) by striking “$89” both places it appears and inserting “$134”; and

(3) by striking “$4,313” and inserting “$6,470”;

(b) Twenty Percent Increase in Certain Rates of Disability Compensation.—

(1) In General.—Section 5305 of title 38, United States Code, is amended by striking “$3,075” and inserting “$3,600”;

(2) in subsection (m), by striking “$3,392” and inserting “$4,070”;

(3) in subsection (n), by striking “$3,660” and inserting “$4,322”;

(4) in subsection (o), by striking “$4,313” and inserting “$5,176”; and

(5) in subsection (p), by striking “$4,313” each place it appears and inserting “$5,176”; and

(6) in subsection (r)—

(A) in paragraph (1), by striking “$1,851” and inserting “$2,221”; and

(B) in paragraph (2), by striking “$2,757” and inserting “$3,398”; and

(7) in subsection (s), by striking “$2,766” and inserting “$3,139”;

(8) Effective Date.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act, and shall apply with respect to monthly amounts of disability compensation payable on or after that day.

SEC. 203. PROVISIONS RELATING TO SERVICE-CONNECTED HEARING LOSS.

(a) Minimum Rating of Disability for Hearing Loss Requiring a Hearing Aid.—Section 1155 of title 38, United States Code, is amended by striking the following new sentence: “The minimum rating of disability under the schedule adopted
under this section for a veteran for a disability consisting of hearing loss for which the wearing of a hearing aid or hearing aids is medically indicated shall be a rating of 10 percent.

(b) Presumption That Hearing Loss Is Service Connected.—Section 1112 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d) For purposes of section 1110 of this title, and subject to section 1115 of this title, if tinnitus or hearing loss typically related to noise exposure or acoustic trauma becomes manifest in a veteran who, during military service, performed duties typically involving high noise levels of noise exposure, the tinnitus or hearing loss shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of the disease during the period of service."

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 204. REPEAL OF REQUIREMENT OF REDUCTION OF SPENDING SURVIVOR BENEFITS BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c), (i) by striking paragraph (2), and (ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1452—

(i) in subsection (c)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error;"

(ii) by striking subsection (d); and

(B) In section 1453(c), by striking paragraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error;"

(ii) by striking subsection (g).

(D) In section 1453(c), by striking "1450(c)(2)."

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period after the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOVERY OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a), shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d)(2) of such title is amended—

(1) by striking "DEPENDENT CHILDREN—" and all that follows through "in the case of a member described in paragraph (1), and inserting "DEPENDENT CHILDREN—"

(ii) by striking paragraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY DISCONNECTED BENEFITS.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2) of such title, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment of such annuity is subsequently terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who previously was not eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death or divorce.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 205. INCREASE IN RATE OF DEPENDENCY AND INDENMITY COMPENSATION FOR SURVIVING SPOUSE AND DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY.

(a) INCREASE IN RATE.—Section 1311(a) of title 38, United States Code, is amended—

(1) by redesigning paragraph (1) as paragraph (1)(A), and (2) by inserting after paragraph (1) the following new paragraph (B):

"(2) The rate under paragraph (1) shall be increased by $228 in the case of the death of a member of the Armed Forces on active duty;"

(3) in paragraph (3), as redesignated by paragraph (1) of this subsection, by striking ""(3)"" and inserting "(1) and (2)"; and

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to dependency and indemnity compensation payable for months beginning on or after that date.

SEC. 206. REESTABLISHMENT OF AGE 55 AS AGE OF REMARKING FOR RETENTION OF CERTAIN VETERANS SURVIVOR BENEFITS FOR SURVIVING SPOUSES.

(a) RESTATEMENT.—Section 1310(d)(2)(B) of title 38, United States Code, is amended—

(1) in the first sentence, by striking "age 57" and inserting "age 55"; and

(2) by striking the period at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007. No benefit is payable by reason of the amendments made by this section for any period before October 1, 2007.

SEC. 207. COMMENCEMENT OF PERIOD OF PAYMENT OF COMPENSATION FOR TEMPORARY TOTAL DISABILITY ATTRIBUTABLE TO HOSPITALIZATION OR TREATMENT.

(a) COMMENCEMENT OF PERIOD OF PAYMENT.—Section 511(c) of title 38, United States Code, is amended by adding at the end the following new subsection:

"(3) In the case of a temporary increase in compensation for hospitalization or treatment for a service-connected disability rated as total by reason of hospitalization or treatment, the period of payment shall commence on the date of admission for such hospitalization or date of treatment, surgery, or other active necessitating such treatment, as applicable.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007, and shall apply payable by reason of the amendment made by subsection (a) for any period before October 1, 2007.
upon the 2001 Commissioners Standard Ordinary Table of Mortality and interest at the rate of 4½ percent per year;

(‘‘D’’) all settlements on policies involving annuities shall be calculated on the basis of the Annuity Table for 1949, and interest at the rate of 2½ percent per year;

(‘‘E’’) insurance granted under this section shall be calculated on the basis of the actuarial standards of the Treasury of the United States; and

(‘‘G’’) any payments on such insurance shall be made directly from such fund.

(3) As to insurance issued under this section, waiver of premiums pursuant to section 602(n) of the National Service Life Insurance Act of 1940 and section 1912 of this title shall not be denied on the ground that the service-connected disability became total before the effective date of such insurance.’’.

(b) COORDINATION WITH OVERALL LIMIT.—Section 1903 of such title is amended by adding at the end the following new sentence: ‘‘The limitations of this section shall not apply to any insurance granted under section 1922 of this title, except that other insurance to which this section applies shall be taken into account in determining whether the limitations of subsections (a)(2A) and (b) of section 1922 of this title are met with respect to insurance granted under section 1922 of this title.’’

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) October 1, 2007; or

(2) the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

TITLE IV—HOUSING AND MEMORIAL MATTERS

SEC. 401. PLOT ALLOWANCES.

(a) INCREASE IN PLOT ALLOWANCE.—Section 2303 of title 38, United States Code, is amended by striking ‘‘$300’’ wherever it appears and inserting ‘‘$745 (as adjusted from time to time under subsection (c))’’.

(b) EXPANSION OF ELIGIBILITY.—Subsection (b)(2) of such section is amended by striking ‘‘such veteran is eligible’’ and all that follows through ‘‘, and’’.

(c) COST-OF-LIVING ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

‘‘(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the maximum amount of benefits payable under subsection (a) equal to the percentage by which—

(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1); and

(3) the Secretary shall establish a residual home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average increase in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.’’.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 402. FUNERAL AND BURIAL EXPENSES.

(a) IN GENERAL.—Section 2302 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ‘‘$300’’ in the matter following paragraph (2) and inserting ‘‘$1,270 (as adjusted from time to time under subsection (c))’’; and

(2) by adding at the end the following new subsection:

‘‘(c) With respect to any fiscal year, the Secretary shall increase (rounded to the nearest dollar) in the maximum amount of benefits payable under subsection (a) equal to the percentage by which—

(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1); and

(3) the Secretary shall establish a residual home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average increase in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.’’.

(b) ADDITIONAL GRANT FOR ACQUISITION OF SUBSEQUENT HOUSING UNIT.—Such section is further amended—

(1) in subsection (c), by inserting ‘‘or (e)’’ after ‘‘subsection (a);’’ and

(2) by adding at the end the following new subsection:

‘‘(e) In addition to the assistance otherwise provided under subsection (d)(1), the assistance authorized by section 2101(a) of this title shall also include assistance for a veteran for the acquisition by the veteran of a housing unit to replace the housing unit for which assistance was provided under subsection (d)(1).’’

(2) The amount of assistance under this subsection may not exceed the maximum amount of assistance available under subsection (d)(1).

(3) Assistance shall be afforded under this subsection through a plan set forth in subsection (a), at the option of the veteran concerned.’’.

(c) ANNUAL COST-OF-LIVING ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

‘‘(f)(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the amounts in effect under subsections (b)(2), (d)(1), and (d)(2) in accordance with this subsection.

(2) The increase in amounts under paragraph (1) to take effect on October 1 of any year shall be the percentage by which (A) the residential home cost-of-construction index for the preceding calendar year exceeds (B) the residual home cost-of-construction index for the year preceding that year.

(3) The Secretary shall establish a residual home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average increase in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.’’.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 501. GRANTS FOR SPECIALLY ADAPTED HOUSING FOR VETERANS.

(a) INCREASE IN GRANT AMOUNTS.—

(1) ACQUISITION OF HOUSING.—Subsection (d)(1) of section 2102 of title 38, United States Code, is amended by striking ‘‘$90,000’’ and inserting ‘‘$150,000’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the later of—

(1) October 1, 2007; or

(2) the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

SEC. 502. VETERANS’ MORTGAGE LIFE INSURANCE.

(a) INCREASE IN AMOUNT OF INSURANCE.—Section 2106(b) of title 38, United States Code, is amended by striking ‘‘$90,000’’ and inserting ‘‘$150,000’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the later of—

(1) October 1, 2007; or

(2) the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

SEC. 503. SELECTED RESERVES SERVING AT LEAST 1 YEAR ELIGIBLE FOR HOUSING LOANS.

(a) REDUCTION IN PERIOD OF SERVICE REQUIREMENT FOR SELECTED RESERVES.—Section 3729(b) of title 38, United States Code, is amended, by striking ‘‘6 years’’ each place it appears and inserting ‘‘1 year’’.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2007.

SEC. 504. HOUSING LOAN FEES ADJUSTED TO RATES IN EFFECT BEFORE PASSAGE OF VETERANS BENEFITS ACT OF 2003.

(a) IN GENERAL.—Paragraph (2) of section 3729(b) of title 38, United States Code, is amended to read as follows:

‘‘(2) The loan fee table referred to in paragraph (1) is as follows:’’.

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(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2007, and before October 1, 2011).

(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2011).

(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2007 and before October 1, 2011).

(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2007 and before October 1, 2011).

(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2007, and before October 1, 2011).

(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2011).

(D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2007, and before October 1, 2011).

(D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2011).

(E) Interest rate reduction refinancing loan ................................................................. 0.50 0.50 0.50

(F) Direct loan under section 3711 ................................................................................ 1.00 1.00 NA

(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan). ................................................................. 1.00 1.00 NA

(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan) ................................................................. 1.25 1.25 NA

(I) Loan assumption under section 3714 ........................................................................ 0.50 0.50 0.50

(J) Loan under section 3738(a) ......................................................................................... 2.25 2.25 2.25.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to loans closed after September 30, 2007.

TITLE VI—BENEFITS ADMINISTRATION

SEC. 601. JUDICIAL REVIEW.

(a) REVIEW BY UNITED STATES COURT OF APPEALS FOR FEDERAL CIRCUIT OF ADOPTION OR REVISION OF SCHEDULE OF DISABILITY RATINGS.—Section 502 of title 38, United States Code, is amended—

(1) by inserting “(a) JUDICIAL REVIEW.—” before “An action”; and

(2) in subsection (a), as designated by paragraph (1) of this subsection, by striking “other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 1155 of this title”;

and

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

“(b) STANDARD OF REVIEW OF ACTIONS RELATING TO SCHEDULE OF RATINGS FOR DISABILITIES.—In reviewing pursuant to this section an action of the Secretary relating to the adoption or revision of the schedule of ratings for disabilities under section 1155 of this title, the Court may set aside such action only if the Court finds such action to be arbitrary, capricious, or otherwise not in accordance with law.”.

(b) REVIEW BY COURT OF APPEALS FOR VETERANS CLAIMS OF ADVERSE FINDINGS OF MATERIAL FACTS.—Section 7261(a)(4) of such title is amended by striking “is clearly erroneous” and inserting “is not reasonably supported by a preponderance of the evidence”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

The amendment made by subsection (b) shall apply with respect to all cases pending for decision before the United States Court of Appeals for Veterans Claims other than a case in which a final decision has been entered before the date of the enactment of this Act.

SEC. 602. ELIMINATION OF ROUNDED DOWN OF CERTAIN COST-OF-LIVING ADJUSTMENTS.

(a) DISABILITY COMPENSATION.—Section 1194(a) of title 38, United States Code, is amended by striking “‘with all’ and all that follows up to the period at the end.

(b) DEPENDENCY COMPENSATION.—Section 1303(a) of such title is amended by striking “with all” and all that follows up to the period at the end.

SEC. 603. CLINICAL INFORMATION DATA EXCHANGE BUREAU.

(a) ESTABLISHMENT OF BUREAU.—The Secretaries of Veterans Affairs and Department of Defense shall jointly establish the DoD/VA Clinical Information Data Exchange Bureau (in this section referred to as “the Bureau”).

(b) INFORMATION SYSTEM.—

(1) IN GENERAL.—The Bureau shall establish and maintain an information system that facilitates the clinical exchange of comparable data within and between the health systems of the Department of Veterans Affairs and the Department of Defense.

(2) ELEMENTS.—In establishing the information system described in paragraph (1), the Bureau shall meet the following requirements:

(A) SOFTWARE REQUIREMENTS.—The system shall utilize computer software—

(i) that is nonproprietary, and

(ii) that ensures that the electronic medical records in the health systems of the Department of Veterans Affairs and the Department of Defense are able to understand all major clinical vocabularies.

(B) PATIENT PRIVACY.—The system shall comply with all appropriate rules, regulations, and procedures to safeguard patient privacy and to ensure data security.

(C) MAPPING OF HEALTH INFORMATION.—The Bureau shall ensure that personal health information available in electronic form outside of the system will be able to be electronically mapped into the system.

(D) MAINTENANCE.—The Bureau shall permanently maintain the system, including ensuring that any changes in any major clinical vocabulary are reflected in a timely manner in the electronic medical records in the health systems of the Department of Veterans Affairs and the Department of Defense.

(c) COST OF SYSTEM.—

(1) IN GENERAL.—The cost of the information system established under this section, and the annual costs of maintaining the system, shall be borne equally by the Department of Veterans Affairs and the Department of Defense.

(2) FEES.—The Secretaries of Veterans Affairs and Defense may charge vendor user fees in order to facilitate the use of discrete clinical vocabularies within the system.
Title VII—Other Benefits Matters

Sec. 701. Automobile Assistance Allowance.

(a) Increase in Amount of Allowance. Subsection (a) of section 3902 of title 38, United States Code, is amended by striking "$31,000" and inserting "$32,484 (as adjusted from time to time under subsection (e))".

(b) Annual Adjustment. Such section is further amended by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the dollar amount in effect under subsection (a) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

"(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines that the data is appropriate for purposes of this subsection."

Sec. 702. Refund of Individual Contributions for Educational Assistance Made by Individuals Previously Entitled to Pursuing Educational Programs Due to Nature of Discharge.

(a) In General. Section 3304 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e) The Secretary of Defense shall cause the individual to receive the amount determined under paragraph (3) if the Secretary determines that the discharge was due to minor infractions or deficiencies."

(b) Effective Date. The amendments made by this section shall apply to discharges after June 30, 2007.


(a) Report Required. The Comptroller General shall submit to Congress a report on the feasibility and advisability of the provision through the Department of Veterans Affairs of assisted living benefits for veterans who otherwise qualify for nursing home care through the Department in lieu of the provision through the Department of nursing home care for such veterans.

(b) Elements. The report required by paragraph (2) shall include:

"(A) a description of various current proposals for the provision through the Department of assisted living benefits for veterans as described in paragraph (1);

"(B) an estimate of the costs of the various proposals described under subparagraph (A), and an estimate of any cost savings anticipated to be achieved through the carrying out of such proposals;

"(C) an assessment of feasibility and advisability of the provision through the Department of assisted living benefits for veterans as described in paragraph (1), including an identification of the proposal, if any, described in that paragraph, that would result in the most cost-effective provision through the Department of assisted living benefits for veterans; and

"(D) such recommendations as the Comptroller General considers appropriate regarding the provision through the Department of assisted living benefits for veterans.

