from Louisiana (Mr. VITTER) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 465

At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. MURKOWSKI) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 665, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 702

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a co-sponsor of S. 702, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

AMENDMENT NO. 687

At the request of Ms. MUKULSKI, the names of the Senator from Alaska (Ms. MURKOWSKI) and Senator from Utah (Mr. HATCH) were added as co-sponsors of amendment No. 687 proposed to H.R. 1388, a bill entitled "The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 712. A bill to amend title XVIII of the Social Security Act to improve the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today, along with my colleague Senator COLLINS from Maine, I am introducing legislation to address the needs of the nearly one-quarter of all Medicare beneficiaries who live in rural America. These beneficiaries are systematically disadvantaged in the Medicare program. The beauty of Medicare is its equity, its universality, and its accessibility. But we have compromised these values by stratifying payments—representing rural voices on the Medicare Payment Advisory Commission, and by continuing to use obsolete payment data that hurts rural America.

First, we must stop indexing physician payments for work based on geographic differences. Rural areas already have a hard enough time recruiting and retaining the Nation's top talent. Currently, even though 25 percent of Medicare beneficiaries live in rural areas, only 10 percent of the nation's physicians practice in these areas. These payments to doctors in these areas only perpetuate this dangerous shortage of medical expertise. We should not be discouraging medical school graduates from moving to underserved rural areas by continuing to offer sub-par pay—in fact, we should be providing incentives to encourage them to work in underserved areas. My legislation proposes a project to help rural facilities to host educators and clinical practitioners in clinical rotations.

Lack of dollars to rural health facilities has also prevented communities from investing in vital information technology. The Institute of Medicine published a report in 2005 detailing the ways in which health IT could assist isolated communities. For example, since rural physicians tend to be generalists rather than specialists, virtual libraries within physician offices would provide both doctors and patients with a wider and deeper source of information at their fingertips. Rural residents can also be quite far from health facilities, so technology that allows emergency room physicians to communicate with EMS workers in an ambulance can help patients receive life-saving treatment before they physically reach the hospital. These kinds of technologies will improve both the quality and efficiency of care given in rural areas. And given the efforts funding for quality improvement demonstration projects, to allow isolated communities to invest in this otherwise out of reach technology.

Lastly, this legislation will end the disproportional representation of rural interests on the Medicare Payment Advisory Commission. This lack of representation has resulted in policies that hurt rural communities. Those policies have hurt—and continue to hurt—the people of my State of Wisconsin, and they hurt my colleague Senator COLLINS' constituents as well. For every dollar that Medicare spends on the average beneficiary in the average state in this country, Medicare spends only 82 cents on a beneficiary in Wisconsin. In Maine, Medicare spends only 80 cents per dollar it spends on the average beneficiary.

How is this the case, if beneficiaries in Wisconsin and in Maine pay the same payroll taxes as beneficiaries in other states? Because the distribution of Medicare dollars among the 50 States is grossly unfair to Wisconsin, and to much of the Upper Midwest, Wisconsin pays payroll taxes just like every other American taxpayer, but the Medicare funds we get in return are lower than those received in many other States.

With the guidance and support of people across my State who are fighting for Medicare fairness, I am introducing this legislation to address Medicare’s discrimination against Wisconsin’s seniors and health care providers. My bill will decrease some of the inequitable payments that harm rural areas. It will provide rural areas the help they need to grow crucial health information technology infrastructure. It will offer the necessary incentives to help attract the Nation’s top medical talent to underserved rural areas. It will mandate rural representation on the Medicare Payment Advisory Commission. Rural seniors are already underserved in their communities; they should not be underrepresented in Washington as well.

Rural Americans have worked hard and paid into the Medicare program all their lives. In return, they deserve full access to the same benefits as seniors throughout the country: their choice of highly skilled physicians, use of the latest technologies, and a strong voice representing their needs in Medicare policy.

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. 712

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 "Rural Medicare Equity Act of 2009".

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

Sec. 1. Short title; table of contents.
Sec. 2. Elimination of geographic physician work adjustment factor from geographic indices used to adjust payments under the physician fee schedule.
Sec. 3. Clinical rotation demonstration project.
Sec. 4. Medicare rural health care quality improvement demonstration projects.
Sec. 5. Ensuring proportional representation of interests of rural areas on the Medicare Payment Advisory Commission.
Sec. 6. Implementation of GAO recommendations regarding geographic adjustment indices under the Medicare physician fee schedule.

SEC. 2. ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR FROM GEOGRAPHIC INDICES USED TO ADJUST PAYMENTS UNDER THE PHYSICIAN FEESCHEDULE.

(a) FINDINGS.—Congress finds the following:

(1) Variations in the geographic physician work adjustment factors under section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) result in inequity between localities in payments under the Medicare physician fee schedule.

(2) Beneficiaries under the Medicare program that reside in areas where such adjustment factors are high have relatively more access to services that are paid based on such fee schedule.

(3) There are a number of studies indicating that the limited access to health care professionals has become nationalized and historically low labor costs in rural and small urban areas have disappeared.

(4) Elimination of the adjustment factors described in paragraph (1) would equalize the reimbursement rate for services reimbursed under the Medicare physician fee schedule while remaining budget neutral.

(b) ELIMINATION.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) is amended—

(1) in paragraph (1)(A)(vi), by striking "an index" and inserting "of services provided before January 1, 2010, an index"; and
SEC. 3. CLINICAL ROTATION DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a demonstration project that provides for demonstration grants designed to provide financial or other incentives to hospitals to attract educators and clinical practitioners so that health professionals for Medicare beneficiaries under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) who are residents of underserved areas may host clinical rotations.

(b) DURATION OF PROJECT.—The demonstration project shall be conducted over a 5-year period.

(c) WAIVER.—The Secretary shall waive such provisions of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq. and 1395 et seq.) as may be necessary to conduct the demonstration project under this section.

(d) REPORTS.—The Secretary shall submit to the appropriate committees of Congress interim reports on the demonstration project and a final report on such project within 6 months after the conclusion of the project, together with recommendations for such legislation or administrative action as the Secretary determines to be appropriate.

(e) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this section, $20,000,000.

(f) DEFINITIONS.—In this section:

(1) HOSPITAL.—The term "hospital" means a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) that had indirect or direct costs of medical education during the most recent cost reporting period preceding the date of enactment of this Act.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(3) UNDERSERVED AREA.—The term "underserved area" means such medically underserved urban areas and medically underserved rural areas as the Secretary may specify.

SEC. 4. MEDICARE RURAL HEALTH CARE QUALITY IMPROVEMENT DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish additional demonstration projects to provide for improvements, as recommended by the Institute of Medicine, in the quality of health care provided to individuals residing in rural areas.

(b) ACTIVITIES.—Activities under the projects may include public health surveillance, outreach programs, data collection and analysis, virtual libraries, telemedicine, electronic health records, data exchange networks, and any other activities determined appropriate by the Secretary.

(c) DEMONSTRATION PROJECT SITES.—The Secretary shall ensure that the demonstration projects under this section are conducted at a variety of sites representing the diversity of rural communities in the United States.

(d) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this section, $20,000,000.

SEC. 5. ENSURING PROPORTIONAL REPRESENTATION OF MEDICARE BENEFICIARIES IN MEDICARE RURAL HEALTH CARE QUALITY IMPROVEMENT DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 1866(c)(2) of the Social Security Act (42 U.S.C. 1395ww(c)(2)) is amended—

(1) in subparagraph (A), by inserting "consistent with subparagraph (E)" after "rural representatives"; and

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

"(E) The proportion of providers participating in Medicare and Medicare beneficiaries located in rural areas shall be no less than the proportion of the total number of Medicare beneficiaries, who reside in rural areas."
we have. At that time, 25 years ago, Japan was half our population, and had only 40,000 sentenced prisoners in jail. We had 480,000. Today, we have 2.38 million prisoners in our criminal justice system and another 5 million involved in the process, either due to probation or parole situations.

This is a system that is very much in need of the right sort of overarching examination. I do note the senior Senator from Pennsylvania has joined me on this. I am very gratified he has also joined me as the lead Republican on this measure. I look forward to hearing from him as soon as I am finished with my remarks.

The third thing I would like to say at the outset is, I believe very strongly, even though we are a Federal body, that there is a compelling national interest for us to examine this issue and reshape and reform our criminal justice system at the Federal, State, and local levels. I believe the commission I am going to present would provide us with that opportunity.

I start with a premise I do think not a lot of Americans are aware of. We have 5 percent of the world's population. We have 25 percent of the world's known prison population. We have an incarceration rate in the United States, the world's greatest democracy, that is five times as high as the incarceration rate in the rest of the world.

There are only two possibilities. Either we have the most evil people on Earth living in the United States or we are doing something dramatically wrong in terms of how we approach the issue of criminal justice. And I would ask my fellow Senators and my fellow citizens to think about the challenges that attend these kind of numbers when we are looking at people who have been released from prison and are reentering American society.

We have hundreds and thousands of American people who are reentering American society without the sort of transition that would allow a great percentage of them to again become productive citizens.

I think we need to look at this in terms of our own history, our own recent history. This is a chart that shows our incarceration rate from 1925 until today. Beginning in about 1980, our incarceration rate started to skyrocket. What has happened since 1980 is not reflective of where our own history has been. That is another need, why we need to examine it fuller. We also, for a complex set of reasons, are warehousing the mentally ill in our prisons. We now have four times as many mentally ill people in our prisons than in all the mental institutions. There are a complex set of reasons for that, but the main point for all of us to consider is, these people who are in prison are not receiving the kind of treatment they would need in order to remedy the disabilities that. They have brought them to that situation.

Drug incarceration has sharply increased over the past three decades. In 1980, we had 41,000 drug offenders in prison. Today we have more than 500,000. That is an increase of 112 percent.

Those blue disks represent the numbers in 1980. The red disks represent the numbers in 2007. A significant percentage of these individuals are incarcerated for possession or nonviolent drug offenses, and in many cases, criminal offenses that stem from drug addiction and those sorts of related behavioral issues.

African Americans are about 12 percent of our population. Contrary to a lot of thought and rhetoric, their drug use, in terms of frequent drug use rate, is about the same as all other elements of our society, about 14 percent. But they end up being 37 percent of those arrested on drug charges, 59 percent of those convicted, and 74 percent of those sentenced to prison, by the numbers that have been provided to us and to the Joint Economic Committee. This is a disturbing statistic for us. I emphasize to my colleagues and to others that the issues we face with respect to criminal justice are not overall racial issues. They involve issues, in many cases, of how people are treated based on their race, the color of their skin, and other issues like that. But this is a statistic with respect to drugs that we all must come to terms with.

At the same time, I say we are putting too many of the wrong people in prison, and we are not solving the problems that will bring safety to our communities. Gangs are a hot issue today. I am on the Armed Services Committee, I am on the Foreign Relations Committee. There has been a lot of back and forth in recent months about the transnational gangs that are emanating across the Mexican border. Approximately 1 million gang members are currently in our country today. And I emphasize this is not an issue that is simply-existent along the Mexican border. This is an issue that affects every community in the United States, and it is not simply an issue with respect to the Mexican drug cartels, although theirs are the most violent and the most visible today.

The Mexican drug cartels are operating in more than 230 American cities, not simply along the border. The incidents along on the border illuminate the largeness of this problem and of this challenge. Asked of the United States commit 80 percent of the crimes. They are heavily involved in drug distribution, but they are involved in other violent activities as well.

There has been some talk over the last few days about how our position toward drugs and our gun policies feed this problem. I would ask my colleagues to think very hard about that. Drugs are a demand-pull problem in the United States, there is no question about that. There are a lot of weapons that are going back and forth across the border. But we should remember the Mexican drug cartels are capable of very sophisticated levels of quasi-military violence.

Many of the members who are brought into the gangs by the drug cartels are former Mexican military. Some of them have been trained by our special forces, and the weapons they use are not the kind of weapons you are going to buy at a gun show. You do not get automatic weapons, RPGs, and grenades at a gun show.

We have to realize these cartels have a lot of money. By some indications they make profit levels of about $25 billion a year. They can buy the weapons they want. We have to get on top of this as a national priority. Again, it is not simply the transnational gangs that come out of Mexico. Many of them are Central American.

In Northern Virginia, right across the Potomac River, we have thousands of members who belong to the MS-13 gangs emanating out of Central America, who are very active up the I-95 corridor. There are active, and we have to get our arms around this problem as we address the other problem of mass incarceration in the United States.

Another piece of this issue I hope we will be able to address with this national commission is the issue of what happens inside our prisons. When I was looking at the Japanese system many years ago, their model in terms of prison administration was basically designed after a traditional military model. You could not be a warden in a Japanese jail unless you started as a turnkey. They had national examinations. They had a year of preparation, training in psychology, in counseling techniques, before an individual was allowed to be a turnkey in a jail. The promotion systems were internal, like the U.S. military. It provided a quality career path, and it brought highly trained people in at the very beginning.

We do not have that in America. People are drafted or in prison, and they vary locality to locality. We need to examine a better way to do that in our country.

We also have a situation in this country with respect to the prison violence and sexual victimization that is off the charts. We must get our arms around this problem.

We also have many people in our prisons who are among what are called the criminally ill, people who are suffering from mental illness, HIV who are not getting the sorts of treatment they deserve.

I started, once I arrived in the Senate, working on this issue. I was pleased to be working with Senator Schumer on the Joint Economic Committee. He allowed me to chair hearings to try to get our arms around this problem and see what sort of legislative approach might help. I chaired a hearing on mass incarceration in October of 2007. I chaired another hearing on the overall impact of illegal drugs from point of origin through the criminal justice system. How does this work in terms of the underground
business environment? How does it work in terms of the disparity in treatment of people who end up incarcerated? How does it affect people’s long-term lives? What are the costs associated with it?

I was able to work with the George Mason University Law Center to put together a forum bringing people in from across the country to talk about our overall drug policy. Once we started talking about this, particularly over the last year, we started being contacted by people across the country, people from every different aspect of the political and the philosophical areas that come into play when we talk about incarceration. It is a very emotional issue.

As I said, I heard from Justice Kennedy at the Supreme Court. I have heard from prosecutors, judges, defense lawyers, former offenders, people in prison, police on the street. All of them are saying we have a mess; we have a mess on our hands. We need to figure out how to solve it. There are many good pieces of legislation that have been introduced in the Congress to deal with different pieces of this issue. But after going through this process over the past year, I come to the conclusion that the way we should address this is with a national commission that will examine all of these pieces together and make specific findings so we can turn it around.

These are examples of some of the editorial support that we have received. I have written a piece for Parade magazine which will be out this weekend to summarize the challenges we have; I hope our fellow citizens will take a look at it.

As to the design of this legislation, we are looking for two things. One is to shape a commission with bipartisan balance: the President nominating the chairman; the majority and minority leadership in the Senate, including the Judiciary Committee, each nominating two members; the Speaker of the House and the House Minority Leader, in concert with the Judiciary Committee, each nominating two members; and the National Governors Association, Republican and Democrat, each getting one member. The idea is not to have a group of people who are going to sit around and simply remonstrate about the problem. It is to get a group of people who have credibility and wide expertise to examine specific findings and to come up with policy recommendations on an 18-month time period.

This commission will be asked to investigate the reasons in our own history that we have seen this incredible increase in incarceration. What do other countries do, particularly countries that have the same basic governmental systems we do? How do they handle comparable types of crime? What have we done? What have we done in our incarceration policies, prison management? How can we bring more quality, stability, and predictability in terms of the prison environment itself? What are the costs of our current incarceration policies, not only in terms of the billions of dollars we spend on building prisons or the billions we spend on housing people in prisons but also in terms of the impacts with our post-prison systems, and how can we better manage that area. What is the impact of gang activities, including these transnational gangs, and how should we approach that issue, not simply in the sphere of incarceration but as a nation that is under duress from not being able to respond properly? Importantly, what are we going to do about drug policy, the whole area of drug policy, and how does that affect sentencing procedures and other alternatives we might look at? We need to examine the policies as they relate to the mentally ill. We should look at the historical role of the military when it worked toward significantly reducing the across-border situations, particularly on the Mexican border. Finally, importantly, any other area the Commission deems relevant.

This is our best effort, after 2 years of coming up with the universe of issues that need to be examined. There are many people, including the senior Senator from Pennsylvania, who have worked on these areas for a number of years. If they have specific findings they believe the Commission should review, we are very happy to accommodate that.

The first step for the commission would be to give us findings, factual findings. Following, then, give us recommendations for policy changes. The same areas I addressed in terms of findings apply in terms of the policy recommendations: How we can reframe our incarceration policies, how to work toward and actually reducing the incarceration rate in fair, cost-effective ways that still protect communities; how we should address the issue of prison violence in all forms; how we can improve prison administration; how we can establish reentry programs. I believe with the high volume of people coming out of prisons, we must, on a national level, assist local and State communities in figuring out a way to transition these people so those former offenders who are not going to become recidivists will have a true pathway to get away from the stigma of incarceration and move into a productive future.

Again, importantly the last category, any other aspect of the system the Commission or the people participating in it determine necessary.

This is our approach. I am gratified that the Presiding Officer has proposed the creation of a national commission to examine criminal justice. There have been many Commissions in recent years, recent decades. But the problems which we are now confronting warrant a fresh look. Senator Webb has proposed that. This Commission has the potential to add to the other Commission but to make some very significant advances on this very serious problem.

The principal issue on crime is public security, protection from violent criminals. I have long believed the issue could be divided into two parts. One is the violent career criminals. They are defined as someone who has committed three or more serious crimes. One of the first bills I authored was the serious career criminal bill, which was enacted in 1984, which made it a Federal offense punishable by what is the equivalent of a life sentence under the Federal system, 15 years to life, for anyone caught in possession of a firearm who has committed three or more offenses—a robbery, burglary, rape, arson or the sale of drugs. Statistics show that about 70 percent of violent crimes are committed by career criminals. It is my view, shared by many, that those people need to be sent to jail for life. They ought to be separated from society.

