AMENDMENT NO. 1059

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 No. 1059 intended to be proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

STATEMENTS 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 the use of earnings and proceeds thereof; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, today, with my colleague from Idaho, Senator CRAIG, I rise to introduce a bill to amend the Idaho Admissions Act of July 3, 1890 to permit Idaho to administer Morrill Act lands and the proceeds there from in accordance with contemporary investment standards.

The State of Idaho has been working to update its management of endowed assets received as part statehood from the Federal Government to ensure the maximum long-term financial return to the beneficiaries. Key to endowment reform is the implementation of contemporary investment principles that require asset diversification to reduce the risk of loss and that permit a trustee to deduct reasonable costs of administration of the assets normally incurred by a prudent fiduciary. Of the Federal grants to Idaho as part of statehood, only the Morrill Act limits investments in bonds of the United States or Idaho and precludes deducting reasonable administrative expenses incurred by the trustee. This bill would allow the State of Idaho to administer the Morrill Act assets under the same fiduciary standards now applicable to all of Idaho's other federally granted endowments.

Additionally, a broad group of state, Federal, and private interests, including the University of Idaho College of Agricultural and Life Sciences, the State of Idaho, United Dairymen of Idaho and Allied Industry, College of Southern Idaho, the Idaho Cattle Association, Idaho Wool Growers, the Idaho National Laboratory, and Federal agencies have joined together in developing plans for the Idaho Center for Livestock and Environmental Studies to serve as a premier center for research and education in dairy and beef science. The important mission of the center is ''To enhance the quality of life for the citizens of Idaho, the Pacific Northwest, and the Nation by furthering the educational and scientific mission of the University of Idaho and its public/private partners, by providing a state-of-the-art animal research facility capable of large-scale research that provides sound scientific results and educational opportunities intended to: protect our air, land and water, improve the welfare and productivity of our livestock, encourage the efficient use of energy and capital, and enhance workforce and economic development.''

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 continue to carryout the 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 in the same fashion as 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 endowed 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 benefit and other policy issues that are a priority to the national veteran service organizations and millions of their members all 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 that presents policy and 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 2003 the VA announced that it would 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 can make as 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 both 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 loses. 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 1997 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 this amount automatically each year using an average retail car cost index established by the Secretary.

This is not the only example of a veterans' 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 from $300 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, polytrauma care, caring for homeless veterans, and eliminating the waiting lines and claims backlogs at the VA. As a parent of a fallen soldier told our Committee, these veterans have survived the war, now ''[w]e've got to help them survive the peace.''

We have much work to do in the Veterans Affairs Committee and 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:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH CARE MATTERS

Sec. 101. Enrollment of category 8 veterans in patient enrollment system.
Sec. 102. Health care for veterans who are catastrophically disabled.
Sec. 103. Repeal prior care requirement for eligibility for reimbursement for emergency treatment.
Sec. 104. Pilot program on lung cancer screening for veterans.

TITLE II—COMPENSATION AND PENSION MATTERS

Sec. 201. Repeal of prohibition on concurrent receipt of compensation or pension and retired or retirement pay.
Sec. 202. Increase in certain rates of disability compensation.
Sec. 203. Provisions relating to service-connected hearing loss.
Sec. 204. Repeal of requirement of reduction of SBP survivor annuities by dependency and indemnity compensation.
Sec. 205. Increase in rate of dependency and indemnity compensation for surviving spouses of members of the Armed Forces who die on active duty.
Sec. 206. Reestablishment of age 55 as age of remarrying for retention of certain veterans survivor benefits for surviving spouses.
Sec. 207. Commencement of period of payment of compensation for temporary total service-connected disability attributable to hospitalization or treatment.
Sec. 208. Comptroller General report on adequacy of dependency and indemnity compensation to maintain survivors of veterans who die from service-connected disabilities.

TITLE III—INSURANCE MATTERS

Sec. 301. Reduction in premiums under Service-Disabled Veterans Insurance program.

TITLE IV—BURIAL AND MEMORIAL MATTERS

Sec. 401. Plot allowances.
Sec. 402. Funeral and burial expenses.
Sec. 403. Authorization of appropriations for State cemetery grants program for fiscal year 2008.

TITLE V—HOUSING MATTERS

Sec. 501. Grants for specially adapted housing for veterans.
Sec. 502. Veterans' mortgage life insurance.
Sec. 503. Selected Reserves serving at least 1 year eligible for housing loans.
Sec. 504. Housing loan fees adjusted to rates in effect before passage of Veterans Benefits Act of 2003.

TITLE VI—BENEFITS ADMINISTRATION

Sec. 601. Judicial review.
Sec. 602. Elimination of rounding down of certain cost-of-living adjustments.
Sec. 603. Clinical Information Data Exchange Bureau.
Sec. 604. Study and report on reforms to strengthen and accelerate the evaluation and processing of disability claims by the Departments of Veterans Affairs and Defense.

TITLE VII—OTHER BENEFITS MATTERS

Sec. 701. Automobile assistance allowance.
Sec. 702. Refund of individual contributions for educational assistance made by individuals prevented from pursuing educational programs due to nature of discharge.
Sec. 703. Comptroller General report on provision of assisted living benefits for veterans.

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 1705(a) of title 38, United States Code, who presents for enrollment in the system of annual patient enrollment required by such section to enroll in such system for purposes of the receipt of care and services as specified in such section.

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

SEC. 102. HEALTH CARE FOR VETERANS WHO ARE CATASTROPHICALLY DISABLED.

(a) REPORT ON NUMBER OF VETERANS 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 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 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 and for the purposes of the administration of the amendments made by title I of the Veterans' Health Care Eligibility Reform Act of 1996. Each veteran shall, upon such reclassification, be entitled to such benefits under the laws administered by the Secretary as any other veteran who is catastrophically disabled, including priority of eligibility of enrollment as a so-called ''category 4 veteran'' under the patient enrollment system of the

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 CARE.—Section 1710 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 shall not be required to make any payment otherwise required under subsection (f) or (g) for the receipt of hospital care or nursing home care under this section.''.

(d) EFFECTIVE DATE.—Subsection (b) and the amendments made by subsection (c) shall take effect on October 1, 2007.

SEC. 103. REPEAL PRIOR CARE REQUIREMENT FOR ELIGIBILITY FOR REIMBURSEMENT FOR EMERGENCY TREATMENT.

(a) REPEAL.—Section 1725(b)(2) of title 38, United States Code, is amended by striking ''if—'' and all that follows and inserting ''if the veteran is enrolled in the system of patient enrollment established under section 1705(a) of this title.''.

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

SEC. 104. PILOT PROGRAM ON LUNG CANCER SCREENING 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 to permit the Secretary to make a comprehensive assessment of the feasibility and advisability of various approaches for expanding the program within the Department of Veterans Affairs in order to conduct screenings of veterans for lung cancer on a wider scale.

(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 entities 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. The report shall include—

(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; and

(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 to carry out this section.

(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 under subparagraph (B).

''(B) A person to whom subparagraph (A) applies who is receiving any applicable retired or retirement pay may file with the department paying such pay a waiver of so much of such pay as is equal to the amount of the pension or compensation to which subparagraph (A) otherwise applies. To prevent duplication of payment, the department with which any such waiver is filed shall notify the Secretary of the receipt of such waiver, 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 paid 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) CLERICAL AMENDMENTS.—

(A) The heading for section 5304 of such title is amended by striking ''**Prohibition against**'' and inserting ''**Provisions relating to**''.

(B) The item relating to section 5304 in the table of sections at the beginning of chapter 53 of such title is amended by striking ''Prohibition against'' and inserting ''Provisions relating to''.

(b) CONFORMING REPEALS.—

(1) IN GENERAL.—Section 5305 of title 38, United States Code, and section 1414 of title 10, United States Code, are each repealed.

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 53 of title 38, United States Code, is amended by striking the item relating to section 5305.

(B) The table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by striking the item relating to section 1414.

(c) CONFORMING AMENDMENTS TO COMBAT-RELATED SPECIAL COMPENSATION.—

(1) COMPENSATION ONLY AVAILABLE TO EXISTING CLAIMANTS.—Section 1413a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) SECTION ONLY TO APPLY TO RETIREES IN PAYMENT STATUS ON OCTOBER 1, 2007.—No payment under this section shall be made to an eligible combat-related disabled uniform services retiree for any month beginning after September 30, 2007, unless the retiree has an election in effect under this section for all months during the period beginning on October 1, 2007, and ending on the last day of the month to which the payment relates.''.

(2) CLERICAL AMENDMENTS.—

(A) Subsection (f) of such section is amended to read as follows:

''(f) REVOCATION OF ELECTION.—The Secretary concerned shall provide for an annual period (referred to as an 'open season') during which a person with an election in effect under subsection (a) shall have the right to revoke such election. Any such election shall be made under regulations prescribed by the Secretary concerned and, once made, 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 5111(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 benefits 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 ''sections 1413a and 1414'' and inserting ''section 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. No benefits are payable by reason of the amendments made by this section for any period before October 1, 2007.

SEC. 202. INCREASE IN CERTAIN RATES OF DISABILITY COMPENSATION.

(a) FIFTY PERCENT INCREASE IN CERTAIN RATES.—Subsection (k) of section 1114 of title 38, United States Code, is amended—

(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 OTHER RATES.—Such section is further amended—

(1) in subsection (l), by striking ''$3,075'' and inserting ''$3,690'';

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

(3) in subsection (n), by striking ''$3,860'' and inserting ''$4,632'';

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

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

(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 ''$3,308''; and

(7) in subsection (s), by striking ''$2,766'' and inserting ''$3,319''.

(c) 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 adding at the end 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 1113 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 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. No benefit is payable by reason of the amendments made by this section for any period before October 1, 2007.

SEC. 204. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES 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 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (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.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

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

(c) PROHIBITION ON RECOUPMENT 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) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, 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.—In the case of a member described in paragraph (1),''; and

(2) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—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)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously 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, divorce or annulment.

(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 first 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 INDEMNITY COMPENSATION FOR SURVIVING SPOUSES 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 redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph (3):

''(4) 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.''; and

(3) in paragraph (4), as redesignated by paragraph (1) of this subsection, by striking ''(1) and (2)'' and inserting ''(1), (2), and (3)''.

(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 REMARRYING FOR RETENTION OF CERTAIN VETERANS SURVIVOR BENEFITS FOR SURVIVING SPOUSES.

(a) REESTABLISHMENT.—Section 103(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 second sentence.

(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 SERVICE-CONNECTED DISABILITY ATTRIBUTABLE TO HOSPITALIZATION OR TREATMENT.

(a) COMMENCEMENT OF PERIOD OF PAYMENT.—Section 5111(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(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 such hospitalization or treatment, the period of payment shall commence on the date of admission for such hospitalization or date of treatment, surgery, or other activity necessitating such treatment, as applicable.''.

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

SEC. 208. COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 10 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional veterans affairs committees a report on the adequacy of dependency and indemnity compensation payable under chapter 13 of title 38, United States Code, to surviving spouses and dependents of veterans who die as a result of a service-connected disability in maintaining such surviving spouses and dependents at a standard of living above the poverty level.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a description of the current system for the payment of dependency and indemnity compensation to surviving spouses and dependents described in paragraph (1), including a statement of the rates of such compensation so payable;

(B) an assessment of the adequacy of such payments in maintaining such surviving spouses and dependents at a standard of living above the poverty level; and

(C) such recommendations as the Comptroller General considers appropriate in order to improve or enhance the effects of such payments in maintaining such surviving spouses and dependents at a standard of living above the poverty level.

(b) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this section, the term ''congressional veterans affairs committees'' means—

(1) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

TITLE III—INSURANCE MATTERS

SEC. 301. REDUCTION IN PREMIUMS UNDER SERVICE-DISABLED VETERANS INSURANCE PROGRAM.

(a) IN GENERAL.—Section 1922(a) of title 38, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by striking the fourth sentence and all that follows and inserting the following:

''(2) Insurance granted under this section shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance, except that—

''(A) the amount of such insurance shall be $50,000, or such lesser amount, evenly divisible by $10,000, as the insured may specify;

''(B) the premium rates for such insurance—

''(i) for premiums for months beginning before the effective date of this paragraph under section 301(c) of date of the enactment of the Comprehensive Veterans Benefits Improvements Act of 2007 shall be based on the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of 2¼ percent per year; and

''(ii) for premiums for months beginning on or after that effective date shall be based upon the 2001 Commissioners Standard Ordinary Table of Mortality and interest at the rate of 4½ percent per year;

''(C) all cash, loan, paid-up, and extended values—

''(i) for a policy issued under this section before the effective date described in subparagraph (B)(i) shall be based upon the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of 2¼ percent per year; and

''(ii) for a policy issued under this section on or after that effective date shall be based

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 2¼ percent per year;

''(E) insurance granted under this section shall be on a nonparticipating basis;

''(F) all premiums and other collections for insurance under this section shall be credited directly to a revolving fund in the Treasury of the United States; and

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

''(3) Appropriations to the fund referred to in subparagraphs (F) and (G) of paragraph (2) are hereby authorized.