Sec. 704. Grant to the Veterans Benefits Administration.

(a) Authorization of Appropriations. The Secretary of Veterans Affairs shall carry out a study to determine the feasibility of the provision through the Department of veterans benefits to veterans who are otherwise entitled to benefits of the Department of Veterans Affairs.

(b) Elements. The study shall include:

"(1) a description of various current proposals for such provision;

"(2) an assessment of feasibility and advisability of the provision through the Department of veterans benefits as described in paragraph (1), including an identification of the proposal, if any, described in that paragraph, that would result in the most cost-effective provision through the Department of veterans benefits for veterans; and

"(3) such recommendations as the Comptroller General considers appropriate regarding the provision through the Department of veterans benefits for veterans.

Sec. 705. Refund of Individual Contributions for Educational Assistance Made by Individuals Previously Entitled to Pursuing Educational Programs Due to the Nature of Discharge.

(a) In General. Section 3307(b) of title 38, United States Code, is amended by striking "30 days" and inserting "60 days".

(b) Effective Date. The amendments made by this section shall apply to discharges after September 30, 2007.


(a) Report Required. The Comptroller General shall submit to Congress a report on the feasibility and advisability of annual adjustments of the dollar amount in effect under section 3307(b) of title 38, United States Code, as applied to an individual if the discharge was a dishonorable discharge.

(b) Elements. The report required by paragraph (2) shall include:

"(1) a description of various current proposals for the provision through the Department of assisted living benefits for veterans as described in paragraph (1), including an identification of the proposal, if any, described in that paragraph, that would result in the most cost-effective provision through the Department of assisted living benefits for veterans; and

"(D) such recommendations as the Comptroller General considers appropriate regarding the provision through the Department of assisted living benefits for veterans.
support acting to ensure their continuation until we have had the opportunity to conduct a comprehensive review of the judgeship needs throughout the Federal system. I hope to undertake that review next year.

This legislation would extend each of the five temporary judgeships for 10 years. This will allow Congress some flexibility with regard to future judgeship needs.

This measure is supported by the Judicial Conference of the United States and every Senator representing the five States. I thank Senators FEINSTEIN and BROWNBACK, who also serve on the Judiciary Committee, for their work on this legislation.

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

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

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

SECTION 1. TEMPORARY JUDGESHIPS FOR DISTRICT COURTS.

(a) ADDITIONAL TEMPORARY JUDGESHIPS.—

(1) I N GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the eastern district of California; and

(B) 1 additional district judge for the district of Arkansas.

(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the offices of district judge authorized by this section occurring 10 years or more after the confirmation date of the judge named to fill the temporary district judgeship created in the applicable district by this subsection, shall not be filled.

(b) EXTENSION OF CERTAIN TEMPORARY JUDGESHIPS.—Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) is amended—

(1) in the second sentence, by inserting “the district of Hawaii,” after “Pennsylvania”;

(2) in the third sentence (relating to the district of Kansas), by striking “16 years” and inserting “26 years”; and

(3) in the fifth sentence (relating to the northern district of Ohio), by striking “15 years” and inserting “25 years”; and

(c) INDEX.—Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) is amended—

(1) in the second sentence, by inserting “the district of Hawaii,” after “Pennsylvania”;

(2) in the third sentence (relating to the district of Kansas), by striking “16 years” and inserting “26 years”; and

(3) in the fifth sentence (relating to the northern district of Ohio), by striking “15 years” and inserting “25 years”; and

This will be the second highest in the Nation: 576 filings per judge, which was almost 50 percent more than the national average. Since that time, the situation in the Eastern District has grown even more dire. Average caseloads across the Nation have declined, but in the Eastern District they have increased by 18 percent.

The Eastern District of California now has the highest caseload in the country: 927 filings per judge. That is twice as many cases as the national average.

It is no exaggeration to say that the judges of the Eastern District are in desperate need of relief. They have continued to serve with distinction in the face of the crushing caseloads. Mr. President, two of the court’s senior judges still carry full caseloads after taking senior status. Two other senior judges are also continuing to hear cases in the district. There is another reason to extend the caseload for a new judge will be complete when Chief Judge Levi leaves office.

This will leave the Eastern District with still fewer judges to handle its highest-in-the-Nation caseload. The district will need even more help today. I am sure that cases continue to be handled with the care, attention, and promptness that are essential to the fair administration of justice.

I view this bill as an important first step toward helping California all of the judges it needs. According to the 2007 recommendations of the Judicial Conference, California needs a total of 12 new judges, more judges than are needed in any of the other five districts of the Nation. Four of those judges are needed in the Eastern District alone. By adding a temporary judgeship in the district, this bill will help fill the gap until the Senate acts to carry out the Judicial Conference’s recommendations.

I thank Chairman LEAHY for taking this important first step toward ensuring that the Federal courts in California have all the judges they need.

Mr. INOUYE. Mr. President, I rise today to support this bill addressing the need to extend a number of our temporary judgeships.

My colleagues and I share a common interest in ensuring that the American public is provided with the most efficient court system possible. However, across the nation many of our judicial resources are strained due to our growing population and an increase in the number of caseloads per judge. Hawaii is no exception, and this bill addresses the need for a greater number of judgeships. This bill offers a much needed relief to our over-worked courts.

Thank you for allowing me this opportunity to share with you my thoughts as to the importance of this legislation.

By Mr. LEAHY:

S. 1328. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to reintroduce the Uniting American Families Act. This legislation would allow U.S. citizens and legal permanent residents to petition for their foreign same-sex partners under our family-based immigration system. I hope that the Senate will demonstrate our Nation’s commitment to equality under the law by passing this measure.

I am pleased to act today in concert with Congressman NADLER, who is introducing this same measure in the House of Representatives. Congressman NADLER has been a steady advocate for these changes, and I commend his efforts to promote fundamental fairness for Americans whose loved ones are foreign citizens.

Under current law, foreign same-sex partners of Americans are unable to benefit from the family-based immigration system, which accounts for the majority of green cards awarded annually. As a result, gay Americans in this situation face the difficult choice of living apart from their partner, or leaving the U.S. to reside together.

This bill provides parity while also reinforcing our strong prohibitions against fraud. To qualify as a permanent partner, potential beneficiaries must be at least 18 years old and in an exclusive, committed relationship with an adult U.S. citizen or legal permanent resident, where both parties intend a life-long union. The couple must prove that their union is not cognizable as a marriage under the Immigration and Nationality Act. Penalties for fraud would be the same as in any other marriage-based case: up to 5 years in prison and $250,000 in fines for the petitioner, and possible deportation for the alien partner.

Like many people across the country, Vermonters involved in permanent partnerships with foreign nationals often feel abandoned by immigration laws and restrictions. This bill would allow them, and other gay and lesbian Americans, to become more fully integrated into our society. Promoting family unity has long been a critical aim of Federal immigration policy. Legislation like this, providing all Americans regardless of their sexual orientation the opportunity to be with their loved ones.
The idea that immigration benefits should extend to same-sex couples is not new. Many nations recognize that their respective immigration laws should respect family unity, regardless of sexual orientation. Indeed, 16 of our closest allies, including Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, South Africa, Sweden and the United Kingdom all acknowledge same-sex couples in committed relationships as second-class citizens. This injustice should be addressed not only on behalf of those individuals but also to promote more broadly a fair and consistent policy for America. I hope that the Senate will act to demonstrate our Nation’s commitment to equality under the law.

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. 1328

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

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Uniting American Families Act of 2007.”

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, if an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

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

Sec. 1. Short title; amendments to Immigration and Nationality Act; table of contents.
Sec. 2. Definitions of permanent partner and permanent partnership.
Sec. 3. Worldwide level of immigration.
Sec. 4. Numerical limitations on individual foreign states.
Sec. 5. Allocation of immigrant visas.
Sec. 6. Procedure for granting immigrant status.
Sec. 7. Annual admission of refugees and admission of emergency situation refugees.
Sec. 8. Asylum.
Sec. 9. Adjustment of status of refugees.
Sec. 10. Inadmissible aliens.
Sec. 11. Nonimmigrant status for permanent residents awaiting the availability of an immigrant visa.
Sec. 12. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
Sec. 13. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
Sec. 14. Deportable aliens.
Sec. 15. Removal proceedings.
Sec. 16. Cancellation of removal; adjustment of status.
Sec. 17. Adjustment of status of non-immigrants to that of a person admitted for permanent residence.

Sec. 2. DEFINITIONS OF PERMANENT PARTNER AND PERMANENT PARTNERSHIP.

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(K)(ii), by inserting “permanently married” after “marriage”; and

(2) by adding at the end the following:

‘‘(52) The term ‘permanent partner means an individual 18 years of age or older who—

‘‘(A) is a committed, intimate relationship with another individual 18 years of age or older in which both individuals intend a lifelong commitment;

‘‘(B) is financially interdependent with that other individual;

‘‘(C) is not married to, or in a permanent partnership with, any individual other than that other individual;

‘‘(D) is unable to contract with that other individual a marriage cognizable under this Act; and

‘‘(E) is not a first, second, or third degree blood relation of that other individual.

‘‘(53) The term ‘permanent partnership means the relationship that exists between 2 permanent partners.’’.”

Sec. 3. WORLDWIDE LEVEL OF IMMIGRATION.


(1) by inserting “spouse” each place it appears and inserting “spouse or permanent partner”; and

(2) by striking “spouses” and inserting “spouse, permanent partner,”.

(3) by inserting “or, in the case of a permanent partnership, whose permanent partnership was not terminated) after “was not legally separated from the citizen”;

(4) by striking “remarries,” and inserting “remarries or enters a permanent partnership with another person.”

Sec. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph heading, by inserting “PERMANENT PARTNERS,” after “spouses”; and

(2) in the heading of subparagraph (A), by inserting “PERMANENT PARTNERS,” after “spouses”; and

(3) in the definition of “spousal” in section 214(b)(3)(A), by striking “an individual of the opposite sex who is legally married to the alien” and inserting “a person who is a permanent partner of the alien”,

(b) RULES FOR CHARGEABILITY.—Section 202(b)(2) (8 U.S.C. 1152(b)(2)) is amended—

(1) by striking “his spouse” and inserting “his or her spouse or permanent partner”;

(2) by striking “such spouse” each place it appears and inserting “such spouse or permanent partner”;

(3) by inserting “or permanent partner” after “husband and wife”.

Sec. 5. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS.—

Section 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

(1) by striking the paragraph heading and inserting the following:

‘‘(2) SPUSES, PERMANENT PARTNERS, UNMARRIED SONS AND DAUGHTERS OF PERMANENT PARTNERS, AND UNMARRIED DAUGHTERS OF PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.’’

(b) PREFERENCE ALLOCATION FOR SONS AND DAUGHTERS OF CITIZENS.—

Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) by striking the paragraph heading and inserting the following:

‘‘(2) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS WITH PERMANENT PARTNERS OF CITIZENS.’’;

(2) by inserting “or sons or daughters with permanent partners,” after “daughters”;

(c) EMPLOYMENT CREATION.—Section 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended by inserting “permanent partner,” after “spouse”;

(d) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by inserting “or permanent partner” after “section 101(b)(1)”;

(2) by inserting “permanent partner,” after “the spouse”;

Sec. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) CLASSIFICATION PETITIONS.—

Section 204(a) (8 U.S.C. 1154(a)) is amended—

(1) in subparagraph (A), after “spouse” each place it appears and inserting “spouse or permanent partner”;

(2) by inserting “spousal” after “spouse”;

(3) by inserting “spousal” after “spouse”;

(4) by inserting “or permanent partnership” after “marriage”; and

(5) by inserting “spousal” after “spouse”;

(b) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS.—

Section 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

(1) by striking the paragraph heading and inserting “spousal” after “spouse”;

(2) by inserting “spousal” after “spouse”;

(3) by inserting “or permanent partnership” after “marriage”; and

(4) by inserting “spousal” after “spouse”.

Sec. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2), (A) by inserting “permanent partner,” after “spouse”;

(2) by inserting “permanent partner,” after “spouse”;

(3) by inserting “permanent partner,” after “spouse”;

(4) by inserting “permanent partner,” after “spouse”.

Sec. 8. ASYLUM.

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph heading, by inserting “permanent partner,” after “spouse”;

(2) by inserting “permanent partner,” after “spouse”.

Sec. 9. ADJUSTMENT OF STATUS OF REFUGEES.

Section 209(c) (8 U.S.C. 1159(c)) is amended by inserting “permanent partner,” after “spouse”.
SEC. 10. INADMISSIBLE ALIENS.
(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is amended—
(1) in paragraph (3)(D)(iv), by inserting “permanent partner,” after “spouse,”; and
(2) in paragraph (4)(C)(1)(I), by inserting “permanent partner,” after “spouse.”;
(b) WAIVERS.—Section 212(d) (8 U.S.C. 1182(d)) is amended—
(1) in paragraph (11), by inserting “permanent partner,” and
(2) in paragraph (12), by inserting “permanent partner,” after “spouse.”;
(c) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting “permanent partner,” after “spouse.”;
(d) WAIVERS OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended, in paragraphs (2)(C), (3) in paragraph (3), by inserting “permanent partner,” after “spouse”,;
(e) CONTENTS OF PETITION.—Section 218(d)(1) of such Act (8 U.S.C. 1186a(d)(1)) is amended—
(i) by inserting “or permanent partner” after “spouse”;
(ii) by inserting “or permanent partner” after “spouse”;
(iii) in subclause (II), by inserting before the comma at the end “, or is a permanent partnership recognized under this Act”;
(iv) in subclause (II), by inserting “has not ceased to satisfy the criteria for being considered a permanent partnership under this Act,” after “terminated,” and
(v) by inserting “or permanent partner” after “spouse”;
(f) CONTEMPT OF COURT.—Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amended—
(i) in paragraph (1), by inserting “permanent partner” after “spouse”; and
(ii) in paragraph (2), by inserting “permanent partner” after “spouse” each place it appears.
SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES OF PERMANENT PARTNERS, AND SONS AND DAUGHTERS.
(a) SECTION HEADING.—The heading for section 216 (8 U.S.C. 1186a) is amended by striking “AND SONS” and inserting “, PERMANENT PARTNERS, SONS, AND DAUGHTERS.”;
(b) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216 to read as follows: “Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters.”;
(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(a)(1) of such Act (8 U.S.C. 1186a(a)(1)) is amended—
(1) in paragraph (1), by inserting “or permanent partner” after “spouse”; and
(2) in paragraph (2)—
(A) in subparagraph (A), by inserting “or permanent partner” after “spouse”; (B) in subparagraph (B), by inserting “or permanent partner” after “spouse”; and (C) in subparagraph (C), by inserting “or permanent partner,” after “spouse,”;
(d) TERMINATION OF STATUS IF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(a)(b) of such Act (8 U.S.C. 1186a(b)) is amended—
(1) in the subsection heading, by inserting “OR PERMANENT PARTNER” after “MARRIAGE”; and
(2) in paragraph (1)(A)—
(A) by inserting “or permanent partnership” after “spouse”;;
(B) by inserting “or permanent partner,” after “spouse”; and
(C) by inserting, in place of the former subparagaph (C), “or permanent partner,” after “spouse,”;
(e) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—
(1) in paragraphs (1), (2)(A)(i), (3)(A)(i), (3)(C)(i), (4)(A), and (4)(C), by inserting “or permanent partner” after “spouse” each place it appears; and
(2) in paragraph (2)(A), (3)(D), (4)(B), and (4)(C), by inserting “or permanent partnership” after “marriage” each place it appears. (f) CONTENTS OF PETITION.—Section 218(d)(1) of such Act (8 U.S.C. 1186a(d)(1)) is amended—
(i) by inserting “or permanent partner” after “spouse”;
(ii) by inserting after subparagraph (D) the following:
 “(F) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other document or admission (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B)) if—
(I) the alien obtained any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership that is no longer fully filled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provision of the immigration laws;
(II) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien’s permanent partnership, which the Secretary of Homeland Security determines was made for the purpose of procuring the alien’s admission as an immigrant; and
(III) in paragraphs (2)(E)(i) and (3)(C)(ii), by inserting “or permanent partner” after “spouse” each place it appears.”
SEC. 15. REMOVAL PROCEEDINGS.
Section 240 (8 U.S.C. 1229a) is amended—
(1) in the heading of subsection (c)(4)(C)(iv), by inserting “PERMANENT PARTNERS, AFTER “SPouses,”;
and
(2) in subsection (e)(1), by inserting “permanent partner,” after “spouse”.
SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.
Section 240a(b) (8 U.S.C. 1229bb(b)) is amended—
(1) in paragraph (1)(D), by inserting “or permanent partner” after “spouse”; and
(2) in paragraph (2)—
(A) in the paragraph heading, by inserting “PERMANENT PARTNER,” after “spouse”;
(B) in subparagraph (A), by inserting “permanent partner,” after “spouse” each place it appears; and
SEC. 17. ADJUSTMENT OF STATUS OF NON- IMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.
(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting “or permanent partnership” after “marriage”;
(b) AVOIDING IMMIGRATION FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—
(1) in paragraph (1), by inserting “or permanent partnership” after “marriage”;
and
(2) by adding at the end the following:
 “(A) Paragraph (1) of subsection (2) of section 240A(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that—
(i) the permanent partnership was entered into in good faith and in accordance with section 101(a)(2); and
(ii) the permanent partnership was not entered into for the purpose of procuring the alien’s admission as an immigrant; and
(b) The Secretary shall promulgate regulations that provide for administrative appellate review for each alien under subparagraph (A).”;

SEC. 14. DEPORTABLE ALIENS.
Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amended—
(1) in subparagraph (D)(i), by inserting “or permanent partners” after “spouses” each place it appears;
(c) Adjustment of Status for Certain Aliens Paying Fee.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting ‘‘permanent partner,’’ after ‘‘spouse’’.