The second category involves those who have been convicted of crimes and who are going to be released. With respect to juveniles, we call that juvenile delinquency, at least in Pennsylvania we do, as opposed to a criminal charge. They are going to be released. First and second offenders are going to be released. The object is, how do we deal with them to, No. 1, protect our people; No. 2, keep them out of the crime cycle so they can have productive, contributing lives in society? We know what to do, but we have never done it. The steps are to work with those who suffer from drug abuse or alcohol abuse. We find that 70 to 80 percent of the people arrested have drug or alcohol problems. They have to be treated, detoxification. Then they need literacy training. So many cannot read or write. Then they need job training so they will have a trade or skill. Then they need to be placed in decent criminal or alcohol treatment programs.

It is not an easy problem, and it is not one we can achieve in one year. It is an ongoing process of support and education of people. It is not a programmatic approach. It is not an easy problem to solve. But it is a process that we need to undertake, and we have to do it with expertise and with the commitment of all Americans to help those who suffer from drug or alcohol problems. It is an ongoing process of support and education of people.
odds are high they will go back to jail. There are a number of programs but not enough, not sufficiently carefully thought through, to place people. We have tax credits which will encourage employers to hire people. In the stim ulus package or just the offenders, there is a 40-percent tax break on the first $6,000 of a job which is paid. That is a start. But it doesn’t go very far. We have been unwilling to make the kind of investment to provide that kind of realistic rehabilitation. Therefore, we have recidivism and the revolving door in our jails. The public is the principal loser because these people come out and commit more crimes. Individuals are lost. So both in terms of the individual on rehabilitation, to have a productive role in society, a decent life, and for public safety. Candidly, you don’t get too far on legislation looking out for the criminals on rehabilitation. But when you talk about the threat to society from these violent crimes, then people pick up their ears.

There has been a fascinating debate recently about whether we can afford to have a criminal justice system that keeps people in jail and protects the public can afford the death penalty imposed. Is it too expensive to undertake the litigation process for society. I do not think we can make a decision on public safety based upon cost. Security is the basic purpose. The critical factor in my thinking on their not having the death penalty was they didn’t want to take the weapon. In the eyes of the law, they were as guilty as Williams. They were co-conspirators. When you rob and a killing ensues, a murder ensues, it is murder in the first degree and calls for the death penalty.

The commission which has been proposed here today ought to take a look at white-collar crime, and ought to be striking at sentencing, which has been imposed and whether it is adequate. If you are dealing with a domestic quarrel, a husband-wife dispute—there are many homicides arising in that context—a jail sentence is not deterrent. If you are dealing with white-collar crime, there is a deterrent.

Today, we have—and I questioned FBI Director Mueller about this yesterday. He said they have many investiga tions going on nationally for five target cities, one of which is Philadelphia, but that is a very modest beginning. But to be a surrogate parent, you have an opportunity. That is a subject which a commission ought to undertake.

Those are some of the ideas which are current in this very complex field. In trying to estimate the cost of crime, it is hard to do. My own judgment would be, if you put a billion-dollar price figure on the cost of robberies, burglaries, corporate fraud, automobile thefts, to say nothing about the pain and suffering people have—the anxiety in the middle of the night when there is a loud noise in your house; the conclusion you have, you have been robbed. You turn on an alarm system that does not go too far—but this is a big problem in America, and it is a problem which has largely gone unsolved.

Problems of crime are the same today as they were when I first entered the field as an assistant district attorney decades ago. There are ways to deal with violent crime. There are ways to deal with realistic rehabilitation. There are ways to deal with deter rence on white-collar crime—that it ought not to be only a fine, which turns out to be a license to do business. In the confirmation hearing of the new Assistant Attorney General for the Criminal Division, that point was emphasized.

But what Senator WEBB has had to say today, and the blueprint he has outlined, could be a major advance on a very complex problem, which needs a—I was about to say “solution,” but there is not going to be a solution—but there can be some extent to show people how to do it. And it looks to me from an alarm system that does not go too far, but this is a big problem in America, and it is a problem which has largely gone unsolved.

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meaningfully address this problem. And “solution” is perhaps a more illusory word. But we can certainly meaningfully address this problem. I think it is very important to say that it is in the interest of every American we do so.

There are a lot of people who will look at this and talk about specific elements of who has committed a crime and whether you should do the time and these sorts of things, but we do need to sort it out. When we have 5 percent of the world’s population and 25 percent of the world’s prison population, there are better ways. When we still have public safety issues in every community because of gang violence, and particularly transnational gang violence at this moment, there are better ways.

That is the purpose of having a commission: getting the greatest minds in this area in the country together, with a specific timeline, to bring us specific findings and recommendations for the entire gamut of criminal justice in the country—not simply incarceration, not simply gang violence, not simply reentry—but all of those and other issues together, so we can have a much needed and long overdue restructuring of how we address the issue of crime in this country.

I ask unanimous consent that Senator Kennedy be added as an original cosponsor on this bill.

The PRESIDENT pro Tempore. Without objection, it is so ordered.

By Mr. LEVIN (for himself, Ms. SNOWE, Ms. STABENOW, Ms. COLLINS, and Mr. SCHUMER):

S. 715. A bill to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses; to the Committee on Energy and Natural Resources.

By Mr. LEVIN, President, today, with Senators SNOWE, STABENOW, COLLINS and SCHUMER, I introduce The National Lighthouse Stewardship Act.

This legislation creates a three-year competitive grant program at the Department of the Interior that will help to pay for the preservation and rehabilitation of historic lighthouses in Michigan and across the country. The grants will help nonprofit organizations, which serve as caretakers for these historic landmarks, to maintain the beauty of the lighthouses and keep them accessible to the public.

This legislation complements a bill that was enacted in October 2000, the National Historic Lighthouse Preservation Act, which I joined Sen. Frank Murkowski in offering. With the Coast Guard getting out of the lighthouse business, the National Historic Lighthouse Preservation Act helped facilitate the process of transferring historic lighthouses from the government to non-profit historic organizations who would take over the responsibility for their care. It established an expedited process through the Government Services Agency to help ease lighthouse transfers by helping to cut through the bureaucratic red tape. As a result of the law, 46 lighthouses to date—9 in Michigan—have been transferred to custodians who will preserve them and keep them accessible to the public.

Many of these lighthouse structures are in need of significant repair and rehabilitation, which is now the responsibility of their nonprofit custodians. Unfortunately, these custodians of the lighthouses, many of the nonprofit organizations have struggled to raise the funds to adequately restore and maintain the lighthouses. To address this problem our legislation establishes a pilot program that would enable state and nonprofit groups to apply for competitive grants to help with restoration and maintenance efforts. This pilot program would authorize the secretary to distribute $20 million a year.

Funding for Lighthouse restoration is important to Michigan and to the Nation’s historic preservation efforts. There are approximately 740 lighthouses in 31 coastal states. Michigan alone has more lighthouses, more than any other State. They draw thousands of visitors to Michigan and other States each year and create jobs throughout our States. Michigan’s and the Nation’s lighthouses are national treasures that benefit public interests.

These historic lighthouses are part of our Nation’s rich maritime heritage. The grants are needed to help nonprofit organizations, which serve as caretakers for the historic landmarks, to maintain the beauty of the lighthouses and keep them accessible to the public.

My office worked closely with lighthouse preservation groups in drafting this legislation. The Michigan Lighthouse Fund in my home state was invaluable in providing information on the needs of our Nation’s lighthouses. This week in Washington, the American Lighthouse Coordinating Committee is meeting to coincide with the introduction of this bill. These groups are desperately needed by these groups who work tirelessly to preserve our Nation’s maritime heritage.

This funding would help ensure our lighthouses remain cultural beacons for generations to come. America’s lighthouses are national treasures that we cannot let deteriorate to the point beyond repair. I hope my colleagues will support the swift enactment of the National Lighthouse Stewardship Act.

The American Lighthouse Coordinating Committee, Mr. President, today, with Senators SNOWE, STABENOW, COLLINS and SCHUMER, is meeting to coincide with the introduction of this bill. These groups are desperately needed by these groups who work tirelessly to preserve our Nation’s maritime heritage.

This funding would help ensure our lighthouses remain cultural beacons for generations to come. America’s lighthouses are national treasures that we cannot let deteriorate to the point beyond repair. I hope my colleagues will support the swift enactment of the National Lighthouse Stewardship Act.

The proposed National Lighthouse Stewardship Act of 2009 recognizes the important role of this new generation of administrative organizations in properly managing these facilities. And, it provides a means by which some dedicated funds are available from the US Government to support projects that will maintain structural integrity.

Since this transfer program began, historic lighthouses still brighten our lives and are now adaptively used for many different purposes that include museums and centers of education for the interpretation of U.S. maritime history; as facilities to aid in environmental research of oceans and Great Lakes; and to promote local and regional tourism. This has resulted in an overwhelmingly positive public response and is testimony to Americans’ desire to preserve and use these built resources.

Passage of the National Lighthouse Stewardship Act of 2009 is essential to the continued success of this federal transfer program and mirrors public sentiment for the preservation of historic lighthouse properties to benefit public interests.

The American Lighthouse Coordinating Committee (ALCC) is a consortium of organizations and individuals across the United States that actively engage in the operation of historic lighthouse properties and which strongly supports adoption of this legislation.

Respectfully submitted, this 28th day of March 2009.

DONALD J. TERRAS, President.

MICHIGAN LIGHTHOUSE ALLIANCE, March 29, 2009.

Senator CARL LEVIN, Russell Office Building, U.S. Senate, Washington, DC.

Mr. LEVIN: Dear Senator Levin, we are writing to you in support of your bill to redirect the nominal port fees towards lighthouse restoration grant programs. The amount of money your office has identified that could be coming to those of us on the front line of the restoration effort would make a huge difference in the quality of our work.

Most lighthouses are located out of the way places. As such, the number of people living around these remote structures is limited, and thus the local funding available for work is limited. It helps the numbers of volunteers and find resources for materials in such a challenging situation.

It is a large interest in helping provide sizable grant funds not only in our state of Michigan, but throughout the US, would surely help us get these wonderful icons of our collective maritime history restored and ready for the next generations to learn from and support as well. Being able to attract the next generations of stewards is a constant subject of conversation in our circles, and having sufficient funding available to make this volunteer effort attractive would really help out.

In addition, MLA would like to make a request. As you know things are very tight in our state budget now, and it would be extremely helpful for us if a small part of our state allocation could be directed towards a full time MLA staff person who could support the grant program by visiting our members and
Across the country, responsibility for the care of our lighthouses has been assumed by non-profit historic societies—many of which are struggling in these uncertain economic times. This bill would authorize $20 million for a three-year competitive grant pilot program that would provide grants to stewards of historic lighthouses to help them preserve and rehabilitate the lighthouses under their care. I believe the special word in my previous sentence is "stewards"—because the structures are still federally owned property. It is not private property; it is not city or town property, or even state property; but federal property. I note that these lighthouses are operable aids to navigation. Lighthouses may seem a quaint relic of a bygone era, however they are not. Daily, lighthouses lead our nation’s mariners and fishermen farther from danger.

Given that the maintenance of lighthouses is now being transferred under the National Lighthouse Preservation Act from Federal ownership to nonprofit historic societies, which will create a three-year competitive grant program to be administered by the Department of the Interior that will help preserve and rehabilitate historic lighthouses across the country. In my State of Maine, we are lucky to be home to 83 lighthouses. Further, there are approximately 740 lighthouses in 31 other States. The Coast Guard has not traditionally had the resources to maintain the lighthouses which are now being transferred under the National Lighthouse Preservation Act from Federal ownership to nonprofit historic societies who have taken on the responsibility. Helping to provide the resources necessary to ensure these lighthouses are not lost would be a welcomed economic boost both to tourism and to job creation.

The fact is, tourism has become increasingly crucial to Maine's economy, as manufacturing jobs have fled our State, not to mention our Nation. In fact, in 2006, the most recent year for which statistics are available, approximately 50% of State sales tax revenues were attributable to tourism, and, when income and fuel taxes are added, the Maine State government collected $429 million tourism-related tax dollars in that year.

The Maine State Planning Office, which has quantified more precisely the pivotal role tourism plays in the Maine economy, found that in 2006, tourism generated $10 billion in sales of goods and services, 250,000 jobs, and $3 billion in earnings. Tourism accounts for one in five dollars of sales throughout Maine’s economy and supported the equivalent of one in six Maine jobs.

Planning office also discovered that an estimated 130,000 one-, two-, and three-night trips and 30 million day trips were taken that year in Maine, with travelers spending nearly $1 billion on lodging, $3 billion on food, and $1 billion on recreational activities.

But those statistics are from 3 years ago... before the economic began to unravel at an accelerating rate, and so given these economic times confronting all of us, the financial necessity of our lighthouses, especially to tourism, has grown, not dissipated.

I urge my colleagues to support this bill and send a message not only that historic preservation of our Nation’s prominent buildings and structures—like our lighthouses—continues to be of interest in the national interest, but also that tourism—especially international tourism—is an industry we should be striving to support as a key component of reviving our ailing economy.

By Mr. KENNEDY (for himself, Mrs. HUTCHISON, and Mrs. FEINSTEIN): S. 717. A bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, 37 years ago, a Republican President and Democratic Congress came together in a new commitment to find a cure for cancer. At the time, a cancer diagnosis meant almost certain death. In 1971, we took action against this deadly disease and passed the National Cancer Act with broad bipartisan support, and it marked the beginning of the War on Cancer.

Since then, significant progress has been made. Amazing scientific research has led to methods to prevent cancer, and treatments that give us more beneficial and humane ways to deal with the illness. The discoveries of basic research, the use of large scale clinical trials, the development of new drugs, and the special focus on prevention and early detection have led to breakthroughs unimaginable only a generation ago.

As a result, cancer today is no longer the automatic death sentence that it was when the war began. But despite the advances we have made against cancer, other changes such as aging of the population, emerging environmental issues, and unhealthy behavior, have allowed cancer to persist. The lives of vast numbers of Americans have been touched by the disease. In 2008, over 1.4 million Americans were diagnosed with some form of cancer, and more than half a million lost their lives to the disease.

The solution is not easy but there are steps we can and must take now, if we hope to see the diagnosis rate decline substantially and the survival rate increase in the years ahead. The immediate challenge we face is to reduce the many barriers that impede cancer research and treatment by integrating our current fragmented and piecemeal system of addressing the disease.

Last year, my colleague Senator HUTCHISON and I agreed that to build on what the nation has accomplished, we must launch a new campaign against war on cancer. The 21st Century Cancer ALERT Act we are introducing today will accelerate our progress by using a better approach to fighting this relentless disease. Our goal is to break down the many barriers that impede cancer research and prevent patients from obtaining the treatment that can save their lives.

We must do more to prevent cancer, by emphasizing scientifically proven methods such as tobacco cessation, healthy eating, and exercise. Healthy families and communities that have access to nutritious foods and high quality preventive health care will be our best defense against the disease.
am confident that swift action on national health reform will make our vision of a healthier Nation a reality. Obviously, we cannot prevent all cancers, so it is also essential that the cancers that do arise be diagnosed at an initial, curable stage, with all Americans receiving the most possible care to achieve that goal.

We cannot overemphasize the value of the rigorous scientific efforts that have produced the progress we have made toward these efforts. Our investments in two key aspects of cancer research—infrastructure and collaboration of the researchers. We include programs that will bring resources to the types of cancer we least understand. We invest in scientists who are committed to translating basic research into clinical practice, so that new knowledge will be brought to the patients who will most benefit from it.

One of the most promising new breakthroughs is in identifying and monitoring the markers that leave enough evidence in the body to alert clinicians to subtle signs that cancer may be developing. Biomarkers are the new frontier for improving the lives of cancer patients because they can lead to the possible detection of cancer, and the Cancer ALERT Act will support development of this revolutionary biomarker technology.

In addition, we give new focus to clinical trials, which have been the cornerstone of progress in treating cancer in recent decades. Only through clinical trials are we able to discover which treatments truly work. Today, however, less than 5 percent of cancer patients currently are enrolled in clinical trials, because of the many barriers that exist that prevent both providers and patients from participating in these trials. A primary goal of our bill is to begin removing these barriers and expanding access to clinical trials for more cancer patients.

Further, since many cancer survivors are now living longer lives, our health systems must be able to accommodate these men and women who are successfully fighting against this deadly disease. It is imperative for health professionals to have the support they need to care for these survivors. To bring good lifelong care to cancer survivors, we must invest more in research to understand the later effects of cancer and how they affect survivors’ health and the quality of their lives.

We stand today on the threshold of unprecedented new advances in this era of extraordinary discoveries in the life sciences, especially in personalized medicine, early diagnosis of cancer at the molecular level, and astonishing new treatments based on a patient’s own DNA. To make the remarkable promise of this new era a reality, we must make sure that patients can take DNA tests, free of the fear that their genie will somehow be used to discriminate against them. We took a major step toward unlocking the potential of this new era by approving strong protections against genetic discrimination in health insurance and employment when the Genetic Non-Discrimination Act was signed into law last year.

In sum, we need a new model for research, prevention and treatment of cancer, and we are today starting to do that debate in Congress. We must move from a magic bullet approach to a broad mosaic of care, in which surveillance is also a key part of our approach. Only then can we take a giant step toward reducing or even eliminating the burden of cancer in our Nation and the world. It is no longer an impossible dream, but a real possibility for the future.

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

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

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

SECTION 1. SHORT TITLE. This Act may be cited as the "21st Century Cancer Act." In 1971, there were only 3,000,000 cancer patients. Today, cancer survivors are expected to develop cancer in their lifetimes.