''(4) 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 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)(2)(A) 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—BURIAL 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'' each place 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) ANNUAL 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 each maximum amount of the plot allowance payable under this section 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).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to deaths occurring on or after that date.

(2) NO COLA ADJUSTMENT FOR FISCAL YEAR 2008.—The percentage increase required by subsection (c) of section 2303 of title 38, United States Code (as added by subsection (c) of this section), for fiscal year 2008 shall not be made.

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 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).''.

(b) DEATHS FROM SERVICE-CONNECTED DISABILITY.—Section 2307 of such title is amended—

(1) by inserting ''(a) FUNERAL AND BURIAL EXPENSES.—'' before ''In any case'';

(2) in paragraph (1) of subsection (a), as designated by paragraph (1) of this subsection, by striking ''$2,000'' and inserting ''$4,100 (as adjusted from time to time under subsection (b))''; and

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

''(b) COST-OF-LIVING ADJUSTMENT.—With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the amount of benefits payable under subsection (a)(1) 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).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths occurring on or after that date.

(2) NO COLA ADJUSTMENT FOR FISCAL YEAR 2008.—The percentage increase required by subsection (c) of section 2302 of title 38, United States Code (as added by subsection (a) of this section), and the percentage increase required by subsection (b) of section 2307 of title 38, United States Code (as added by subsection (b) of this section), for fiscal year 2008 shall not be made.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR STATE CEMETERY GRANTS PROGRAM FOR FISCAL YEAR 2008.

There is hereby authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2008, $37,000,000 for aid to States for the establishment, expansion, and improvement of veterans' cemeteries under section 2408 of title 38, United States Code.

TITLE V—HOUSING MATTERS

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 ''$50,000'' and inserting ''$60,000 (as adjusted from time to time under subsection (f))''.

(2) ADAPTATIONS TO HOUSING.—Subsections (b)(2) and (d)(2) of such section are each amended by striking ''$10,000'' and inserting ''$12,000 (as adjusted from time to time under subsection (f))''.

(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)(1) 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 residential home cost-of-construction index for the year preceding that year.

''(3) The Secretary shall establish a residential 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. 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 3701(b)(5)(A) 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:

''LOAN FEE TABLE

Type of loan	Active duty veteran	Reservist	Other obligor
(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).	2.00	2.75	NA
(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).	1.25	2.00	NA
(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).	3.00	3.00	NA
(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, 2011).	1.25	2.00	NA
(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).	1.50	2.25	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2011).	0.75	1.50	NA
(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).	1.25	2.00	NA
(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).	0.50	1.25	NA
(E) Interest rate reduction refinancing loan	0.50	0.50	NA
(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 3733(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'';

(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 subsection:

''(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 ROUNDING DOWN OF CERTAIN COST-OF-LIVING ADJUSTMENTS.

(a) DISABILITY COMPENSATION.—Section 1104(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 computable 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) the source code of which is open source and available in the public domain,

(ii) that is nonproprietary, and

(iii) 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.

SEC. 604. STUDY AND REPORT ON REFORMS TO STRENGTHEN AND ACCELERATE THE EVALUATION AND PROCESSING OF DISABILITY CLAIMS BY THE DEPARTMENTS OF VETERANS AFFAIRS AND DEFENSE.

(a) STUDY.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly conduct a study of the disability ratings systems of the Departments of Veterans Affairs and Defense, including an analysis of—

(1) the interoperability of both systems, and

(2) the feasibility and advisability of automating the Veterans Administration Schedule for Rating Disabilities (VASRD) to improve the time for processing, and the accuracy of, disability ratings.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretaries shall submit to the relevant committees of Congress a joint report on the study conducted under subsection (a).

(2) ELEMENTS.—Such report shall include specific legislative proposals, including the amount of funding, which the Secretaries find necessary to—

(A) ensure that the disability ratings systems of both the Department of Veterans Affairs and the Department of Defense are interoperable and that information contained in both systems can readily be transmitted to and from each of the departments, and

(B) automate the Veterans Administration Schedule for Rating Disabilities (VASRD), including—

(i) an analysis of the necessary computer software and other technology, and

(ii) a schedule for the completion of the automation.

(c) RELEVANT COMMITTEES OF CONGRESS.—In this section, the term ''relevant committees of Congress'' means—

(1) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate, and

(2) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

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 ''$11,000'' and inserting ''$22,484 (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 the data is appropriate for purposes of this subsection.''.

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

SEC. 702. REFUND OF INDIVIDUAL CONTRIBUTIONS FOR EDUCATIONAL ASSISTANCE MADE BY INDIVIDUALS PREVENTED FROM PURSUING EDUCATIONAL PROGRAMS DUE TO NATURE OF DISCHARGE.

(a) IN GENERAL.—Section 3034 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) In the case of any eligible individual who has been prevented from pursuing a program of education under this chapter because the individual has not met the nature of discharge requirement of this chapter, the Secretary of Defense shall, upon application of the individual, refund to the individual the amount determined under paragraph (3) if the Secretary of Defense determines that the nature of the discharge was due to minor infractions or deficiencies.

''(2) Paragraph (1) shall not apply to an individual if the discharge was a dishonorable discharge.

''(3) The amount determined under this paragraph with respect to any individual is the excess (if any) of—

''(A) the sum of the amounts described in section 3017(b)(1) of this title with respect to the individual, over

''(B) the sum of the amounts described in section 3017(b)(2) of this title with respect to the individual.

''(4) The Secretary of Defense shall make the payments under this subsection from the funds into which the amounts described in section 3017(b)(1) of this title were deposited.''.

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

SEC. 703. COMPTROLLER GENERAL REPORT ON PROVISION OF ASSISTED LIVING BENEFITS FOR VETERANS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional veterans affairs committees a report on the feasability 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.

(2) ELEMENTS.—The report required by paragraph (1) 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 feasability 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.

(b) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this section, the term ''congressional veterans affairs committees'' means—

(1) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

By Mr. LEAHY (for himself, Mr. BROWNBACK, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUYE, Mr. ROBERTS, Mr. BROWN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mrs. BOXER, and Mr. AKAKA):

S. 1327. A bill to create and extend certain temporary district court judgeships; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing bipartisan legislation to address the needs of the Federal Judiciary, our coequal branch of Government. This bill would respond to a discrete situation in five States regarding the need for temporary judgeships. In order to adequately address fluctuations in a court's caseload, Congress can authorize a judgeship on a temporary basis. These temporary fixes do not undermine the independence that comes with lifetime appointment to the judiciary because the judges assigned to fill these vacancies, are, in fact, appointed for life, as are all Federal judges. They are temporary in the sense that when these judgeships expire, the next vacancy in the jurisdiction is not filled and the extra judgeship expires.

Last Congress two of these needed temporary judgeships were allowed to expire. One was in Nebraska and the other in California. That was unfortunate in my view since they continue to have high caseloads. This legislation would restore those judgeships by reauthorizing those temporary judgeships to restore the status quo in those two busy districts.

In addition, three districts have temporary judgeships that are close to expiration. Caseloads in Ohio, Hawaii, and Kansas remain at a high level. I

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:

S. 1327

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) IN 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 Nebraska.

(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the offices of district judge authorized by this subsection, 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'';

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

(4) by inserting ''The first vacancy in the office of district judge in the district of Hawaii occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled.'' after the sixth sentence.

Mrs. FEINSTEIN. Mr. President, I am proud to be a cosponsor of Chairman LEAHY's bill, S. 1327, which will reestablish temporary judgeships where needed in the district courts and extend other temporary judgeships that are about to expire. The bill will reestablish a 10-year temporary judgeship in the Eastern District of California, where it is sorely needed.

The Eastern District has had a temporary judgeship before, but it expired in the fall of 2004. Even before the temporary judgeship expired, the caseload in the district was already the second highest in the Nation: 787 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 why it is imperative for the Senate to act now and adopt this bill. In just a few months, there will be a vacancy in the Eastern District when Chief Judge David Levi leaves the bench after 17 years of distinguished service.

It is my hope that Chief Judge Levi's seat can be filled as quickly as possible with a well qualified nominee. But, as a practical matter, it is unlikely that the confirmation process 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 to ensure 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 getting 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 other State in 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 our need to maintain our current 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 retaining 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 lifelong 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, and we should honor that purpose by 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—Australia, Belgium, 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 for immigration purposes.

Our immigration laws treat gays and lesbians 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 partners 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 nonimmigrant to that of person admitted for permanent residence.
Sec. 18. Application of criminal penalties to for misrepresentation and concealment of facts regarding permanent partnerships.
Sec. 19. Requirements as to residence, good moral character, attachment to the principles of the constitution.
Sec. 20. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.
Sec. 21. Application to Cuban Adjustment Act.

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 ''or permanent partnership'' 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 in 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.

Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

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

(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''; and

(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'';

(2) in the heading of subparagraph (A), by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(3) in the heading of subparagraph (C), by striking ''AND DAUGHTERS'' inserting ''WITHOUT PERMANENT PARTNERS AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS''.

(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''; and

(3) by inserting ''or permanent partners'' 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) SPOUSES, PERMANENT PARTNERS, UNMARRIED SONS WITHOUT PERMANENT PARTNERS, AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.—'';

(2) in subparagraph (A), by inserting '', permanent partners,'' after ''spouses''; and

(3) in subparagraph (B), by striking ''or unmarried daughters'' and inserting ''without permanent partners or the unmarried daughters without permanent partners''.

(b) PREFERENCE ALLOCATION FOR SONS AND DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C. 1153(a)(3)) 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.—''; and

(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)''; and

(2) by inserting '', permanent partner,'' after ''the spouse''.

SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) CLASSIFICATION PETITIONS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by inserting ''or permanent partner'' after ''spouse'';

(B) in clause (iii)—

(i) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(ii) in subclause (I), by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(C) in clause (v)(I), by inserting ''permanent partner,'' after ''is the spouse,'';

(D) in clause (vi)—

(i) by inserting ''or termination of the permanent partnership'' after ''divorce''; and

(ii) by inserting '', permanent partner,'' after ''spouse''; and

(2) in subparagraph (B)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears;

(B) in clause (ii)—

(i) in subclause (I)(aa), by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I)(bb), by inserting ''or permanent partnership'' after ''marriage'' the first place it appears; and

(iii) in subclause (II)(aa), by inserting ''(or the termination of the permanent partnership)'' after ''termination of the marriage''.

(b) IMMIGRATION FRAUD PREVENTION.—Section 204(c) (8 U.S.C. 1154(c)) is amended—

(1) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

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'' each place it appears; and

(B) by inserting '', permanent partner's,'' after ''spouse's''; and

(2) in paragraph (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''; and

(2) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse''.

SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) 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,'';

(2) in paragraph (4)(C)(i)(I), by inserting '', permanent partner,'' after ''spouse'';

(3) in paragraph (6)(E)(ii), by inserting ''permanent partner,'' after ''spouse,''; and

(4) in paragraph (9)(B)(v), 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,'' after ''spouse,''; and

(2) in paragraph (12), by inserting '', permanent partner,'' after ''spouse''.

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting '', permanent partner,'' after ''spouse''.

(d) 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,''.

(e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended by inserting ''permanent partner,'' after ''spouse,''.

SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.

(a) SECTION HEADING.—

(1) IN GENERAL.—The heading for section 216 (8 U.S.C. 1186a) is amended by striking ''AND SONS'' and inserting '', PERMANENT PARTNERS, SONS, '' after

(2) 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''.

(b) IN GENERAL.—Section 216(a) (8 U.S.C. 1186a(a)) 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 ''permanent partner,'' after ''spouse,''; and

(C) in subparagraph (C), by inserting ''permanent partner,'' after ''spouse,''.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(b) of such Act (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE''; and

(2) in paragraph (1)(A)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) in clause (ii)—

(i) by inserting ''or has ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(ii) by inserting ''or permanent partner'' after ''spouse''.