Section 275(c) (8 U.S.C. 1323(c)) is amended to read as follows:

(c) Any individual who knowingly enters into a marriage or permanent partnership for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined not more than $250,000, or both.

SEC. 19. Requirements as to Residence, Good Moral Character, Attachment to the Principles of the Constitution.

Section 316(b) (8 U.S.C. 1427(b)) is amended by inserting ‘‘permanent partner,’’ after ‘‘spouse’’.


Section 1504 of the LIFE Act (division B of Public Law 106–554; 114 Stat. 2734–325) is amended—

(b) in the heading, by inserting ‘‘permanent partner,’’ after ‘‘spouse’’;

(2) in subsection (a), by inserting ‘‘permanent partner,’’ after ‘‘spouse’’; and

(3) in each of subsections (b) and (c)—

(A) in the subsection headings, by inserting ‘‘permanent partner’’;

(B) by inserting ‘‘permanent partner,’’ after ‘‘spouse’’; and

(C) by inserting ‘‘permanent partner,’’ after ‘‘spouse’’ each place it appears.


(a) In General.—The first section of Pub. Law 89–732 (8 U.S.C. 1255 note) is amended—

(1) in the next to last sentence, by inserting ‘‘permanent partner,’’ after ‘‘spouse’’ the first 2 places it appears; and

(2) in the last sentence, by inserting ‘‘permanent partner,’’ after ‘‘spouse’’.

(b) Conforming Amendment.—Section 101(a)(81)(D) (8 U.S.C. 1101a(81)(D)) is amended by striking ‘‘or spouse’’ and inserting ‘‘spouse, or permanent partner’’.

By Ms. Collins (for herself and Ms. Snowe):

S. 1329. A bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at National Park Advisory Commission, to improve the tourist economy, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. Collins. Mr. President, I don’t know if the Presiding Officer has ever visited Acadia National Park along the coast of Maine. It is an extraordinary place, a place of special beauty. I rise today to introduce the Acadia National Park Improvement Act of 2007, with the senior Senator from Maine, Ms. Snowe, as my cosponsor.

This legislation would take important steps to ensure the long-term health of one of America’s most beloved national parks. It would increase the land acquisition ceiling at Acadia by $10 million, facilitate an off-site intermodal transportation center for the Island Explorer bus system, and extend the life of the National Park Advisory Commission.

In drafting this legislation, I have worked very closely with park officials and also with Friends of Acadia, a non-profit community organization that works hard to support the park.

A little background might be helpful. In 1986, Congress enacted legislation designating the boundary of Acadia National Park. Many private lands were, however, contained within the permanent authorized boundary. Congress authorized the park to spend a little over $9 million to acquire those lands from willing sellers.

While all of that money has now been spent, rising land prices have prevented the money from going as far as Congress originally intended. There are no more than 100 private tracts left within the official park boundary. Nearly 20 of these tracts are currently available from willing sellers, but the park simply no longer has the funds to purchase them.

Our legislation would authorize an additional $10 million to help acquire these lands. I wish to emphasize that these lands already fall within the authorized boundary of the park, so we are not talking about enlarging the boundary of the park but, rather, filling in the holes at Acadia.

Our legislation would also facilitate the development of an intermodal transportation center as part of the Island Explorer bus system. The Island Explorer has been extremely successful over its first 7 years. These low-emission, propane-powered vehicles have carried more than 1.5 million riders since 1999. In doing so, they have removed hundreds of thousands of vehicles from the park and significantly reduced pollution. Unfortunately, the system lacks a central parking and bus boarding area. As a result, day-use visitors do not have ready access to the Island Explorer.

My legislation would further facilitate the Department of Interior’s assistance in planning, construction, and operation of an intermodal transportation center. Mr. President, $7 million for this center was included in the 2005 highway bill at the request of Senator Snowe and myself. This will include parking for day uses of the park center, a visitor orientation facility highlighting park and regional points of interest, a bus boarding area, and a bus maintenance garage. This center, which will be built in partnership with the Federal Highway Administration, the U.S. Department of Transportation, the Maine Department of Transportation, and other partners, will reduce traffic congestion, preserve park resources, enhance the visitor experience, and ensure a vibrant tourist economy.

Finally, our legislation would extend the 16-member Acadia National Park Advisory Commission for an additional 20-year period. This Commission was created by the Congress back in 1986, and, regretfully, it expired last year. The Commission consists of three Federal representatives, three State representatives, four representatives from local towns, three from the adjacent mainland communities, and three from the adjacent offshore islands. These representatives serving on this Commission have provided invaluable advice related to the management and the development of the park. The Superintendent has found it to be very valuable. The Commission has proven its worth many times over, and it deserves to be extended for an additional 20 years. In fact, it probably should just be made permanent.

Acadia National Park is a true gem of the Maine coastline. The park is one of Maine’s most popular tourist destinations, with more than 2 million visitors each year. While unsurpassed in beauty, the park’s ecosystem is very fragile. Unless we are careful, we risk substantial harm to the very place that Mainerians and, indeed, all Americans hold so dear. In 9 years, Acadia will be 100 years old. Age has brought both increasing popularity and greater pressures on this national treasure. By providing an additional $10 million to protect sensitive lands already within the boundary of the park, by expanding the highly successful Island Explorer transportation system, and by extending the Acadia National Park Advisory Commission, this legislation will help to make the park stronger and healthier than ever on the occasion of its centennial anniversary.
hand sales. In fact, anyone who can own a rifle can buy a .50 BMG caliber sniper rifle. No permits. No licenses. No wait.

That is why I am introducing this legislation today, just as I have introduced similar legislation in the last 3 sessions of Congress. This bill will:

Add these uniquely powerful sniper rifles to the list of firearms classified as “destructive devices,” which would mean they must be registered when purchased.

require the same registration for any “copycat” sniper rifles that might be developed in the future with destructive power that is equivalent to the .50 BMG caliber sniper rifle; and

allow people who already possess .50 BMG caliber sniper weapons up to 7 years to register their existing firearms, by implementing a registration process similar to what was used when “street sweepers” and other firearms were reclassified as “destructive devices” in 1994.

This bill would not ban any firearms, including .50 BMG caliber sniper rifles. Instead, it would change the law by treating .50 BMG caliber sniper rifles in the same way we now treat “street sweepers” and other firearms that are registered. Any rifle with a dimension larger than .50 caliber. It would regulate these weapons, making it harder for terrorists and others to buy these combat weapons for illegitimate use.

This is not your classic hunting rifle. The report concludes: “The .50 BMG caliber cartridge weighs four and a half times more and has five times more propellant, than the cartridges used in similar midsize rifles, like the .308 Winchester. This is a weapon designed to kill people efficiently, and destroy machinery, at great distances. And the distances are frankly astonishing. In fact, this weapon was able to kill a person from a distance greater than any other sniper rifle with a world-record confirmed distance of 2,430 meters, a mile and a half away.

These weapons are “accurate” up to 2,000 yards, a distance that means it will strike a standard target within this range more than a mile away. To illustrate what this means, a shooter standing on Alcatraz Island off of San Francisco could sight and kill a person at Pier 39. And the gun has a maximum range of up to 7,500 yards, meaning that while accuracy cannot be guaranteed, the round can strike a target at this distance. Imagine 75 football fields lined up end to end, a distance of over 4 miles. This means a shooter at the Sausalito marina could send bullets crashing into the San Francisco marina.

In short, these are military combat-style weapons. The .50 BMG cartridge has been used by our forces in machine guns since World War I, and our military has registered .50 BMG caliber sniper rifles. In the gulf war, and now in Afghanistan and Iraq. They can shoot through almost anything, a bunker, bulletproof glass, a 3⁄4 inch thick manhole cover, a 600-pound safe.

But as the GAO report, it was also revealed in a federal trial in Manhattan that al-Qaida received .50-caliber sniper rifles, rifles manufactured right here in the United States. Essam al Ridi, an al-Qaida associate, testified that he acquired 25 Barrett .50-caliber sniper rifles and shipped them to al-Qaida members in Afghanistan.

What sort of damage could these weapons do in the wrong hands? The U.S. Air Force conducted a study, and determined that planes parked on a fully protected U.S. airbase would be as vulnerable as “ducks on a pond” against a sniper with a .50-caliber weapon, because the weapons can shoot from beyond most airbase perimeters.

The RAND Corporation confirmed this, releasing a report which identified 11 potential terrorist scenarios at Los Angeles International Airport. In one scenario, “a sniper, using a .50 caliber rifle, fires at parked and taxing aircraft.” The report concludes: “we were unable to identify any truly satisfactory solutions” for such an attack.

One need not even search for reports, the weapon’s manufacturers admit it. One Barrett .50 caliber brochure says:

[A] round of ammunition purchased for less than ten U.S. dollars is designed to destroy or disable a modern jet aircraft. The compressor sections of jet engines or the transmissions of helicopters are likely targets for the weapon, which can destroy a multimillion dollar aircraft with a single hit delivered to a vital area.

And it is not just aircraft. A terrorist using this rifle could punch holes in pressurized chemical tanks, igniting combustible materials or leaking hazardous gases. Or penetrate armored vehicles used by law enforcement, or protective limousines, like those used here in Washington.

No wonder a broad coalition of law enforcement officers and groups, detailing the threat that these weapons pose to our first responders, said:

The fact that these weapons have a range of more than four miles and can take down commercial airliners is reason enough to keep these weapons off our streets. It is of special concern to the law enforcement community that these weapons of war are capable of penetrating our special operations vehicles, tactical equipment and helicopters.

This gun is so powerful that one dealer told undercover Government Accompanied Specialty Office investigators:

You’d better buy one soon. It’s only a matter of time before someone lets go on a round on a range that travels so far, it hits a school full of kids. The government will definitely ban .50-calibers. This gun is just too powerful.

In fact, many ranges used for target practice do not even have enough safety features to accommodate these guns.

Special ammunition for these guns is also readily available in stores and on the Internet. This is perfectly legal. Moreover, “armor-piercing incendiary” ammunition, which explodes on impact, can be purchased online. The Daily Beast reported in a “60 Minutes” news report. Several ammunition dealers were willing to sell armor-piercing ammunition to an undercover GAO investigator, even after the investigator said he wanted the ammunition to pierce an armored limousine or maybe to shoot down a helicopter.

The bottom line is that the .50 BMG caliber sniper rifle is a national security threat requiring action by Congress. It makes no sense for us to spend billions of dollars on homeland security while we allow terrorists and criminals to get weapons that can serve as tools for terrorism.

The legislation that I am introducing has been carefully tailored, and refines my earlier bills. In fact, it is narrower than my earlier bills, in that it regulates only .50 “BMG” caliber sniper rifles, not all .50 caliber rifles.

There is no doubt that the .50 BMG caliber sniper rifle is the most commonly available cartridge not considered a destructive device under the National Firearms Act. It is in a class by itself. And that’s why this bill puts .50 BMG caliber sniper rifles into the class of firearms called destructive devices. Because that’s where they belong.

Congress would not be alone in treating the .50 BMG caliber sniper rifle as the unique weapon of destruction that it is. My home State of California has regulated .50 BMG caliber sniper rifles in 1994, in a law signed by Governor Arnold Schwarzenegger. The bill I introduce would adopt a similar registration system nationwide.
In fact, Congress itself has previously recognized the unique destructive properties of this weapon. Ever since 2000, our DOD Appropriations bills have contained a special restriction on the Department of Defense’s ability to sell surplus armor-piercing ammunition for .50 caliber rifles developed and manufactured after the date of enactment of this Act, including the use of a notice and registration process similar to that used when the USAS-12, Striker 12, and Streetsweeper shotguns were reclassified as destructive devices and registered between 1994 and 2001 (ATF Ruling 94-1 (ATF Q.B. 1994-1, 22); ATF Ruling 94-2 (ATF Q.B. 1994-1, 24); and ATF Ruling 94-66 (Fed. Reg. 97946)). The Attorney General shall ensure that under the regulations issued under this section, the time period for the registration of any previously unregistered .50 BMG caliber sniper rifle shall end not later than 7 years after the date of enactment of this Act.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DOMENICI, Mr. DODD, and Mr. ENZI)):

S. 1332. A bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. It’s a privilege to join my colleagues Senator DODD, Senator DOMENICI and Senator ENSEN in introducing the Mental Health in Schools Act of 2007 to assist the Nation’s public schools in providing better access to mental health services for their students.

The need for these services has never been greater. The tragic events at Columbine, Nickel Mines, and Virginia Tech underscore the fact that when left untreated, childhood mental disorders can lead to academic failure, family conflicts, substance abuse, violence, and suicide.

Comprehensive school mental health programs should be designed for all students. They should obviously include both identification and referral of specific individuals for treatment, but they should also include programs and services that promote positive mental health and prevent mental health problems for a broader population of students.

Strong mental health, similar to strong physical health, makes it possible for children to develop socially, emotionally and intellectually. We know that mental illnesses often appear for the first time during childhood and adolescence. One in five children has a diagnosable mental disorder, yet three-quarters of children and youth who need mental health services do not receive them. With proper care and treatment, approximately 80 percent of people with mental illness experience a significant reduction of symptoms and a better quality of life.

Our schools are important settings for recognizing and addressing children’s mental disorders. In fact schools often function as the de facto mental health system for children and adolescents. Especially in rural areas, schools are likely to provide the only mental health services available, for children.

Effective school mental health programs reflect the cooperation and commitment of families, students, educators, and other community partners. However, of the 95,000 public schools in the United States, only half report having formal partnerships with community mental health providers to deliver mental health services.

The services and support provided through these partnerships should be family-centered and community-centered, and should also be culturally and linguistically appropriate.

The goal of the Mental Health in Schools Act is to assist local communities in developing comprehensive school mental health programs that provide a continuum of services for students.