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

SEC. 2. ADVANCEMENT OF THE NATIONAL CANCER PROGRAM. Section 411 of the Public Health Service Act (42 U.S.C. 285b) is amended to read as follows:

"SEC. 411. NATIONAL CANCER PROGRAM. "(a) In GENERAL.—There shall be established a National Cancer Program (referred to in this section as the "Program") that shall consist of—"(1) an expanded, intensified, and coordinated cancer research program encompassing the research priorities and needs established by the Institute and the related research programs of the other national research institutes, including an expanded and integrated research program on prevention of cancer caused by occupational or environmental exposure to carcinogens; and "(2) the other programs and activities of the Institute; "(b) COLLABORATION.—In carrying out the Program— "(1) the Secretary and the Director of the Institute shall identify relevant Federal agencies that shall collaborate with respect to activities conducted under the Program (including the Institute, the other Institutes and Centers of the National Institutes of Health, the Office of the Director of the National Institutes of Health, the Food and Drug Administration, the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Department of Defense, the Department of Energy, the Agency for Healthcare Research and Quality, the Office for Human Research Protections, the Health Resources and Services Administration, and the Office for Human Research Protections); and "(2) the Secretary shall ensure that the policies related to the promotion of cancer research of all agencies within the Department of Health and Human Services (including the Institute, the Office for Human Research Protections, and the Centers for Medicare & Medicaid Services) are harmonized, and shall

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ensure that such agencies collaborate with regard to cancer research and development.

(c) TRANSPARENCY AND EFFICIENCY.

(1) BUDGETING.—In carrying out the Program, the Director of the Institute shall, in preparing and submitting to the President the annual budget estimate for the Program—

(A) develop the budgetary needs of the entire Program and submit the budget estimate relating to such needs to the National Cancer Advisory Board for review prior to submitting such estimate to the President; and

(B) submit such budget estimate to the Committee on the Budget and the Committee on Appropriations of the Senate at the same time that such estimate is submitted to the President.

(2) NATIONAL CANCER ADVISORY BOARD.—In establishing the priorities of the Program, the National Cancer Advisory Board shall provide for increased coordination by increasing the participation of representatives (to the extent practicable, representatives who have appropriate decision making authority) of appropriate Federal agencies, including—

(A) the Centers for Medicare & Medicaid Services;  
(B) the Health Resources and Services Administration;  
(C) the Centers for Disease Control and Prevention; and  
(D) the Agency for Healthcare Research and Quality.

(d) PROGRAMS TO ENCOURAGE EARLY DETECTION RESEARCH.—The Director of the Institute, acting through Program, shall establish an entity within the Institute to augment ongoing efforts to advance new technologies that will support the national collection of tissues for cancer research purposes, and ensure the quality of tissue collection.

(2) GOALS. —The entity established under (1) shall—

(A) be designed to expand the access of researchers to biospecimens for cancer research purposes;  
(B) establish uniform standards for the handling and preservation of patient tissue specimens by entities participating in the network established under (3);  
(C) require adequate annotation of all relevant clinical data while assuring patient privacy;  
(D) facilitate the linkage of public and private entities into the national network under (3).  
(P) provide for increased coordination by increasing the participation of representatives (to the extent practicable, representatives who have appropriate decision making authority) of appropriate Federal agencies, including—

(A) the Centers for Medicare & Medicaid Services;  
(B) the Health Resources and Services Administration;  
(C) the Centers for Disease Control and Prevention; and  
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(C) require adequate annotation of all relevant clinical data while assuring patient privacy;  
(D) facilitate the linkage of public and private entities into the national network under (3).  
(P) provide for the linkage of cancer registries to other administrative Federal Government data sources, including the Centers for Medicare & Medicaid Services, the Social Security Administration, Centers for Disease Control and Prevention, with the goal of understanding the determinants of cancer treatment, care, and outcomes by allowing access to clinical, genetic, and other factors to be analyzed in an independent manner; and  
(F) develop strategies to ensure patient rights, responsibilities, and protection of personal health information under (4) of the regulations promulgated pursuant to part C of title XI of the Social Security Act and section 254(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) (referred to in this section as the HIPAA Privacy Rule), while facilitating advances in medical research.

(ii) give priority to those entities submitting applications under subparagraph (B) that demonstrate that the research involved is high risk or translational research (as determined by the Secretary);  
(iii) give priority to those entities submitting applications under subparagraph (B) that demonstrate that the research involved is high risk or translational research (as determined by the Secretary);  
(iv) the Centers for Disease Control and Prevention;  
(v) the National Library of Medicine;  
(vi) the Office of the Protection of Research Subjects; and  
(vii) the National Science Foundation.

(D) PARTNERSHIPS WITH TISSUE SOURCE SITES.—The Director of the Institute may enter into contracts with tissue source sites to acquire data from such sites. Any such data shall be acquired through the use of protocols and closely monitored, transparent ethical and legal frameworks.

(4) COLLECTION OF DATA.—

(A) HOSPITALS.—A hospital or ambulatory care center that receives Federal funds shall offer patients the opportunity to contribute their biospecimens and clinical data to the entity established under paragraph (1).

(B) CLINICAL TRIAL DATA.—Clinical trial data related to cancer care and treatment shall be provided to the entity established under paragraph (1).

SEC. 4. COMPREHENSIVE AND RESPONSIBLE ACCESS TO RESEARCH, DATA, AND BIOLOGICAL SPECIMENS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office for Human Research Protections shall issue guidance to National Institutes of Health grantees concerning use of the facilitated review process in conjunction with the central institutional review board of the National Cancer Institute as the preferred mechanism to satisfy regulatory requirements to review ethical or scientific issues for all National Cancer Institute-sponsored translational and clinical research.

(b) IMPROVED PRIVACY STANDARDS IN CLINICAL RESEARCH.—

(1) DETERMINED DISCLOSURE UNDER THE PRIVACY RULE.—For purposes of the Privacy Rule (as referred to in section 411(f)(2)(F) of the Public Health Service Act, as amended by this Act), a waiver (as defined for purposes of such Rule) shall be in compliance with such Rule relating to the disclosure of de-identified patient information if such disclosure is—

(A) pursuant to a waiver that had been granted by an institutional review board or privacy board relating to such disclosure; and  
(B) the entity informs patients when they make first patient contact with the entity that the entity is a research institution that may conduct research using their de-identified medical records.

(2) SYNCHRONIZATION OF STANDARDS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall study the advantages and disadvantages of the synchronization of the standards for research under the Common Rule (under part 46 of title 45, Public Health Service Regulations) and the Privacy Rule (as defined in section 411(f)(2)(F) of the Public Health Service Act, as amended by this Act) in order to determine the appropriate data elements to be submitted under the strict de-identification standards relating to personal information.
SEC. 417B. ENHANCED FOCUS AND REPORTING ON CANCER RESEARCH.

(a) ANNUAL INDEPENDENT REPORT.—

(1) IN GENERAL.—The Director of the Institute shall submit an annual independent report to the Committee for the fiscal year ending on the same date that the annual budget estimate described in section 413(b)(9) is submitted to the President.

(2) (A) CANCER CATEGORIES.—The report required under paragraph (1) shall address the following categories of cancer:

(i) Cancers in which the incidence rate is less than 5 percent.

(ii) Cancers in which the incidence rate is less than 15 cases per 100,000 persons, or fewer than 30 cases a year.

(B) INFORMATION.—With regard to each of the categories of cancer described in subparagraph (A), the report shall contain information regarding—

(i) a strategic plan for reducing the mortality rate for the annual year, including the specific research areas of interest and budget amounts;

(ii) identification of any barriers to implementing the strategic plan described in clause (i), an assessment of the success of such plan;

(iii) if the report for the prior year contained a strategic plan described in clause (i), an assessment of the progress made since the prior year;

(iv) the total dollar amount of grant funding, including the total dollar amount awarded per grant and per funding year, under—

(I) the National Cancer Institute; and

(II) the National Institutes of Health;

(v) the percentage of grant applications favorably reviewed by the Institute that the Institute awarded, for the annual year;

(vi) the total number of grant applications, with greater than 50 percent relevance to each of the categories of cancer described in subparagraph (A), received by the Institute for awards in the previous annual year;

(vii) the total number of grants awarded, with greater than 50 percent relevance to each of the categories of cancer described in paragraph (1), including the Common Scientific Outline designation specific to each such grant, and

(viii) the total number of primary investigators that received grants from the Institute for projects with greater than 50 percent relevance to each of the categories of cancer described in paragraph (1), including the number of studies conducted.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Director of the Institute, in cooperation with the Director of the Fogarty International Center for Advanced Study, and the Directors of other Institutes, as appropriate, shall award grants to researchers to conduct research regarding cancers for which—

(A) the incidence rate is less than 5 percent.

(B) the 5-year survival rate is less than 50 percent.

(2) PRIORITY.—In awarding grants for research regarding cancers described in paragraph (1)(A), the Director of the Institute may give priority to research projects between adult and pediatric cancer research, with preference for projects building upon existing multi-institutional research infrastructures.

(c) TISSUE SAMPLES.—

(A) IN GENERAL.—The Director of the Institute shall require each recipient receiving a grant under this subsection to submit tissue samples to designated tumor banks.

(B) WAIVER.—The Director of the Institute may, with a waiver of the requirement described in subparagraph (A) to a recipient who receives a grant for research described in paragraph (1)(B) and who submits an application for a grant to the Director of the Institute, in the manner in which such Director may require.

(c) COORDINATED REPORT.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award competitive grants to eligible entities to carry out the purpose described in the application under paragraph (1)(B)(i), to make available non-Federal contributions (in cash or in kind) in a grant under this paragraph (i) an amount equal to not less than $1 for each $3 of Federal funds provided in the grant.
Such contributions may be made directly or through donations from public or private entities.

(B) **DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.**

"(1) **IN GENERAL.**—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including equipment (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(2) **MAINTENANCE OF EFFORT.**—In making a determination of the amount of non-Federal contributions for purposes of subparagraph (A), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the eligible entity involved toward the purpose described in subsection (a)(1) for the 2-year period preceding the first fiscal year for which the eligible entity is applying to receive a grant under such section.

"(iii) **INCLUSION OF RELEVANT NON-FEDERAL CONTRIBUTIONS FOR MEDICAID.**—In making a determination of the amount of non-Federal contributions for purposes of subparagraph (A), the Secretary shall, subject to clauses (i) and (ii), include non-Federal amounts expended pursuant to title XIX of the Social Security Act by the eligible entity involved toward the purpose described in paragraphs (1) and (2) of such section.

"(c) **PRIORITIZATION.**

"(1) **IN GENERAL.**—In awarding grants under this section, the Secretary shall give priority to recipients that are safety-net providers.

"(2) **DEFINITION.**—In this section, the term 'safety-net provider' means a health care provider—

(A) that by legal mandate or explicitly adopted mission, offers care to individuals without regard to the individual's ability to pay for such services; or

(B) for whom a substantial share of the patients are uninsured, receive Medicaid, or are otherwise vulnerable.

"(d) **USE OF FUNDS.**

"(1) **IN GENERAL.**—An eligible entity may, subject to paragraphs (2) and (3), expend amounts received under a grant under subsection (a) to carry out the purposes described in such subsection through the awarding of grants to public and nonprofit private entities.

"(2) **CERTAIN APPLICATION.**—If a nonprofit private entity and a private entity that is not a nonprofit entity both submit applications to a grantee under subsection (a) for a grant or contract as provided for in paragraph (1), the grantee may give priority to the application submitted by the nonprofit private entity in any case in which the grantee determines that the quality of such application is equivalent to the quality of the application submitted by the other private entity.

"(3) **PAYMENTS FOR SCREENINGS.**—The amount paid by a grantee under subsection (a) to an entity for a grant awarded by the nonprofit private entity in any case in which the grantee determines that the quality of such application is equivalent to the quality of the application submitted by the other private entity is not more than 10 percent of the amount paid by the grantee under subsection (a) to comply with the terms of the grant.

"(e) **RESTRICTION ON USE OF FUND.**—The Secretary may not award a grant to an eligible entity under subsection (a) unless the entity agrees that—

(A) the entity will not expend amounts received under a grant awarded by the Secretary, for the purpose of aiding the eligible entity to carry out a program under this section, for purposes described in subsections (a)(1) and (a)(2); and

(B) the entity will not expend amounts received under a grant awarded by the Secretary, for the purpose of aiding the eligible entity to carry out a program under this section, for purposes described in subsections (a)(1) and (a)(2), on services or activities described in paragraphs (4) through (7) of section 1396a(a)(10)(A)(ii) of the Social Security Act (relating to screening or colorectal cancer).

"(2) **PROVISION OF SUPPLIES AND SERVICES.**—The Secretary may not award a grant to an eligible entity under subsection (a) unless the entity agrees that—

(A) the entity will not expend amounts received under a grant awarded by the Secretary, for the purpose of aiding the eligible entity to carry out a program under this section, for purposes described in subsections (a)(1) and (a)(2), on the following insurance services provided for in section 1396a(a)(10)(A)(ii) of the Social Security Act (relating to screening or colorectal cancer);

(B) the entity will not expend amounts received under a grant awarded by the Secretary, for the purpose of aiding the eligible entity to carry out a program under this section, for purposes described in subsections (a)(1) and (a)(2), on a program for the training and technical assistance necessary for the development, and operation of any program funded by a grant under subsection (a). The Secretary may provide such technical assistance directly to a grantee or to an eligible entity involved to carry out a program under this section and may, in the case of a grantee, provide such technical assistance to any entity, including a nonprofit entity, that is contractually obligated to carry out such program through contracts with, or grants to, the grantee.

"(c) **EVALUATIONS AND REPORTS.**—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to this section. Such evaluations shall include evaluations of the extent to which eligible entities carrying out such programs are in compliance with subsection (a)(2).

"(d) **REGULATIONS.**—The Secretary shall, not later than 1 year after the date on which amounts are first appropriated to carry out this section, and annually thereafter, issue regulations to carry out this section, and annually thereafer, make such recommendations for administrative and legislative initiatives with respect to this section as the Secretary determines to be appropriate.

(b) **OPTIONAL MEDICAID COVERAGE OF CERTAIN PERSONS SCREENED AND FOUND TO HAVE COLORECTAL CANCER.**

"(1) **COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.**—

(A) **IN GENERAL.**—Section 1902(a)(10)(A)(XIV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(XIV)) is amended—

(i) in subsection (XIV), by striking ‘or’ at the end;

(ii) by adding ‘or’ at the end, and

(iii) by adding at the end the following:

"(XIX) who are described in subsection (gg) relating to certain persons screened and found to need treatment from complications from screening or have colorectal cancer;”.

"(B) **GROUP DESCRIPTION.**—Section 1902 of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended by adding at the end the following:

"(gg) Individuals described in this subsection are individuals who—

(1) are not described in subsection (a)(10)(A)(XIV);

(2) have not attained age 65;

(3) have been screened for colorectal cancer and need treatment for complications due to screening or colorectal cancer; and

(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act.”.

"(C) **LIMITATION ON BENEFITS.**—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(i) by striking ‘and (XIV)’ and inserting ‘and (XIV)’;

(ii) by inserting ‘and (XV)’;

(iii) by inserting ‘and (XVI)’;

(iv) by striking ‘and (XVIII)’; and

(v) by striking ‘and (XIX)”.

"(D) **COVERAGE OF LOW INCOME INDIVIDUALS.**—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended by adding at the end the following:

"(XV) who are described in subsection (gg) relating to certain persons screened and found to need treatment from complications from screening or have colorectal cancer;”.

"(E) **EXCEPTIONS.**—The benefits described in section 1902(a)(10)(A)(XIV) of the Social Security Act shall be subject to the following:

(1) the amounts paid under such subsection shall be treated as amounts paid under such section under section 1902(a)(10)(A)(XIV)]

...
for medical assistance only because of sub-
paragraph (A)(10)(ii)(XX) shall be limited to
medical assistance provided during the pe-
riod in which such an individual requires treat-
ments or other services due to screen-
ing or colorectal cancer” before the semi-
colon.

(D) CONFORMING AMENDMENTS.—Section 1906(a) of the Social Security Act (42 U.S.C. 1396(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (xii), by striking “or” at the end;

(ii) in clause (xiii), by adding “or” at the end; and

(iii) by inserting after clause (xiii) the fol-
lowing:

“(xiv) individuals described in section 1923(e).”.

(2) PRESumptive ELIGIBILITY.—(A) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920B the following:

“OPTIONAL APPLICATION OF PRESUMPTIVE ELI-
GIBILITY PROVISIONS FOR CERTAIN PERSONS
WITH COLORECTAL CANCER

“Sect. 1920C. A State may elect to apply the provisions of this section to individuals described in section 1902(aa)(1) (relating to cer-
tain colorectal cancer patients) in the same
manner as section 1920B applies to individuals described in section 1920B(aa) (relating to cer-
tain breast cancer patients).”

(B) CONFORMING AMENDMENTS.—

(i) Section 1902(aa)(4) of the Social Secu-
rity Act (42 U.S.C. 1396(aa)(4)) is amended—

(I) by striking “and” after “section 1920B”;

(II) by inserting before the period the fol-
lowing “; and, provided for making medical assistance available to indi-
viduals described in section 1920B during a presumptive eligibility period in ac-
cordance with such section.”;

(ii) Section 1903(u)(1)(v) of such Act (42 U.S.C. 1396u(1)(v)) is amended—

(I) by striking “and” after “section 1920B”;

(II) by inserting before the period the fol-
lowing “; and, for”;

(III) by inserting “or” at the end of the sen-
tence after “section 1920B”;

and

(iii) by inserting after clause (xiii) the fol-
lowing:

“(xiv) individuals described in section 1923(e).”.

(3) MOBILE MEDICAL VAN Grant Pro-
gram.—(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this sub-
section as the “Secretary”), acting through the Adminis-
trator of the Health Resources and Services Admin-
istration, shall award grants to eligible entities for the develop-
ment and implementation of a mobile medical van program that shall provide cancer screening services that receive an “A” or “B” recommendation by the U.S. Preventa-
tive Services Task Force of the Agency for
Healthcare Research and Quality to commu-
nities that are underserved and suffer from
barriers to access to high quality cancer pre-
vention care.