(d) 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)(ii), (3)(A)(ii), (3)(C), (4)(B), and (4)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) in paragraph (3)(A), (3)(D), (4)(B), and (4)(C), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

(e) CONTENTS OF PETITION.—Section 216(d)(1) of such Act (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) in the heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE'';

(B) in clause (i)—

(i) by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I), by inserting before the comma at the end '', or is a permanent partnership recognized under this Act'';

(iii) in subclause (II)—

(I) by inserting ''or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(II) by inserting ''or permanent partner'' after ''spouse'';

(C) in clause (ii), by inserting ''or permanent partner'' after ''spouse''; and

(2) in subparagraph (B)(i)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) by inserting ''or permanent partner'' after ''spouse''.

(f) DEFINITIONS.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'';

(3) in paragraph (3), by inserting ''or permanent partnership'' after ''marriage''; and

(4) in paragraph (4)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage''.

SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended—

(1) in the section heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(2) in paragraphs (1), (2)(A), (2)(B), and (2)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section 216A(b)(1) is amended by inserting ''or permanent partner'' after ''spouse'' in the matter following subparagraph (C).

(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216A(c) is amended, in paragraphs (1), (2)(A)(ii), and (3)(C), by inserting ''or permanent partner'' after ''spouse''.

(d) DEFINITIONS.—Section 216A(f)(2) is amended by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(e) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216A to read as follows:

''Sec. 216. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children''.

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;

(2) in subparagraphs (E)(ii), (E)(iii), and (H)(i)(I), by inserting ''or permanent partner'' after ''spouse'';

(3) by inserting after subparagraph (E) the following:

''(F) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (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 obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years prior to such admission and which, within 2 years subsequent to such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, 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; or

''(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

(4) 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)(7)(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. 1229b(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''; and

(B) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse'' each place it appears.

SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT 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:

''(4)(A) Paragraph (1) and section 204(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)(52);

''(ii) the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant; and

''(iii) no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner.

''(B) The Secretary shall promulgate regulations that provide for only 1 level of administrative appellate review for each alien under subparagraph (A).''.

(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''.

SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR MISREPRESENTATION AND CONCEALMENT OF FACTS REGARDING PERMANENT PARTNERSHIPS.

Section 275(c) (8 U.S.C. 1325(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''.

SEC. 20. APPLICATION OF FAMILY UNITY PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.

Section 1504 of the LIFE Act (division B of Public Law 106–554; 114 Stat. 2763–325) is amended—

(1) in the heading, by inserting '', permanent partners,'' after ''spouses'' ;

(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 PARTNERS,'' after ''SPOUSES''; and

(B) by inserting '', permanent partner,'' after ''spouse'' each place it appears.

SEC. 21. APPLICATION TO CUBAN ADJUSTMENT ACT.

(a) IN GENERAL.—The first section of Public 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 partners,'' after ''spouses''.

(b) CONFORMING AMENDMENT.—Section 101(a)(51)(D) (8 U.S.C. 1101(a)(51)(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 the park, 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 Acadia National Park Advisory Commission.

In drafting this legislation, I have worked very closely with park officials and also with Friends of Acadia, a nonprofit 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 now 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 the 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 in Trenton, ME. 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, regrettably, 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 Mainers 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.

I yield the floor.

By Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr. LEVIN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. CLINTON, Mr. DURBIN, Mrs. BOXER, Mr. LAUTENBERG, Mr. SCHUMER, and Mr. DODD):

S. 1331. A bill to regulate .50 BMG caliber sniper rifles; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join with Senators KENNEDY, LEVIN, MENENDEZ, MIKULSKI, CLINTON, DURBIN, BOXER and LAUTENBERG in introducing the Long-Range Sniper Rifle Safety Act of 2007, which would regulate a single type of firearm, 50 BMG caliber sniper rifles.

Mr. President, 50 BMG caliber sniper rifles are among the most dangerous firearms in the world. These sniper rifles are capable of bringing down airplanes and helicopters that are taking off or landing, and they can pierce light armored personnel vehicles. They have extraordinary range, up to a mile with accuracy, with a maximum distance of up to 4 miles. Under President Clinton, the State Department suspended all export of these weapons for civilian use in foreign countries. The Bush administration initially changed this rule to allow such sales, but after 9/11 it decided to reinstate this ban.

Yet here in the United States, our laws continue to classify these weapons as ''long guns'', subject to the least government regulation of any firearms. Current Federal law makes no distinction between a .22 caliber target rifle, a .30–06 caliber hunting weapon, and this large-caliber .50 BMG combat weapon. In some States, youngsters who are 14 years old can get .50 BMG caliber sniper rifles, with no limitation on second-

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. The bill would:

Add these uniquely powerful sniper rifles to the list of firearms classified as ''destructive devices'', which would mean they must be registered when purchased or sold;

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 sweeper'' 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 sweeper'' shotguns, silencers, and 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. These weapons weigh up to 28 pounds, and have a price tag of between $2,200 and $6,750. And they fire the most powerful commonly available cartridges, the massive BMG, Browning Machine Gun, bullet, which has a diameter of ½ inch and a length of 3–6 inches.

These rounds are almost as big as my hand. The Congressional Research Service says that a .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 a great distance. And the distances are frankly astonishing. In fact, this weapon was able to kill a person from a greater distance 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 utilized .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 3½ inch thick manhole cover, a 600-pound safe.

But as the GAO noted in 1999, many of these guns also wind up in the hands of domestic and international terrorists, religious cults, international and domestic drug traffickers, and violent criminals.

In 1998, Federal law enforcement apprehended three men belonging to a radical Michigan militia group. The three were charged with plotting to bomb Federal office buildings, destroy highways and utilities. They were also charged with plotting to assassinate a Governor, and other high-ranking political and judicial officers. A .50-caliber sniper rifle was found in their possession along with a cache of weapons that included three illegal machine guns.

One doomsday cult headquartered in Montana purchased 10 of these guns and stockpiled them in an underground bunker, along with thousands of rounds of ammunition and other guns.

At least one .50-caliber gun was recovered by Mexican authorities after a shoot-out with an international drug cartel in that country. The gun was originally purchased in Wyoming.

Since 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 taxiing 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 can be used 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, making it capable of destroying 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 Accountability Office investigators:

> You'd better buy one soon. It's only a matter of time before someone lets go a round on a range that travels so far, it hits a school bus 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, as demonstrated 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 is the most powerful 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 is 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 since 2004, 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 weapons to civilians through its demilitarization program.

This is a weapon that should not be openly available to terrorists and criminals, but should be responsibly controlled through carefully crafted regulation. I urge my colleagues to support this legislation.

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. 1331

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 ''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: ''any—

''(i) type of weapon''; and

(2) by striking ''and'' at the end and inserting the following: ''or

''(ii) .50 BMG caliber sniper rifle; and''.

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

''(36) The term '.50 BMG caliber sniper rifle' means—

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

''(B) a copy 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 caliber, if such rifle is capable of firing 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 ''(3) any .50 BMG 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), (2), 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 BMG 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 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 2001-1 (66 Fed. Reg. 9748)). 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. Mr. President, it's a privilege to join my colleagues Senator DODD, Senator DOMENICI and Senator ENSIGN 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 program 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 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. 1332

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mental Health in Schools Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Approximately 1 in 5 children have a diagnosable mental disorder.

(2) Approximately 1 in 10 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. It is estimated that about 75 percent of children with emotional and behavioral disorders do not receive specialty mental health services.

(3) Only half of schools across the United States report having formal partnerships with community mental health providers to deliver mental health services.

(4) If a school is going to respond to the mental health needs of its students, it must have access to resources that provide family-centered, culturally and linguistically appropriate supports and services.

(5) Effective school mental health programs reflect the collaboration and commitment of families, students, educators, and other community partners.

SEC. 3. PURPOSES.

It is the purpose of this Act to—

(1) revise, increase funding for, and expand the scope of the Safe Schools-Healthy Students program in order to provide access to more comprehensive school-based mental health services and supports; and

(2) provide for in-service training to all school personnel in—

(A) the techniques and supports needed to identify early children with, or at risk of, mental illness;

(B) the use of referral mechanisms that effectively link such children to treatment intervention services; and

(C) strategies that promote a school-wide positive environment.

SEC. 4. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) TECHNICAL AMENDMENTS.—The second part G (relating to services provided through religious organizations) of title V of the Public Health Service Act (42 U.S.C. 290kk et seq.) is amended—

(1) by redesignating such part as part J; and

(2) by redesignating sections 581 through 584 as sections 596 through 596C, respectively.

(b) PURPOSE AND AUTHORITY.—Subsection (a) of section 581 of the Public Health Service Act (42 U.S.C. 290hh(a)) is amended to read as follows:

''(a) IN GENERAL.—The Secretary, in collaboration with the Secretary of Education and in consultation with the Attorney General, shall, directly or through grants, contracts or cooperative agreements awarded to public entities and local education agencies, assist local communities and schools in applying a public health approach to mental health services both in schools and in the community. Such approach should provide comprehensive services and supports, be linguistically and culturally appropriate, and incorporate strategies of positive behavioral interventions and supports. A comprehensive school mental health program funded under this section shall assist children in dealing with violence.''.

(c) ACTIVITIES.—Section 581(b) of the Public Health Service Act (42 U.S.C. 290hh(b)) is amended—

(1) in paragraph (1), by striking ''implement programs'' and inserting ''implement a comprehensive culturally and linguistically appropriate school mental health program that incorporates positive behavioral interventions and supports'';

(2) in paragraph (3), by inserting ''child and adolescent mental health issues and'' after ''address''; and

(3) by striking paragraph (4) and inserting the following:

''(4) 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;''.

(d) REQUIREMENTS.—Subsection (c) of section 581 of the Public Health Service Act (42 U.S.C. 290hh(c)) is amended to read as follows:

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under subsection (a) an entity shall—

''(A) be a partnership between a local education agency and at least one community program or agency that is involved in mental health; and

''(B) submit an application, that is endorsed by all members of the partnership, that makes the assurances described in paragraph (2).

''(2) REQUIRED ASSURANCES.—An application under paragraph (1) shall assure the following:

''(A) That the applicant will ensure that, in carrying out activities under this section, the local educational agency involved will enter into a memorandum of understanding—

''(i) with, at a minimum, public or private mental health entities, healthcare entities, law enforcement or juvenile justice entities, child welfare agencies, family-based mental health entities, families and family organizations, and other community-based entities; and

''(ii) that clearly states—

''(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 contributions that each such partner will contribute in order to sustain the program.

''(B) That the comprehensive school-based mental health program carried out under this section support the flexible use of funds to address—

''(i) the promotion of the social, emotional, and behavioral health of all students in an environment that is conducive to learning;

''(ii) the reduction in the likelihood of at risk students developing social, emotional, or behavioral health problems;

''(iii) the treatment or referral for treatment of students with existing social, emotional, or behavioral health problems;

''(iv) the early identification of social, emotional, or behavioral problems and the provision of early intervention services; and

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

''(C) That the comprehensive mental health program carried out under this section will provide for culturally and linguistically appropriate in-service training of all school personnel, including ancillary staff and volunteers, in—

''(i) the techniques and support needed to identify early children with, or at risk of, mental illness;

''(ii) the use of referral mechanisms that effectively link such children to treatment intervention services; and

''(iii) strategies that promote a schoolwide positive environment, and includes an ongoing training component.

''(D) That the comprehensive school-based mental health programs carried out under this section will demonstrate the measures to be taken to sustain the program after funding under this section terminates.

''(E) That the local education agency partnership involved is supported by the State educational and mental health system to ensure that the sustainability of the programs is established after funding under this section terminates.

''(F) That the comprehensive school-based mental health program carried out under this section is based on evidence-based practices.

''(G) That the comprehensive school-based mental health program carried out under this section is coordinated with early intervening activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

''(H) That the comprehensive school-based mental health program carried out under this section is culturally and linguistically appropriate.''.

(e) DURATION.—Section 581(e) of the Public Health Service Act (42 U.S.C. 290hh(e)) is amended—

(1) by striking ''may not exceed'' and inserting ''shall be''; and

(2) by adding at the end the following: ''An entity may only receive one award under this section, except that an entity that is providing services and supports on a regional basis may receive additional funding after the expiration of the preceding grant period.''.

(f) EVALUATION.—Subsection (f) of section 581 of the Public Health Service Act (42 U.S.C. 290kk(f)) is amended to read as follows:

''(f) EVALUATION AND MEASURES OF OUTCOMES.—

''(1) DEVELOPMENT OF PROCESS.—The Administrator shall develop a process for evaluating activities carried out under this section. Such process shall include—

''(A) the development of guidelines for the submission of program data by such recipients;

''(B) the development of measures of outcomes (in accordance with paragraph (2)) to be applied by such recipients in evaluating programs carried out under this section; and

''(C) the submission of annual reports by such recipients concerning the effectiveness of programs carried out under this section.