I urge the Senate to join us in supporting schools and communities in expanding their mental health programs to make them more comprehensive, so that our school children across the nation can receive the proper support and services they need in order to thrive in our society and become productive citizens.

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:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Long-Range Sniper Rifle Safety Act of 2007”.

SEC. 2. COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE GUN CONTROL ACT OF 1968.

(a) IN GENERAL.—Section 921(a)(4)(B) of title 18, United States Code, is amended—

(1) by striking “any type of weapon” and inserting the following:—

“(i) type of weapon;” and

(2) by striking “and” at the end and inserting the following:

“(ii) .50 BM caliber sniper rifle;” and

(b) DEFINITION OF .50 BMG CALIBER SNIPER RIFLE.—Section 921(a) of title 18, United States Code, as amended by adding at the end the following:

“(30) The term ‘.50 BM caliber sniper rifle’ means—

“(A) a rifle capable of firing a center-fire cartridge in .50 BM caliber, including a 12.7 mm equivalent of .50 BM and any other metric equivalent; or

“(B) a全体ly or duplicate of any rifle described in subparagraph (A), or any other rifle developed and manufactured after the date of enactment of this paragraph, regardless of whether the rifle is capable of launching a projectile that attains a muzzle energy of 12,000 foot-pounds or greater in any combination of bullet, propellant, case, or primer.

SEC. 3. COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE NATIONAL FIREARMS ACT.

(a) IN GENERAL.—Section 5845(f) of the National Firearms Act (26 U.S.C. 5845(f)) is amended—

(1) by striking “and” (3) and inserting “and” (3) any .50 BM caliber sniper rifle (as that term is defined in section 921 of title 18, United States Code); and (4); and

(2) by striking “(1) and (2)” and inserting “(1) or (3)”.

(b) MODIFICATION TO DEFINITION OF RIFLE.—Section 5845(c) of the National Firearms Act (26 U.S.C. 5845(c)) is amended by inserting “or from a bipod or other support” after “shoulder”.

SEC. 4. IMPLEMENTATION.

Not later than 30 days after the date of enactment of this Act, the Attorney General shall implement regulations providing for notice and registration of .50 BM caliber sniper rifles as destructive devices (as those terms are defined in section 921 of title 18, United States Code, as amended by this Act) under this Act and the amendments made by
(1) by redesigning such part as part J; and
(2) by redesigning sections 581 through 586 as sections 596 through 596C, respectively.

(b) In general.—(1) IN GENERAL.—The Administrator shall develop measures of outcomes to be applied by recipients of assistance under this section, and the Administrator, in evaluating the effectiveness of programs carried out under this section, shall provide for in subparagraph (B) and local educational agencies as provided for in subparagraph (C).

(b) STUDENT AND FAMILY MEASURES OF OUTCOMES.—The measures of outcomes developed under paragraph (1)(B) relating to students and families shall, with respect to activities carried out under a program under this section, at a minimum include provisions to evaluate—

(i) whether the program resulted in an increase in social and emotional competence;

(ii) whether the program resulted in an increase in academic competency;

(iii) whether the program resulted in a reduction in disruptive and aggressive behavior;

(iv) whether the program resulted in improved family functioning;

(v) whether the program resulted in a reduction in suspensions, truancy, expulsions and violence;

(vi) whether the program resulted in improved access to care for mental health disorders.

(1) MEASURES OF OUTCOMES.—The measures of outcomes developed under paragraph (1)(B) relating to educational systems and the educational system shall, with respect to activities carried out under a program under this section, at a minimum include provisions to evaluate—

(i) the effectiveness of comprehensive school mental health programs established under this section;

(ii) the effectiveness of formal partnerships among families, students, law enforcement agencies, education systems, mental health and substance abuse service systems, family-based mental health services, welfare agencies, healthcare service systems, and other community-based systems;

(iii) the effectiveness of comprehensive school mental health programs established under this section;

(iv) the development and implementation of programs to assist children in dealing with violence.

(c) REQUIREMENTS.—(1) REQUIREMENTS OF PARTNERS.—To be eligible for a grant under this section, each entity shall—

(A) facilitate community partnerships among families, students, law enforcement agencies, education systems, mental health and substance abuse service systems, family-based mental health service systems, welfare agencies, healthcare service systems, and other community-based systems;

(B) submit an application, that is endorsed by each community-based entity involved in the program; and

(C) clearly state—

(i) the responsibilities of each partner with respect to the activities to be carried out;

(ii) how each such partner will be accountable for carrying out such responsibilities; and

(iii) the amount of non-Federal funding or in-kind services that each such partner will contribute in order to support the program.

(2) MEASURES OF OUTCOMES.—The Administrator shall develop measures of outcomes to be applied by recipients of assistance under this section, and the Administrator, in evaluating the effectiveness of programs carried out under this section, shall provide for in subparagraph (B) and local educational agencies as provided for in subparagraph (C).

(3) SUBMISSION OF ANNUAL DATA.—An entity that receives a grant, contract, or cooperative agreement under this section shall—

(A) develop and submit to the Administrator reports that include data to evaluate the effectiveness of programs carried out under this section; and

(B) submit such reports to the Administrator on an annual basis, for each program funded under this section.

(4) EVALUATION AND MEASURES OF OUTCOMES.—The Administrator shall develop and submit to Congress a report concerning the results and effectiveness of the programs carried out under this section.
Mr. DOMENICI. Mr. President, I rise today with my colleagues Senator KENNEDY and Senator DODD to introduce the Mental Health in Schools Act of 2007. This bill amends the Safe Schools and School-Less Violence Act of 2000 to reauthorize projects of the Safe Schools and School-Less Violence Act of 2000 and also expands the program to help provide access to school-based mental health programs.

The mental health of our children is as important as their overall physical health. As a Nation, we have repeatedly seen tragic stories related to children whose mental health needs were not met. Recent studies indicate approximately 1 in 5 children have a diagnosable mental disorder and one in ten children have a serious emotional or behavioral disorder that is severe enough to cause substantial impairment in functioning at home, at school, or in the community.

The Mental Health in Schools Act of 2007 provides funding to local education agencies in partnership with their communities to develop and implement mental health service programs in schools. The funding will also be used to provide for in-service training to all school personnel in the techniques and supports related to mental health. It is our belief that these programs have the potential to not only improve access to care for mental health disorders but also to help increase academic competency and improve family functioning.

Investing in effective mental health treatment can mean the difference between a child’s success and failure in school and in society. The most effective mental health care must be tailored to the child’s and family’s needs and must be accessible and available when and where they need it. Children and their families’ needs often cross multiple systems. Communities need sustainable tools to link or integrate those systems to meet those needs.

We need to acknowledge that children cannot have a normal childhood if their mental health care is not provided to them. Programs promoting mental health work, and when they do, the resilience of a child can grow while diminishing the challenging behaviors associated with mental health problems and emotional disturbances. It is important to recognize that as Nation, we have come a long way in understanding mental illness and its impact on children and adolescents. Research has made extraordinary leaps forward, giving us a better understanding of the disorders and the effective treatments, services and supports that build resilience and facilitate recovery for children and adolescents.

We have seen over and over again that not offering effective mental health care has many ramifications, not the least of which is violence, substance abuse and poor academic performance. Much more is required of us as a Nation to secure the whole health and well-being of our future, our children and our society. It is the time to begin a national debate on mental health care and its importance to our children. I think the bill we are introducing here is a great start and I look forward to working with my colleagues to pass this important legislation.

By Mr. KERRY: S. 1333. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the Strengthen the Earned Income Tax Credit Act of 2007. Congressmen FASCHELL is introducing the companion measure in the House. Since 1975, the EITC has been an innovative tax credit which helps low-income working families. President Reagan referred to the EITC as “the best antipoverty, the best pro-family, the best job creation measure to come out of Congress.” I am proud to join with my colleagues in introducing this EITC legislation.

The tax code should not penalize individuals who marry. Second, the legislation increases the credit for families with three or more children. Under current law, the credit amount is based on one child or two or more children. Under current law, the maximum EITC for an individual with two or more children is $4,716 and under this legislation, the amount would increase to $5,306 for an individual with three or more children.

Third, the legislation eliminates the poverty level for an adult living with three children to $20,516. In total, 37 percent of all children live in families with at least three children and more than half of poor children live in such families. Under current law, an individual with two or more children who is eligible for the maximum EITC with income equivalent to the phase-out income level would still have income below the poverty level. Under this legislation, an individual with three children who is eligible for the maximum EITC with income equivalent to the phase-out income level would still have income below the poverty level.

These individuals do not have to worry about living pay check to pay check. We need to help the low-income working. In the struggle day in and day out trying to make ends meet. They have been left behind in the economic policies of the last 6 years. We need to begin a discussion on how to help those that have been left behind. The EITC is the perfect place to start.

The Strengthen the Earned Income Tax Credit Act of 2007 strengthens the EITC by making the following four changes: reducing the marriage penalty; increasing the credit for families with three or more children; expanding the credit amount for individuals with no children; and permanently extending the provision which allows members of the armed forces to include combat pay as income for EITC computations. By making these changes, more individuals and families would benefit from the EITC.

First, the legislation increases marriage penalty relief and makes it permanent. In the way that the EITC is currently structured, many single individuals that marry find themselves faced with a reduction in their EITC. The tax code should not penalize individuals who marry.

Second, the legislation increases the credit for families with three or more children. Under current law, the credit amount is based on one child or two or more children. Under current law, the maximum EITC for an individual with two or more children is $4,716 and under this legislation, the amount would increase to $5,306 for an individual with three or more children.

Third, the legislation would create a new credit amount based on three or more children. Under current law, the maximum EITC for an individual with two or more children is $4,716 and under this legislation, the amount would increase to $5,306 for an individual with three or more children.

Fourth, the legislation would permanently extend the provision which allows members of the armed forces to include combat pay as income for EITC computations. By making these changes, more individuals and families would benefit from the EITC.

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Increasing the credit amount would make more families eligible for the EITC. Currently, an individual with three children and income at and above $37,783 would not benefit from the credit. Under this legislation, an individual with children and income under $40,582 would benefit from the EITC.

Third, this legislation would increase the credit amount for childless workers. The EITC was designed to help childless workers offset their payroll tax liability. The credit-phase-in was set to equal the employee share of the payroll tax, 7.65 percent. However, in reality, the employee bears the burden of both the employee and employer portion of the payroll tax. To reality, the employee bears the burden of both the employee and employer portion of the payroll tax.

Under current law, an individual without children and income just above the poverty level would owe more than $800 in Federal income and payroll taxes in 2007, even with the EITC. This calculation is based on just the employee’s share of the payroll tax. If you include the employer share as well, the individual would owe more than $1,600 in taxes. The decline in the labor force of single men has been troubling. Boosting the EITC for childless workers could be part of solution for increasing work among this group. Increasing the EITC for families has increased labor rates for single mothers and hopefully, it can do the same for this group.

This legislation doubles the credit rate for individual taxpayer and married taxpayers without children. The credit rate and phase-out rate of 7.65 percent is doubled to 15.3 percent. For 2007, the maximum credit amount for an individual would increase from $428 to $855. The doubling of the phase-out results in taxpayers in the same income range being eligible for the credit.

Fourth, the Working Families Tax Relief Act of 2004 included a provision which would allow combat pay to be treated as earned income for purposes of computing the child credit. This provision expires at the end of the year. This legislation makes this provision permanent. There is no reason why a member of the armed services should lose their EITC when they are mobilized and serving their country.

This legislation will help those who most need our help. It will put more money in their pay check. We need to invest in our families and help individuals who want to make a living by working. We are all aware of our fiscal situation and we should legislate in a responsible manner. It is a time for shared sacrifice. We cannot keep adding to the deficit, but we cannot leave the poor behind.

I ask for 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. 1334. A bill to amend section 3206 of title 38, United States Code, to make permanent authority to furnish government headstones and markers for graves of veterans at private cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DODD. Mr. President, I rise today to introduce a bill that will restore the rights of veterans and their families to receive an official grave marker from the Department of Veterans' Affairs in acknowledgement of their service to this Nation. I am pleased to be joined by Senators KERRY, VOINOVICH, CONRAD, BYRD, and BROWN as original cosponsors. This legislation addresses a serious, and easily remedied, injustice that exists for veterans who passed away during the period between November 1, 1990, and September 11, 2001.

There is an inscription in Colleville-sur-Mer, France, at Omaha Beach, commemorating those Americans who perished in the World War II battle there, that reads:

This embattled shore, this portal of freedom, is forever hallowed by the ideals, the valor and sacrifice of our fellow countrymen.

Their graves are the permanent and visible symbols of their heroic devotion and their sacrifice in the common cause of humanity. These endured all and gave all that justice among nations might prevail and that mankind might enjoy freedom and inherit peace.

Monuments like this, or like the more spectacular monument here in Washington, DC, serve as a reminder of the service, dedication, and sacrifice of our Nation’s veterans. They are a tribute not to the suffering and darkness of war, but to the tremendous value of those who, as the inscription says, “mankind might enjoy freedom and inherit peace.” And in a small way, the markers placed at veterans’ gravesites serve as a similar reminder for the friends and family members who have lost a loved one’s grave.

Until 1990, the families of a deceased American veteran could receive reimbursement for a VA headstone, a VA marker, or a private headstone. However, I regret to say, in the name of cutting costs, measures were taken to prevent the VA from providing markers to those families that had purchased gravestones out of their own pockets.

In my view, this constitutes a serious injustice. I am not sure what to call it, but it is shocking to me that veterans who passed during those 11 years are denied an official grave marker, and yet that is the effect of current law.

We owe it to these brave men and women to honor their service to this country. We have seen too many instances in which our veterans have not been accorded the respect they deserve. The accounts that have surfaced about the deplorable conditions at Walter Reed Army Medical Center and the consistent underfunding of the Veterans Health Administration shine an unpleasant spotlight on the ways in which we have fallen far short of our obligations to our Nation’s veterans. And now, how can we deny veterans the simple honor of recognizing their service with a graveside marker?

This body first endorsed a provision restoring the right of every veteran to receive a grave marker as early as June 7, 2000, as part of the 2001 Defense Authorization Bill. This body approved this language again on December 8, 2001. But it was not until December 6, 2002, that legislation was...
S. 1334

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

SECTION 1. MODIFICATION OF AUTHORITIES ON PROVISION OF GOVERNMENT HEADSTONES AND MARKERS FOR BURIALS OF VETERANS AT PRIVATE CEMETERIES.

(a) REPEAL OF EXPIRATION OF AUTHORITY.—
Subsection (d) of section 2306 of title 38, United States Code, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(b) RETROACTIVE EFFECTIVE DATE.—Notwithstanding subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107–103; 115 Stat. 955; 38 U.S.C. 2206 note), the amendments made to section 2306(d) of title 38, United States Code, by such section 502 and the amendments made by section 622 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461), other than the amendment made by subsection (e) of such section 622, shall take effect as of November 1, 1990, and shall apply with respect to the graves of individuals dying on or after that date.

By Mr. INHOFE (for himself and Mr. ENZI):

S. 1335. A bill to amend title 4, United States Code, for declare English the official language of the Government of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INHOFE. Mr. President, last year I said that the right of the nation’s immigrants requires an official language. An overwhelming majority of the Senate agreed with me on my amendment to that effect on the immigration bill. I am convinced that official English will command another majority should it receive a roll-call vote in this session. That is why today I am introducing S. 1335 to make English the official language of our Nation.

The English language has played a critical role among the unity of this Nation from its beginning. As I have said before, a common means of communication has created one giant market for goods and labor in our Nation, from Maine to California. A resident of Tulsa can seek work in New Hampshire, Oregon, or Georgia without having to learn a second language. A company based in Oklahoma City can readily sell its products from Portland, ME, to Los Angeles.