(2) ELIGIBLE ENTITIES.—To be eligible to re-
ceive a grant under paragraph (1), and entity shall—

(A) be a consortium of public and private entities (such as academic medical centers, uni-
versities, hospitals, and non profit orga-
nizations);

(B) submit to the Secretary an application at such time, in such manner, and con-
taining such information as the Secretary
shall require, including—

(i) a description of the manner in which the applicant intends to use funds received under the grant;

(ii) a description of the manner in which the applicant will evaluate the impact and effectiveness of the health care services pro-
vided under the program carried out under the
grant;

(iii) a plan for sustaining activities and services funded under the grant after Federal support for the program has ended;

(iv) a plan for the referral of patients to other health care facilities if additional ser-
vices are needed;

(v) a protocol for the transfer of patients in the event of a medical emergency;

(vi) a plan for advertising the services of the mobile medical van to the communities targeted for health care services;

and

(vii) a plan to educate patients about the availability of federally funded medical in-
surance programs for which such patients, or
their children, may qualify; and

(C) agree that amounts under the grant will be used to supplement, and not supplant,
other funds (including in-kind contributions) used by the entity to carry out activities for
which the grant is awarded.

(3) USE OF FUNDS.—An entity shall use amounts received under a grant under this subsec-
tion to do any of the following:

(A) Purchase or lease a mobile medical van.

(B) Make repairs and provide maintenance for a mobile medical van.

(C) Purchase lease telemedicine equip-
ment that is reasonable and necessary to op-
erate the mobile medical van during a presumptive eligibility period under such section.

(D) Make repairs and provide maintenance for a mobile medical van.

(4) Matching REQUIREMENTS.—(A) IN GENERAL.—With respect to the costs of a
mobile medical van program to be car-
ried out under a grant under this subsection, the grantee shall make available (directly or
through donations from public or private en-
tities) non-Federal contributions toward such costs in an amount that is not less than the amount of the Federal funds provided under this grant.

(B) DETERMINATION OF AMOUNT CONTRIB-
UTED.—Non-Federal contributions required
under subparagraph (A) may be in cash or in
kind, fairly evaluated, including plant,
equipment, or services. Any contributions provided by the Federal Government, or services assisted
or subsidized to any significant extent by the Federal Government, may not be included in
determining the amount of such non-Federal contributions.

(C) WAIVER.—The Secretary may waive the requirement established in subparagraph (A) if

(i) the Secretary determines that such waiver is justified; and

(ii) the Secretary publishes the rationale for such waiver in the Federal Register.

(D) RETURN OF FUNDS.—An entity that re-
ceives a grant under this section that fails to comply with subparagraph (A) shall return to the Secretary an amount equal to the dif-
ference between—

(i) the amount provided under the grant; and

(ii) the amount of matching funds actually provided by the grantee.

(E) CONFORMING AMENDMENTS.—In

(1) EFFECTIVE DATE.—The amendments

passed by the House of Representatives a report on the re-
sults of an evaluation to be conducted by the
entity concerning the effectiveness of the program carried out under the
grant.

(2) REPORT.—Not later than 18 months after grants are first awarded under this sub-
section, the Secretary shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on the results of activities carried out with amounts received under such grants.

(3) DEFINITIONS.—In this section:

(A) MOBILE MEDICAL VAN.—The term “mo-
bile medical van” means a mobile vehicle
that is equipped to provide non-urgent med-
ical services and health care counseling to
patients in underserved areas.

(B) UNDERSERVED AREA.—The term “under-
served area”, with respect to the location of
people receiving medical services, means a
“medically underserved community” as de-
defined in section 790(b)(6) of the Public Health Service Act (42 U.S.C. 295b).

(4) ACCORDING TO PREVENTION AND EARLY DETECTION FOR CERTAIN CANCERS.

(A) CANCER GENOME ATLAS.—The Secretary of Health and Human Services, acting through the National Cancer Institute, shall provide for the inclusion of cancers with survival rates of less than 25 percent at 5 years in the Cancer Genome Atlas.

(B) PHASE IN.—The Director of the National Cancer Institute shall phase in the participation of cancers described in paragraph (1) in the Cancer Genome Atlas Consortium.

(C) WORKING GROUP ON CANCER PREVENTION, TREATMENT AND DRUG TESTING INNOVA-
TIONS TO REDUCE MORTALITY FROM CANCERS.—The Director of the National Institute of Biomedical Imaging and Bioengineering shall establish a working group on cancer prevention, treatment, and drug testing innovations to reduce mortality from cancers with survival rates of less than 25 percent at 5 years.
SEC. 7. EARLY RECOGNITION AND TREATMENT OF CANCER THROUGH USE OF BIOMARKERS.

(a) PROMOTION OF THE DISCOVERY AND DEVELOPMENT OF BIOMARKERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as ‘‘the Secretary’’), in consultation with appropriate Federal agencies including the National Institutes of Health, the National Cancer Institute, the Food and Drug Administration, the National Institute of Standards and Technology, and extramural experts as appropriate, shall establish and coordinate a program to award contracts to eligible entities to support the development of innovative biomarker discovery technologies. All activities under this section shall be consistent with and complement the activities of the National Oncology Biomarker Qualification Initiative and the Reagan-Udall Foundation of the Food and Drug Administration.

(2) LEAD AGENCY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall designate one of the Federal agencies described in paragraph (1), in consultation with other relevant agencies, shall develop and share methods and procedures for the establishment of an international private-public consortia to coordinate a program to award contracts to eligible entities to support the development of innovative biomarker discovery technologies. All activities under this section shall be consistent with and complement the activities of the National Oncology Biomarker Qualification Initiative and the Reagan-Udall Foundation of the Food and Drug Administration.

(3) ELIGIBILITY.—To be eligible to enter into a contract under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such information shall be sufficient to enable the Secretary to determine the scientific merit of the application.

(b) CLINICAL STUDY GUIDELINES.—

(1) IN GENERAL.—The Secretary, in consultation with appropriate Federal agencies, including the National Institutes of Health, shall jointly develop guidelines for the conduct of clinical studies designed to generate clinical data relating to cancer care and treatment biomarkers that is adequate for review by each such Federal agency. Such guidelines shall be designed to be used by the National Institutes of Health, peer review of studies and investigations conducted by the National Institutes of Health, and the Reagan-Udall Foundation for the Food and Drug Administration.

(2) REQUIREMENT.—In awarding contracts under this subsection, the Secretary shall consider the results of research involving biomarkers that is adequately documented in the literature.
(f) PREEMPTION.—Notwithstanding any other provision of this Act, nothing in this section shall preempt State laws that require clinical trials policy for State regulated insurance plans.

(2) CLINICAL AMENDMENTS.—
(A) Section 722(a) of such Act (29 U.S.C. 1145(a)(1)) is amended by striking— "section 711" and inserting— "sections 711 and 715".
(B) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 714 the following new item:
"Sec. 715. Coverage for individuals participating in approved cancer clinical trials."

(c) CLINICAL TRIALS.—The Director of the National Cancer Institute shall—
(1) collaborate with the Director of the National Institutes of Health to engage in a campaign to educate the public on the value of clinical trials for oncology patients, which shall be implemented on the local level and focus on patient populations that traditionally are underrepresented in clinical trials;
(2) conduct an educational campaign for health care professionals to educate them to consider clinical trials as treatment options for their patients; and
(3) conduct research to document and demonstrate promising practices in cancer clinical trials, to encourage and retention efforts, particularly for patients populations that traditionally are underrepresented in clinical trials.

SEC. 9. HEALTH PROFESSIONS WORKFORCE.

(a) INCREASE NURSE FACULTY.—Section 811(f)(2) of the Public Health Service Act (42 U.S.C. 296(f)(2)) is amended to read as follows:
"(2) BENEFITS FOR RETIRING NURSES QUALIFIED AS FACULTY.—
(A) IN GENERAL.—The Secretary of Defense shall provide to any individual described in subparagraph (B) the payment of retired or retirement pay without reduction based on receipt of pay or other compensation from the institution of higher education concerned.
(B) COVERED INDIVIDUALS.—An individual described in this subparagraph is an individual who—
(i) is retired from the Armed Forces after service as a commissioned officer in the nurse corps of the Armed Forces;
(ii) holds a graduate degree in nursing; and
(iii) serves as a part-time or full-time faculty member at an accredited school of nursing.
(C) NURSE CORPS.—Any accredited school of nursing that employs a retired nurse officer as faculty under this paragraph shall—
(i) provide financial assistance to individual undertaking an educational program at such school leading to a degree in nursing who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of the Armed Forces.
(b) ONCOLOGY WORKFORCE.—
(D) STRATEGIC PLAN FOR THE NATIONAL INSTITUTE OF HEALTH AND HUMAN SERVICES (REFERRED TO IN THIS SUBSECTION AS THE "SECRETARY") SHALL CONDUCT A STUDY ON THE CURRENT AND FUTURE CANCER CARE WORKFORCE NEEDS IN THE FOLLOWING AREAS:
(A) CANCER RESEARCH.
(B) CARE AND TREATMENT OF CANCER PATIENTS AND SURVIVORS.
(C) QUALITY OF LIFE, SYMPTOM MANAGEMENT, AND PAIN MANAGEMENT.
(D) EARLY DETECTION AND DIAGNOSIS.
(E) CANCER PREVENTION.
(F) GENETIC TESTING, COUNSELING, AND ETHICAL CONSIDERATIONS RELATED TO SUCH TESTING.
(G) DIVERSITY AND APPROPRIATE CARE FOR DISPARITY POPULATIONS.

[C] EXAMPLES OF END-OF-LIFE CARE.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the findings of the study conducted under paragraph (2).

SEC. 10. NAVIGATOR PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall conduct a 3-year demonstration project (referred to in this subsection as the "demonstration project") under section 1395m of the Social Security Act (42 U.S.C. 1395 et seq.) under which payment for comprehensive cancer care planning services furnished by eligible entities shall be made.

(b) DEMONSTRATION PROJECT TO PROVIDE COMPREHENSIVE CANCER CARE PLANNING SERVICES UNDER MEDICAID AND MEDICARE.—
(i) IN GENERAL.—The Secretary shall conduct a demonstration project to provide comprehensive cancer care planning services under Medicaid and Medicare.

(ii) ELIGIBLE ENTITIES.—An eligible entity to participate in the demonstration project shall—
(i) provide cancer care services in accordance with the requirements of section 1873 of title 18, United States Code (as added by section 103 of the Patient Protection and Affordable Care Act (as added by such section); and
(ii) meet such other criteria determined by the Secretary.

(iii) REQUIREMENTS.—The Secretary shall provide such guidance and support to eligible entities as the Secretary determines necessary to carry out the purposes of the demonstration project.

(c) DEMONSTRATION PROJECT TO PROVIDE COMPREHENSIVE CANCER CARE PLANNING SERVICES UNDER MEDICAID AND MEDICARE.—
(i) IN GENERAL.—The Secretary shall conduct a demonstration project to provide comprehensive cancer care planning services under Medicaid and Medicare.

(ii) ELIGIBLE ENTITIES.—An eligible entity to participate in the demonstration project shall—
(i) provide cancer care services in accordance with the requirements of section 1873 of title 18, United States Code (as added by section 103 of the Patient Protection and Affordable Care Act (as added by such section); and
(ii) meet such other criteria determined by the Secretary.

(iii) REQUIREMENTS.—The Secretary shall provide such guidance and support to eligible entities as the Secretary determines necessary to carry out the purposes of the demonstration project.

(d) PROGRAMMATIC EXPENDITURES.—The Secretary shall determine the programmatic expenditures necessary to carry out the purposes of the demonstration project and shall use such expenditures to provide comprehensive cancer care planning services to eligible entities.

(e) CONSUMER PROTECTIONS.—The Secretary shall—
(i) determine the methods of payment necessary to carry out the purposes of the demonstration project; and
(ii) ensure that such methods of payment are consistent with the provisions of this section.

SEC. 11. CANCER CARE AND COVERAGE UNDER MEDICAID AND MEDICARE.

(a) COVERAGE OF ROUTINE COSTS ASSOCIATED WITH CLINICAL TRIALS UNDER MEDICAID AND MEDICARE.—
(i) IN GENERAL.—The Secretary shall not exclude from payment for items and services provided under a clinical trial payment for coverage of routine costs of care (as defined by the Secretary) furnished to an individual entitled to benefits under this part who participates in such a trial to the extent the Secretary provides payment for such costs as of the date of enactment of this subsection.

(ii) COVERAGE UNDER PART B.—Section 1833(w) of the Social Security Act (42 U.S.C. 1395l(w)), as added by section 184 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended—
(A) by striking— "Secretary" and inserting — "Secretary and"; and
(B) by adding at the end of the following new subparagraph:
"(m) COVERAGE OF ROUTINE COSTS ASSOCIATED WITH CLINICAL TRAILS.—The Secretary shall not exclude from payment for items and services provided under a clinical trial payment for coverage of routine costs of care (as defined by the Secretary) furnished to an individual entitled to benefits under this part who participates in such a trial to the extent the Secretary provides payment for such costs as of the date of enactment of this subsection.

(b) COMPREHENSIVE CANCER CARE PLANNING SERVICES.—For purposes of this subsection, the term "comprehensive cancer care planning services" means—
(A) with respect to an individual who is diagnosed with cancer, the development of a plan of care that—
(1) details, to the greatest extent practicable, all aspects of the care to be provided to the individual, with respect to the treatment of such cancer, including any curative treatment and comprehensive symptom management (such as palliative care) involved;
(2) is documented in the patient's medical record and furnished to the individual in person within a period specified by the Secretary that is as soon as practicable after the date on which the individual is so diagnosed;
(3) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and
(4) is in accordance with standards determined by the Secretary to be appropriate;
(B) with respect to an individual for whom a plan of care has been developed under subparagraph (A), the revision of such plan of care as necessary to account for any substantial change in the condition of the individual if the review of such plan of care is in accordance with—
(1) is in accordance with clauses (i) and (iii) of such subparagraph; and
(2) is documented in the patient's medical record and furnished to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision;
(C) with respect to an individual who has completed the primary treatment for cancer, as defined by the Secretary (such as completion of chemotherapy or radiation treatment), the development of a follow-up cancer care plan that—
(1) describes the elements of the primary treatment, including cancer management, furnished to such individual;
(2) provides recommendations for the subsequent care of the individual with respect to cancer-involved organs;
(3) identifies, to the greatest extent possible, a healthcare provider to oversee subsequent care and follow-up as needed and to whom the individual may direct questions or concerns; and
(4) is documented in the patient's medical record and furnished to the individual in person within a period specified by the Secretary that is as soon as practicable after the completion of such primary treatment;
(D) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and
(E) is in accordance with such subparagraphs as may be necessary for each of fiscal years 2011 through 2015; and

SEC. 12. MEDICAID AND MEDICARE.

(a) IN GENERAL.—The Secretary shall—
(1) detail, to the greatest extent practicable, aspects of the care to be provided to Medicare beneficiaries participating in approved cancer clinical trials;
(2) ensure that such aspects are covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) under which payment for such care is made.

(b) PROVIDER OUTREACH.—The Secretary of Health and Human Services, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct an outreach campaign to providers of services and suppliers under the Medicare program under title XVIII of the Social Security Act regarding coverage of routine costs of care furnished to beneficiaries participating in clinical trials in accordance with sections 181(m) and 1833(w)(2) of the Social Security Act (as added by paragraphs (1) and (2), respectively, of section 110 of the Patient Protection and Affordable Care Act).
(ii) is documented in the patient's medical record and furnished to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revisions.

(3) QUALIFICATIONS AND SELECTION OF ELIGIBLE ENTITIES.—

(A) QUALIFICATIONS.—For purposes of this subsection, the term "eligible entity" means a physician office, hospital, outpatient department, or community health center. Eligible providers include physicians, nurse practitioners, and other health care professionals who develop or revise a comprehensive cancer care plan.

(B) SELECTION.—The Secretary shall select at least 6 eligible entities to participate in the demonstration project. Such entities shall be selected so that the demonstration project is conducted in different regions across the United States, in urban and rural locations, and across various sites of care.

(4) EVALUATION AND REPORT.—

(A) EVALUATION.—The Secretary shall conduct a comprehensive evaluation of the demonstration project to determine—

(i) the effectiveness of the project in improving clinical outcomes and increasing efficiency and reducing error in the delivery of cancer care;

(ii) the cost of providing comprehensive cancer care planning services; and

(iii) the potential savings to the Medicare program demonstrated by the project, including the utility of the demonstration project in reducing duplicative cancer care services and decreasing the use of unnecessary medical services for cancer patients.

(B) REPORT.—

(i) IN GENERAL.—Not later than the date that is 1 year after the date on which the demonstration project concludes, the Secretary shall submit to Congress a report on the evaluation conducted under subparagraph (A).

(ii) PREVENTION OF FRAUDULENT BILLING.—The Secretary shall consult with the Medicare Fraud Task Force in the design of the demonstration project to identify and address concerns about fraudulent billing of comprehensive cancer care planning services. The Secretary's actions on prevention of fraud shall be included in the report under this subparagraph.

(3) DEMONSTRATION OF SUBSTANTIAL BENEFIT.—If the evaluation conducted under subparagraph (A) indicates substantial benefit from the demonstration project, as measured by improved patient outcomes and more efficient delivery of healthcare services, such report shall include a legislative proposal to Congress authorizing comprehensive cancer care planning services under the Medicare program, developed on the basis of information from the demonstration project and in consultation with the Administrator of the Agency for Healthcare Research and Quality, the Director of the Institute of Medicine, and the Director of the Centers for Disease Control and Prevention.