''(2) MEASURES OF OUTCOMES.—

''(A) 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. Such measures shall include student and family measures as provided for in subparagraph (B) and local educational measures as provided for under 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 competency;

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

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

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

''(v) whether the program resulted in a reduction in substance abuse;

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

''(vii) whether the program resulted in increased graduation rates; and

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

''(C) LOCAL EDUCATIONAL OUTCOMES.—The outcome measures developed under paragraph (1)(B) relating to local educational systems 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 partnership linkages among child and family serving institutions, community support systems, and the educational system;

''(iii) the progress made in sustaining the program once funding under the grant has expired; and

''(iv) the effectiveness of training and professional development programs for all school personnel that incorporate indicators that measure cultural and linguistic competencies under the program in a manner that incorporates appropriate cultural and linguistic training.

''(3) SUBMISSION OF ANNUAL DATA.—An entity that receives a grant, contract, or cooperative agreement under this section shall annually submit to the Administrator a report that include data to evaluate the success of the program carried out by the entity based on whether such program is achieving the purposes of the program. Such reports shall utilize the measures of outcomes under paragraph (2) in a reasonable manner to demonstrate the progress of the program in achieving such purposes.

''(4) EVALUATION BY ADMINISTRATOR.—Based on the data submitted under paragraph (3), the Administrator shall annually submit to Congress a report concerning the results and effectiveness of the programs carried out with assistance received under this section.''.

(g) AUTHORIZATION OF APPROPRIATIONS AND AMOUNT OF GRANTS.—Subsection (h) of section 581 of the Public Health Service Act (42 U.S.C. 290hh(h)) is amended to read as follows:

''(h) AMOUNT OF GRANTS AND AUTHORIZATION OF APPROPRIATIONS.—

''(1) AMOUNT OF GRANTS.—A grant under this section shall be in an amount that is not more than $1,000,000 for each of grant years 2008 through 2012. The Secretary shall determine the amount of each such grant based on the population of children between the ages of 0 to 21 of the area to be served under the grant.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for each of fiscal years 2008 through 2012.''.

(h) CONFORMING AMENDMENTS.—Part G of title V of the Public Health Service Act (42 U.S.C. 290hh et seq.), as amended by this section, is further amended—

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

''PART VII—SCHOOL-BASED MENTAL HEALTH''; and

(2) in section 581, by striking the section heading and inserting the following:

''SEC. 581. SCHOOL-BASED MENTAL HEALTH AND CHILDREN AND VIOLENCE.''.

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 Healthy Students Act to reauthorize projects relating to children and violence 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, LEAs, 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 improved 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 must recognize that children do not have to remain neglected when it comes to their mental health. The future of children's mental health care is very promising. 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 a Nation and as a society, 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 evidence-based 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 youth. Now 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. Congressman PASCRELL 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.'' According to the Center on Budget and Policy Priorities, the EITC lifts more children out of poverty than any other government program.

It is time for us to reexamine the EITC and determine where we can strengthen it. It should not have taken Hurricane Katrina to show what Census data has proven—- some Americans are not benefiting from our economic recovery. The poverty rate for 2005 was 12.6 percent, basically the same as the rate for 2004. In 2005, there were 37 million men, women and children living in poverty. One-quarter of all jobs in the United States do not pay enough to support a family of four above the poverty level.

Hurricane Katrina affected many individuals who were already faced with difficult economic situations. Mississippi, Louisiana, and Alabama are the first, second, and eighth poorest States in the Nation respectively. The income of the typical household in these three States is well below the national average. In the hardest hit counties, 18.6 percent of the population is poor, compared with a national average of 12.5 percent.

Time after time, the Republican controlled Congress passed tax cuts which are skewed towards those with the most. In 2003, some of the 2001 cuts were phased-in at a faster rate and this did not include adjustments to the EITC. The Urban Institute, Brookings Institution's Tax Policy Center, reports that households with incomes of more than $1 million a year, the richest three-tenths of the population, receive an average tax cut of $118,000. These individuals do not have to worry about how they will have to pay for a roof over their heads or enough food for their families. We should not be focused on extending tax cuts which help those who do not have to worry about living pay check to pay check.

We need to help the low-income workers who struggle day after day 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 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. This 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. The poverty level for an adult living with three children is $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 adult living 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. Under this legislation, an individual with three children and who is eligible for the full credit amount would be lifted above the poverty level by the amount of the credit.

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.

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's share this 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. 1333

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 ''Strengthen the Earned Income Tax Credit Act of 2007''.

SEC. 2. STRENGTHEN THE EARNED INCOME TAX CREDIT.

(a) REDUCTION IN MARRIAGE PENALTY.—

(1) IN GENERAL.—Section 32(b)(2)(B) of the Internal Revenue Code of 1986 (relating to joint returns) is amended—

(A) by striking '', 2006, and 2007'' in clause (ii) and inserting ''and 2006'', and

(B) by striking clause (iii) and inserting the following new clauses:

''(iii) $3,500 in the case of taxable years beginning in 2007,

''(iv) $4,000 in the case of taxable years beginning in 2008,

''(v) $4,500 in the case of taxable years beginning in 2009, and

''(vi) $5,000 in the case of taxable years beginning after 2009.''.

(2) INFLATION ADJUSTMENT.—Section 32(j)(1)(B)(ii) of such Code is amended—

(A) by striking ''$3,000 amount in subsection (b)(2)(B)(iii)'' and inserting ''$5,000 amount in subsection (b)(2)(B)(vi)'', and

(B) by striking ''2007'' and inserting ''2009''.

(3) PROVISIONS NOT SUBJECT TO SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset provisions of such Act) shall not apply to section 303(a) of such Act.

(b) INCREASE IN CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE CHILDREN.—The table contained in section 32(b)(1)(A) of such Code (relating to percentages) is amended—

(1) by striking ''2 or more qualifying children'' in the second row and inserting ''2 qualifying children'', and

(2) by inserting after the second row the following new item:

3 or more qualifying children.	45	21.06.

(c) CREDIT INCREASE AND REDUCTION IN PHASEOUT FOR INDIVIDUALS WITH NO CHILDREN.—The table contained in section 32(b)(1)(A) of such Code is amended—

(1) by striking ''7.65'' in the second column of the third row and inserting ''15.3'', and

(2) by striking ''7.65'' in the third column of the third row and inserting ''15.3''.

(d) PERMANENT EXTENSION OF SPECIAL RULE TREATING COMBAT PAY AS EARNED INCOME.—

(1) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) of such Code (relating to earned income) is amended to read as follows:

''(iv) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.''.

(2) PROVISION NOT SUBJECT TO SUNSET.—Section 105 of the Working Families Tax Relief Act of 2004 (relating to application of EGTRRA sunset to this title) shall not apply to section 104(b) of such Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. DODD (for himself, Mr. VOINOVICH, Mr. CONRAD, Mr. KERRY, Mr. BYRD, and Mr. BROWN):

S. 1334. A bill to amend section 2306 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, inequity 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 ideas, 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 many spectacular memorials right 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 courage of those who served so that, 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 visit a loved one's grave.

Until 1990, the family 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; one that we must correct. 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 fiscal year 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

signed into law as part of the Veterans Improvement Act, allowing VA markers to be provided to deceased veterans retroactively. Unfortunately, however, when the bill went to a conference with the House of Representatives, this benefit was inexplicably applied retroactively only to September 11, 2001, rather than to November 1, 1990, the date at which the new VA regulation came into effect.

In my view, to arbitrarily deny veterans who passed away during that 11-year period is unconscionable. Their service to our Nation was no less dedicated than the service of those who passed away before and after that period. It is an insult to their memories and to the families and friends who loved them.

This legislation is quite simple. It merely allows all veterans who have passed away since 1990 to be provided with official VA grave markers and it repeals the expiration of the VA's authority to provide these grave markers. The VA is supportive of this legislation, which I believe will ensure that all of our Nation's veterans are accorded the respect they are due for their sacrifices. In a report submitted to Congress on February 10, 2006, the VA endorsed both provisions of this legislation, recommending that the grave marker authority be made permanent and retroactive to 1990.

Moreover, this bill is inexpensive. The Congressional Budget Office estimated the cost of this bill to be just $1 million over 5 years and $2 million over 10 years. Who can argue that this is too high a price to pay to honor our fallen heroes?

We are approaching the 9th anniversary of the passing of Mr. Agostino Guzzo, a Connecticut resident who bravely served in the U.S. Armed Forces in the Philippines during World War II. His family interred his body in a mausoleum at the Cedar Hill Cemetery in Hartford, CT. The family was not aware of the VA's restrictions on grave markers at the time, and was told by the VA that there was no way to receive official recognition.

Agostino's son, Mr. Thomas Guzzo, brought the matter to my attention, and we were able to pass legislation granting Agostino the memorial he deserves. But too many families are still denied such markers. This legislation honors the memory of Agostino Guzzo and all of the veterans who have served their country in war and in peace. Thomas Guzzo's commitment to this issue has not ended. The commitment of this Congress should continue, as well.

I hope my colleagues will support this important legislation.

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. 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. 995; 38 U.S.C. 2306 note), the amendments made to section 2306(d) of title 38, United States Code, by such section 502 and the amendments made by section 402 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 402, 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 as 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 this Nation of 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 rollcall 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 in establishing 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, by contrast, 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 a 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 free 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, regretfully, hurt their chances at effective assimilation.

My constituents agree that foreign language ballots deserve no place in an American election. My bill will eliminate these foreign language voting 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 show 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 authorized or provided by 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 wish—from Cherokee to Chinese—on election day and for individuals to bring along their own translaters 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.

Allow me to conclude by remembering the founder of the official English movement, U.S. Senator S.I. Hayakawa. The son of Asian immigrants, S.I. Hayakawa became a professor of English, a college president, and, in 1976, a 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 80-some 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 Americans 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.

Ms. SNOWE. Mr. 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 Mainers. 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 with the failure of 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, the situation requires demonstrable action by 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 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.

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 which allows them the ability to complete the mission they have selflessly undertaken, while assuring them that their valor shall not be unconditionally expended upon an Iraqi Government which fails to respond in kind.

Before proceeding any further, let me pause to express my deep appreciation and immense gratitude to Senator BAYH for his tremendous leadership and indispensable contribution in forging this welcomed, bipartisan measure. If there ever were a time for us to fashion a way forward, together, it is surely now, and because of Senator BAYH and his tireless efforts we have a measure that represents a significant step in the right direction. I thank him and his staff for bringing this fresh approach to fruition today.

The Snowe-Bayh Iraq bill requires that government to actually achieve previously agreed political and security benchmarks while the Baghdad Security Plan, commonly referred to as the ''surge,'' is in effect, or face the redeployment of those U.S. troops dedicated to that plan.

Specifically, this legislation would require that, 120 days after enactment, a point in time at which our military commanders have stated that they should know whether the surge will succeed, the commander of Multi-National Forces, Iraq would report to Congress as to whether the Iraqi Government has met each of six political and security-related benchmarks which it has already agreed to meet by that time. These six benchmarks are: Iraqi assumption of control of its military; enactment and implementation of a militia law to disarm and demobilize militias and to ensure that such security forces are accountable only to the central government and loyal to the constitution of Iraq; completion of the constitutional review and a referendum held on special amendments to the Iraqi Constitution that ensure equitable participation in the Government of Iraq without regard to religious sect or ethnicity; completion of a provincial election law and commencement and specific preparation for the conduct of provincial elections that ensures equitable constitution of provincial representative bodies without regard to religious sect or ethnicity; enactment and implementation of legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner; and enactment and implementation of legislation that equitably reforms the de-Ba'athification process in Iraq.

The Iraqi Government must know that any opportunity gained from our increased troop levels in Baghdad is a window that we will soon close if it fails to take urgent action and show tangible results in tandem. If, at the end of 120 days, the commander of Multi-National Forces, Iraq reports the Iraqi Government has not met the benchmarks, then the commander should plan for the phased redeployment of the troops we provided for the Baghdad Security Plan, period.

That is why, under the Snowe-Bayh measure, after 120 days, should the commander report that the Iraqi Government has failed to meet any of the benchmarks listed, he will then be required to present a plan for the phased redeployment of those combat troops sent to Iraq in support of the Baghdad Security Plan and to provide plans detailing the transition of the mission of the U.S. forces remaining in Iraq to one of logistical support, training, force protection, and targeted counterterrorism operations, for examples, those functions set forth in the

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 changed 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, to tell them that 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 this effort. I could not agree more. 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 Iraqi Government 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 observe more than incremental steps toward political reconciliation, we require demonstrable changes. While limited progress has been mad on necessary legislative initiatives such as the Hydrocarbon Law, it is in fact a sheaf of laws and not just a single 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 be represented at the local level of government. Yet, so far, the review committee has yet to even finish drafts of these critical amendments.