In Europe, on the other hand, a resident of Berlin cannot look for work in Paris or Warsaw without surmounting considerable language barriers. A German company cannot usually sell its product in Madrid, again, in part, because of language barriers. The European Union is an effort to create at first any U.S.-like common market in Western Europe. Among other things, Europeans are spending billions of euros to try to replicate what we in America have enjoyed for these past 230 years.

Recognizing that English is necessary for successful business and a growing economy, the Santa Ana Chamber of Commerce recently announced that it is spearheading a multimillion dollar campaign to help about 50,000 of its residents to learn the language. I regret to report that we have spent the last few decades giving away this priceless linguistic unity.

Clinton Executive Order No. 13166 demands that all recipients of Federal funds function in any language anyone speaks at any time, burdening taxpayers with extraneous costs of an enabling policy while providing incentives for immigrants to circumvent learning English and, regrettably, hurt their chances at effective assimilation.

My constituents agree that foreign language ballots deserve no place in an American election. My bill will eliminate the need to receive Federal documents and materials and multilingual voting mandates imposed on Oklahoma and other States. Only citizens are allowed to vote in our Nation, and one of the requirements to become a good citizen is to learn an understanding of English. Money to provide foreign language ballots would be better spent on such constructive activities as simply teaching people how to speak English.

Not only does my bill repeal foreign language ballots, it is aimed at the entire forest of mandatory multilingualism. My legislation basically recognizes the practical reality of the role of English as our official language and states explicitly that English is our official language and provides English a status in law it has not held before. Making English the official language will clarify that there is no entitlement to receive Federal documents and services in languages other than English and will end the practice of providing translation entitlements at taxpayer expense.

My bill declares that any rights of a person, as well as services or materials in languages other than English, must be provided under English law. It recognizes the decades of unbroken court opinions that civil rights laws protecting against national origin and discrimination do not create rights to government service and materials in languages other than English. While my bill will end federally mandated and funded foreign language entitlement, it certainly still allows for Democratic and Republican activists to offer palm cards and sample ballots in any language they choose—Cherokee to Chinese—on election day and for individuals to bring along their own translators to any Federal Government office.

It is important to note that my bill only affects the language spoken by the Government, not the language choices of people speaking among themselves.

Official English is popular even among Hispanics. As I have cited before on the floor of the Senate, in 2006, a Zogby poll found 84 percent of Americans, including 71 percent of Hispanics,
believe that English should be the national language of government operations. According to a 2002 Kaiser Family Foundation survey, a poll of 91 percent of foreign-born Latino immigrants agreed that learning English is essential to succeed in the United States. All agree that learning English is the official language of government operations. U.S. Senator S.I. Hayakawa, the son of Asian immigrants, S.I. Hayakawa became a professor of English, a college president, and, in 1996, U.S. Senator. Senator Hayakawa became the leader of the official English effort in this Chamber when he introduced an official English bill on April 27, 1981. Senator Hayakawa used to say “bilingualism for the individual is fine but not for a country.” While I never served with Senator Hayakawa, I would like to honor his efforts and continue his important work by offering the S.I. Hayakawa Official English Act of 2007, which is S. 1335.

Let me say, it seems so ridiculous that as we travel around the world, there are some 51 countries that have English as their official language, and yet the United States doesn’t. I was recently in Ghana, West Africa. They have English as their official language. We don’t have it in the United States. Zambia, Uganda, and Zimbabwe have English as their official language but not the United States. This is something that should be a no-brainer. Of the some 91 percent of the people polled, up to 91 percent want English as the official language, and yet, for some unknown reason, people seem to be catering to some maybe small, radical group that doesn’t want it. I think it is time for the majority of the American people to realize this could very well be the reality.

Let me also say, when I had this amendment on the floor before, there were all kinds of objections that came down that didn’t have any credibility at all. One of them that came down said: Well, you have all these flags of the various States that have foreign languages; you would have to do away with State flags. This has nothing to do with that. One came down that said: You would no longer be able to use Spanish on the floor of the Senate. It has nothing to do with that. They said: You would be drowning Hispanics. I said: Explain that to me. They said: Well, we have “no swimming” signs in the Potomac where the currents are very strong, so people would go in there and they would drown. This is how desperate people are to find something objectionable about something that 90 percent of the people in America want.

So we are very serious about this. We are going to carry on the works of the good Senator from California and hopefully respond to 90 percent of American who want English as an official language.

By Ms. SNOWE (for herself and Mr. BAYH):

S. 1336. A bill to provide for an assessment of the achievement by the Government of Iraq of benchmarks for political settlement and national reconciliation in Iraq; to the Committee on Foreign Relations.

Mr. BAYH, of Indiana, President. I rise to speak to the monumental and consequential matter regarding the future course of the United States and our courageous men and women in uniform in Iraq.

Today, we are at a profoundly challenging moment in time, and at a critical crossroads with respect to our direction in this war. That sense of urgency was compounded by my recent trip to Iraq this past weekend where I had the privilege of meeting with some of America’s bravest and finest serving in Baghdad, including Maimers. I came away believing more firmly than ever that the Iraq Government must understand that our commitment is not infinite, and that Americans are losing patience and the leadership to end the sectarian violence and move toward national reconciliation.

My visit further underscored the fact that there is not a military solution to the problem, and in the final analysis, it is our special and unparalleled opportunity to support the Iraq Government on true political reform and reconciliation. My firsthand experience reinforced that political will and diplomatic initiatives must form the core of our success, and that the time for political reconciliation as soon as possible so that all of America’s soldiers including those from Maine can return home to their families and loved ones.

None of us arrive at this question lightly. In my 28-year tenure in Congress, I have witnessed and participated in debates on such vital matters as Lebanon, Panama, the Persian Gulf, Somalia, Bosnia, and Kosovo. And indisputably, myriad, deeply-held beliefs and arguments were expressed on those pivotal matters, some in concert, some complementary, some in conflict. Yet, without question, all were rooted in mutual concern for, and love of, our great Nation. And there was, and should not be today, no question about our support for our brave and extraordinary troops.

It is therefore with the utmost respect for our troops that Senator EVAN BAYH and I today introduce a bill that our goal must be to bring about reconciliation as soon as possible so that all of America’s soldiers including those from Maine can return home to their families and loved ones.

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That is why, under the Snowe-Bayh measure, after 120 days, should the commander report that the Iraqi Government has not met the benchmarks, then the commander should plan for the phased redeployment of those combat troops sent to Iraq in support of the Baghdad Security Plan, period.

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Iraq Study Group Report, with the objective of successfully accomplishing this change in mission within 6 months of the date of his testimony before Congress. The commander must further indicate the number of troops needed to successfully complete the change in mission and the estimated duration of that mission. As General Petraeus stated in March:

“I have an obligation to the young men and women in uniform out here, that if I think it’s not going to happen, and there needs to be a change.”

My colleagues may recall that I opposed the surge because I did not, and still do not, believe that additional troops are a substitute for political will and capacity. General Petraeus said last month that a political resolution is crucial because that is what will determine in the long run the success of the effort to be represented at the local level of government. The fact is, America and the world require more than Iraq’s commitment to accomplishing the benchmarks that will lead to a true national reconciliation, we must see actual results. The Iraqis must find the will to ensure that it represents and protects the rights of every Iraqi.

After our 4-year commitment, Iraq’s Government should not doubt that we must see more than incremental steps toward political reconciliation, we require demonstrable changes. While limited progress has been made on necessary legislative initiatives such as the Hydrocarbon Law, it is in fact a shear of not just a surge measure that must pass to ensure that all Iraqis have a share and stake in their government. Chief among these are constitutional amendments which will permit Iraqis of all ethnicities and confessions to participate in the political process. And when we are hearing about incremental successes, I agree with Thomas Friedman who said recently in an interview, “there’s only one metric for the surge working, and that is whether we’re seeing a movement for Iraqis to share power, to stabilize the political situation in Iraq, which only they can do . . . telling me that the violence is down 10 percent or 8 percent here or 12 percent there, I don’t really think that’s the metric at all.”

To this day, the public looks to the United States Senate to temper the passions of politics and to bridge divides. And if ever there were a moment when we could use all of our resources to live up to the moniker of “world’s greatest deliberative body,” that moment is upon us.

If I had a son or daughter or other family member serving in Iraq, I would also stress this point: someone was speaking up to tell the Iraqi Government, and frankly our government as well, that at my family’s sacrifice must be matched by action and sacrifice on the part of the Iraqi Government. I want to know that the most profound of all issues was fully debated by those who are elected to provide leadership. For those of us who seek success in Iraq, and believe that a strategy predicated on political and diplomatic solutions, not merely increased troop levels, presents the strongest opportunity to reach that goal, let us coalesce around this bill, which will allow us to speak as one voice, strong, together, and united in service to a purpose we believe to be right.

B. Mr. KERRY (for himself, Mr. SMITH, Mr. KENNEDY, and Mr. DOMENICI).

S. 1337. A bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children’s Health Insurance Program; to the Committee on Finance.

Mr. KERRY. Mr. President, it is my great hope that Congress will move this year to see that the successful, bipartisan State Children’s Health Insurance Program is allowed the opportunity to fulfill its promise to the low-income children of this country. For 10 years it has provided, along with Medicaid, a type of meaningful and affordable health insurance coverage that should be ensured to each and every American. Yet there is much work to be done, and the reauthorization of S-CHIP gives us the opportunity to expand these successful programs to as many of the 9 million uninsured children in the country today, starting with the 6 million that are already eligible for public programs but not yet enrolled.

But we must keep in mind that while expanding coverage to the uninsured is our top priority, it is equally important to ensure that the types of benefits offered to our Nation’s children are quality services that are there for them when they need them. When it comes to mental health care, unfortunately is not the case today. Therefore, I am introducing today, along with Senators SMITH, KENNEDY, and DOMENICI, the Children’s Mental Health Parity Act which provides for equal coverage of mental health care for all children enrolled in the State Children’s Health Insurance Plan, SCHIP.

Mental illness is a critical problem for the young people of this country today. The numbers are startling: Mental disorders affect about one in five American children and up to 9 percent of kids experience serious emotional disturbances that severely impact their functioning. And low-income children, those the S-CHIP program is designed to cover, have the highest rates of mental health problems.

Yet the sad reality is that an estimated two-thirds of all young people struggling with mental health disorders do not receive the care they need. We are failing our children when it comes to the treatment of mental health disorders and the consequences could not be more severe. Without early and effective intervention, affected children are less likely to do well in school and more likely to have compromised employment and earnings opportunities. Moreover, untreated mental illness may also increase a child’s risk of coming into conflict with the juvenile justice system, and children with mental disorders are at a much higher risk for suicide.

Unfortunately, many States’ S-CHIP programs are not providing the type of mental health care coverage that our most vulnerable children deserve. Many States impose discriminatory limits on mental health care coverage that do not apply to medical and surgical care. These can include caps on coverage of inpatient days and outpatient visits, as well as cost-sharing restrictions that impair the ability of our physicians to make the best judgments for our kids.
The Children’s Mental Health Parity Act would prohibit discriminatory limitations on mental health care in SCHIP plans by directing that any financial requirements or treatment limitations that apply to mental health or substance abuse services must be no more restrictive than the financial requirements or treatment limitations that apply to other medical services. Your bill would also eliminate a harmful provision in current law that authorizes States to lower the amount of mental health and surgical coverage they provide to children in SCHIP down to 75 percent of the coverage provided in the benchmark plans listed in the statute as models for States to use in developing their SCHIP plans.

The mental health community is gathered in Washington today to mark National Children’s Mental Health Awareness Day and many of the leading advocacy groups have endorsed the Children’s Mental Health Parity Act, including Mental Health America, the American Academy of Child & Adolescent Psychiatry, the Bazelon Center for Mental Health Law, Fight Crime: Invest in Kids, The National Association for Children’s Behavioral Health, the National Association of Psychiatric Health Systems, and the National Council for Community Behavioral Health care.

America’s kids who are covered through SCHIP should be guaranteed that the mental health benefits they receive are comprehensive, as those for medical and surgical care. It is no less important to care for our kids’ mental health, and this unfair and unequal disparity should no longer be acceptable. As we debate many important features of the SCHIP program during reauthorization, I look forward to working with Members on both sides of the aisle to see that this important, bipartisan measure receives the support that it deserves.

I am in agreement with the text of the bill and letters of support be printed in the RECORD.

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

SEC. 2. PARITY FOR MENTAL HEALTH SERVICES IN SCHIP.

(a) Assurance of Parity.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4), the following:

(5) MENTAL HEALTH SERVICES PARITY.—

(A) In general.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance abuse benefits, such plan shall ensure that the financial requirements or treatment limitations applicable to such mental health or substance abuse benefits are no more restrictive than the financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

(B) Exception.—In the case of any State child health plan that includes coverage with respect to an individual described in section 1903(a)(4)(B) and covered under the State plan the financial requirements or treatment limitations described in section 1903(a)(4)(B) relating to early and periodic screening, diagnostic, and treatment services described in section 1907(a)(2)(B) and subsections (A) and (B) of section 1902(a)(4)(B), such plan shall be deemed to satisfy the requirements of subparagraph (A).

(6) CONFORMING AMENDMENTS.—Section 2103 of such Act (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “subsection (c)(5)” and inserting “(paragraph (5) and (6) of subsection (c)”;

(2) in subsection (b), by striking subparagraph (B) and redesignating subparagraphs (C) and (B) as subparagraphs (B) and (C), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.


Hon. Gordon H. Smith.
Russell Senate Office Building, Washington, DC.

Dear Senator Smith: On behalf of the National Council for Community Behavioral Healthcare, I am writing to congratulate you for the introduction of the Children’s Mental Health Parity Act, which will require a non-discriminatory mental health benefit in the State Children’s Health Insurance Program (SCHIP) Program. The National Council strongly supports your bill because it directly reflects the service needs of the 2 million children with mental and emotional disorders that our members serve every year.

The seminal document Mental Health: A Report of the Surgeon General estimates that approximately one in five children and adolescents experience the signs and symptoms of a mental health or emotional disorder. Furthermore, widespread conditions such as major clinical depression and anxiety disorders are prevalent in low-income populations of children who are more likely to be enrolled in the SCHIP Program. In many instances, these conditions manifest as physical complaints greatly complicating the clinical management of both medical/surgical conditions as well as mental disorders.

With many states limiting outpatient mental health benefits to 20 visits and inpatient hospital services to 30 days or less, young children struggling with mental health disorders will not receive mental health care they need. Indeed, these arbitrary limits make neither clinical nor fiscal sense. When children reach their SCHIP mental health policy limits, National Council members are often charged with qualifying these same kids for Medicaid coverage. During the Medicaid eligibility determination process, their clinical condition may deter dramatic leading to expensive placements in psychiatric hospitals or residential treatment facilities.

The Children’s Mental Health Parity Act ends this discriminatory treatment once and for all, while providing additional mental health benefits to the kids who need them. Indeed, these arbitrary limits make neither clinical nor fiscal sense. When children reach their SCHIP mental health policy limits, National Council members are often charged with qualifying these same kids for Medicaid coverage. During the Medicaid eligibility determination process, their clinical condition may deter dramatic leading to expensive placements in psychiatric hospitals or residential treatment facilities.

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For this important bill throughout the SCHIP reauthorization process.

Sincerely,

LINDA ROSENBERG, Executive Director.
The National Association for Children's Behavioral Health (NACBH) is a nonprofit trade association representing multi-service treatment and social service agencies. Members provide a full range of behavioral health and related services to children, youth, and families. Services provided by NACBH members include assessment, crisis intervention, residential treatment, group homes, family-based treatment homes, foster care, independent living, family services, alternative educational and vocational programs, in-home respite, outpatient counseling and a plethora of community outreach programs and resources. Providers serve clients from the most vulnerable segments of society, including youth, justice, welfare, and educational systems. Serving over 50,000 clients annually, NACBH members are firmly rooted in their local communities. They provide a link to the full array of services designed to restore the child and family to as normal, involved and functioning a life as possible.