(iv) NO SUBSTANTIAL BENEFIT.—If the evaluation conducted under subparagraph (A) does not indicate substantial benefit from the demonstration project, as measured by improved patient outcomes and more efficient delivery of healthcare services, such report shall document, to the extent possible, the reasons why the demonstration project did not result in substantial benefit, and such report—

(I) shall include a legislative proposal for Medicare comprehensive cancer care planning services in a manner that will lead to substantial benefit; and

(II) shall include recommendations for additional projects or studies to evaluate the delivery of comprehensive cancer care planning services in a manner that will lead to substantial benefit and eventual Medicare coverage.

(5) FUNDING.—The Secretary shall provide for the transfer from the Federal Supple-

mentary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395d) of $500,000,000 to carry out the demonstration project within minority populations.
health disparities in cancer survivorship outcomes within minority populations, the Director of NIH shall ensure that such research examines each of the following:

(i) Key adverse events after childhood cancer.

(ii) Assessment of health and quality of life in childhood cancer survivors.

(iii) Developing a plan to meet the following objectives for psychosocial care workforce development:

(a) Developing follow-up care to childhood cancer survivors.

(b) Data regarding the type of provider and treatment facility where the patient received treatment and how the provider and treatment facility may impact treatment outcomes and survivorship.

(c) Evaluating follow-up care for childhood cancer survivors, with special emphasis given to—

(1) transitions in care for childhood cancer survivors;

(2) different professionals who should be part of care teams for childhood cancer survivors; and

(3) training of professionals to provide linguistically and culturally competent follow-up care to childhood cancer survivors; and

(d) four different models of follow-up care.

(SEC. 13. ACTIVITIES FOR THE FOOD AND DRUG ADMINISTRATION.)

It is the sense of the Senate that the Food and Drug Administration should—

(1) integrate structures to facilitate the concurrent development of drugs and diagnostics for cancer diagnosis, prevention, and therapy;

(2) consider alternatives or surrogates to traditional clinical trial endpoints (for example, other than survival) that are acceptable for regulatory approval as evidence of clinical benefit;

(3) modernize the Office of Oncology Drug Products by examining and addressing internal barriers that exist within the current organizational structure.

Mrs. HUTCHISON. I rise to talk about legislation that has been introduced today. My colleague and friend, Senator TED KENNEDY, and I and Senator FEINSTEIN are introducing a bill that we hope will help advance America’s efforts to find cures for cancer.

We all know that cancer is a relentless disease. It does not discriminate between men and women, wealthy or poor, elderly or young.

In 2008, over 1.4 million Americans were diagnosed with some form of cancer. It may have been you, it may have been a friend, it may have been a coworker, a parent, a sibling, a spouse or even a child. More than half a million Americans lost their battle with cancer last year.

During the last session of Congress, Senator KENNEDY and I began working on what we would say would be the next war on cancer. Senator FEINSTEIN has been a leader in this area as well. She is vice chairman of the Senate Committee on Health, Education, Labor, and Pensions. She has been very active in the cancer cause for a long time, having lost her husband to cancer.

All of us have been touched by it. We know very poignantly what happened in our body last year; that Senator KENNEDY himself was diagnosed with a brain tumor and has been a valiant fight off the scourge of this disease. I know in my own family my mother died from a brain tumor, and my brothers have also had cancer. It is such a reminder to all of us, especially when we see one of our own family members or one of our beloved colleagues fighting this disease. ARLEN SPECTER has had amazing feats of living through brain tumors, and he has been a vocal voice in the fight.

After Senator KENNEDY’s diagnosis was announced, I stood on the floor and said I would have an absolute commitment to introduce legislation with him, which we had already been working on for months. We were working with many of the groups that have come together to fight cancer. There are so many in our country that are banding together to try to put all our resources and all our experiences and all of what we have learned to work to do that magic thing that will finally bring about a cure for this disease.

Today, we are taking an important step we are keeping the promise we made. We waited, of course, for Senator KENNEDY to go through surgery and to be in treatment before we introduced it, and he is back with us today. He is part of introducing this bill today. I am very pleased the bill the 21st Century Cancer Alert Act. Here is why we must start again and renew our efforts.

Since the war on cancer was declared in 1971, we have amassed a wealth of knowledge, but our success in battling the disease has not been as great as with some of the other health concerns we have faced in our country, such as heart disease. When we adjust the mortality rate of cancer by age, it is still extraordinarily high when compared to mortality from other chronic diseases.

The impact that cancer has on all lives cannot and should not be underestimated. Today, one out of every two men and one out of every three women in our country will develop cancer in their lifetime. The impact that cancer has on our efforts.

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The impact that cancer has on all lives cannot and should not be underestimated. Today, one out of every two men and one out of every three women in our country will develop cancer in their lifetime. The impact that cancer has on our efforts.

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hidden activity that indicates cancer may be developing. Identifying biomarkers could represent the earliest possible detection of cancer in patients where it might otherwise be a long time before the person would see or feel any symptoms.

However, even if we strengthen our ability to diagnose cancer, impediments remain that prevent many Americans from undergoing routine screening for cancer. With early screening, the chances of catching the disease in a treatable stage are greater and improve the rate of survival.

No. 2, our bill will adopt a cooperative, coordinated approach to cancer research. By establishing a network of biorepositories, we will enable investigators to share information and samples. An integrated approach will accelerate the progress of lifesaving research.

Furthermore, finding cures should be a collaborative goal. Great research is being done by many researchers—who are not aware of advancements in the trials. We have the research that might be concentrated in one area, but people don't have the communication they need to know what is going on in another area that might be helpful in furthering the research going on in a different area.

The culture of isolated career research must shift toward cooperative strides to achieve breakthroughs. We must encourage all the stakeholders in the war on cancer to work in concert. This is perhaps going to be a difficult hurdle, but we must do it. If our researchers are just involved in their own microscope, they are not going to be able to have the full body of knowledge that might contain that one thing that triggers the end to cancer as we know it.

Next, our bill will increase enrollment in clinical trials. Clinical trials expand treatment options for patients while also allowing researchers to explore new methods in prevention, diagnosis, and therapy. This is so valuable because these are the experimental stages of treatment where people who sign up—who know there are risks here but are willing to try—can help us learn what works and what might not work. This is essential for us to make real strides in this war on cancer.

One woman who understands the importance of clinical trials is Maria from El Paso. She is participating in a clinical trial, but she says:

Every day we encounter women who are either unaware of the option for clinical trials or who want to participate but do not have access to them. It's not right that some of us have access to the most cutting-edge treatments, while others are shut out and left mired in a web of confusion.

Less than 5 percent of the 10 million adults with cancer in the United States participate in clinical trials. We need to raise awareness about clinical trials. A major price so more cancer patients will know they are available and have the full information of what they could do. Disincentives in the health insurance market to enrolling in clinical trials must be eliminated.

Last, as our knowledge of cancer advances and survivors live longer, we must move toward establishing a process of providing comprehensive care planning services. There is great value in arming patients with a treatment plan and a summary of their care once they enter remission. This can help ensure continuity of therapy and prevent costly duplicative or unnecessary services.

Together, Senator KENNEDY, Senator FEINSTEIN, and I hope this will be a bipartisan effort to reinvigorate this fight by enacting these necessary changes through legislation. One of the people who will benefit from our bill is Suzanne. After 10 years of treatment for cancer, at a cost of over $3 million, Suzanne came to my office this week to show her support for this bill. She says:

I don't want my two daughters to go through what I went through. Screening saves lives and money.

She is right. Another woman who has been in touch with my office is Jodie. At the age of 36, she was diagnosed with the rare cancer of treatment, she said: "It is a gift to be here."

The Kennedy-Hutchison-Feinstein bill, through screening programs, research, and clinical trials, will give people such as Suzanne, Maria, Elayne, Jodie, and many of our country more time to spend with their loved ones.

This bill we are introducing today is not a finished product. There may need to be changes to this bill. It is not perfect. I already have had some point out the need for us to sit down and try to come up with the absolute right approach. The HELP Committee will be looking at this bill. They will be marking it up. We have already had hearings last year, but there will be more at a look and it will be important that this happen.

We want a bipartisan and resounding victory. We want this to be a victory for all of our country—a victory over this disease. It is the kind of bill that can be bipartisan, that should be bipartisan, and should have overwhelming support from this Congress and from the American people.

I am wearing today the "Live Strong" bracelet. This is from the Lance Armstrong Foundation. We all know Lance Armstrong is a cancer survivor. He is also a hero to many of us because of his wins of the Tour de France. He is the premier bicyclist in the world. Unfortunately, Lance is in the hospital right now—or he might be just getting out. He doesn't have cancer. That is the good news. He broke his collar bone—in about six places, apparently—and because he has insisted he is going back into cycling, he is recovering from that injury better than we thought.

But we know the grit and determination of this man. After his Tour de France wins, and setting the "straight record" for Tour de France wins, he came home and decided to take on cancer for everyone. He has been a role model in showing us it can be defeated, because after his bout with cancer, he went on to win these grueling bicycle races all over the world. So he has been a role model in this. He has also, through his foundation, been a champion of making sure other people have the same chance for survival that he has had. So while we wish him well on the mending of his collar bone, we owe him a debt of gratitude, and I am going to wear his bracelet as we introduce the bill today to show what one person can do to defeat cancer.

We can all come together to help Lance get the message out throughout the world that we can defeat cancer, and no one is a better leader in this cause on the Senate floor today than Senator EDWARD KENNEDY. He not only helped craft the legislation—even as he was in treatment he was making edits to this bill—but he also is another person who has shown courage, as Lance Armstrong has, by not giving up, by coming right back to the Senate after his cancer treatments and showing us that he, too, is joining with Lance Armstrong to make sure everyone has the same chance he has for early detection and for a chance to live a full life. That is what we want for every American.

I am very proud to be standing here for Senator KENNEDY to say we are going to fight for this together. We are going to work together, and we are going to try to have a resounding bipartisan victory on this bill. Working with the HELP Committee and utilizing their input, we will win a victory for all Americans. Maybe we will make Americans see that we can work together here in Washington. Maybe that will be the change in how things are done in Washington that we have all been looking for. It would be a change for the better.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. LEAHY, Mr. CARDIN, Ms. MIKULSKI, Mr. KERRY, Mr. DURBIN, Mr. LAUTENBERG, Mr. MERKLEY, and Mrs. McCASKILL)

S. 718. A bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes; to the Committee on the Judiciary.

Mr. HARKIN. Mr. President, today, I am proud to introduce the Civil Access to Justice Act of 2009, which will expand and improve vital civil legal services to our most vulnerable Americans.

This is an issue that is very personal with me. Before I became a senator, I practiced law with Polk County Legal Aid. I know first-hand how crucial legal assistance is to struggling families who have no place else to turn.
when they have lost a job and are facing a foreclosure. I know the invaluable assistance that legal aid provides to battered women trying to leave abusive marriages while fearing for their safety and the safety of their children. I know that, without access to legal aid, these women are often powerless against the injustices they suffer. I can honestly say that the work I did with legal aid is some of the most rewarding work of my career.

The legal assistance I was able to provide needy clients in Iowa occurs throughout the country every day. Much of that assistance is the direct result of a commitment the federal government first made over forty years ago. In 1965, the Office of Economic Opportunity created 269 local legal services programs around the country. Ten years later, in 1974, Congress—with bipartisan support, including that of President Nixon—established the Legal Service Corporation, LSC, to be a major funding for civil legal aid in this country. LSC is a private, non-profit corporation, funded by Congress, with the mission to ensure equal access to justice under the law for all Americans by providing civil legal assistance to those who otherwise would be unable to afford it. LSC distributes 95 percent of its annual Federal appropriations to 137 local legal aid programs, with more than 900 offices serving all 50 states and every congressional district.

These LSC funding programs make a crucial difference to millions of Americans. Recipients help clients secure basic human needs, such as access to wrongly denied benefits including social security, pensions and needed health care. Just in the past decade, families of 9-11 victims, flood victims, and hurricane evacuees have received crucial legal assistance in obtaining permanent housing, unemployment compensation and government benefits. Further, members of our Armed Forces and their families receive help with estate planning, consumer and landlord/tenant problems and family law.

It is LSC-funded attorneys who help parents obtain and keep custody of their children, help family members obtain guardianship for children without parents, assist parents in enforcing child support payments and help women escape violence. In fact, three out of four legal aid clients are women, and legal aid programs identify domestic violence as one of their top priorities. Recent studies confirm, moreover, that the only public service that reduces domestic abuse in the long term is a woman’s access to legal assistance.

Unfortunately, as the economy continues to wane, those needing legal assistance increase. Yet, the Federal commitment to legal services and LSC is not as effective as it needs to be. LSC has not been authorized since 1981, and since 1995 Congress has slashed funding for legal services for the poor, from $415 million to $350 million in fiscal year 2008, with only a recent increase to $390 million for fiscal year 2009. Further, severe restrictions on LSC funded attorneys impede the ability of legal aid attorneys to provide the meaningful legal representation to low-income clients. The result is that access to justice and quality representation has become far from a reality for too many of our citizens.

In many parts of the country, more than 80 percent of those who need legal representation are unable to obtain it. Nationally, 50 percent of eligible applicants who request legal assistance from LSC funded programs are turned away largely because such programs lack adequate funding. That translates into over one million eligible cases per year.

Bear in mind, to be eligible for Federal legal assistance, one must live at or below 125 percent Federal poverty level—an income of about $25,000 a year for a family of four. This means that we are turning away half of the families in America who need and seek civil legal help who make less than $25,000 a year. That is wrong and it makes a mockery of the principle of equal justice under the law.

Unfortunately, a combination of limited federal funding, state budget cuts and an increased demand for services due to the recession has exacerbated the problem. Just last year, the Texas Supreme Court recently noted, legal aid programs have reached a “crisis of epic proportions.” This year, requests for services have risen by 30 percent or more across the country while cutbacks in staffing are expected to reach 20 percent or more over the coming months. Connecticut Legal Services expects to lose as many as 150 legal positions. Boston’s legal aid expects to lay off one-fifth of its lawyers. Two whole offices in New Jersey are expected to close completely. When legal aid lawyers lose their jobs and when offices close, unfortunately it is our most vulnerable citizens who suffer as their legal needs go unmet.

The housing crisis highlights this problem. Today, millions of Americans are struggling to meet their housing needs, including making their mortgage payments, in many cases traceable to predatory lending practices. Foreclosures are at a historic high and many more homeowners are living in fear. LSC people face the devastating prospect of losing their home—their most prized possession—legal assistance is necessary to help renegotiate terms of loans or enforce truth-in-lending protection in court. The result is that many legal aid offices have seen a drastic increase in those seeking help. Between 2007 and 2008, for example, Iowa Legal Aid saw a 300 percent increase in foreclosure related cases. The Legal Aid Society of San Diego saw a 250 percent increase in foreclosure related cases. Legal aid is too often unavailable. A recent study, for example, revealed that in New Jersey, 99 percent of defendants in housing eviction cases go to court without an attorney.

Given these needs, the Civil Access to Justice Act of 2009, which I am proud to introduce today with Senators KENNEDY, LEAHY, MIKULSKI, CARDEN, BOXER, ALLEN, Lautenberg, McCaskill and Merkley, renews our commitment to equal justice for all Americans and will improve both the quantity and quality of legal assistance in this country.

First, this bill authorizes funding for LSC at $750 million, which is approximately the amount appropriated in 1981, adjusted for inflation, the high water mark for LSC funding. That year, Congress allocated $321.3 million to LSC. At the time, that was seen as the level sufficient to provide a minimum level of access to legal aid in every county. Adjusted for inflation, this “minimum access” level of funding would need to be about $750 million in 2009 dollars.

Second, this bill lifts many of the restrictions Congress imposed in 1996 on federally funded attorneys. That year, Congress significantly limited whom federally funded attorneys could represent and the types of legal tools those attorneys could use in representing their clients. Proponents of these restrictions argued that LSC funded lawyers had overreached and were using federal funds to pursue what some considered an ideological political agenda through the courts, while neglecting basic legal work for poor Americans.

I vigorously disagreed with this characterization of legal aid attorneys and opposed the restrictions at the time; and I continue to do so. The restrictions have harmed our neediest Americans and in many instances prevent legal counsel from doing what attorneys are ethically bound to do—provide zealous representation for their clients. Further, the restrictions, by limiting the range of tools that legal aid attorneys can employ compared to other members of the bar, have created a system of second-class legal representation. That is why this legislation lifts those restrictions.

Members of the bar, have created a system of second-class legal representation. That is why this legislation lifts those restrictions. Those restrictions Congress significantly limited whom federally funded attorneys could represent and the types of legal tools those attorneys could use in representing their clients. The restrictions have harmed our neediest Americans and in many instances prevent legal counsel from doing what attorneys are ethically bound to do—provide zealous representation for their clients.

Finally, the housing crisis makes it clear that legal aid is some of the most rewarding work of my career. But let us also remember that legal aid is also some of the most meaningful legal work we do. When clients get a fair chance to make their case to a fair judge, our justice system works. Legal aid lawyers lose their jobs and when offices close, unfortunately it is our most vulnerable citizens who suffer as their legal needs go unmet.
meaningful opportunity to vindicate the important Congressional policies which these laws contain.’’ That is why Congress has enacted nearly 200 statutes, and states have enacted approximately 4,000 statutes, that provide for attorney fees. The current restriction preventing LSC-funded attorneys from receiving attorney fees has the effect of weakening the effectiveness of these statutes.

Lifting the restriction on attorney fees makes sense for additional reasons. First, because of the restriction, defendants who otherwise would pay attorney fees are unjustly enriched because they happen to face LSC-funded attorneys as opposed to a private counsel. Second, the potential for attorney fees is important leverage for attorneys as they negotiate settlements, leverage now not available to LSC-funded attorneys. Finally, by prohibiting collecting attorney fees, Congress has needlessly limited potential resources that would be available to provide legal aid to other clients.