I believe we were all encouraged by the recent ambassadorial meetings in Baghdad and last week's ministerial conference called at the Iraqi Government's request. These diplomatic talks are vital to securing Iraq's border, reversing the flow of refugees, and stemming the foreign interference which exacerbates sectarian divisions. But we also look for the Iraqi Government's leadership in dismantling the militias and strengthening the National Army so that it is truly a national institution that can provide the security so desperately desired by all Iraqis in every province.

We are now 3½ months into the surge, and our troops have made gains in reducing the still horrific levels of violence on Baghdad through their heroic efforts. Yet it is deeply concerning to me that, mirroring the slowness with which the Iraqi Government has moved on political reforms, their sacrifice remains by and largely unmatched by their Iraqi counterparts.

Last month, Leon Panetta, a member of the Iraq Study Group, wrote the following in a New York Times Op-ED, ''. . . every military commander we talked to felt that the absence of national reconciliation was the fundamental cause of violence in Iraq. As one American general told us, 'if the Iraqi Government does not make political progress on reforms, all the troops in the world will not provide security.' He went on to enumerate the progress or, more to the point, the lack of progress toward the agreed upon benchmarks and concluded that 'unless the United States finds new ways to bring strong pressure on the Iraqis, things are not likely to pick up any time soon.' ''

In fact, over the past few months, many have come to the realization that political action by the Iraqi Government is a paramount precursor to national reconciliation and stability and, without it, the Baghdad Security Plan is only a temporary, tactical fix for one specific location. And while 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 negotiation among 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 Americans are imploring us 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 want at least the assurance that 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 would 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.

By 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, the 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 coverage, that 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 in 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 contact 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 and testing 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 limits 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 limits 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 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 just as comprehensive as those for medical and surgical care. It is no less important to care for our kids' mental health, and this unfair and unwise disparity should no longer be acceptable. As we debate many important features of the S–CHIP 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 ask for unanimous consent that the text of the bill 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:

S. 1337

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 ''Children's Mental Health Parity Act''.

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 and 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) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).''.

(b) 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 ''paragraphs (5) and (6) of subsection (c)''; and

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

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

NATIONAL COUNCIL FOR COMMUNITY BEHAVIORAL HEALTHCARE,
May 8, 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 nondiscriminatory mental health benefit in the State Children's Health Insurance (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 mental disorders during the course of a year. Furthermore, widespread conditions such as major clinical depression and anxiety disorders are particularly prevalent in low-income populations of children who are more likely to be enrolled in the SCHIP Program. In many instances, these conditions manifest themselves 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, youngsters with more serious mental illnesses will not receive the 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 deteriorate 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 for the kids who need them most. Please count on the National Council to fight for this important bill throughout the SCHIP reauthorization process.

Sincerely,

LINDA ROSENBERG,
Executive Director.

MENTAL HEALTH AMERICA,
Alexandria, Virginia, May 7, 2007.

Hon. JOHN F. KERRY,
Hon. EDWARD M. KENNEDY,
Hon. GORDON SMITH,
Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATORS KERRY, SMITH, KENNEDY, AND DOMENICI: I commend you for your leadership in introducing the ''Children's Mental Health Parity Act'' to require equitable coverage of mental health services in the State Children's Health Insurance Program (SCHIP). As you know, providing access to needed mental health care is a key component of ensuring that SCHIP covers the full array of services needed for healthy childhood development.

As the Nation's oldest and largest advocacy organization dedicated to addressing all aspects of mental health and mental illness, we at Mental Health America greatly value the importance of prevention and early identification of mental illness. Thus, improving access to mental health care for children and youth is one of our primary objectives, particularly since some of the most serious mental illnesses often first arise in adolescence.

Many children need extensive mental health services in order to progress socially and emotionally and to successfully complete their education. Mental disorders affect about one in five American children and five to nine percent experience serious emotional disturbances that severely impair their functioning. Moreover, low-income children enrolled in Medicaid and SCHIP have the highest rates of mental health problems.

Unfortunately, over two-thirds of children struggling with mental health disorders do not receive mental health care. Without early and effective identification and interventions, childhood mental disorders can lead to a downward spiral of school failure, poor employment opportunities, and poverty in adulthood. Untreated mental illness may also increase a child's risk of coming into contact with the juvenile justice system, and children with mental disorders are at a much higher risk for suicide.

Discriminatory limits on mental health care are a primary cause of this widespread lack of access to necessary mental health services. And sadly, many state SCHIP plans impose these restrictive limits on mental health care, including caps on coverage of inpatient days and outpatient visits. These limits are not based on the medical needs of children enrolled in SCHIP or on practitioners' best practice guidelines. They are far too restrictive for ensuring access to adequate care for children with mental disorders. In fact, research has shown that children with complex mental health needs have access to full coverage for needed services in not more than 40 percent of states due to the limited benefit package in their state's SCHIP plan.

Thus, we greatly appreciate your introduction of the ''Children's Mental Health Parity Act'' that would prohibit discriminatory limits 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 limits 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 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.

We look forward to working with you to ensure enactment of this important legislation.

Sincerely,

DAVID L. SHERN, Ph.D.,
President and CEO.

AMERICAN ACADEMY OF CHILD AND ADOLESCENT PSYCHIATRY
Washington, DC, May 3, 2007.

Hon. Senator GORDON SMITH,
Russell Senate Office Building,
Washington, DC.
Hon. Senator JOHN KERRY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS SMITH AND KERRY: on behalf of the American Academy of Child and Adolescent Psychiatry (AACAP), we would like to express our support for the ''The Children's Mental Health Parity Act.''

The American Academy of Child and Adolescent Psychiatry (AACAP) is a medical membership association established by child and adolescent psychiatrists in 1953. Now over 7,600 members strong, the AACAP is the leading national medical association dedicated to treating and improving the quality of life for the estimated 7–12 million American youth under 18 years of age who are affected by emotional, behavioral, developmental and mental disorders.

Mental health is integral to the health and well-being of all children. Children coping with emotional and mental disorders must be identified, diagnosed, and treated to avoid the loss of critical developmental years that can never be recaptured. Currently, under the State Children's Health Insurance Program (SCHIP) mental health coverage is left up to the states. This act will amend Title XXI of the Social Security Act to provide for equal mental health coverage under SCRIP and allow for millions of children to receive the preventive care they need to live healthy productive lives.

We appreciate your leadership on this important issue. Please contact Kristin Kroeger Ptakowski, Director of Government Affairs, at 202.966.7300, x. 108, if you have any questions concerning children's mental health issues.

Sincerely,

THOMAS ANDERS, M.D.,
President.

NATIONAL ASSOCIATION FOR CHILDREN'S BEHAVIORAL HEALTH,
Washington, DC, May 6, 2007.

Senator JOHN KERRY,
Senate Russell,
Washington, DC.

DEAR SENATOR KERRY: On behalf of the National Association for Children's Behavioral Health, we want to thank you for your leadership in introducing the Children's Mental Health Parity Act. Allowing persistent discriminatory coverage in mental health benefits in any health insurance policies is an indignity which no longer can be tolerated. Correcting this injustice in the State Children's Health Insurance Program, recognizing the particular and multiple needs of low income and disabled children, is an appropriate beginning.

The reauthorization of this program offers a critical opportunity to rectify discriminatory limits on mental health care that exist in SCHIP plans across the nation. Children in SCHIP plans deserve comprehensive coverage for their mental health needs. Not only does existing law not require parity for mental health services in benchmark plans, it allows for discriminatory lower actuarial values in benchmark equivalent plans. This outrage must be corrected. Your bill takes the courageous steps necessary to correct these injustices. We stand ready to assist you any way to assure swift passage.

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 wide array 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 services and programs, in-home respite, outpatient counseling and a plethora of community outreach programs and resources. Providers serve clients from the mental health, social service, juvenile 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 their families and look forward to working with you to pass this critically important bill.

JOY MIDMAN,
Executive Director.

FIGHT CRIME: INVEST IN KIDS,
Washington, DC, May 8, 2007.

DEAR SENATOR KERRY: The 3,000 police chiefs, sheriffs, district attorneys and violence survivors of Fight Crime: Invest in Kids know from the front lines—and the research—that targeted investments in children are critical to our nation's public safety. The State Children's Health Insurance Program (SCHIP) can provide coverage for many effective interventions that are proven to help treat kids with behavioral or emotional problems—preventing later violence and saving taxpayers money. However, to maximize its crime reduction impact, current law regarding mental health coverage must be strengthened to ensure that mental health benefits are equivalent in scope to benefits for other physician and health services. We are pleased that you, along with Senators Smith, Kennedy and Domenici, are working to amend the State Children's Health Insurance Program to provide mental health parity.

SCHIP coverage can help provide evidenced-based, intensive individual and family therapy programs for troubled youth such as Multi-Systemic Therapy (MST). A study of MST followed juvenile offenders until they were, on average, 29-years-old. Individuals who had not received MST were 62 percent more likely to have been arrested for an offense, and more than twice as likely to have been arrested for a violent offense. Unfortunately, a number of states limit the amount or duration of mental health services coverage so that, in many states, effective delinquency intervention treatments like MST could not be covered.

Mental health benefits under SCHIP should be strengthened to ensure that mental health benefits are equivalent in scope to benefits for other physician and health services. The Children's Mental Health Parity Act would amend SCHIP to ensure that states' children's health plans include no financial requirements and treatment limitations for mental health care that are more restrictive than those of other medical benefits of the plan.

We look forward to working with you to ensure that a strong SCHIP reauthorization bill, which incorporates these mental health parity provisions, moves to enactment. This will help kids get off to a good start and make our communities safer.

Sincerely,

DAVID S. KASS,
President.
MIRIAM A. ROLLIN,
Vice President.

NATIONAL ASSOCIATION OF PSYCHIATRIC HEALTH SYSTEMS,
Washington, DC, May 7, 2007.

Hon. JOHN F. KERRY,
Hon. GORDON SMITH,
Hon. EDWARD M. KENNEDY,
Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATORS KERRY, SMITH, KENNEDY, AND DOMENICI: On behalf of the more than 600 members of the National Association of Psychiatric Health Systems (NAPHS) and the individuals and families that our members serve, we want to thank you for your leadership in introducing the ''Children's Mental Health Parity Act'' to require equitable coverage of mental health services in the State Children's Health Insurance Program (SCHIP).

Low-income children enrolled in Medicaid and SCHIP have the highest rates of mental health problems. Unfortunately, over two-thirds of children struggling with mental health disorders do not receive mental health care. Untreated mental illness may increase a child's risk of coming into contact with the juvenile justice system, and children with mental disorders are at a much higher risk for suicide.

Discriminatory limits on mental health care are a primary cause of this widespread lack of access to necessary mental health services. And sadly, many state SCHIP plans impose these restrictive limits on mental health care, including caps on coverage of inpatient days and outpatient visits. These limits are far too restrictive for ensuring access to adequate care for children with mental disorders. In fact, research has shown that children with complex mental health needs have access to full coverage for needed services in not more than 40 percent of states due to the limited benefit package in their state's SCHIP plan.

Thus, we greatly appreciate your introduction of the ''Children's Mental Health Parity Act'' that would prohibit discriminatory limits 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 limits 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 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.

Again, thank you for all you have done to improve the lives of millions of children with psychiatric disorders. We enthusiastically support your bill and look forward to continuing to work with you to pass this very important legislation.

Sincerely,

MARK COVALL,
Executive Director.

JUDGE DAVID L. BAZELON CENTER
FOR MENTAL HEALTH LAW,
May 7, 2007.

Hon. JOHN KERRY,
Hon. GORDON SMITH
Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATORS KERRY, SMITH AND DOMENICI: On behalf of the Judge David L. Bazelon Center for Mental Health Law—the national leading legal-advocacy organization representing children and adults with mental disabilities—I would like to offer our strong support for the Children's Mental Health Parity Act. We fully share your goal of eliminating discriminatory limits placed on mental health services within the State Children's Health Insurance Program (SCHIP).

As you well know, many states have imposed discriminatory and restrictive limits on mental health services that would not be permissible in Medicaid, including caps on both inpatient and outpatient care, annual cost restrictions, and limits on diagnostic services. As a result, many enrolled children do not receive essential mental health care as an important component of the range of services needed by children for healthy development. Without access to needed mental health care, children are placed at risk for a host of adverse outcomes, including school failure, contact with juvenile justice and even suicide.