NACBH's mission is to promote the availability and delivery of appropriate and relevant services to children and youth, with or at risk of, serious emotional or behavioral disturbances and their families. We thank you for your commitment to children and youth, with or at risk of emotional disturbances and look forward to working with you to pass this critically important bill.

JOY MIDMAN, Executive Director.
Mr. MENendez, Mr. BURR, Mrs. LINCOLN, Mr. GRAHAM, Mr. HARRkin, and Mr. CARDIN): S. 1338. A bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with my friend and colleague from Oregon, Senator Gordon Smith, to reintroduce the Access to Medicare Imaging Act. This legislation would place a 2-year moratorium on the imaging cuts enacted as part of the Deficit Reduction Act, DRA, of 2005, pending the outcome of a comprehensive Government Accountability Office, GAO, study on imaging utilization and payment within the Medicare Program.

Each year, millions of Medicare patients receive medical imaging services, including X-rays, MRIs, and PET scans, just to name a few. Imaging technologies are a critical component of early diagnosis and treatment for many life-threatening conditions, like cancer and heart disease. Medical imaging equipment allows providers to rapidly view images across the internet, facilitating greater and timelier physician consultation and improving the quality of care received by patients.

For individuals living in rural or medically underserved areas, such as many parts of West Virginia, imaging technology is particularly important. In West Virginia, access to imaging equipment is a very big deal. Without these technologies, many individuals would be denied much needed treatment and invaluable peace of mind. Sadly, provisions included as part of the DRA leave some of our most vulnerable citizens at risk by jeopardizing their access to these imaging services.

In addition, if you look for Advanced Imaging at West Virginia University. This state-of-the-art facility offers the rare integration of clinical imaging with medical research and development. Imaging services are provided for patients throughout the State of West Virginia and bordering rural regions in Ohio, Maryland, Kentucky, Virginia, and Pennsylvania. Because of imaging technology, trained medical staff at West Virginia University can take a digital image and, within minutes, send a precise copy to a major medical facility in Seattle, WA. There, it can be read by a specialist, who can then return a written report by email. A few years back this was still science fiction, but now it happens every hour, every day, across the country.

As incredible as these services may seem, and as important as they are to the practice of effective clinical medicine, there is a perception that imaging services also come with an increased cost. Over the past few years, the use of imaging services by Medicare beneficiaries has increased significantly. In fact, MedPAC reported in March 2005...
that imaging grew at twice the rate of all other physician fee schedule services between 1999 and 2003. During that time, MRI and CT procedures increased by 15 to 20 percent per year on their own.

In addition to rising costs, MedPAC further reinforced ongoing concerns about potential overuse of imaging services and the sudden increase of outpatient-based imaging in primary care settings. Citing a lack of training and implicit imaging guidelines, MedPAC called upon Congress to direct the Secretary of Health and Human Services to define and execute such standards.

Given the MedPAC report, imaging reimbursement became an easy budget target during the reconciliation debate in 2005. On January 1, 2007, as directed by the DRA, payments for medical imaging services delivered in a physician’s office or imaging center were capped at a rate not to exceed the rate paid to a hospital’s outpatient department. In some instances, this has resulted in a 30–50 percent reduction from previous Medicare imaging reimbursement rates and has created questions as to the long-term availability of these vital services for Medicare recipients.

I believe the $8 billion in imaging cuts were prematurely added to the Deficit Reduction Act in order to meet a budget target and were not based on sound public policy. These cuts represent almost a third of the total savings included in the Deficit Reduction Act, yet they were never debated by Congress. Physicians need imaging technology to ensure the best possible health outcomes for their patients, and they deserve to be fairly compensated for providing their patients access to this revolutionary technology.

That is why today along with Senators Smith, Kennedy, Collins, Murray, Isakson, Kohl, Coleman, Casey, Cornyn, Menendez, Burr, Lincoln, Graham and I declare a moratorium on the imaging cuts included in the DRA so that both the Government Accountability Office and Congress can better assess what payment or policy reforms are necessary to maximize the effectiveness of the imaging technology available to Medicare recipients. The insight garnered from a comprehensive GAO study will be invaluable to Congress. In the meantime, however, we cannot stand by and allow physicians to be muzzled and disabled to suffer so that we can meet an arbitrary budget target. I urge my colleagues to join with us in supporting this timely legislation.

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

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

Be it enacted by the Senate and House of Representives of the United States of America in Congress assembled,
The TEACH Act addresses four specific challenges head on:

- It increases the supply of outstanding teachers and provides incentives to attract them to high-need schools.
- It ensures all children have teachers with expertise in the subjects they teach.
- It improves teaching by identifying and rewarding the best teacher practices and by expanding professional development opportunities.
- It helps schools retain teachers and principals by providing the support they need to succeed.

Enrollment in public schools has reached an all-time high of 53 million students, and is expected to keep increasing over the next decade. To educate this expanding population, additional high quality teachers are urgently needed.

Many schools today face a crisis in recruiting and retaining highly-skilled teachers, particularly in the Nation’s poorest communities. We now have approximately 3 million public school teachers across the country. Mr. President, 2 million new teachers will be needed in the next 10 years to serve the growing student population. Yet we are not even retaining the teachers we have today. A third of all teachers leave during their first 3 years. Almost half leave during the first 5 years. Over 200,000 teachers leave the profession each year, 6 percent of the teaching workforce.

The shortage of highly qualified teachers is especially acute in the fields most essential to America’s future competitiveness, and particularly affects low-income students. A third of all math classes in high-poverty high schools are taught by teachers who don’t have a degree in math, compared to just 18 percent of such classes in low-poverty schools. Over half of all science classes in such schools are taught by teachers without a degree in their field, compared to just 22 percent of such classes in low-poverty schools.

Meanwhile, students in other nations are surpassing American students in math and science achievement.

Too often, teachers also lack the training and support needed to do well in the classroom. They are paid on average almost $8,000 a year less than in other fields, and the gap widens by $23,000 after 15 years of teaching. Mr. President, 37 percent of teachers cite low salaries as a main factor for leaving the classroom before retirement.

The TEACH Act will do more to recruit and retain highly qualified teachers, particularly in schools and subjects where they are needed most. The bill provides financial incentives to encourage talented individuals to pursue and remain in this essential profession, and it offers higher salaries, tax breaks, and greater loan forgiveness.

To attract motivated and talented individuals to teaching, the bill provides up-front tuition assistance, $4,000 a year, to high-performing undergraduate students who agree to commit to teach for 4 years in high-need areas and in subjects such as math, science, and special education. It also creates a competitive grant program for colleges and universities to recruit teachers into teaching in math, science, or foreign language.

The TEACH Act will also help deliver access to the best teachers for the neediest students to help them succeed, and will help keep these teachers where they are most needed. In high-poverty schools, teacher turnover is 33 percent higher than in other schools. Clearly, we must do a better job of attracting better teachers to the neediest classrooms and do more to reward their efforts, so that they stay in the classroom. To encourage expert teachers to teach where they are needed, the bill provides funding to school districts to reward teachers who transfer to schools with the greatest challenges, and provides incentives for teachers working in math, science, and special education.

The bill establishes a framework to develop and use the systems needed at the State and local levels to improve teaching. It recognizes exceptional teaching in the classroom. It encourages the development of data systems to provide teachers with additional information to improve classroom instruction. It also encourages the development of teacher advancement programs that recognize and reward different roles, responsibilities, knowledge, and positive results with competitive compensation initiatives.

Too often, teachers lack the training they need before reaching the classroom. On the job, they have few sources of support to meet the challenges they face in the classroom, and few opportunities for ongoing professional development to expand their skills. The bill responds to the needs of teachers in their early years in the classroom by creating new and innovative models that use proven strategies to support beginning teachers. New teachers will have access to mentoring, opportunities for cooperative planning with their peers, and a special transition year to ease into the pressures of entering the classroom. Veteran teachers will have an opportunity to improve their skills through peer mentoring and review. Other support includes professional development delivered through teaching centers to improve training and working conditions for teachers.

Since good leadership is also essential for schools, the bill provides important incentives and support for principals by improving recruitment and training for them as well.

This legislation was developed with input from a broad and diverse group of educational professionals and experts, including the Alliance for Excellent Education, the American Federation of Teachers, the Business Roundtable, the Center for American Progress Action Fund, the Children’s Defense Fund, the Education Trust, the National Commission on Teaching and America’s Future, the National Council on Teacher Quality, the National Council of La Raza, the National Education Association, New Leaders for New Schools, the New Teacher Prep Program, the Public Education, the Teacher Advancement Program Foundation, Teach for America and the Teaching Commission. I thank them all for their help and their work on behalf of our nation’s children.

The TEACH Act is good for America’s children; it’s good for America’s economy; and it’s good for America’s future. It is an essential part of our ongoing effort to ensure that “No Child Left Behind” becomes a reality and not just a slogan.

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. 1339

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 “Teacher Excellence for All Children Act of 2007”.

SECTION 2. TABLE OF CONTENTS. The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.

TITLE I—RECRUITING TALENTED NEW TEACHERS

Sec. 102. Expanding teacher loan forgiveness.

TITLE II—CLOSING THE TEACHER DISTRIBUTION GAP

Sec. 201. Grants to local educational agencies to provide premium pay to teachers in high-need schools.

TITLE III—IMPROVING TEACHER PREPARATION

Sec. 301. Amendment to the Elementary and Secondary Education Act of 1965.
Sec. 302. Amendment to the Higher Education Act of 1965.

TITLE IV—EQUIPPING TEACHERS, SCHOOLS, LOCAL EDUCATIONAL AGENCIES, AND STATES WITH THE 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS THEY NEED

Sec. 401. 21st Century Data, Tools, and Assessments.
Sec. 402. Collecting national data on distribution of teachers.

TITLE V—RETENTION: KEEPING OUR BEST TEACHERS IN THE CLASSROOM

Sec. 502. Exclusion from gross income of compensation of teachers and principals in certain high-need schools or teaching high-need subjects.
Sec. 503. Above-the-line deduction for certain expenses of elementary and secondary school teachers increased and made permanent.
TITLE VI—MISCELLANEOUS PROVISIONS
Sec. 601. Conforming amendments.

SEC. 601. Conforming amendments.

is amended by adding at the end the fol-

leying programs, and fewer still require in-

years.

degree in the subject they teach.

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in high-poverty schools.

percent of mathematics classes in high-poverty middle schools are assigned to teachers without even a minor in ma-

tematics or a related field.

Teacher turnover is a serious problem, particularly in urban and rural areas. Over one-third of new teachers leave the profession within their first 3 years of teaching, and 14 percent of new teachers leave the field within 5 years. Rates of teacher attrition rates are highest in high-poverty schools. Between 2000 and 2001, 1 out of 5 teachers in the Nation’s high-poverty schools report in another school or dropped out of teaching altogether.

Grades who are poor score dra-

matically lower on the National Assessment of Educational Progress (NAEP) than their counterparts who are not poor. Over 85 per-

cent of fourth graders who are poor failed to attain NAEP proficiency standards in 2003.

7. Almost one-third of teachers in high-poverty schools are assigned to teach in another school or dropped out of teaching altogether.

Research shows that individual teachers have a great impact on how well their stu-

ents learn. The most effective teachers have been shown to boost their pupils’ learning by a full grade level relative to stu-

tents taught by less effective teachers.

Although nearly half (42 percent) of all teachers hold a master’s degree, fewer than 1 in 4 students have a master’s de-

in the subject being taught. Rates of out-of-field teaching are especially high in high-poverty schools.

(4) Seventy percent of mathematics classes in high-poverty middle schools are assigned to teachers without even a minor in ma-

tematics or a related field.

(5) Teacher turnover is a serious problem, particularly in urban and rural areas. Over one-third of new teachers leave the profession within their first 3 years of teaching, and 14 percent of new teachers leave the field within 5 years. Rates of teacher attrition rates are highest in high-poverty schools. Between 2000 and 2001, 1 out of 5 teachers in the Nation’s high-poverty schools report in another school or dropped out of teaching altogether.

(6) Fourth graders who are poor score dra-

matically lower on the National Assessment of Educational Progress (NAEP) than their counterparts who are not poor. Over 85 per-
cent of fourth graders who are poor failed to attain NAEP proficiency standards in 2003.

(7) About one-third of teachers in high-poverty schools are assigned to teach in another school or dropped out of teaching altogether.

Research shows that individual teachers have a great impact on how well their stu-

ents learn. The most effective teachers have been shown to boost their pupils’ learning by a full grade level relative to stu-

tents taught by less effective teachers.

Although nearly half (42 percent) of all teachers hold a master’s degree, fewer than 1 in 4 students have a master’s de-

in the subject being taught. Rates of out-of-field teaching are especially high in high-poverty schools.

Title I—Rewarding Talented New Teachers

SEC. 101. AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965.

(a) TEACH Grants.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the fol-

lowing:

“PART C—TEACH GRANTS

SEC. 231. PURPOSES.

“The purposes of this part are—

(1) to improve student academic achieve-

2. To help recruit and prepare teachers to meet the national demand for a highly qualified teacher in every classroom; and

3. To increase opportunities for Americans from racial, ethnic, class, and ge-

ographic backgrounds to become highly qualified teachers.
"(ii) the applicant is or was a teacher who is receiving alternative certification under an alternative certification route, such as teach for America, to get certified.

(b) AGREEMENTS TO SERVE. Each application under this part shall contain an agreement, accompanied by an agreement by the applicant that—

(1) the applicant will—

(A) certify that he or she is a full-time teacher for a total of not less than 4 academic years within 8 years after completing the course of study for which the applicant received a TEACH Grant under this part;

(B) teach—

(i) in a school described in section 465(a)(2)(A); and

(ii) in the field of mathematics, science, a foreign language, bilingual education, or special education, or as a reading specialist, or as a teacher in special education, or, in the case of section 9101 of the Elementary and Secondary Education Act, or as a reading specialist, or in another field as determined by the Secretary, is using high-quality alternative certification

(2) in the event that the applicant is determined to have failed or refused to carry out her obligation, the sum of the amounts of such TEACH Grants shall be treated as a Direct Loan under part D of title IV, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary in regulations issued to carry out this part.

(c) REPAYMENT FOR FAILURE TO COMPLETE SERVICE. In the event that any recipient of a TEACH Grant fails or refuses to comply with the service obligation in the agreement under subsection (b), the sum of the amounts of such Grants provided to such recipient shall be treated as a Direct Loan under part D of title IV, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary in regulations issued to carry out this part.

(b) RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, OR LANGUAGE MAJORS. Title II of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

PART D—RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, OR LANGUAGE MAJORS

SEC. 241. PROGRAM AUTHORIZED.

"(a) GRANTS AUTHORIZED. From the amounts appropriated under section 242, the Secretary shall award competitive grants to educational institutions of higher education to improve the availability and recruitment of teachers from among students majoring in mathematics, science, a foreign language, bilingual education, or teaching the English language to English language learners, and making such grants, the Secretary shall give priority to those that focus on preparing teachers in subjects in which there is a shortage of highly qualified teachers and that prepare students to teach in high-need schools.

(b) ANY institution of higher education desiring to obtain a grant under this part shall submit to the Secretary an application at such time, in such form, and containing such information and assurances as the Secretary may require, which shall—

"(1) include reporting on baseline production of teachers with expertise in mathematics, science, a foreign language, teaching English language learners; and

(2) establish a goal and timeline for increasing the number of such teachers who are prepared by the institution.