The bill also lifts the restriction on LSC-funded attorneys’ ability to lobby with non-federal funds for changes in the law that would benefit disadvantaged clients. Legal service attorneys are immersed in the day-to-day legal issues faced by low-income communities and, as a result, are often most knowledgeable about the true impact of state and Federal laws on low income Americans. Yet, LSC-funded attorneys may not participate legislative and administrative efforts unless they are responding to a written request from a legislator or other official.

When legal aid attorneys’ input is requested, the results are telling. For example, Maryland Legal Aid Bureau was recently invited by the legislature to testify on an overhaul of state foreclosure and lending laws. Although the lending, mortgage and banking industries were represented, the only legal aid attorney was the only person there representing borrowers’ views. While the attorney’s voice was critical in ensuring appropriate consumer protections, it is significant that that voice was only heard because legislators chose to seek input from legal aid. Because of the current restrictions, absent an invitation, the experiences and knowledge of that attorney would be silenced, leaving a one-sided debate.

Let me be clear, I disagree with those who advocated for and enacted the 1996 restrictions. However, in the spirit of compromise and bipartisanship, and with the intent to avoid a repeat of the contentious debates of the 1990s, this legislation does not lift all of the restrictions. Illustrative is the present restriction on LSC-funded attorneys pursuing class action suits. Such cases are often the most efficient and cost-effective lawsuits, not only for clients but for the judicial system. As Congress has recognized in enacting the Class Action Fairness Act in 2005, ‘‘class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.’’

When the procedural requirements of State or Federal law are met, LSC-funded attorneys and their clients, like all others, should be able to utilize this essential litigation tool. That is why the bill lifts the restriction on the ability of LSC-funded attorneys to bring such suits. At the same time, again while I disagree, I acknowledge the concern that led to the restriction—that prior to the restriction some felt that LSC-funded attorneys were using class action suits to ‘‘push the envelope’’ and have courts establish ‘‘new law.’’ To allay this concern, the bill permits only class action suits that are grounded in ‘‘established’’ law. This will enable, for example, LSC-funded attorneys to represent as a class multiple borrowers who are victims of predatory lending, but will not permit LSC-funded attorneys to attempt to achieve a novel interpretation of the law that lacks statutory support or judicial precedent.

Moreover, again in the spirit of compromise, the bill maintains many of the limits on who LSC-funded programs can represent, including the current exclusion of illegal immigrants, with limited exceptions, such as victims of domestic violence, prisoners challenging prison conditions, and people charged with illegal drug possession in public housing eviction proceedings. Also, consistent with current law, the legislation prohibits LSC-funded programs from participating in abortion-related cases.

Third, this legislation lifts all the restrictions, except those related to abortion litigation, on the use of state and Federal laws on low income Americans. Yet, LSC-funded attorneys may not participate legislative and administrative efforts unless they are responding to a written request from a legislator or other official.

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in substance and availability, without regard to economic status." Legal aid attorneys across the country protect the safety, security, and health of low-income citizens. When a senior citizen is the victim of a financial scam, when a family faces the loss of their home, or, as is often the case, when a woman needs protection from abuse, legal aid can help—but only if it has the funds and the tools needed to do so.

As our former colleague Senator Domenici once declared: "I do not know what is wrong with the United States of America saying to the needy people of this country that the judicial system is not only for the rich. What is wrong with that? ... That is what America is all about."

That is the aim of this bill. After years of grossly underfunding this essential program, denying legal representation to millions of low-income citizens, and denying legal aid lawyers the full panoply of tools they need to represent their clients effectively, this bill will fulfill the promise of our Constitution. "Equal Justice Under Law" will be more than an ideal chiseled on a marble facade, it will be a concrete reality for millions of our citizens, who, annually, are denied the tools needed to do so. I urge my colleagues to support this important bill.

I am proud to join Senator HARKIN, along with Senator KENNEDY, SENATOR KERRY, Senator HARKIN, Senator McCaskill, Senator Merkley, Senator Durbin, Senator Lautenberg, Senator McCaskill, and Senator Merkley on this important legislation to reauthorize the Legal Services Corporation, LSC. I thank Senator HARKIN for his hard work and dedication to this issue. Along with reauthorizing the funding for the LSC, the bill also removes several restrictions that have encumbered the efforts of legal services providers around the country.

The funding authorization in this legislation is designed to ensure that in future years, the Legal Services Corporation, and all of the state legal aid organizations it assists, will continue the critical work they do to help lower-income American citizens who need legal assistance. Similar to the Sixth Amendment's requirement that an indigent criminal defendant be provided counsel, the voice that legal aid attorneys give to the less fortunate among us is an indispensable component of a fair and impartial trial. What Justice Hugo Black called the "noble ideal" of a fair and impartial trial is extended through the work of those around the country who serve their fellow citizens in our courts. This reauthorization will continue the policy of the Federal Government to provide assistance to those who seek access to the courts in civil matters.

As part of this reauthorization, and in an effort to support the integrity of the LSC, the bill codifies recommendations from the Government Accountability Office, GAO, related to the LSC's corporate governance. The Senate Judiciary Committee held a hearing in May 2008 in part to shed light on these recommendations, and to give the LSC an opportunity to respond about plans to address the problems identified by the GAO. The LSC's leadership has been open and responsive to making improvements, and in my view, the provisions in this bill will assist the LSC in strengthening its governance practices for the future.

This legislation also takes the long-overdue step of removing several of the restrictions that have hindered legal aid organizations for too long. But I wish to make clear that the restrictions on both state and Federal funds prohibiting litigation involving reproductive rights remain in place. Several restrictions on Federal funds remain: the use of Federal funds for litigation concerning unlawful immigrants, prison conditions, and certain eviction cases involving the sale of illegal drugs in public housing are prohibited. But many of the restrictions this bill finally lifts are the product of an ideology long since rejected by the American people. It is time for Congress to reconsider the usefulness of these restrictions in providing the services that so many Americans desperately need.

All Americans should understand the effects of these restrictions on the provision of legal services for lower-income citizens. What this bill does is the overarching requirement prohibiting the use of non-Federal funds for enumerated purposes when legal aid organizations accept Federal funding from the LSC. Currently, non-federal funds received by legal aid providers that also accept LSC funding are subject to the same restrictions that Federal funds are. This has resulted in a waste of resources that providers can ill afford. For example, a legal aid provider that wishes to use state, foundation, or other private funding, as it sees fit, must physically segregate its operations so that funds from the two sources are administered separately through duplicated processes. In this era of economic difficulty, the impact of every Federal and state dollar provided to help Americans must be maximized. This requirement has resulted in little more than wasted resources. Legal aid providers are capable of honoring Federal restrictions without the need for this approach.

The legislation also removes restrictions that currently prohibit legal aid attorneys from receiving attorney's fees, as authorized by law, in cases in which they prevail. Contrary to arguments that such a practice would cause legal aid attorneys to act unethically or out of an interest divergent from the legitimate needs of their clients, allowing these fees to be retained would help shift the cost of wrongdoing from the Federal Government to the responsible parties. Moreover, allowing legal aid attorneys to retain these fees when merited would provide increased assistance to the organizations for which they work. In an effort to monitor the effect of removing this restriction, the legislation requires all fees received to be reported to the LSC.

The bill removes restrictions on class action suits by legal aid providers. Contrary to the popular rhetoric, in my view, class actions have served to maximize the benefits provided by legal aid organizations by allowing similarly situated plaintiffs to pursue their rights in a single case. The legislation does restrict class action suits to actions based on established law, and thus is intended to discourage truly frivolous suits. Additionally, the legislation removes the restriction prohibiting legal aid providers from lobbying their elected officials. Allowing legal aid providers to advocate on behalf of those they serve will advance civil justice issues and raise the awareness of lawmakers in matters affecting many Americans. And I would remind those who would disparage this practice on the part of legal aid providers that many of the financial institutions that the American taxpayers have recently bailed out continue to lobby extensively in Washington. If banks that have been bailed out with taxpayer money can freely access their elected officials, so too should those who represent the least politically powerful among us.

I hope all Senators will give serious consideration to reauthorizing the Legal Services Corporation and ending the restrictions that have burdened the provision of legal services to so many American citizens. Lawyers across the U.S. have dedicated their lives to helping the least fortunate among us gain access to the courts that serve us all. These lawyers play a critical role in ensuring that justice is carried out in a manner consistent with the Constitution's promise, and when justice is served fairly, it benefits us all. I hope all Senators will join us in support of this legislation.

By Mr. UDALL, of Colorado (for himself and Mr. BENNET): S. 729. A bill to provide a source of funds to carry out restoration activities on Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, and for other purposes; to the Committee on Energy and Natural Resources.

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

This is a modest bill but an important one. I think it deserves the support of our colleagues and I will do all I can to achieve its enactment into 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:

SEC. 2. USE OF FINES FROM VIOLATIONS OF LAWS AND REGULATIONS APPLICABLE TO PUBLIC LAND FOR RESTORATION AND INFORMATION ACTIVITIES.

(a) LAND UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1735) is amended by adding at the end the following:

"(d) USE OF COLLECTED FINES.—

"(1) ALLOCATION.—Any amounts received by the United States as a result of a fine imposed under section 303(f) of title 18, United States Code, for a violation of a regulation prescribed under section 303(a) shall be available to the Secretary, without further appropriation and until expended—

"(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on public land rendered necessary by the action that led to the fine or by similar actions; and

"(B) to increase public awareness of regulations and other requirements regarding the use of public land.

"(2) USE OF EXCESS FUNDS.—

Any amounts received by the United States as a result of a fine imposed under section 303(f) of title 18, United States Code, for a violation of a regulation prescribed under section 303(a) shall be available to the Secretary, without further appropriation and until expended—

"(A) to offset the cost to the United States of any improvement, protection, or rehabilitation work on public land rendered necessary by the action that led to the fine or by similar actions; and

"(B) to increase public awareness of regulations and other requirements regarding the use of public land.

"(3) INCREASED PUBLIC INFORMATION AND EDUCATION.—The amount deposited in the Crime Victims Fund from the fines collected under this subsection shall be used to increase public awareness of and compliance with laws and regulations applicable to public land.

"(b) NATIONAL PARK SYSTEM LANDS.—Section 3 of the National Park Service Organic Act (16 U.S.C. 3), is amended—

"(1) by striking "The Secretary" the first place it appears and inserting "(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—The Secretary":

"(2) by striking "He may also" the first place it appears and inserting "(b) SPECIAL MANAGEMENT AUTHORITIES.—"

"(c) LANDS UNDER JURISDICTION OF THE SECRETARY OF THE INTERIOR.—The Secretary of the Interior may:

"(1) by striking "The Secretary" the first place it appears and inserting "(a) REGULATIONS FOR USE AND MANAGEMENT OF LANDS AND PLANTS.—The Secretary may":

"(2) by striking "No natural," the first place it appears and inserting "(b) LEASE AND PERMIT AUTHORITIES.—No natural": and

"(3) by adding at the end the following:
(d) USE OF COLLECTED FINES.—

(1) AVAILABILITY AND AUTHORIZED USE.— Any amounts received by the United States as a result of a fine imposed under section 3571 of title 16, United States Code, for a violation of a rule or regulation prescribed under this section shall be available to the Secretary of the Interior, without further appropriation and until expended—

(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on the National Park System land rendered necessary by the action that led to the fine or by similar actions; and

(B) to increase public awareness of rules, regulations, and other requirements regarding the use of National Park System land.

(2) TREATMENT OF EXCESS FUNDS.—

Amounts referred to in paragraph (1) that the Secretary determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601). (c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—

Section 4(f) of the National Wildlife Refuge Provision Act of 1966 (16 U.S.C. 668dd(f)) is amended by adding at the end the following:

"(3) USE OF COLLECTED FINES.—Any amounts received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of this Act (including a regulation issued under this Act) shall be available to the Secretary, without further appropriation and until expended—

(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on system land rendered necessary by the action that led to the fine or by similar actions; and

(B) to increase public awareness of rules, regulations, and other requirements regarding the use of system land.

(4) TREATMENT OF EXCESS FUNDS.— Amounts referred to in paragraph (3) that the Secretary determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

(d) TREATMENT OF EXCESS FUNDS.—

Section 3 of the National Wildlife Refuge System Act (16 U.S.C. 668dd(f)) is amended by adding at the end the following:

"(2) TREATMENT OF EXCESS FUNDS.—

Amounts referred to in paragraph (1) that the Secretary of Agriculture determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601)."

(e) NATIONAL WILDLIFE REFUGE SYSTEM LAND; REGULATIONS.

The lands designated as wilderness by subsection (a) shall be available to the Secretary of Agriculture, without further appropriation and until expended—

(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on National Park System land rendered necessary by the action that led to the fine or by similar actions; and

(B) to increase public awareness of rules, regulations, and other requirements regarding the use of National Park System land.

(f) USE OF COLLECTED FINES.—

Amounts referred to in paragraph (1) that the Secretary of Agriculture determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601). (g) NATION WILDLIFE REFUGE SYSTEM.—

Section 1401 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended by adding at the end the following:

"(171) MIDDLE FORK SNOQUALMIE, WASHINGTON.—The 27.4-mile segment from the headwaters of the Middle Fork Snoqualmie River near La Bohn Gap in NE 24 N., R. 13 E., to the northern boundary of sec. 11, T. 23 N., R. 9 E., to be administered by the Secretary of Agriculture as a wild river.

(h) TREATMENT OF EXCESS FUNDS.—

(1) IN GENERAL.—Any violation; and

(2) BY VIOLATION; PENALTIES.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness by subsection (a) shall be administered by the Secretary of Agriculture (referred to in this section as the "Secretary"), in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference to the Act in the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(2) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by subsection (a), which shall be available to the Secretary of Agriculture, without further appropriation and until expended—

(B) USE OF COLLECTED FINES.—

"(1) AVAILABILITY AND AUTHORIZED USE.— Any amounts received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a regulation issued under subsection (a) shall be available to the Secretary of Agriculture, without further appropriation and until expended—

(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on National Park System land rendered necessary by the action that led to the fine or by similar actions; and

(B) to increase public awareness of rules, regulations, and other requirements regarding the use of National Park System land.

(2) TREATMENT OF EXCESS FUNDS.—

Amounts referred to in paragraph (1) that the Secretary of Agriculture determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601)."

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 721. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. MURRAY. 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 placed in the Record, as follows:

S. 721

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 "Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act".

SEC. 2. EXPANSION OF ALPINE LAKES WILDERNESS.

(a) IN GENERAL.—There is designated as wilderness and as a component of the National Wilderness Preservation System certain Federal land in the Mount Baker-Snoqualmie National Forest in the State of Washington comprising approximately 22,100 acres, as generally depicted on the map entitled "Alpine Wilderness Additions" and dated March 23, 2009, which is incorporated in and shall be considered to be a part of the Alpine Lakes Wilderness.

(b) ADMINISTRATION.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness by subsection (a) shall be administered by the Secretary of Agriculture (referred to in this section as the "Secretary"), in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference to the Act in the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(2) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by subsection (a), which shall be available to the Secretary of Agriculture, without further appropriation and until expended—

(B) USE OF COLLECTED FINES.—

"(1) AVAILABILITY AND AUTHORIZED USE.— Any amounts received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a regulation issued under subsection (a) shall be available to the Secretary of Agriculture, without further appropriation and until expended—

(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on National Park System land rendered necessary by the action that led to the fine or by similar actions; and

(B) to increase public awareness of rules, regulations, and other requirements regarding the use of National Park System land.

(2) TREATMENT OF EXCESS FUNDS.—

Amounts referred to in paragraph (1) that the Secretary of Agriculture determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601)."

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary of Agriculture, without further appropriation and until expended—

(1) by striking ''The Secretary'' and inserting the following: ''destruc-
This bill would make permanent the tax cuts for the 10 percent, 15 percent, 25 percent, and 25 percent tax brackets. Without this change, taxpayers would experience a $5,000 tax increase. This bill would make permanent the lower capital gains rates for taxpayers in the top brackets.

This bill would make permanent the marriage penalty relief enacted in 2001. This would guarantee that married couples would not be penalized when they take their wedding vows.

This bill would also make permanent the $1,000 child tax credit. It would also make permanent the refundable child tax credit, with a threshold of $3,000, that was recently passed as part of the American Recovery and Reinvestment Act.

This is important because prior to the 2001 bill, this credit was $500 and not refundable. This bill would make permanent the expansion of the earned income tax credit. Children of low- and moderate-income families with three or more children would get a larger credit.

The bill would help working men and women by making permanent the change in the dependent and child care credit. This credit helps cover the increased expenses of providing child care during a time when everyone is struggling to stay employed and weather this economic downturn.

This bill would also make permanent the increased credit for adoption. Giving a child a home and love is expensive. Families that adopt children have a lot of expenses. This bill would continue to give a $10,000 credit for adoption expenses.

These provisions recognize the increased cost of raising children. Congress values families and wants every family to succeed.

Another problem that Congress has to tackle every year is the Alternative Minimum Tax, or the AMT. This tax creeps up on millions of taxpayers every year. Every year, Congress holds this monster at bay, making sure no new taxpayers pay this horrible tax.

As a result, the number of taxpayers paying the AMT remains at just over 4 million. Without Congress’s action, 26 million people would have to pay this tax.

This bill would permanently fix the AMT. It sets the exemption at 2009 levels and indexes it for future years. It also allows the AMT against the non-refundable credits.

Finally, this bill would offer certainty on the estate tax. This is something that I have tried to get done over and over again. The Finance Committee held several hearings discussing this tax. This bill makes permanent current law. This bill would set the exemption at $3.5 million, or $7 million for married couples. It would also set the tax at 15 percent. We have also made some other needed fixes. This bill would unify the gift and estate taxes. This bill would also allow a decedent spouse to transfer any unused exemption to the surviving spouse. This is known as portability.

I believe that this bill is just the beginning. I realize there are other tax cuts that need to be made permanent. For example, I hope to address education issues later this year.