It is vital that SCHIP plans provide mental health coverage that is equivalent to the coverage provided for general health care. The goal of SCHIP—to provide children with the health insurance coverage they need—must be realized for all eligible children. We look forward to working with you to ensure enactment of this important legislation.

Sincerely,

ROBERT BERNSTEIN,
Executive Director.

Mr. SMITH. Mr. President, I rise today with my colleagues Senator KERRY, Senator DOMENICI and Senator KENNEDY to introduce a The Children's Mental Health Parity Act that will have tremendous impact on millions of low-income children who are living with a mental illness. This bill will ensure mental health parity exists in the State Children's Health Insurance Program, SCHIP, which provides health care to our Nation's low-income children.

Mental illness affects about one in 5 American children, yet an estimated ⅔ of all young people with mental health problems are not getting the help they need. Moreover, children in Medicaid and SCHIP have the highest rates of mental health problems. Despite the prevalence of mental illness among our Nation's children, a large majority of children struggling with these difficulties do not receive mental health care. Without early and effective identification and interventions, childhood mental illnesses can lead to school failure, poor employment opportunities and poverty in adulthood. We also ow that suicide is the sixth leading cause of death among 5 to 15 year olds and the third leading cause of death for 15 to 24 year olds. Moreover, in 1999, more teenagers and young adults died as a result of suicide than cancer, heart disease, HIV/AIDS, birth defects, stroke and chronic lung disease combined. Currently, between 500,000 and one million young people attempt suicide each year.

A parent with a son who struggled with a mental illness, I know all too well the indiscriminate nature of the illness and the frightening statistics of its regular occurrence for those we love. That is why ensuring access to care is so vitally important. Yet, our Nation's health care program dedicated to delivering care to children is falling behind. Many States have imposed restrictive limits on mental health services that would not be permissible in Medicaid, including caps on both inpatient and outpatient care, annual cost restrictions, and limits on diagnostic services. These limits are not based on the medical needs of beneficiaries or best practice guidelines and result in coverage that is wholly inadequate for a child with a mental illness.

This is why the introduction of this legislation is so critical. The Children's Mental Health Parity Act would prohibit discriminatory limits 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 limits that apply to other medical services. The bill also would eliminate a harmful provision in current law that authorizes states to lower the amount of mental health 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.

My home State of Oregon had the wisdom and foresight to see that mental health parity was necessary. The Oregon Health Plan, through which SCHIP kids are covered, offers parity with physical health services and a very comprehensive mental health benefit package, A 2004 report by the Governor of Oregon's Mental Health Taskforce found that in any given year, 75,000 children under the age of 18 are in need of mental health services. It also listed as one of the major problems facing the Oregon mental health system is the fact that mental health parity was not, at that time, in effect. That is no longer the case and I look forward to seeing significant improvements in the mental health system in Oregon as a result of the hard work done there.

Although we are fortunate to have mental health parity in Oregon, there are millions children across the Nation that are in critical need of similar care. That is why the introduction of this Federal legislation is so important, and I urge my colleagues on both sides of the aisle to support this bill and work towards its swift passage.

By Mr. ROCKEFELLER (for himself, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mrs. MURRAY, Mr. ISAKSON, Mr. KOHL, Mr. COLEMAN, Mr. CASEY, Mr. CORNYN, Mr. MENENDEZ, Mr. BURR, Mrs. LINCOLN, Mr. GRAHAM, Mr. HARKIN, 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, CT-scans, 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 exchange 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.

Consider, if you will, the Center 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, of 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 implementation of 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.

The legislation that I am proposing today along with Senators SMITH, KENNEDY, COLLINS, MURRAY, ISAKSON, KOHL, COLEMAN, CASEY, CORNYN, MENENDEZ, BURR, LINCOLN, GRAHAM and HARKIN would declare a 2-year 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 our elderly 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:

S. 1338

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 ''Access to Medicare Imaging Act of 2007''.

SEC. 2. TWO-YEAR MORATORIUM ON CERTAIN MEDICARE PHYSICIAN PAYMENT REDUCTIONS FOR IMAGING SERVICES.

(a) MORATORIUM.—No payment adjustment shall be made under subsections (b)(4)(A) or (c)(2)(B)(v)(II) of section 1848 of the Social Security Act (42 U.S.C. 1395w–4) during the 2-year period beginning on the date of the enactment of this Act.

(b) GAO STUDY AND REPORT ON IMAGING SERVICES FURNISHED UNDER THE MEDICARE PROGRAM.—

(1) STUDY.—The Comptroller General of the United States shall conduct a comprehensive study on imaging services furnished under the Medicare program.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress and the Secretary of Health and Human Services a report on the findings and conclusions of the study conducted under paragraph (1) together with recommendations for such legislation and administrative actions as the Comptroller General considers appropriate.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DURBIN, and Mr. KERRY)):

S. 1339. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, of all the challenges we face today, one of the most important is creating greater opportunities for the Nation's children to learn and succeed in life. If America is to remain competitive in the global economy, if all Americans are to have access to the American dream, we must ensure that all our children receive a good education.

A good education begins with a good teacher. One of the most significant steps we can take to improve the Nation's schools is to do more to support the recruitment, training, and retention of high quality teachers.

We owe a great debt to America's teachers. Day in and day out, in thousands of schools across the country, they struggle to give our children the knowledge and skills they need to succeed. Our teachers are at the forefront of the constant effort to improve public education. It is their vision, energy, hard work, and dedication that will make all the difference in successfully meeting this challenge.

As Shirley Hufstedler, the Nation's first Secretary of Education, said:

> ''The role of the teacher remains the highest calling of a free people. To the teacher, America entrusts her most precious resource, her children; and asks that they be prepared, in all their glorious diversity, to face the rigors of individual participation in a democratic society.''

All children need and deserve teachers who can help them succeed. We in Congress must do all in our power to help them do so.

We took a major step toward this goal when Congress passed the No Child Left Behind Act, which recognized that all students deserve first-rate teachers to help them reach their potential in school. The law established a goal to guarantee a highly qualified teacher in every classroom by the end of 2006. Few states have reached that ambitious target, and much more remains to be done to achieve success.

Extensive research shows that teacher quality is the most important educational factor affecting student achievement. One recent study showed that having a highly qualified teacher can improve student academic growth by as much as one full year. Another showed that students taught by highly qualified teachers for 3 consecutive years significantly outperformed their peers on academic assessments. A comparison of low-performing and high-performing elementary schools with similar student populations found that differences in teacher qualifications accounted for 90 percent of the difference in performance in reading and math. There's strong evidence that a good teacher can make all the difference in closing achievement gaps for the neediest students in our public schools.

Investing in teacher quality is cost effective and fiscally responsible. A recent study involving 1,000 school districts found that additional dollars invested in more highly qualified teachers resulted in greater improvements in student achievement than any other use of school resources.

Unfortunately, research also shows that high quality teachers are the most inequitably distributed educational resource in the Nation. The most at-risk students are too often taught by the least prepared, least experienced, and least qualified teachers. Students in high poverty schools are twice as likely to be taught by teachers with less than 3 years of experience. Such teachers are less likely to receive the resources and support they need to succeed. Often they leave the profession and further destabilize already struggling schools. By contrast, children of the affluent and the privileged are much more likely to be taught by highly prepared and qualified, expert teachers with broad knowledge and experience in the subjects they teach.

To enable more teachers to receive the assistance they need to improve their instruction, ensure that every child receives a high quality education, and level the playing field for America's students, Congress must act on a comprehensive plan to build and sustain a strong teacher workforce.

That is why today I am introducing the Teacher Excellence for All Children Act of 2007, the TEACH Act. Its purpose is to assist the States and districts in better recruiting, training, retaining and supporting our teachers. Our distinguished colleague in the House, Congressman GEORGE MILLER, is introducing companion legislation, and I commend him for his leadership on this issue.

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 teaching practices and by expanding professional development opportunities; and

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 graduates in other fields, and the gap widens to more than $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 among students majoring 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 and to recognize exceptional teaching in the classroom. It encourages the development of data systems to provide teachers with additional data to inform and improve classroom instruction. It also encourages the development of model 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 Center, Operation 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''.

SEC. 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. 101. Amendments to the Higher Education Act of 1965.
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: Teacher Quality Enhancement Grants.
Sec. 303. Enforcing NCLB's teacher equity provision.

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. 501. Amendment to the Elementary and Secondary Education Act of 1965.
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. 3. FINDINGS.

Congress finds the following:

(1) There are not enough qualified teachers in the Nation's classrooms, and an unprecedented number of teachers will retire over the next 5 years. Over the next decade, the Nation will need to bring 2,000,000 new teachers into public schools.

(2) Too many teachers and principals do not receive adequate preparation for their jobs.

(3) More than one-third of children in grades 7 through 12 are taught by a teacher who lacks both a college major and certification 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 mathematics 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 the first year. After 5 years—the average time it takes for teachers to maximize students' learning—half of all new teachers will have exited the profession. Rates of teacher attrition are highest in high-poverty schools. Between 2000 and 2001, 1 out of 5 teachers in the Nation's high-poverty schools either left to teach in another school or dropped out of teaching altogether.

(6) Fourth graders who are poor score dramatically lower on the National Assessment of Educational Progress (NAEP) than their counterparts who are not poor. Over 85 percent of fourth graders who are poor failed to attain NAEP proficiency standards in 2003.

(7) African-American, Latino, and low-income students are much less likely than other students to have highly-qualified teachers.

(8) Research shows that individual teachers have a great impact on how well their students learn. The most effective teachers have been shown to be able to boost their pupils' learning by a full grade level relative to students taught by less effective teachers.

(9) Although nearly half (42 percent) of all teachers hold a master's degree, fewer than 1 in 4 secondary teachers have a master's degree in the subject they teach.

(10) Young people with high SAT and ACT scores are much less likely to choose teaching as a career. Those teachers who have higher SAT or ACT scores are twice as likely to leave the profession after only a few years.

(11) Only 16 States finance new teacher induction programs, and fewer still require inductees to be matched with mentors who teach the same subject.

TITLE I—RECRUITING 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 following:

"PART C—TEACH GRANTS

"SEC. 231. PURPOSES.

''The purposes of this part are—

''(1) to improve student academic achievement;

''(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 of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

"SEC. 232. PROGRAM ESTABLISHED.

''(a) PROGRAM AUTHORITY.—

''(1) PAYMENTS REQUIRED.—For each of the fiscal years 2008 through 2015, the Secretary shall pay to each eligible institution such sums as may be necessary to pay to each eligible student (defined in accordance with section 484) who files an application and agreement in accordance with section 233, and qualifies under subsection (a)(2) of such section, a TEACH Grant in the amount of $4,000 for each academic year during which that student is in attendance at an institution of higher education.

''(2) REFERENCE.—Grants made under this part shall be known as 'Teacher Education Assistance for College and Higher Education Grants' or 'TEACH Grants'.

''(b) PAYMENT METHODOLOGY.—

''(1) PREPAYMENT.—Not less than 85 percent of such sums shall be advanced to eligible institutions prior to the start of each payment period and shall be based upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register, with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner, except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

''(2) DIRECT PAYMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which the students are eligible, in cases where the eligible institution elects not to participate in the disbursement system required under paragraph (1).

''(3) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this part shall be made, in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purposes of this part. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees and, in the case of institutionally owned housing, room and board. The student may elect to have the institution provide other such goods and services by crediting the student's account.

''(c) REDUCTIONS IN AMOUNT.—

''(1) PART TIME STUDENTS.—In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the TEACH Grant for which that student is eligible shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary for the purpose of this part, computed in accordance with this part. Such schedule of reductions shall be established by regulation and published in the Federal Register in accordance with section 482.

''(2) NO EXCEEDING COST.—No TEACH Grant for a student under this part shall exceed the cost of attendance (as defined in section 472) at the institution at which such student is in attendance. If, with respect to any student, it is determined that the amount of a TEACH Grant exceeds the cost of attendance for that year, the amount of the TEACH Grant shall be reduced until the TEACH Grant does not exceed the cost of attendance at such institution.

''(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

''(1) UNDERGRADUATE STUDENTS.—The period during which an undergraduate student may receive TEACH Grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance, except that—

''(A) any period during which the student is enrolled in a noncredit or remedial course of study, subject to paragraph (3), shall not be counted for the purpose of this paragraph; and

''(B) the total amount that a student may receive under this part for undergraduate study shall not exceed $16,000.

''(2) GRADUATE STUDENTS.—The period during which a graduate student may receive TEACH Grants shall be the period required for the completion of a master's degree course of study being pursued by that student at the institution at which the student is in attendance, except that the total amount that a student may receive under this part for graduate study shall not exceed $8,000.