(c) USE OF FUNDS. Funds made available by a grant under this part—

(1) shall be used to create new recruitment incentives to teaching for students of other majors, with emphasis on high-need subjects such as mathematics, science, foreign languages, and teaching the English language to English language learners;

(2) may be used to upgrade curricula in order to provide all students studying to become teachers with high-quality instruction on reading and teaching the English language to English language learners, and for modifying instruction to teach students with special needs;

(3) may be used to integrate school of education faculty with other arts and science faculty in mathematics, science, foreign languages, and teaching the English language to English language learners, through steps such as—

(A) dual appointments for faculty between schools of education and schools of arts and sciences;

(B) integrating coursework with clinical experience; and

(4) may be used to develop strategic plans between schools and local educational agencies to better prepare teachers for high-need schools, including the creation of professional development partnerships for training new teachers in state-of-the-art practice.

SEC. 242. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out part D, not more than $200,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years."

PART E—TEACHER EXCELLENCE FOR HIGH-NEED SCHOOLS

SEC. 102. EXPANDING TEACHER LOAN FORGIVENESS.

"(1) include reporting on baseline production of teachers with expertise in mathematics, science, a foreign language, teaching English language learners; and

(2) establish a goal and timeline for increasing the number of such teachers who are prepared by the institution.

(1) shall be used to create new recruitment incentives to teaching for students of other majors, with emphasis on high-need subjects such as mathematics, science, foreign languages, and teaching the English language to English language learners;

(2) may be used to upgrade curricula in order to provide all students studying to become teachers with high-quality instruction on reading and teaching the English language to English language learners, and for modifying instruction to teach students with special needs;

(3) may be used to integrate school of education faculty with other arts and science faculty in mathematics, science, foreign languages, and teaching the English language to English language learners, through steps such as—

(A) dual appointments for faculty between schools of education and schools of arts and sciences;

(B) integrating coursework with clinical experience; and

(4) may be used to develop strategic plans between schools and local educational agencies to better prepare teachers for high-need schools, including the creation of professional development partnerships for training new teachers in state-of-the-art practice.

SEC. 242. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out part D, not more than $200,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years."

C. PART A AUTHORIZATION. —Section 210 of the Higher Education Act of 1965 (20 U.S.C. 1030) is amended—

(1) by striking "$300,000,000 for fiscal year 1999" and inserting "$400,000,000 for fiscal year 2008"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

SEC. 102. EXPANDING TEACHER LOAN FORGIVENESS.

(a) INCREASED AMOUNT; APPLICABILITY OF EXPANDED PROGRAM TO READING SPECIAL EDUCACTIONS. Sections 428J(c)(3) and 460(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078-10(c)) are amended—

(1) by striking "$17,500" and inserting "$20,000";

(2) by striking "and" at the end of subpar

(a) (H)(2); and

(3) by striking the period at the end of subparagraph (B)(iii) and inserting "; and"

(4) by adding at the end the following:

"(C) an elementary school or secondary school teacher who primarily teaches reading and who—

(i) has obtained a separate reading instruction credential from the State in which the teacher is employed; and

(ii) is certified by the chief administrative officer of the public or nonprofit private elementary school or secondary school in which the borrower is employed to teach reading,

(1) as being proficient in teaching the essential components of reading instruction, as defined in elementary and secondary Education Act of 1965; and

(2) as having such credential,;

(b) ANNUAL INCREASES INSTEAD OF END OF SERVICE REQUIREMENTS.

(1) FFEL LOANS. —Section 428J(c)(3) and 460(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078-10(c)) is amended by adding at the end the following:

(4) ANNUAL INCREASES. —Notwithstanding paragraph (1), in the case of an individual qualifying for loan forgiveness under paragraph (3), the Secretary shall, in lieu of waiting to assume an obligation only upon completion of 5 complete years of service, assume the obligation to repay—

(A) after each of the first and second years of service by an individual in a position qualifying under paragraph (3), 15 percent of the total amount of principal and interest of the loans described in paragraph (1) to such individual that are outstanding immediately preceding such first year of service;

(B) after each of the third and fourth years of service, 20 percent of such total amount; and

(C) after the fifth year of such service, 30 percent of such total amount.

TITILE II—CLOSING THE TEACHER DISTRIBUTION GAP

SEC. 201. GRANTS TO LOCAL EDUCATIONAL AGENCIES TO PROVIDE PREMIUM PAY TO TEACHERS IN HIGH-NEED SCHOOLS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

PART E—TEACHER EXCELLENCE FOR HIGH-NEED SCHOOLS

SEC. 2500. DEFINITIONS. —In this part:

"(1) The term ‘high-need local educational agency’ means a local educational agency—

(A) that serves fewer than 14,000 children from families with incomes below the poverty line, or for which less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

(B) that is having or expected to have difficulty filling teacher vacancies or hiring new teachers who are highly qualified.

(2) The term ‘value-added longitudinal data system’ means a longitudinal data system for determining value-added student achievement gains.

(3) The term ‘value-added student achievement gains determined by means of a system that—

(A) is sufficiently sophisticated and valid;

(1) to deal with the problem of students with incomplete records;

(2) to enable estimates to be precise and to use the data for multiple years, regardless of sparseness, in order to avoid measurement error in test scores.
(such as by using multivariate, longitudinal analyses); and

"(iii) to protect against inappropriate testing practices or improprieties in test administration;"

"(B) includes a way to acknowledge the existence of influences on student growth, such as pull-out programs for support beyond the standards of any other test of instruction, so that affected teachers do not receive an unfair advantage; and"

"(C) has the capacity to assign various proportions of growth to multiple teachers when the classroom reality, such as teaching and departmentalized instruction, makes such type of instruction an issue.

"Subpart 1—Distribution"

"SEC. 2501. PREMIUM PAY; LOAN REPAYMENT."

"(a) GRANTS.—The Secretary shall make grants to local educational agencies to provide high-quality, highly qualified principals and exemplary, highly qualified teachers with at least 3 years of experience, including teachers certified by the National Board for Professional Teaching Standards, if the principal or teacher agrees to serve full-time for a period of 4 consecutive school years at a public high-need elementary school or a public high-need secondary school.

"(b) USE OF FUNDS.—A local educational agency that receives a grant under this section may use funds made available through the grant—"

"(1) to provide to exemplary, highly qualified principals up to $15,000 as an annual bonus for each of 4 consecutive school years if the principal commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school;

"(2) to provide to exemplary, highly qualified teachers—"

"(A) up to $10,000 as an annual bonus for each of 4 consecutive school years if the teacher commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school; or

"(B) up to $12,500 as an annual bonus for each of 4 consecutive school years if the teacher commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school in which not less than 65 percent of the children are from low-income families, based on the number of children eligible for free or reduced-priced lunches under the Richard B. Russell National School Lunch Act, or in which not less than 65 percent of the children enrolled are from such families;

"(3) conducted by multiple sources, including strong learning gains for students in performance-based assessments.

"(4) The term "highly qualified principal" means a principal who—"

"(A) demonstrates a belief that every student can achieve at high levels;

"(B) demonstrates a capacity to drive substantial gains in academic achievement for all students while closing the achievement gap for those farthest from meeting standards; and

"(C) uses data to drive instructional improvement;

"(d) provides ongoing support and development for teachers; and

"(E) builds a positive school community, treating every student with respect and reinforcing high expectations for all.

"(5) The term "exemplary, highly qualified teacher" means a highly qualified teacher who is rated as exemplary pursuant to a system described in subsection (e).

"(6) Nothing in this section shall directly or indirectly modify or interfere with any test accommodations as part of a state-of-the-art teacher induction program under section 2511; and

"(b) DISTRIBUTION.—To carry out this section, there are authorized to be appropriated $12,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"SEC. 2502. CAREER LADDERS FOR TEACHERS CHALLENGE PROGRAM."

"(a) GRANTS.—The Secretary may make grants to local educational agencies to establish and implement a Career Ladders for Teachers Program in which the agency—"

"(1) augments the salary of teachers in high-need elementary schools and high-need secondary schools to correspond to the increased responsibilities and roles assumed by the teachers as they take on new professional roles (such as serving on school leadership teams, serving as instructional coaches, and serving in hybrid roles), including—"

"(A) providing not more than $10,000 as an annual augmentation to master teachers (including teachers serving as part of a state-of-the-art teacher induction program under section 2511); and

"(B) providing not more than $5,000 as an annual augmentation to mentor teachers (including teachers serving as mentor teachers as part of a state-of-the-art teacher induction program under section 2511); and

"(2) by providing not more than $1,000 as an annual bonus to all career teachers, master teachers, and mentor teachers in high-need elementary schools and high-need secondary schools in such families—"

"(A) at least 3 classroom evaluations over the course of the year that shall—"

"(i) be conducted by multiple evaluators, including career teachers, master teachers, and mentor teachers in high-need elementary schools and high-need secondary schools in such families; and

"(ii) be based on classroom observation at least 3 times annually; and
‘(iii) be evaluated against research-validated benchmarks that use planning, instructional, and learning environment standards to measure teacher performance; and

‘(B) has the ratio of the teacher’s students as determined by—

‘(i) student growth on any test that is required by the State educational agency or local educational agency and is administered to the teacher’s students; or

‘(ii) in States or local educational agencies with value-added longitudinal data systems, the whole-school value-added student achievement gains and classroom-level value-added student achievement gains; or

‘(3) provides not more than $4,000 as an annual bonus to principals in elementary schools and secondary schools based on the performance of the school’s students, taking into consideration whole-school value-added student achievement gains in States that have value-added longitudinal data systems and in which information on whole-school value-added student achievement gains is available.

‘(b) Eligibility Requirement.—A local educational agency may not use any funds under this section to establish or implement a Career Ladders for Teachers Program unless—

‘(1) the percentage of teachers required by prevailing union rules votes affirmatively to adopt the program;

‘(2) in States that do not recognize collective bargaining as a valid mechanism for resolving differences between employers and employees, the percentage of teachers as mentors.

‘(3) The term ‘mentor teacher’ means a teacher who—

‘(A) has a baccalaureate degree and full credentials or alternative certification including a passing level on elementary or secondary subject area assessments and professional knowledge assessments;

‘(B) has a portfolio and a classroom demonstration showing instructional excellence;

‘(C) has demonstrated expertise in content, curriculum development, student learning, test analysis, mentoring, and professional development, as demonstrated by an advanced degree, advanced training, work experience, or National Board for Professional Teaching Standards certification;

‘(D) presents student data that illustrates the teacher’s ability to increase student achievement through utilizing specific instructional interventions;

‘(E) has demonstrated expertise demonstrated through model teaching, team teaching, video presentations, student achievement gains, or National Board for Professional Teaching Standards certification;

‘(F) may hold a valid National Board for Professional Teaching Standards certificate, may have passed another rigorous standard, or may have been selected as a school, district, or State teacher of the year; and

‘(G) is currently participating, or has previously participated, in a professional development program that supports classroom teachers as mentors.

‘(4) The term ‘high-level’, with respect to an elementary school or a secondary school, has the meaning given to that term in section 2501.

‘(d) Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated $200,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

‘SEC. 301. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

‘Title III of the Elementary and Secondary Education Act of 1965, as added by title II of this Act, is amended by adding at the end the following:

‘Subpart 2—Preparation

‘SEC. 311. ESTABLISHING STATE-OF-THE-ART TEACHER INDUCTION PROGRAMS.

‘Part E of title II of the Elementary and Secondary Education Act of 1965, as added by title II of this Act, is amended by adding at the end the following:

‘(a) Grants.—The Secretary shall make grants to States and eligible local educational agencies for the purpose of developing state-of-the-art teacher induction programs.

‘(b) Eligible Local Educational Agencies.—In this section, the term ‘eligible local educational agency’ means—

‘(1) a high-need local educational agency; or

‘(2) a partnership between a high-need local educational agency and an institution of higher education, a teacher organization, or any other nonprofit education organization.

‘(c) Use of Funds.—A State or an eligible local educational agency that receives a grant under this subsection shall use the funds made available through the grant to establish and implement a state-of-the-art teacher induction program.

‘(d) Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated $200,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

‘SEC. 2512. PEER MENTORING AND REVIEW PROGRAMS.

‘(a) Grants.—The Secretary shall make grants to local educational agencies for peer mentoring and review programs.

‘(b) Use of Funds.—A local educational agency that receives a grant under this section shall use the funds made available through the grant to establish and implement peer mentoring and review programs.

‘(c) Application.—To seek a grant under this section, a local educational agency shall submit an application at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall require each such application to include the following:

‘(1) A data from the applicant on recruitment and retention prior to implementing the induction program.

‘(2) Measurable goals for increasing retention after the induction program is implemented.

‘(3) Measures that will be used to determine whether teacher effectiveness is improved through participation in the induction program.

‘(4) A plan for evaluating and reporting progress toward meeting the applicant’s goals.

‘(d) Progress Reports.—The Secretary shall require each grantee to submit progress reports on an annual basis.

‘(e) Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

‘SEC. 2513. ESTABLISHING STATE-OF-THE-ART PRINCIPAL TRAINING AND INDUCTION PROGRAMS.

‘(a) Grants.—The Secretary may make grants to not more than 10 States to develop, implement, and evaluate pilot programs for
performance-based certification and training of exemplary, highly qualified principals who can drive gains in academic achievement for all children.

"(b) PROGRAM REQUIREMENTS.—A pilot program developed under this section—

"(1) shall pilot the development, implementation, and operation of a statewide performance-based certification system for certification of principals;

"(2) shall pilot and demonstrate the effectiveness of statewide performance-based certification through support for innovative performance-based programs on a smaller scale;

"(3) shall provide for certification of principals by institutions with strong track records, such as a local educational agency, nonprofit organization, or business school, that is approved by the State for purposes of such certification and has formalized partnerships with in-State local educational agencies;

"(4) may be used to develop, sustain, and expand model programs for recruiting and training aspiring and new principals in both instructional leadership and general management skills;

"(5) shall include evaluation of the results of the pilot program and other In-State programs of preparation (which evaluation may include value-added assessment scores of all children in a school and should emphasize the correlation of academic achievement gains in schools led by participating principals and the characteristics and skills demonstrated by those individuals when applying to and participating in the program) to inform the design of certification of individuals to become school leaders in the State; and

"(6) shall make possible interim certification for up to 2 years for aspiring principals participating in the pilot program who—

"(A) have not yet attained full certification; or

"(B) are serving as assistant principals or principal residents, or in positions of similar responsibility; and

"(C) have met clearly defined criteria for entry into the program that are approved by the applicable local educational agency.

"(c) Collecting grant recipients under this section, the Secretary shall give priority to States that will use the grants for 1 or more high-need local educational agencies or schools.

"(d) TERMS OF GRANT.—A grant under this section—

"(1) shall be for not more than 5 years; and

"(2) shall be performance-based, permitting the Secretary to discontinue funding based on failure of the State to meet the benchmarks identified by the State.

"(e) USE OF EVALUATION RESULTS.—A State receiving a grant under this section shall use the evaluation results of the pilot program conducted pursuant to the grant and similar evaluations of other In-State programs of principal preparation (especially the correlation of the improvement gained in schools led by participating principals and the characteristics and skills demonstrated by those individuals when applying to and participating in the pilot program) to inform the design of the certification of individuals to become school leaders in the State.

"(f) DEFINITIONS.—For the purposes of this section—

"(1) The term ‘exemplary, highly qualified principal’ has the meaning given to that term in section 1052.

"(2) The term ‘performance-based certification system’ means a certification system that—

"(A) is based on a clearly defined set of standards for skills and knowledge needed by new principals; and

"(B) is not based on the numbers of hours enrolled in particular courses; and

"(C) certifies participating individuals to become school leaders primarily based on—

"(i) the demonstration of those skills through a formal assessment aligned to these standards; and

"(ii) academic achievement results in a school leader, residency, or assistant principalship; and

"(D) awards certification to individuals who successfully complete programs at institutions that are local educational agencies, nonprofit organizations, and business schools approved by the State for purposes of such certification and have formalized partnerships with In-State local educational agencies.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"SEC. 2514. STUDY ON DEVELOPING A PORTABLE PERFORMANCE-BASED TEACHER ASSESSMENT.