But today, let us begin to give working families some shelter from the coming storm.

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:

SEC. 1. SHORT TITLE, ETC. "(a) SHORT TITLE.—This Act may be cited as the ‘Taxpayer Certainty and Relief Act of 2009.’" (b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an repeal or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

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

TITLE I—PERMANENT ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Exemption amounts made permanent.

Sec. 102. Exemption amounts indexed for inflation.

Sec. 103. Alternative minimum tax relief for nonrefundable credits.

TITLE II—PERMANENT MIDDLE CLASS MINIMUM TAX RELIEF

Sec. 201. Permanent reduction in tax rates for lower-income and middle-income individuals.

Sec. 202. Permanent reduction in rates on capital gains for lower-income and middle-income taxpayers.

Sec. 203. Modifications to child tax credit.

Sec. 204. Repeal of sunset on marriage penalty relief.

Sec. 205. Repeal of sunset on expansion of dependent care credit.

Sec. 206. Repeal of sunset on expansion of adoption credit and adoption assistance programs.

Sec. 207. Expansion of earned income tax credit.

TITLE III—PERMANENT ESTATE TAX RELIEF

Sec. 301. Permanent extension of estate tax provisions as in effect in 2009.

Sec. 302. Unified credit increased by unused exemption of deceased spouse.

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credit allowable under subsection (a) for such taxable year.”.

(C) Section 23(c) is amended by redesignating paragraph (3) as paragraph (2).

(2) MORTGAGE INTEREST RELIEF

(A) Section 24(b) is amended by striking paragraph (3).

(B) Section 24(d)(1) is amended—

(1) by substituting the section 24(d)(2) or subsection (b)(3), as the case may be,” each place it appears in subparagraphs (A) and (B) and inserting “section 24(d)(1)’’; and

(2) by striking ‘‘section 26(a)(2) or subsection (b)(3), as the case may be” in the second last sentence and inserting “section 26(a)(1).’’

(3) CREDIT FOR INTEREST ON CERTAIN HOME MORTGAGES.—Section 25(e)(1)(C) is amended to read as follows:

‘‘(C)lette tax allowance under subsection (a) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25, 25D, and 1400C).’’

(4) SAVERS’ CREDIT.—Section 25B is amended by striking subsection (g).

(5) RESIDENTIAL ENERGY EFFICIENT PROPERTY.—Section 25D(c) is amended to read as follows:

‘‘(c) MARYJANE OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25, 25D, and 1400C).’’

(6) CERTAIN PLUG-IN ELECTRIC VEHICLES.—Section 30D(c)(2) is amended to read as follows:

‘‘(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.’’

(7) ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(g)(2) is amended to read as follows:

‘‘(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.’’

(8) NEW QUALIFIED PLUG-IN ELECTRIC VEHICLE CREDIT.—Section 30D(c)(2) is amended to read as follows:

‘‘(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.’’

(9) CROSS REFERENCES.—Section 55(c)(3) is amended by striking ‘‘26(a), 30D(d)(2),’’ and inserting ‘‘30D(d)(2).’’

(10) FOREIGN TAX CREDIT.—Section 901 is amended by striking subsection (i) and by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

(11) FIRST-TIME HOME BUYER CREDIT FOR THE DISTRICT OF COLUMBIA.—Section 1460(c) is amended to read as follows:

‘‘(d) MARYJANE OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE II—PERMANENT MIDDLE CLASS INCOME TAX RELIEF

SEC. 201. PERMANENT REDUCTION IN TAX RATES FOR LOWER-INCOME AND MIDDLE-INCOME INDIVIDUALS.

(a) In General.—(1) Tax Table.—Section 1(h)(1) of such Act is amended by striking ‘‘33%’’ and inserting ‘‘32%’’.

(2) Tax Rate.—Section 1(h)(1) of such Act is amended—

(1) by striking 12 percent’’ and inserting ‘‘10 percent’’;

(2) by striking 28 percent’’ and inserting ‘‘26 percent’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) WITHHOLDING.—The amendment made by this section shall apply to amounts paid on or after January 1, 2011.

(c) REPEAL OF JGTRRA SUNSET.—Section 303(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is repealed.

SEC. 202. MODIFICATIONS TO CHILD TAX CREDIT.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 201 (relating to modifications to child credit) and 303(a) of such Act (relating to marriage penalty relief).

(b) MODIFICATION OF THRESHOLD AMOUNT.—(1) In General.—Clause (i) of section 24(d)(1)(B) is amended by striking ‘‘$10,000’’ and inserting ‘‘$3,000’’.

(c) REPEAL OF INFLATION ADJUSTMENT TO EARNED INCOME BASE.—Subsection (d) of section 24 (relating to portion of credit refundable) is amended by striking paragraph (3).

(d) EFFECTIVE Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 203. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

SEC. 204. REPEAL OF SUNSET ON EXPANSION OF DEPENDENT CARE CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to expansion of provisions of such Act) shall not apply to section 202 of such Act (relating to dependent care credit).

SEC. 205. REPEAL OF SUNSET ON EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to expansion of adoption credit and adoption assistance programs) shall not apply to section 303 of such Act (relating to adoption credit and adoption assistance programs).

SEC. 206. EXPANSION OF EARNED INCOME TAX CREDIT.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 303 of such Act (relating to earned income tax credit).

(b) INCREASE IN CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE QUALIFYING CHILDREN.—In the case of an eligible individual with 3 or more qualifying children, the table provided by paragraphs (1) and (2) of subsection (b) of section 30B of such Act (relating to credit percentage for families with 3 or more qualifying children) is amended by substituting ‘‘45’’ for ‘‘40’’ in the second column thereof.”.
(c) Joint Returns.—  
(1) IN GENERAL.—Subparagraph (B) of section 3201(b)(2) is amended by striking “increased by” and all that follows and inserting “increased by $5,000.”  
(2) INFLATION ADJUSTMENTS.—Clause (ii) of section 3201(b)(1)(B) is amended—  
(A) by striking “$5,000” and inserting “$5,000,000” and  
(B) by striking “calendar year 2007” and inserting “calendar year 2008.”  
(3) CONFORMING AMENDMENT.—Section 3201(b) is amended by striking paragraph (3).  
(4) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years beginning after December 31, 2009.

TITLE III—PERMANENT ESTATE TAX RELIEF

SEC. 301. PERMANENT EXTENSION OF ESTATE TAX AS IN EFFECT IN 2009.  
(a) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—Paragraph (1) of section 2505(a) (relating to general rule for unified credit against gift tax), after the application of subsection (g), is amended—  
(A) by striking “determined as if the applicable exclusion amount were the dollar amount in effect at the time of such transfers” and inserting “determined as if the applicable exclusion amount were the dollar amount in effect at the time of such transfers” and  
(B) by striking “calendar year 2001” and inserting “calendar year 2009.”  
(b) EXCLUSION EQUIVALENT OF UNIFIED CREDIT EQUAL TO $3,500,000.—Subsection (c) of section 2505(b) (relating to exclusion equivalent of unified credit against estate tax) is amended to read as follows:  
(1) IN GENERAL.—For purposes of this subsection, the applicable credit amount is the amount of the tentative tax which would be determined under section 2505(b)(2) if the amount with which to compute such tentative tax is to be computed were equal to the applicable exclusion amount.  
(2) APPLICABLE CREDIT AMOUNT.—  
(A) In general.—For purposes of this subsection, the applicable exclusion amount is $3,500,000.  
(B) Inflation Adjustment.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to  
(i) such dollar amount, multiplied by  
(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year,  
(B) the sum of such amounts allowed as a credit for all preceding periods under section 2505(a)(2).  
For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 that would be determined under section 2505(b)(2) if the applicable exclusion amount were the dollar amount under section 2505(b)(1) for such year.  
(2) GIFT TAX.—Section 2506(a) (relating to unified credit against gift tax) is amended by adding at the end the following new flush sentence:  
“For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.”  
(c) MAXIMUM ESTATE TAX RATE EQUAL TO 45 PERCENT.—  
(1) IN GENERAL.—Subsection (c) of section 2001 (relating to imposition and rate of tax) is amended—  
(A) by striking “but not over $2,000,000” in the table contained in paragraph (1),  
(B) by striking the last 2 items in such table,  
(C) by striking “(i) IN GENERAL.—” and  
(D) by striking paragraph (2).  
(2) CONFORMING AMENDMENT.—Paragraphs (1) and (2) of section 2001(b) are amended to read as follows:  
“(1) IN GENERAL.—A credit in an amount that would be determined under section 2010 as the applicable credit amount if the applicable exclusion amount were $60,000 shall be allowed against the tax imposed by section 2001.”  
“(2) RESIDENTS OF POSSESSIONS OF THE UNITED STATES.—In the case of a decedent who is considered to be a ‘nonresident not a citizen’ of the United States under section 2209, the credit allowed under this subsection shall not be less than the proportion of the amount that would be determined under section 2010 as the applicable credit amount if the applicable exclusion amount were $175,000 which the value of that part of the decedent’s gross estate which at the time of the decedent’s death is situated in the United States bears to the value of the decedent’s entire gross estate, wherever situated.”  
(2) CONFORMING AMENDMENT.—Subsection (b) of section 2604 (relating to section 2604) is amended—  
(A) by striking “(determined as if the applicable exclusion amount were the dollar amount in effect at the time of such transfers)” and inserting “(determined as if the applicable exclusion amount were the dollar amount in effect at the time of such transfers)” and  
(B) by striking “$3,500,000.”  
(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying in calendar years beginning after December 31, 2009.
A ban on novelty lighters would require the Consumer Product Safety Commission to treat novelty lighters as a banned hazardous substance. That means novelty lighters will not be manufactured, imported, sold, or given away as promotional gifts anywhere in this country. This measure will keep novel lighters out of the hands of children and prevent injuries like those that have already brought tragedy to too many families.

A number of states and cities have taken it upon themselves to ban these dangerous lighters. Oregon and four other States have already enacted such bans, and thirteen other states are currently considering similar measures. It is clear that this is an important safety issue, and it is time for the Federal Government to pass this bill so that children in all states will be protected. A Federal ban on novelty lighters has widespread, nationwide support. Along with the Oregon Fire Marshal, the National Association of Fire Marshals supports a federal ban on these lighters and has been active in promoting public awareness on this issue. I want to thank the Congressional Fire Services Institute for their leadership in building support for this bill. The cigarette lighter industry, represented by the Lighter Association, is a partner in supporting a ban on novelty lighters. Finally, consumer groups, such as Safe Kids USA and others, have endorsed this approach.

Congress should act now to avoid the suffering caused by the senseless deaths and serious injuries that result from novelty lighters being mistaken for toys. Dangerous tools containing flammable fuels that are not be dressed up in packages that are attractive to children; especially when young children do not have the capacity to differentiate these lighters from common toys. Please join me in banning dangerous novelty lighters by cosponsoring the Protect Children from Dangerous Lighters Act.

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

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

S. 723

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 “Protect Children from Dangerous Lighters Act of 2009.”

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Lighters are inherently dangerous products containing flammable fuel.

(2) If lighters are used incorrectly or used by children, dangerous and damaging consequences may result.

(3) Novelty lighters are easily mistaken by children and adults as children’s toys or as common household items.

(4) Novelty lighters have been the cause of many personal injuries to children and adults and property damage throughout the United States.

SEC. 3. NOVELTY LIGHTER DEFINED.

(a) IN GENERAL.—In this Act, the term “novelty lighter” means a device typically shaped like a toy motorcycle.
national ban has the support of the Congressional Fire Services Institute, the National State Fire Marshals Association, and the National Volunteer Fire Council.

The bill is straightforward. It treats novelty lighters manufactured after January 1, 2010, as banned hazardous substances unless the Consumer Product Safety Commission determines a particular lighter has antique or significant artistic value. Otherwise, sale of lighters with toy-like appearance, specially designed graphics, or other attributes that would appeal to children under 10 would be banned.

The novelty lighters targeted in this legislation serve no functional need. But they are liable to attract the notice and curiosity of children, whose play can too easily turn into a scene of horror and death. The sale of lighters that look like animals, cartoon characters, food, toys, or other objects is simply irresponsible and an invitation to tragedy.

I urge all of my colleagues to join me in supporting this simple measure that can save children from disfigurement and death.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 725. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today along with Senator HATCH to re-introduce the Equity for Our Nation’s Self-Employed Act of 2009. This important legislation corrects an inequity that currently exists in our tax code that forces the self-employed to pay payroll taxes on the funds used to purchase their health insurance while larger businesses do not. Because of this inequity, health insurance is more expensive for the self-employed. At a time when the number of people uninsured is growing at an alarming rate, we need to find ways to reduce the cost of health insurance. This legislation is a first logical step.

Under current law, corporations and other business entities are able to deduct health insurance premiums as a business expense and to forego payroll taxes on these costs. However, sole-proprietors are not allowed this deduction and thus, are required to pay self-employment tax, their payroll tax, on health insurance premiums. The self-employed are the only segment of the business population that is additionally taxed on health insurance. The legislation we are introducing today would stop this inequitable tax treatment and allow sole proprietors to deduct the amount they pay for health insurance from their calculation of payroll taxes, leveling the playing field for the over 20 million self-employed in our Nation.

This problem affects all self-employed who provide health insurance to their families. According to the IRS, there are almost 130,000 sole-proprietors in New Mexico. While we do not know how many of these people in New Mexico have health insurance, we do know that roughly 3.8 million working families in the U.S. paid self-employment tax on their health insurance premiums. Estimates indicate that roughly 60 percent of our Nation’s uninsured are either self-employed or work for a small business. According to the Kaiser Family Foundation, self-employed families spend upwards of $12 billion dollars per year in 2006 to provide health insurance for their families. Because they cannot deduct this as an ordinary business expense, those that spend this amount will pay a 15.3 percent payroll tax on their premiums, resulting in over $1,800 of taxes annually.

This problem was identified by the National Taxpayer Advocate in several of her annual reports to Congress and our legislation to correct it is supported by national and State organizations including the National Association for the Self-Employed, the National Small Business Association, the National Federal Association of Independent Business, National Association of Realtors, the U.S. Chamber of Commerce, and the U.S. Hispanic Chamber of Commerce. I look forward to working with my colleagues to get this important legislation passed.

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 placed in the RECORD, as follows:

S. 725

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 “Equity for Our Nation’s Self-Employed Act of 2009.”

SEC. 2. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4) (as so redesignated, in section 162(l)(5) of such Code).

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

By Ms. LANDRIEU (for herself, Mr. ENSIGN, Mr. CARDIN, Mrs. BOXER, Mr. GRAHAM, Ms. COLLINS, Mr. MCCAIN, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LEVIN, Mr. CARPER, Mr. LIEBERMAN, Mr. BYRD, Mr. KERRY, and Mr. LEAHY):

S. 727. A bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption; to the Committee on the Judiciary.

Ms. LANDRIEU. I rise today to introduce a piece of legislation that this body has seen before, and actually we have passed a version of it by an overwhelming majority. But we have had difficulty as this bill has left this body and moved across the Capitol, and the efforts to pass this bill have actually been thwarted—not so much on the floors of the Congress or the Senate, but in committee rooms and on the floor out of full public view. It has become an issue that must be dealt with on its substance, but also the way that sometimes bills find themselves coming to dead ends, in my view in inappropriate ways.

The record of this subject has been long discussed on the floor. But the bill attempts to end the transport of horses for slaughter to Canada and to Mexico. This Congress, both Democrats and Republicans, a majority, has gone on record saying that the practice of inhumane slaughter of these majestic and very noble animals has no place in America. We do not use their meat for human consumption. It is no longer used in our past, in our present, and this is not true in other parts of the world but it is true here in America. So we want to have a better system to handle the breeding, the raising, and the disposal of horses that are old, infirm, and sick. But looking at a perfectly healthy animal and slitting its throat and then cutting it up with hatchets and saws and moving equipment while it is still alive is not what people in America would like to believe is going on. In fact it is—more than what we have every seen before. If we were here in 2009 at the time the first horse was ever slaughtered for the human food supply, we would get together with a great coalition and ended the practice of slaughter in the United States.

There were only three plants operating—two in Texas, one in Illinois. Those State legislators and the leaders in those States stepped up and closed down those plants. But the problem is now the 100,000 or so horses out of 900,000 that die naturally every year. We have about 9 million horses in America. 900,000 die, approximately, every year. And the great part of this story is that 95 percent of all horses die a natural and humane death because the owners are very good, they are very responsible.

Most people do what is right. That is what happens in most places, on most subjects. But there is always that small group that, for whatever reason, proceeds down a path that is wholly inappropriate, although right now legal— we hope to solve that problem—and inhumanely slaughters horses.

The USDA and our own investigation show that 98 percent of the horses that are inhumanely transported over our borders now to places that are, of course, unregulated by our Government and very modestly regulated, if at all, by the Governments of Canada and Mexico, 94 percent of these animals—92, I am sorry, 92.3 percent of those horses being sent to slaughter are healthy. They are not sick and they are not inhumanely treated.

People say to me: Well, Senator, do you not think we have to find a way to
get rid of horses that are sick or too old? I say: Absolutely. There are humane ways to get rid of horses. But the myth and the lie and the shame of this slaughtering that is going on is that 92 percent of those animals are healthy. Many of them are young. Many of them have a future. But because there is a loophole in our law right now, they are being treated in this way.

So I am introducing this bill with my good friend and colleague John Ensign, Senator La. is a mindless from Nevada, the leading cosponsor. So, too, with Senators Cardin, Boxer, Graham, Collins, McCain, Lautenberg, Menendez, Levin, Carper, Lieberman, Byrd, Kerry, and Leahy as cosponsors, original cosponsors of this legislation, entitled the Prevention of Equine Cruelty Act.