''(3) REMEDIAL COURSE; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study that are noncredit or remedial in nature (including courses in English language acquisition) that are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

"SEC. 233. ELIGIBILITY AND APPLICATIONS FOR GRANTS.

''(a) APPLICATIONS; DEMONSTRATION OF ELIGIBILITY.—

''(1) FILING REQUIRED.—The Secretary shall from time to time set dates by which students shall file applications for TEACH Grants under this part. Each student desiring a TEACH Grant for any year shall file an application containing such information and assurances as the Secretary may deem necessary to enable the Secretary to carry out the functions and responsibilities of this part.

''(2) DEMONSTRATION OF ELIGIBILITY.—Each such application shall contain such information as is necessary to demonstrate that—

''(A) if the applicant is an enrolled student—

''(i) the student is an eligible student for purposes of section 484 (other than subsection (r) of such section);

''(ii) the student—

''(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, such grade point average shall be determined on the basis of the student's cumulative high school grade point average; or

''(II) displayed high academic aptitude by receiving a score above the 75th percentile on at least 1 of the batteries in an undergraduate or graduate school admissions test; and

''(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

''(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

''(i) the applicant is a teacher, or a retiree from another occupation, with expertise in a field in which there is a shortage of teachers,

such as mathematics, science, special education, English language acquisition, or another high-need subject; or

''(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

''(b) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

''(1) the applicant will—

''(A) serve as 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 in another field documented as high-need by the Federal Government, State government, or local educational agency and submitted to the Secretary;

''(C) submit evidence of such employment in the form of a certification by the chief administrative officer of the school upon completion of each year of such service; and

''(D) comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965 or, in the case of a special education teacher, as defined in section 602 of the Individuals with Disabilities Education Act; and

''(2) in the event that the applicant is determined to have failed or refused to carry out such service obligation, the sum of the amounts of such TEACH Grants will be treated as a loan and collected from the applicant in accordance with subsection (c) and the regulations thereunder.

''(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 promulgated 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. 1021 et seq.), as amended by subsection (a), is further 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 institutions of higher education to improve the availability and recruitment of teachers from among students majoring in mathematics, science, foreign languages, special education, or teaching the English language to English language learners. In making such grants, the Secretary shall give priority to programs 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) APPLICATION.—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, or 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 from other majors, with an 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 instructional strategies for teaching 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 science; and

''(B) integrating coursework with clinical experience; and

''(4) may be used to develop strategic plans between schools of education 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 this part $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 SPECIALIST.—Sections 428J(c)(3) and 460(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)(3), 1087j(c)(3)) are each amended—

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

(2) by striking ''and'' at the end of subparagraph (A)(ii);

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

''(I) as being proficient in teaching the essential components of reading instruction, as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

''(II) as having such credential.''.

(b) ANNUAL INCREMENTS INSTEAD OF END OF SERVICE LUMP SUMS.—

(1) FFEL LOANS.—Section 428J(c) 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 INCREMENTS.—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 such service;

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

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

(2) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following:

''(4) ANNUAL INCREMENTS.—Notwithstanding paragraph (1), in the case of an individual qualifying for loan cancellation 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 such service;

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

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

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 II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

''PART E—TEACHER EXCELLENCE FOR ALL CHILDREN

''SEC. 2500. DEFINITIONS.

''In this part:

''(1) The term 'high-need local educational agency' means a local educational agency—

''(A) that serves not fewer than 10,000 children from families with incomes below the poverty line, or for which not 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' means student achievement gains determined by means of a system that—

''(A) is sufficiently sophisticated and valid—

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

''(ii) to enable estimates to be precise and to use all the data for all students in 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 standard delivery of instruction, so that affected teachers do not receive an unfair advantage; and

''(C) has the capacity to assign various proportions of student growth to multiple teachers when the classroom reality, such as team 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 higher salaries to exemplary, 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; and

''(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 teaching a subject for which there is a documented shortage of teachers in a public high-need elementary school or a public high-need secondary school.

''(c) TIMING OF PAYMENT.—A local educational agency providing an annual bonus to a principal or teacher under subsection (b) shall pay the bonus on completion of the service requirement by the principal or teacher for the applicable year.

''(d) GRANT PERIOD.—The Secretary shall make grants under this section in yearly installments for a total period of 4 years.

''(e) OBSERVATION, FEEDBACK, AND EVALUATION.—The Secretary may make a grant to a local educational agency under this section only if the State in which the agency is located or the agency has in place or proposes a plan, developed on a collaborative basis with the local teacher organization, to develop a system in which principals and, if available, master teachers rate teachers as exemplary. Such a system shall be—

''(1) based on strong learning gains for students;

''(2) based on classroom observation and feedback at least 4 times annually;

''(3) conducted by multiple sources, including master teachers and principals; and

''(4) evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance.

''(f) APPLICATION REQUIREMENTS.—To seek a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary reasonably requires. At a minimum, the application shall include the following:

''(1) A description of the agency's proposed new teacher hiring timeline, including interim goals for any phase-in period.

''(2) An assurance that the agency will—

''(A) pay matching funds for the program carried out with the grant, which matching funds may be derived from funds received under other provisions of this title;

''(B) commit to making the program sustainable over time;

''(C) create incentives to bring a critical mass of exemplary, highly qualified teachers to each school whose teachers will receive assistance under this section;

''(D) improve the school's working conditions through activities that may include—

''(i) reducing class size;

''(ii) ensuring the availability of classroom materials, textbooks, and other supplies;

''(iii) improving or modernizing facilities; and

''(iv) upgrading safety; and

''(E) accelerate the timeline for hiring new teachers in order to minimize the withdrawal of high-quality teacher applicants and secure the best new teacher talent for the local educational agency's hardest-to-staff schools.

''(3) An assurance that, in identifying exemplary teachers, the system described in subsection (e) will take into consideration—

''(A) the growth of the teacher's students on any tests required by the State educational agency;

''(B) value-added student achievement gains if such teacher is in a State that uses a value-added longitudinal data system;

''(C) National Board for Professional Teaching Standards certification; and

''(D) evidence of teaching skill documented in performance-based assessments.

''(g) HIRING HIGHLY QUALIFIED TEACHERS EARLY AND IN A TIMELY MANNER.—

''(1) IN GENERAL.—In addition to the requirements of subsection (f), an application under such subsection shall include a description of the steps the local educational agency will take to enable all or a subset of the agency's schools to hire new highly qualified teachers early and in a timely manner, including—

''(A) requiring a clear and early notification date for retiring teachers that is no later than March 15 each year;

''(B) providing schools with their staffing allocations for a school year no later than April of the preceding school year;

''(C) enabling schools to consider external candidates at the same time as internal candidates for available positions;

''(D) moving up the teacher transfer period to April and not requiring schools to hire transferring or 'excessed' teachers from other schools without selection and consent; and

''(E) establishing and implementing a new principal accountability framework to ensure that principals with increased hiring authority are improving teacher quality.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

''(h) PRIORITY.—In providing higher salaries to principals and teachers under this section, a local educational agency shall give priority to principals and teachers at schools identified under section 1116 for school improvement, corrective action, or restructuring.

''(i) DEFINITIONS.—In this section:

''(1) The term 'high-need' means, with respect to an elementary school or a secondary school, a school that serves an eligible school attendance area in which not less than 65 percent of the children are from low-income families, based on the number of children eligible for free and 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.

''(2) The term 'documented shortage of teachers'—

''(A) means a shortage of teachers documented in the needs assessment submitted under section 2122 by the local educational agency involved or some other official demonstration of shortage by the local educational agency; and

''(B) may include such a shortage in mathematics, science, a foreign language, special education, bilingual education, or reading.

''(3) The term 'exemplary, highly qualified principal' means a principal who—

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

''(B) demonstrates an ability to drive substantial gains in academic achievement for all students while closing the achievement gap for those farthest from meeting standards;

''(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.

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

''(j) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $2,200,000,000 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 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 increasing responsibilities and leadership 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 by—

''(A) providing not more than $10,000 as an annual augmentation to master teachers (including teachers serving as master teachers 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);

''(2) provides not more than $4,000 as an annual bonus to all career teachers, master teachers, and mentor teachers in high-need elementary schools and high-need secondary schools based on a combination of—

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

''(i) be conducted by multiple evaluators, including master teachers and the principal;

''(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) the performance 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, 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; or

''(2) in States that do not recognize collective bargaining between local educational agencies and teacher organizations, at least 75 percent of the teachers in the local educational agency vote affirmatively to adopt the program.

''(c) DEFINITIONS.—In this section:

''(1) The term 'career teacher' means a teacher who has a baccalaureate degree and full credentials or alternative certification including a passing level on elementary or secondary subject matter assessments and professional knowledge assessments.

''(2) The term 'mentor teacher' means a teacher who—

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

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

''(C) has an ability, as demonstrated by student data, to increase student achievement through utilizing specific instructional strategies;

''(D) has a minimum of 3 years of teaching experience;

''(E) is recommended by the principal and other current master and mentor teachers;

''(F) is an excellent instructor and communicator with an understanding of how to facilitate growth in the teachers the teacher is mentoring; and

''(G) performs well as a mentor in established induction and peer review and mentoring programs.

''(3) The term 'master teacher' means a teacher who—

''(A) holds a master's degree in the relevant academic discipline;

''(B) has a minimum of 5 years of successful teaching experience, as measured by performance evaluations, a portfolio of work, or National Board for Professional Teaching Standards certification;

''(C) demonstrates expertise in content, curriculum development, student learning, test analysis, mentoring, and professional development, as demonstrated by an advanced degree, advanced training, career 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 instructional 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-need', with respect to an elementary school or a secondary school, has the meaning given to that term in section 2501(i).

''(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.''.

TITLE III—IMPROVING TEACHER PREPARATION

SEC. 301. 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 title II of this Act, is amended by adding at the end the following:

"Subpart 2—Preparation

"SEC. 2511. ESTABLISHING STATE-OF-THE-ART TEACHER INDUCTION PROGRAMS.

''(a) GRANTS.—The Secretary may 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 AGENCY.—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 subsection (a) shall use the funds made available through the grant to develop a state-of the-art teacher induction program that—

''(1) provides new teachers a minimum of 3 years of extensive, high-quality, comprehensive induction into the field of teaching; and

''(2) includes—

''(A) structured mentoring for new teachers from highly qualified master or mentor teachers who are certified, have teaching experience similar to the grade level or subject assignment of the new teacher, and are trained to mentor new teachers;

''(B) at least 90 minutes each week of common meeting time for a new teacher to discuss student work and teaching under the director of a master or mentor teacher;

''(C) regular classroom observation in the new teacher's classroom;

''(D) observation by the new teacher of the mentor teacher's classroom;

''(E) intensive professional development activities for new teachers that result in improved teaching leading to student achievement, including lesson demonstration by master and mentor teachers in the classroom, observation, and feedback;

''(F) training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency;

''(G) observation of teachers and feedback at least 4 times each school year by multiple evaluators, including master teachers and the principals, using research-validated benchmarks of teaching skills and standards that are developed with input from teachers;

''(H) paid release time for the mentor teacher for mentoring, or salary supplements under section 2502, for mentoring new teachers at a ratio of one full-time mentor to every 12 new teachers;

''(I) a transition year to the classroom that includes a reduced workload for beginning teachers; and

''(J) a standards-based assessment of every beginning teacher to determine whether the teacher should move forward in the teaching profession, which assessment may include examination of practice and a measure of gains in student learning.

''(d) ADDITIONAL REQUIREMENT.—The Secretary shall commission an independent evaluation of state-of the-art teacher induction programs supported under this section in order to compare the design and outcome of various models of induction programs.

''(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $300,000,000 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 a peer mentoring and review program. Such a program shall be established through collective bargaining agreements or, in States that do not recognize collective bargaining between local educational agencies and teacher organizations, through joint agreements between the local educational agency and affected teacher organizations.

''(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 reasonably require. The Secretary shall require each such application to include the following:

''(1) 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 under this section 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 AND PERFORMANCE-BASED PRINCIPAL CERTIFICATION.

''(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 evaluation of a statewide performance-based system for certifying 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 principal 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;

''(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) PRIORITY.—In selecting 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 and 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 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 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 2501.

''(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;

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

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

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

''(ii) academic achievement results in a school leadership role such as a residency or an assistant principalship; and

''(D) awards certification to individuals who successfully complete programs at institutions that include 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 the passing scores 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 relationship, if any, between teachers' scores on licensure and certification examinations and other measures of teacher effectiveness, including learning gains achieved by the teachers' students.

''(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 portability of teacher credentials 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).