"(a) STUDY.—

"(1) IN GENERAL.—The Secretary shall enter into an arrangement with an objective evaluation firm to conduct a study to assess the validity of any test used for teacher certification or licensure by multiple States, taking into account advancements adopted by multiple States. The study shall determine the following:

"(A) The extent to which tests of content knowledge represent subject mastery at the baccalaureate level;

"(B) Whether tests of pedagogy reflect the latest research on teaching and learning;

"(C) The extent to which tests of pedagogy reflect the latest research on teaching and learning; and

"(D) Whether tests of pedagogy reflect the latest research on teaching and learning.

"(2) REPORT.—The Secretary shall submit a report to the Congress on the results of the study conducted under this subsection.

"(b) GRANT TO CREATE A MODEL PERFORMANCE-BASED ASSESSMENT.—

"(1) GRANT.—The Secretary may make 1 grant to an eligible partnership to create a model performance-based assessment of teaching skills that reliably evaluates teaching skills in practice and can be used to facilitate the portable credentialing and licensing from one State to another.

"(2) CONSIDERATION OF STUDY.—In creating a model performance-based assessment of teaching skills, the recipient of a grant under this section shall take into consideration the results of the study conducted under subsection (a).

"(c) ELIGIBLE PARTNERSHIP.—In this section, the term ‘eligible partnership’ means a partnership of—

"(A) an independent professional organization; and

"(B) an organization that represents administrators of State educational agencies.

"SEC. 302. AMENDMENT TO THE HIGHER EDUCATION OPPORTUNITIES ACT OF 1998.

"(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

"(1) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS:—Increasing the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6026).

"(2) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students, which may be measured through the use of value-added assessments, as defined by the eligible State.

"(3) Raising Standards.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher.

"(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the number of qualified individuals being certified or licensed as teachers through alternative routes to certification and licensure.

"(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

"(b) INTELLIGENT INVESTMENTS FOR RESEARCH-BASED PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that improves the effective knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

"(5) promotes strong teaching skills.

"(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

"(8) The Secretary shall conduct a study to examine whether teacher preparation programs prepare teachers to effectively use technology to improve student academic achievement.

"(c) REVOCATION OF GRANTS.—

"(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202(a) shall establish, and include in the application submitted under section 202(b), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

"(1) increased student achievement for all students, as measured by the partnership;

"(2) increased teacher retention in the first 3 years of a teacher’s career; and

"(3) increased success in the pass rate for initial State certification or licensure of teachers.

"(2) Increased percentage of highly qualified teachers; and

"(3) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of improving student academic achievement.

"(c) REVOCATION.—

"(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202(a) shall annually report on the purposes of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

"(2) REVOCATION.—

"(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of
a grant under this part, then the grant pay-
ment shall not be made for the third year of
the grant.

(2) ELIGIBLE PARTNERSHIPS.—If the Sec-
retary determines that an eligible partnership
is not making substantial progress in
meeting the purposes, goals, objectives, and
measures, as appropriate, by the end of the
third year of the grant under this part, the
grant payments shall not be made for any
successing year of the grant.

(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities fund-
ed under this part and report annually the Sec-
retary’s findings regarding the activities to
the Health, Education, Labor, and Pensions of the Senate and the
Committee on Education and the Workforce of the House of Represent-
vatives. The Secretary shall broadly disseminate successful practices developed by eligible States and el-
igible partnerships under this part, and shall
broadly disseminate information regarding
such practices that were found to be inef-
sive.

SEC. 207. ACCOUNTABILITY FOR PROGRAMS
THAT PREPARE TEACHERS.

(1) STATE REPORT CARD ON THE QUALITY
OF TEACHER AND PRINCIPAL PREPARATION.—
Each State that receives funds under this Act shall be responsible for prepar-
ing, in a uniform and comprehensive manner that con-
forms with the definitions and meth-
ods established by the Secretary, a State re-
port on the extent to which teacher prepar-
ation in the State, both for traditional certifi-
cation or licensure and for alternative cer-

certification or licensure programs and for alter-

native certification or licensure programs, which shall include at least the following:

(A) A description of the teacher and prin-
cipal certification and licensure assess-
ments, and any rating and accreditation and licen-
sure requirements, used by the State.

(B) The standards and criteria that pro-
spective teachers and principals must meet in order to qualify for traditional certifi-
c
certification or licensure and to be cer-
tified or licensed to teach particular subjects
or in particular grades within the State.

(C) The extent of the data, with respect to which the assessments and requirements de-
scribed in paragraph (1) are aligned with the
State’s standards and assessments for stu-
dents.

(D) The percentage of students who have completed the clinical coursework for a
teacher preparation program at an institu-
tion of higher education or alternative certi-
fication program and who have taken and

d passed each of the assessments used by the
State for teacher certification and licensure,
and to provide on each assessment that

determines whether a candidate has

d passed that assessment.

(E) For students who have completed the clinical coursework for a teacher prepar-

ation program at an institution of higher edu-
cation or alternative certification program,
and who have taken and passed each of the
assessments used by the State for teacher certifi-
cation and licensure, each such institu-
tion’s and each such program’s average raw score, ranked by teacher preparation
program, which shall be made available
widely and publicly.

(F) A description of each State’s alter-

native route to teacher certification, if any, and the number of students who
have

certified through each alternative certifi-
cation route who pass State teacher certifi-
cation or licensure assessments.

(G) A description of proposed criteria for assessing the performance of teacher and principal preparation

programs in the State, including indicators of
teachers’ ability to pass state certification and

retention rates (to the extent feasible), and academic content knowledge and
evidence of gains in student academic

achievement.

(8) For each teacher preparation program in the State, the number of students in the

program who pass the program’s assessments, the number of full-
time equivalent faculty, and students in supervised practice teaching.

(9) For the State as a whole, and for each

teacher preparation program in the State, the number of hours of
supervised practice teaching required for

those in the program, and the number of full-
time equivalent faculty, and students in supervised practice teaching.

(b) REPORT OF THE SECRETARY.—The Secretary shall pro-

vide to Congress, and make available to

the public, a report on the extent to which teacher preparation pro-

grams are helping to address shortages of
certified teachers, by level, subject, and spe-
cialty, in the State, especially in poor urban and rural areas as

required by section 206(a)(5).

(c) REPORT TO CONGRESS.—The Secretary shall report to Congress—

(A) a comparison of States’ efforts to im-
prove teaching quality; and

(B) a description of programs that en-
roll students receiving Federal assistance, low-performing programs of teach-

er preparation programs, a statement of whether the

institutions’ programs are helping to address shortages of
certified teachers, by level, subject, and specialty, in the State, especially in poor urban and rural areas as

required by section 206(a)(5).

(d) PROGRAM INFORMATION.—In order to re-

cognize the Federal assistance under this Act shall report annually to the

Secretary an annual list of such low-performing

programs of teacher preparation programs, a statement of whether the

institutions’ programs are helping to address shortages of
certified teachers, by level, subject, and specialty, in the State, especially in poor urban and rural areas as

required by section 206(a)(5).

(e) DATA QUALITY.—Either—

(1) the Governor of the State; or

(2) in the case of a State for which the

constitution or law of such State designates

another individual, entity, or agency in the

State to be responsible for teacher certifi-
cation or licensure activity, such indi-

cidual, entity, or agency;

shall attest annually, in writing, to the

reliability, validity, integrity, and accuracy of the data submitted pursuant to this sec-

tion.

SEC. 208. STATE FUNCTIONS.

(1) STATE ASSESSMENT.—In order to re-
cognize the Federal assistance under this Act shall have in place a procedure to identify and as-

sist, through the provision of technical as-

sistance, low-performing programs of teach-

er preparation programs for which the institution is located, but only for those students who took those as-

sessments within 3 years of receiving a de-

gree from the institution or completing the program.

(2) PROGRAMS.—(a) Program requirements. The Secretary

shall assess the clinical coursework for a teacher prepara-

tion program taking any single initial teach-
er certification or licensure assessment dur-
ing an academic year, the institution shall

collect and publish information with respect to an average pass rate on State certifi-
cation or licensure assessments taken over a

3-year period.

(b) PROGRAM INFORMATION.—The number of students in the program, the average num-
ber of hours of supervised practice teaching required for those students, the number of full-
time equivalent faculty and students in supervised practice teaching.

(c) STATEMENT.—In States that require approval or accreditation of teacher edu-
cation programs, a statement of whether the

institutions’ program is approved or ac-
ccredited, and by whom.

(d) DESIGNATION AS LOW-PERFORMING.—

Whether the program has been designated as low-performing by the Secretary under section 206(c).

(e) REQUIREMENT.—The information de-
scribed in paragraph (1) shall be reported through publications such as school catalogs and

promotional materials sent to potential students, secondary school guidance coun-
selors, and prospective employers of the in-
stitutions’ programs, including materials

sent by electronic means.

(f) FINE.—In addition to the actions au-

thorized in section 387(c), the Secretary may impose a fine not to exceed $25,000, on an in-

stitution of higher education for failure to provide the information referred to in this subsection in a timely or accurate manner.

(g) DATA QUALITY.—Either—

(1) in the case of a State for which the

constitution or law of such State designates

another individual, entity, or agency in the

State to be responsible for teacher certifi-
cation or licensure activity, such indi-
cidual, entity, or agency;

shall attest annually, in writing, to the

reliability, validity, integrity, and accuracy of the data submitted pursuant to this sec-

tion.

SEC. 208. STATE FUNCTIONS.

(1) STATE ASSESSMENT.—In order to re-

SEC. 303. ENFORCING NCLB’s TEACHER EQUITY PROVISION.

Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

“SEC. 9537. ASSURANCE OF REASONABLE PROGRESS TOWARD EQUITABLE AC- COUNTING QUALITY.

“(a) IN GENERAL.—The Secretary may not provide any assistance to a State under this Act unless, in the State’s application for such assistance, the State:

“(1) provides the plan required by section 1111(b)(8)(C) and at least one public report pursuant to that section;

“(2) clearly articulates the measures the State is using to determine whether poor and minority students are being taught disproportionately by inexperienced, unqualified, or other teachers;

“(3) includes an evaluation of the success of the State’s plan required by section 1111(b)(8)(C) in addressing any such disparities;

“(4) with respect to any such disparities, proposes modifications to such plan; and

“(5) includes a description of the State’s activities to monitor the compliance of local educational agencies in the State with section 1112(c)(1)(L).

“(b) EFFECTIVE DATE.—This section applies with respect to any assistance under this Act for which an application is submitted after the date of the enactment of this section.

TITLE IV—EQUIPPING TEACHERS, SCHOOLS, AND LOCAL EDUCATIONAL AGENCIES, AND STATES WITH THE 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS THEY NEED

SEC. 401. 21ST CENTURY DATA, TOOLS, AND ASSESS- MENTS.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II, III, and IV of this Act, is amended by adding at the end the following:

“Subpart 3—21st Century Data, Tools, and Assessments

“SEC. 2521. DEVELOPING VALUE-ADDED DATA SYSTEMS.

“(a) TEACHER AND PRINCIPAL EVALUATION.—

“(1) GRANTS.—The Secretary shall make grants to States to develop and implement statewide systems to collect and analyze data on the effectiveness of elementary school and secondary school teachers and principals, based on value-added student achievement gains, for the purposes of—

“(A) determining the distribution of effective teachers and principals in schools across the State;

“(B) developing measures for helping teachers and principals to improve their instruction; and

“(C) evaluating the effectiveness of teacher and principal preparation programs.

“(2) DATA REQUIREMENTS.—At a minimum, a statewide data system under this section shall—

“(A) track student course-taking patterns and teacher characteristics, such as certification status and performance on licensure exams; and

“(B) allow for the analysis of gains in achievement made by individual students over time, including gains demonstrated through student academic assessments under section 1111 and tests required by the State for course completion.

“(3) STANDARDS.—The Secretary shall de- velop standards for the collection of data with grant funds under this section to ensure that such data are statistically valid and re- liable.

“(4) APPLICATION.—To seek a grant under this section, a State shall submit an application at such time, in such manner, and contain- ing such information as the Secretary may require. The State shall demonstrate to the Secretary’s satisfaction that the assessments used by the State to collect and analyze data for pur- poses of this application—

“(A) are aligned to State standards;

“(B) have the capacity to assess the highest- and lowest-performing students; and

“(C) are statistically valid and reliable.

“(b) TEACHER TRAINING.—The Secretary may make grants to institutions of higher education, museums, non- profit organizations, and teacher organiza- tions to develop and implement innovative programs to provide preservice and in-service training to elementary and secondary schools on—

“(1) understanding increasingly sophisticated student achievement data, especially data derived from value-added longitudinal data systems; and

“(2) using such data to improve classroom instruction.

“(c) STUDY.—The Secretary shall enter into an agreement with the National Academy of Sciences—

“(1) to evaluate the quality of data on the effectiveness of elementary school and sec- ondary school teachers, based on value-added student achievement gains; and

“(2) to compare teacher models of data collection and analyzing such data.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“arate out this section, there are author- ized to be appropriated $200,000,000 for the pe- riod of fiscal years 2008 and 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“SEC. 402. COLLECTING NATIONAL DATA ON DIS- TRIBUTION OF TEACHERS.

Section 155 of the Education Sciences Re- form Act of 2002 (20 U.S.C. 9545) is amended by adding at the end the following:

“(d) SCHOOLS AND SURVEY.—Not later than the end of fiscal year 2008, and every 3 years thereafter, the Statistics Com- missioner shall publish the results of the Schools and Surveying (or any suc- cessor survey).

TITLE V—RETENTION: KEEPING OUR BEST TEACHERS IN THE CLASSROOM

SEC. 501. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II, III, and IV of this Act, is amended by adding at the end the following:

“Subpart 4—Retention and Working Conditions

“SEC. 2531. IMPROVING PROFESSIONAL DEVELOP- MENT AND OPERATIONS.

“(a) GRANTS.—The Secretary may make grants to eligible entities for the establish-
center. Such representatives shall be selected through the teacher organization, or if there is no teacher organization, by the teachers directly.

**SECTION 139A—**T h e f o l l o w i n g n e w s e c t i o n :

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**SUBPART 1—**DISTRIBUTION

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Sec. 2001. Premium pay; loan repayment.
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**SUBPART 2—**PREPARATION

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**SUBPART 3—**TEACHER EXCELLENCE FOR ALL

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**SUBPART 4—**TEACHER EXCELLENCE FOR ALL

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Sec. 2012. Peer mentoring and review programs.
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**SUBPART 5—**TEACHER EXCELLENCE FOR ALL

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**SUBPART 6—**TEACHER EXCELLENCE FOR ALL

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Mr. ROCKEFELLER submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

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S. Res. 191
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Whereas approximately half of households in the United States subscribe to high-speed data service over current-generation broadband networks, and the number of households subscribing to high-speed data service is growing by more than 20 percent annually;

Whereas households in the United States have used these networks to access the Internet and via direct connections an increasingly broad array of critical information, services, and applications;

Whereas, because new information, services, and applications households in the United States access through these networks serve important policy priorities of the United States, such as improving health care and education, enhancing access to domestic and international markets, and reducing energy consumption and greenhouse gases;

Whereas next-generation broadband networks, with their limited bandwidth capabilities, are proving insufficient to meet the electronic access needs of households in the United States;

Whereas next-generation broadband networks, with transmission speeds of 100 mega-bits per second, bidirectionally, have the capabilities to provide access to important bandwidth-intensive information, services, and applications being developed and can readily increase these capabilities for future developments;

Whereas recognizing that next-generation broadband networks are essential to the achievement of social objectives, economic competitiveness, and global leadership, other countries have adopted objectives and strategies to deploy next-generation broadband networks and are already accelerating the construction of such critical infrastructure to households;

Whereas next-generation broadband networks in the United States pass through...