The way this bill would be put into place, should it be passed and signed by the President into law, is if a person is found in violation of this act, they are found guilty of if they transport or sell or purchase a horse with the intent to slaughter it for human consumption, they will be fined, and there will be criminal penalties associated with this practice. If a defendant is found guilty, he or she is sentenced up to one year of prison if he or she has prior convictions. If he or she does have prior convictions, the penalty will be increased.

As I have said, although U.S. slaughterhouses have been closed, thousands of horses are inhumanely, every day, 1,500 a week, transported across our borders to this deplorable fate. Some-time horses are shipped as many as 600 miles with limited food and water. I could show you dozens of pictures. I will spare those who are on the floor and those watching from the horror of some of these pictures. But if you want to see them, there are ample pictures and evidence on the Internet available for who is interested in a less cruel and barbaric practice we want to stop.

When people say to me: Senator, how are farmers and ranchers going to afford it? It is expensive to put down a horse. It costs about $225 to humanely euthanize a horse. It costs $225 to feed a horse for 1 month. So if you can afford to purchase an animal, if you can afford to maintain an animal, you most certainly can afford the price of putting it down humanely, for the work that is done on your behalf, for the pleasure that it has provided you during the transportation it has provided you.

Horses are used in our country for many different and very necessary purposes. I want to say this has been a long battle. It started many years ago. But in September of 2007, the U.S. Court of Appeals upheld the Illinois statute that banned the slaughterhouse from continuing. In April of that same year, the Senate Committee voted 15 to 7 to ban slaughter. In 2007, in January, the U.S. Court of Appeals for the Fifth Circuit declared the slaughter of horses for food illegal in Texas, upholding a law that dated back to 1949. And on September 7—you might have still been there—the House passed H.R. 503, the American Horse Slaughter Prevention Act. Unfortunately, that Congress adjourned before the Senate could take it up, and the Senate did, in October, but because it was in the agriculture appropriations bill, only to have it scuttled again.

So I submit to you that there is a broad base of bipartisan support for this legislation. I submit to you that the practice is inhumane and inhumane. I submit to you that I have every court, both at the district and appellate level, that has weighed in has weighed in on the side of our efforts here today. And it is my intention, working with Senator John Ensign from Nevada, to finally get this bill passed, so we will have, once and for all, ended inhumane slaughter and created a way for horses to be put down or to die naturally and to be disposed of properly in this country. I hope that we will have a grey, who will bear testimony to the rising awareness of animal care in this Nation.

Now, when people say: She has gone too far and we are going to do the same thing for cows and goats and chickens—horses are not raised for the same purpose as cows and goats and chickens. They are never raised for slaughter. They are raised for companionship, for partnership, and that is where the line, I hope, will be drawn.

Mr. President, I seek 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 placed in the Record, as follows:

S. 727

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 “Prevention of Equine Cruelty Act.”

SEC. 2. SLAUGHTER OF HORSES FOR HUMAN CONSUMPTION.

(a) In General.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following new section:

"§50. Slaughter of horses for human consumption.

"(a) Except as provided in subsection (b), whoever knowingly—

"(1) possesses, ships, transports, purchases, sells, delivers, or receives, in or affecting interstate commerce or foreign commerce, any horse or part of a horse with the intent that it is to be slaughtered for human consumption; or

"(2) possesses, ships, transports, purchases, sells, delivers, or receives, in or affecting interstate commerce or foreign commerce, any horse flesh or carcass or part of a carcass, with the intent that it is to be used for human consumption; shall be fined under this title or imprisoned not more than three years or both.

"(b) If—

"(1) the defendant engages in conduct that would otherwise constitute an offense under subsection (a);

"(2) the defendant has no prior conviction under this section; and

"(3) the conduct involves less than five horses or less than 2000 pounds of horse flesh or carcass or part of a carcass;
insurance available to totally disabled veterans from $20,000 to $30,000. Many totally disabled veterans find it difficult to obtain commercial life insurance. This legislation would provide these veterans with a reasonable amount of life insurance coverage.

This bill would also increase certain benefits for veterans and their survivors who have not been updated for many years. The minimum benefit rate for low-income parents of children who have died during military service, or as the result of a service-connected disability, has remained at only $5.00 per month since 1975. This is unacceptable. Therefore, this bill would increase the minimum Parent's DIC benefit to $100 per month, and also increase the basic benefit for a parent with no income to the same level as that provided to low-income spouses of wartime veterans. In addition, this bill would increase the amount of pension paid to VA pensioners who receive Medicaid benefits from $18 to $100 per month. In addition, all of these benefits and benefits for surviving spouses with children would be adjusted by cost-of-living allowances so that these VA benefits would never again become obsolete.

Another provision included in this bill would reaffirm Congress's intent with regard to who should be eligible for a special monthly pension. Low income, nondisabled wartime veterans 65 and older qualify for a VA service pension, which was set in 1989, to $100 per month. In addition, all of these benefits and benefits for surviving spouses with children would be adjusted by cost-of-living allowances so that these VA benefits would never again become obsolete.

TITLE I—INSURANCE MATTERS

Sec. 101. Level-premium term life insurance for veterans with service-connected disabilities.

Sec. 102. Supplemental insurance for totally disabled veterans.

Sec. 103. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage.

Sec. 104. Enhanced benefits of veterans' mortgage life insurance.

Sec. 105. Adjustment of coverage of dependents under Servicemembers' Group Life Insurance.

TITLE II—COMPENSATION AND PENSION MATTERS

Sec. 201. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependents under the age of 18.

Sec. 202. Eligibility of veterans 65 years of age or older for service pension for a period of war.

Sec. 203. Adjustments in amounts of dependency and indemnity compensation payable to disabled surviving spouses and to parents of deceased veterans.

Sec. 204. Increase and annual adjustment in limitation on pension payable to hospitalized veterans and others.

TITLE III—BURIAL AND MEMORIAL MATTERS

Sec. 301. Supplemental burial benefits for veterans for funeral and burial expenses.

Sec. 302. Supplemental plot allowances.

TITLE IV—OTHER MATTERS

Sec. 401. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.

Sec. 402. Authorization of assistance for providing automobiles or other conveyances to certain disabled veterans.

SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—INSURANCE MATTERS

SEC. 101. LEVEL-PREMIUM TERM LIFE INSURANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) GENERAL.—In General.—In accordance with the provisions of this section, the Secretary shall grant insurance to each eligible veteran who applies for such insurance, which was added by subsection (a), may exchange insurance coverage under such section 1922A for insurance coverage under section 1921B. Effective Date, and the amendments made by this section, shall take effect on April 1, 2010.
SEC. 102. SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS. (a) IN GENERAL.—Section 1922(a) is amended by striking "$20,000" and inserting "$30,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2010.

SEC. 103. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE. (a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109–364; 120 Stat. 3938; 38 U.S.C. 1900 note) is amended by striking "as", if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking "IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

SEC. 104. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE. Section 3621 of title 38, United States Code, is amended by striking "$90,000" and inserting "$150,000, or $200,000 if so elected by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom".

SEC. 105. ADJUSTMENT OF COVERAGE OF DEPENDENCIES UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE. Clause (ii) of section 1968(a)(5)(B) is amended to read as follows: "(ii) 120 days after the date of the member's separation or release from the uniformed services;".

TITLE II—COMPENSATION AND PENSION MATTERS

SEC. 201. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENCY CHILDREN UNDER THE AGE OF 18. Section 1311(f) is amended by adding at the end the following new paragraph:

"(5) Where there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such title (42 U.S.C. 413(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.".

SEC. 202. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE-PENSION FOR A PERIOD OF WAR. (a) IN GENERAL.—Section 1513 is amended— (1) in subsection (a), by striking "as amended by the Supplemental Security Income Act of 1972 (Pub. L. 92–603; 86 Stat. 1415), and as in effect on January 1, 1974;" and (2) by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection (b):

"(b) The conditions in subsections (a) and (c) of section 1512 of this title shall apply to determinations of income and maximum payments of pension for purposes of this section.".

SEC. 203. ADJUSTMENT IN AMOUNTS OF DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE TO DISABLED SURVIVING SPOUSES. (a) IN GENERAL.—Section 1311 is amended— (1) in subsection (c), by striking "$201" and inserting "$235"; and (2) in subsection (d), by striking "$128" and inserting "$135".

(b) INCREASE IN CERTAIN DIC AMOUNTS PAYABLE TO PARENTS.— (1) IN GENERAL.—Section 1315 is amended— (A) in subsection (b)— (i) in paragraph (1), by striking "$163" and inserting "$165"; and (ii) in paragraph (2), by striking "$5 monthly" and inserting "$100 monthly, as increased from time to time under section 5312 of this title"; and (B) in subsection (c)(2), by striking "$5 monthly" and inserting "$100 monthly, as increased from time to time under section 5312 of this title";

(c) CODIFICATION OF INCREASE IN RATES OF DIC PAYABLE TO PARENTS.—Section 1315 is further amended— (1) in subsection (b)— (A) by inserting "in paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.".

SEC. 204. INCREASE AND ANNUAL ADJUSTMENT IN LIMITATION ON PENSION PAYABLE TO HOSPITALIZED VETERANS AND OTHERS. (a) INCREASE AND ANNUAL ADJUSTMENT.— (1) IN GENERAL.—Section 5353(b) is amended— (A) in subsection (a)(1), by striking "$90 per month" and inserting "$100 per month, as so increased."; and (B) in subsection (d)(2), by striking "$90 per month" and inserting "$100 per month, as so increased.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.
2009, the supplemental payment described in subsection (b) shall be equal to the sum of—

(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year;

(2) the sum of the amount described in section 2302A of this title and the amount under paragraph (1), multiplied by the percentage by which—

(A) 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—

(B) such Consumer Price Index for the 12-month period described in subparagraph (A);

where such an estimate is made; and

(3) the date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

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

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

(2) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by inserting after the item related to section 2302 the following new item:

‘2302A. Funeral expenses: supplemental benefits for burial and funeral expenses.’

(3) Authorization of Appropriations.—

There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2302A of title 38, United States Code (as added by this subsection).

(b) Death From Service-connected Disability: Supplemental Benefits for Burial and Funeral Expenses

‘(a) In General.—Chapter 23 is amended by inserting after section 2307 the following new section:

‘§ 2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses

‘(1) Subject to the availability of funds specifically provided for purposes of this section in an appropriations Act, the Secretary is authorized and directed to pay the recipient of such payment a supplemental payment under this section for the burial of a veteran under section 2303(a)(1)(A) of this title, or for the burial of a veteran under paragraph (1) or (2) of section 2303(b) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial and funeral as applicable.

(2) No supplemental plot allowance payment shall be made under this subsection if the interest rates established by law for such payments described in this section in an appropriations Act.

‘(b) Amount.—The amount of the supplemental payment required by subsection (a) for any death is $2,100 (as adjusted from time to time under subsection (c)).

(1) With respect to deaths that occur in any fiscal year after fiscal year 2009, the supplemental payment described in subsection (b) shall be equal to the sum of—

(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

(2) the sum of the amount described in section 2302A of this title and the amount under paragraph (1), multiplied by the percentage by which—

(A) 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—

(B) such Consumer Price Index for the 12-month period described in subparagraph (A); for the remainder of the fiscal year in which such an estimate is made; and

(3) The dates described in this paragraph are the following:

(A) April 1 of each year.

(B) July 1 of each year.

(C) September 1 of each year.

(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

(e) Appropriate Committees of Congress Defined.—In this section, the term ‘appropriate committees of Congress’ means—

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

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

(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2307 the following new item:

‘2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses.’

(3) Authorization of Appropriations.—

There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2302A of title 38, United States Code (as added by this subsection).

(b) Death From Service-connected Disability: Supplemental Benefits for Burial and Funeral Expenses

‘(a) In General.—Chapter 23 is amended by inserting after section 2307 the following new section:

‘§ 2303A. Supplemental plot allowance

‘(1) Subject to the availability of funds specifically provided for purposes of this section in an appropriations Act, the Secretary is authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial and funeral as applicable.

(2) No supplemental plot allowance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this section in an appropriations Act.

‘(b) Amount.—The amount of the supplemental payment required by subsection (a) for any death is $445 (as adjusted from time to time under subsection (c)).

(1) With respect to deaths that occur in any fiscal year after fiscal year 2009, the supplemental payment described in subsection (b) shall be equal to the sum of—

(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

(2) the sum of the amount described in section 2303A of this title and the amount under paragraph (1), multiplied by the percentage by which—

(A) 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—

(B) such Consumer Price Index for the 12-month period described in subparagraph (A); and

(3) The dates described in this paragraph are the following:

(A) April 1 of each year.

(B) July 1 of each year.

(C) September 1 of each year.

(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

(e) Appropriate Committees of Congress Defined.—In this section, the term ‘appropriate committees of Congress’ means—

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

(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.’. the Committee on Veterans’ Affairs of the Senate; and

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

(f) Effective Date.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to deaths occurring on or after that date.

SEC. 202. SUPPLEMENTAL PLOT ALLOWANCES.

(a) In General.—Chapter 23 is amended by inserting after section 2303 the following new section:

‘§ 2303A. Supplemental plot allowance

‘(1) Subject to the availability of funds specifically provided for purposes of this section in an appropriations Act, the Secretary is authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial and funeral as applicable.

(2) No supplemental plot allowance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this section in an appropriations Act.

(3) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2303A of title 38, United States Code (as added by this subsection).
SEC. 401. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR VETERANS' ADAPTIVE EQUIPMENT.

(a) Eligibility.—Paragraph (1) of section 3903 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ‘‘or (iii) below’’ and inserting ‘‘(iii), or (iv)’’; and

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

‘‘(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary),’’; and

(2) in subparagraph (B), by striking ‘‘or (iii)’’ and inserting ‘‘(iii), or (iv)’’.

(b) Stylistic Amendments.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking ‘‘chapter—’’ and inserting ‘‘chapter—’’;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ‘‘means—’’ and inserting ‘‘means—’’;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ‘‘any veteran’’ and inserting ‘‘Any veteran’’;

(ii) in clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (ii), by striking ‘‘or’’ and inserting a period; and

(C) in subparagraph (B), by striking ‘‘any member’’ and inserting ‘‘Any member’’.

SEC. 402. SUPPLEMENTAL ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.

(a) In General.—Chapter 39 is amended by inserting after section 3902 the following new section:

‘‘§ 3902A. Supplemental assistance for providing automobiles or other conveyances’’.

(b) Amount of Supplemental Payment.—Supplemental payment required by subsection (a) is equal to the excess of—

(1) the payment which would be determined under section 3902 of this title if the Secretary had expended all funds that were specifically provided for purposes of this subsection in an appropriations Act, over the amount described in section 3902 of this title that were increased to the adjusted amount described in subsection (c), over—

(2) the payment determined under section 3902 of this title without regard to this section.

(c) Adjusted Amount.—The adjusted amount is determined from time to time under subsection (d).

(d) Adjustment.—(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the adjusted amount described in subsection (c) 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.

This Act may be cited as the ‘‘Development, Relief, and Education for Alien Minors Act of 2009’’ or the ‘‘DREAM Act of 2009’’.

SEC. 2. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ‘‘institution of higher education’’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ‘‘uniformed services’’ has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) In General.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1227) is repealed.

(b) Effective Date.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009–546).

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) Special Rule for Certain Long-Term Residents Who Entered the United States as Children.

(1) In General.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 18 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued, or

(ii) received the order before attaining the age of 16 years;

and

(F) the alien had not yet reached the age of 35 years on the date of the enactment of this Act.

(2) Waiver.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of the Act for humanitarian purposes or family unity or when it is otherwise in the public interest.
(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this section without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall be terminated when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have maintained continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may, in accordance with paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances, grant the alien additional status under this Act.

(d) E XEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to impose any numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) Aliens who have been convicted of a crime.

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable period following the publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has been granted conditional resident status for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) In General.

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis in accordance with this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to the provisions of subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status, the Secretary of Homeland Security shall provide notice to the alien regarding the provisions of this section and the purposes of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICES.—In the event of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—An alien previously permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PetITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien shall file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) PETITION OF ALIEN TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain a statement by the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien’s residence in the United States. The Secretary shall presume that the alien has abandon-
all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or remission is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General may grant a stay of removal of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act; or

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if—

(1) the alien is no longer enrolled in a primary or secondary school;

(2) ceases to meet the requirements of subsection (b)(1); or

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States shall—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any application whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of an application filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 10. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this Act shall consider the following applications under this Act will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 11. HIGHER EDUCATION ASSISTANCE.


(1) qualifies for deferred enforcement status under this Act or is a qualified alien under section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) and is the parent of an alien, which parent is a lawful permanent resident under this Act; and

(2) is an alien in the United States on the date of enactment of this Act;

is eligible for the following assistance under this Act, and any other assistance

(1) Student loans under parts B, C, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such part;

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements for such services.

SEC. 12. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 245(a); and

(2) the number of aliens who applied for adjustment of status under section 245(a); and

(3) the number of aliens who were granted adjustment of status under section 245(a);

(4) any other information that the Attorney General or the Secretary of Homeland Security finds relevant.

Mr. LEAHY. Mr. President, I am pleased to again introduce the Development, Relief, and Education for Alien Minors Act. Recognizing the potential to change the lives of many young people in an extraordinary and positive way and is an investment in America’s future.

The Senate has attempted several times to pass the DREAM Act, but the bitter politics of immigration have times to pass the DREAM Act, but the future. This legislation has the promise of making our laws upon those who exercise the forbearance to defer rigid and without a requirement for the payment of our laws through no fault of their own is the right thing to do.

As Congress and the administration work through the immediate challenges that lie ahead, and begin to restore the faith of Americans in our economy and government, I hope Congress will not shy away from other important issues such as immigration reform. When our Federal Government confronts the issue of immigration, I hope we will see not only the opportunity to correct what is wrong, but also to improve and build upon what is good and just about the traditions of welcoming and refuge that define our immigration system. The promise this bill will move our country forward. We all recognize the important issues such as immigration reform. When our Federal Government