''(3) 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 ACT OF 1965: TEACHER QUALITY ENHANCEMENT GRANTS.

Part A of title II of the Higher Education Act of 1965 is amended by striking sections 206 through 209 (20 U.S.C. 1026–1029) and inserting the following:

''SEC. 206. ACCOUNTABILITY AND EVALUATION.

''(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 the Workforce 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. 6319).

''(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 numbers 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.

''(6) INCREASING OPPORTUNITIES FOR RESEARCH-BASED PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

''(A) improves the academic content 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

''(B) 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 parental involvement decisionmaking for the purpose of increasing student academic achievement.

''(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership applying for a grant under section 203 shall establish, and include in the application submitted under section 203(c), 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;

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

''(4) increased percentage of highly qualified teachers; and

''(5) 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 OF GRANT.—

''(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress 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 making substantial progress in 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 payment shall not be made for the third year of the grant.

''(B) ELIGIBLE PARTNERSHIPS.—If the Secretary 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 a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report annually the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

''SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) STATE REPORT CARD ON THE QUALITY OF TEACHER AND PRINCIPAL PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall include at least the following:

''(1) A description of the teacher and principal certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(2) The standards and criteria that prospective teachers and principals must meet in order to attain initial teacher and principal certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

''(3) A demonstration of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

''(4) The percentage of students who have completed the clinical coursework for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

''(5) For students who have completed the clinical coursework for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

''(6) A description of each State's alternative routes to teacher certification, if any, and the number and percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

''(7) For each State, a description of proposed criteria for assessing the performance of teacher and principal preparation programs in the State, including indicators of teacher and principal candidate skills, placement, 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, the number of minority students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty, adjunct 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 teachers prepared, in the aggregate and reported separately by—

''(A) level (elementary or secondary);

''(B) academic major;

''(C) subject or subjects for which the student has been prepared to teach; and

''(D) teacher candidates who speak a language other than English and have been trained specifically to teach English-language learners.

''(10) The State shall refer to the data generated for paragraphs (8) and (9) to report on the extent to which teacher preparation programs are helping to address shortages of qualified teachers, by level, subject, and specialty, in the State's public schools, especially in poor urban and rural areas as required by section 206(a)(5).

''(b) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (10) of subsection (a). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

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

''(A) a comparison of States' efforts to improve teaching quality; and

''(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of programs with fewer than 10 students who have completed the clinical coursework for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(c) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

''(d) INSTITUTION AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional certification or licensure programs and for alternative certification or licensure programs, the following information, disaggregated by major racial and ethnic groups:

''(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of each student who has completed the clinical coursework for the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of receiving a degree from the institution or completing the program.

''(ii) A comparison of the institution or program's pass rate for students who have completed the clinical coursework for the teacher preparation program with the average pass rate for institutions and programs in the State.

''(iii) In the case of programs with fewer than 10 students who have completed the clinical coursework for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(B) PROGRAM INFORMATION.—The number of students in the program, the average 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.

''(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

''(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including materials sent by electronic means.

''(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(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 certification and preparation activity, such individual, entity, or agency;

shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

''SEC. 208. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(a). A State receiving Federal funds under this title shall develop plans to close or reconstitute underperforming programs of teacher preparation within institutions of higher education.

''(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

''(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution's teacher preparation program.

''SEC. 209. GENERAL PROVISIONS.

''In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.''.

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 ACCESS TO TEACHER 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 out-of-field 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, LOCAL EDUCATIONAL AGENCIES, AND STATES WITH THE 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS THEY NEED

SEC. 401. 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II and III 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 data 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 develop standards for the collection of data with grant funds under this section to ensure that such data are statistically valid and reliable.

''(4) APPLICATION.—To seek a grant under this section, a State shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, each such application shall demonstrate to the Secretary's satisfaction that the assessments used by the State to collect and analyze data for purposes of this subsection—

''(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, local educational agencies, nonprofit organizations, and teacher organizations 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 secondary school teachers, based on value-added student achievement gains; and

''(2) to compare a range of models for collecting and analyzing such data.

''(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $200,000,000 for the period 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 DISTRIBUTION OF TEACHERS.

Section 155 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9545) is amended by adding at the end the following:

''(d) SCHOOLS AND STAFFING SURVEY.—Not later than the end of fiscal year 2008, and every 3 years thereafter, the Statistics Commissioner shall publish the results of the Schools and Staffing Survey (or any successor 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 DEVELOPMENT OPPORTUNITIES.

''(a) GRANTS.—The Secretary may make grants to eligible entities for the establishment and operation of new teacher centers or the support of existing teacher centers.

''(b) SPECIAL CONSIDERATION.—In making grants under this section, the Secretary shall give special consideration to any application submitted by an eligible entity that is—

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

''(2) a consortium that includes at least one high-need local educational agency.

''(c) DURATION.—Each grant under this section shall be for a period of 3 years.

''(d) REQUIRED ACTIVITIES.—A teacher center receiving assistance under this section shall carry out each of the following activities:

''(1) Providing high-quality professional development to teachers to assist them in improving their knowledge, skills, and teaching practices in order to help students to improve their achievement and meet State academic content standards.

''(2) Providing teachers with information on developments in curricula, assessments, and educational research, including the manner in which the research and data can be used to improve teaching skills and practice.

''(3) Providing training and support for new teachers.

''(e) PERMISSIBLE ACTIVITIES.—A teacher center may use assistance under this section for any of the following:

''(1) Assessing the professional development needs of the teachers and other instructional school employees, such as librarians, counselors, and paraprofessionals, to be served by the center.

''(2) Providing intensive support to staff to improve instruction in literacy, mathematics, science, and other curricular areas necessary to provide a well-rounded education to students.

''(3) Providing support to mentors working with new teachers.

''(4) Providing training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency.

''(5) Enabling teachers to engage in study groups and other collaborative activities and collegial interactions regarding instruction.

''(6) Paying for release time and substitute teachers in order to enable teachers to participate in the activities of the teacher center.

''(7) Creating libraries of professional materials and educational technology.

''(8) Providing high-quality professional development for other instructional staff, such as paraprofessionals, librarians, and counselors.

''(9) Assisting teachers to become highly qualified and paraprofessionals to become teachers.

''(10) Assisting paraprofessionals to meet the requirements of section 1119.

''(11) Developing curricula.

''(12) Incorporating additional on-line professional development resources for participants.

''(13) Providing funding for individual- or group-initiated classroom projects.

''(14) Developing partnerships with businesses and community-based organizations.

''(15) Establishing a teacher center site.

''(f) TEACHER CENTER POLICY BOARD.—

''(1) IN GENERAL.—A teacher center receiving assistance under this section shall be operated under the supervision of a teacher center policy board.

''(2) MEMBERSHIP.—

''(A) TEACHER REPRESENTATIVES.—The majority of the members of a teacher center policy board shall be representatives of, and selected by, the elementary and secondary school teachers to be served by the teacher

center. Such representatives shall be selected through the teacher organization, or if there is no teacher organization, by the teachers directly.

''(B) OTHER REPRESENTATIVES.—The members of a teacher center policy board—

''(i) shall include at least two members who are representative of, or designated by, the school board of the local educational agency to be served by the teacher center;

''(ii) shall include at least one member who is a representative of, and is designated by, the institutions of higher education (with departments or schools of education) located in the area; and

''(iii) may include paraprofessionals.

''(g) APPLICATION.—

''(1) IN GENERAL.—To seek a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) ASSURANCE OF COMPLIANCE.—An application under paragraph (1) shall include an assurance that the applicant will require any teacher center receiving assistance through the grant to comply with the requirements of this section.

''(3) TEACHER CENTER POLICY BOARD.—An application under paragraph (1) shall include the following:

''(A) An assurance that—

''(i) the applicant has established a teacher center policy board;

''(ii) the board participated fully in the preparation of the application; and

''(iii) the board approved the application as submitted.

''(B) A description of the membership of the board and the method of its selection.

''(h) DEFINITIONS.—In this section:

''(1) The term 'eligible entity' means a local educational agency or a consortium of 2 or more local educational agencies.

''(2) The term 'teacher center policy board' means a teacher center policy board described in subsection (f).

''(i) 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. 502. EXCLUSION FROM GROSS INCOME OF COMPENSATION OF TEACHERS AND PRINCIPALS IN CERTAIN HIGH-NEED SCHOOLS OR TEACHING HIGH-NEED SUBJECTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139A the following new section:

''SEC. 139B. COMPENSATION OF CERTAIN TEACHERS AND PRINCIPALS.

''(a) TEACHERS AND PRINCIPALS IN HIGH-NEED SCHOOLS.—

''(1) IN GENERAL.—In the case of an individual employed as a teacher or principal in a high-need school during the taxable year, gross income does not include so much remuneration for such employment (which would but for this paragraph be includible in gross income) as does not exceed $15,000.

''(2) HIGH-NEED SCHOOL.—For purposes of this subsection, the term 'high-need school' means any public elementary school or public secondary school eligible for assistance under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314).

''(b) TEACHERS OF HIGH-NEED SUBJECTS.—

''(1) IN GENERAL.—In the case of an individual employed as a teacher of high-need subjects during the taxable year, gross income does not include so much remuneration for such employment (which would but for this paragraph be includible in gross income) as does not exceed $15,000.

''(2) TEACHER OF HIGH-NEED SUBJECTS.—For purposes of this subsection, the term 'teacher of high-need subjects' means any teacher in a public elementary or secondary school who—

''(A)(i) teaches primarily 1 or more high-need subjects in 1 or more grades 9 through 12, or

''(ii) teaches 1 or more high-need subjects in 1 or more grades kindergarten through 8,

''(B) received a baccalaureate or similar degree from an eligible educational institution (as defined in section 25A(f)(2)) with a major in a high-need subject, and

''(C) is highly qualified (as defined in section 9101(23) of the Elementary and Secondary Education Act of 1965).

''(3) HIGH-NEED SUBJECTS.—For purposes of this subsection, the term 'high-need subject' means mathematics, science, engineering, technology, special education, teaching English language learners, or any other subject identified as a high-need subject by the Secretary of Education for purposes of this section.

''(c) LIMITATION ON TOTAL REMUNERATION TAKEN INTO ACCOUNT.—In the case of any individual whose employment is described in subsections (a)(1) and (b)(1), the total amount of remuneration which may be taken into account with respect to such employment under this section for the taxable year shall not exceed $25,000.''.

(b) CLERICAL AMENDMENT.—The table of section of such part is amended by inserting after the item relating to section 139A the following new item:

''Sec. 139B. Compensation of certain teachers and principals''.

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

SEC. 503. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS INCREASED AND MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 is amended by striking ''In the case of'' and all that follows through ''$250'' and inserting ''The deductions allowed by section 162 which consist of expenses, not in excess of $500''.

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

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. CONFORMING AMENDMENTS.

The table of contents at section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by inserting after the items relating to part D of title II of such Act the following new items:

''PART E—TEACHER EXCELLENCE FOR ALL CHILDREN

''Sec. 2500. Definitions.

''SUBPART 1—DISTRIBUTION

''Sec. 2501. Premium pay; loan repayment.

''Sec. 2502. Career ladders for teachers program.

''SUBPART 2—PREPARATION

''Sec. 2511. Establishing state-of-the-art teacher induction programs.

''Sec. 2512. Peer mentoring and review programs.

''Sec. 2513. Establishing state-of-the-art principal training and induction programs and performance-based principal certification.

''Sec. 2514. Study on developing a portable performance-based teacher assessment.

''SUBPART 3—21ST CENTURY DATA, TOOLS, AND ASSESSMENTS

''Sec. 2521. Developing value-added data systems.

''SUBPART 4—RETENTION AND WORKING CONDITIONS

''Sec. 2531. Improving professional development opportunities.''; and

(2) by inserting after the items relating to subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 the following new item:

''Sec. 9537. Assurance of reasonable progress toward equitable access to teacher quality.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 191—ESTABLISHING A NATIONAL GOAL FOR THE UNIVERSAL DEPLOYMENT OF NEXT-GENERATION BROADBAND NETWORKS TO ACCESS THE INTERNET AND FOR OTHER USES BY 2015, AND CALLING UPON CONGRESS AND THE PRESIDENT TO DEVELOP A STRATEGY, ENACT LEGISLATION, AND ADOPT POLICIES TO ACCOMPLISH THIS OBJECTIVE

Mr. ROCKEFELLER submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 191

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 over the Internet and via direct connections an increasingly broad array of critical information, services, and applications;

Whereas the 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, because new information, services, and applications require increasing amounts of bandwidth, and that trend is expected to accelerate dramatically, current-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 megabits 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 national 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