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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

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

Let us pray.

Almighty God, we thank You for this day and for the freedoms and liberties of this Nation. Bless our leaders with wisdom and compassion so that they may serve You with faithfulness.

Guide our Senators so that they will honor one another and serve the common good. Help them to remember that they live and govern only through Your grace. Lord, pour Your love into their hearts so that their words and actions may be seasoned with Your fragrance.

Also, Lord, extend Your loving-kindness to those in our world who do not experience the blessings of freedom. Use our lawmakers to bring deliverance to captives and to help the oppressed go free. We desire to pray according to Your will. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 25, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning we will be in a period of morning business for 1 hour. The first half will be controlled by the Republicans. Once morning business is closed, the Senate will resume consideration of the Homeland Security appropriations bill.

I understand there are a number of amendments that are being talked about to be offered on this legislation today. I hope Members come and do that as quickly as possible.

WOUNDED WARRIOR ASSISTANCE ACT OF 2007

Mr. REID. Mr. President, I yesterday asked by unanimous consent that we adopt the Wounded Warrior legislation that was brought to the Senate during the Defense authorization bill in a form of a bipartisan amendment. A number of Senators worked very hard. Senator MURRAY is on the floor. She worked very hard, and a number of Senators have worked very hard on this legislation. It came about as a result of what we learned at Walter Reed about how our returning troops from Iraq and Afghanistan were being basically neglected. They had been wounded, and they were receiving unacceptable and poor treatment when they came home. That failure was learned about—not only about the veterans care system, which had many bureaucratic failures, but also the physical facilities that were there failed to meet a minimum level of acceptability. The American people were outraged by the facts that came to light, and the Senate took prompt action.

The Wounded Warrior amendment, now in legislation that is before the Senate, would address the substandard facilities we have talked about and we have seen. It would address the lack of seamless transition and develop one when medical care for troops is transferred from the Department of Defense to the Veterans' Administration, which oftentimes in the past has led to diminished care. It addresses the inadequacy of severance pay. It addresses the need for improved sharing of medical records between the Department of Defense and the Veterans' Administration. We are told now that there are as many as 600,000 pending claims of returning veterans. It addresses the inadequate care and treatment of traumatic brain injury and post-traumatic stress disorder, and a number of other very important items.

So I again renew my request. Yesterday we were told that the Republicans were looking at this. Mr. President, I am going to renew this request. There are all kinds of reasons, I guess, for objecting to something such as this. Now I am told the reason for objecting is the pay raise isn't included. The Wounded Warrior legislation becomes effective upon passage and approval. The pay raise for the troops doesn't become effective until October 1 or January 1—I don't know how the legislation reads, but it is not now. So that would not be a good reason in my estimation, and I think in the estimation of these wounded warriors, for objecting.

The pay raise does not become effective until the beginning of the fiscal year. In fact, I think it is January 1 of next year. It is different than a number

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of things we pass. But it does not become effective now. So if that is a reason for objecting, it is a poor reason, because they are two different issues. One is the pay raise does not become effective now; this does become effective.

So I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H.R. 1538, and the Senate proceed to its immediate consideration; that the substitute amendment at the desk, which is the text of the Wounded Warriors provision in H.R. 1585, be considered and agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid on the table; and any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not object, I would hope to get the majority leader to amend his unanimous consent request. I notified him through floor staff that it would be my hope we could modify the unanimous consent request and not only pass the Wounded Warrior provision, which was regretfully taken down along with the Defense authorization bill last week, but modify that to include the language of section 601 of the Defense authorization bill, which would provide for an increase in military basic pay of all of our uniformed military personnel. So if the majority leader would modify his consent agreement as I have suggested, the bill, in effect, that we would be passing would be Wounded Warrior, plus the military pay raise. That would be my suggestion to the majority leader.

I am not going to object to his unanimous-consent agreement. I agree with him that the Wounded Warrior provisions are extremely important. I was disappointed it was taken down along with the Defense authorization bill last week, but I would respectfully suggest that it be modified to include the pay raise as well.

Mr. REID. I accept the modification.

The ACTING PRESIDENT pro tempore. Is there objection to the request, as modified?

Without objection, it is so ordered.

Mr. REID. Mr. President, could we also send this matter to conference?

Mr. MCCONNELL. Mr. President, let me suggest, I do need to consult with the ranking member. I am sure that won't be a problem, but to do it on the spur of the moment without consulting with the ranking member, it would probably not be acceptable to my side. But I can't imagine this would be a problem, and we will get back to the majority leader shortly.

Mr. REID. I understand that, Mr. President. I appreciate the cooperation. This is a good step forward.

The amendment (No. 2402) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 1538), as amended, was read the third time and passed.

Mr. LEVIN. Mr. President, I have offered the Dignified Treatment of Wounded Warriors Act as a stand-alone bill that incorporates the provisions of the Dignified Treatment of Wounded Warriors Act as marked up by the Armed Services Committee and as amended when offered as an amendment to the Department of Defense Authorization Act and passed by a vote of 94 to 0.

Our wounded warriors cannot wait, and should not have to wait, for us to finish the Department of Defense Authorization Act to get the relief contained in this bill. The bill incorporates the ideas of many Senators and the consideration of both the Armed Services Committee and the Committee on Veterans' Affairs. A total of 51 Senators have cosponsored this legislation. It is truly a bipartisan effort to address shortfalls in the care of our wounded warriors. I am delighted the Senate is passing this bill today so that we can move forward to conference with the House of Representatives to reach agreement on a bill that both the House and Senate can pass and send to the President.

This bill addresses the issue of inconsistent disability ratings by requiring that the military departments use VA standards for rating disabilities unless the Department of Defense rating is higher. The bill adopts a more favorable statutory presumption for determining whether a disability is incident to military service by adopting the more favorable VA presumption. The bill requires two pilot programs to test the viability of involving the Veterans' Administration in the assignment of disability ratings for the Department of Defense. The bill also establishes an independent board to review and, where appropriate, correct unjustifiably low Department of Defense disability ratings awarded since 2001.

This bill also addresses the lack of a seamless transition from the military to the Veterans' Administration by requiring the Secretary of Defense and the Secretary of Veterans Affairs to jointly develop a comprehensive policy on the care and management of injured servicemembers who will transition from the Department of Defense to the VA. The bill establishes a Department of Defense and a Department of Veterans Affairs interagency program office to develop and implement a joint electronic health record.

This bill authorizes $50 million for improved diagnosis, treatment and rehabilitation of military members with traumatic brain injury, TBI, and posttraumatic stress disorder, PTSD. The bill requires the establishment of centers of excellence for both TBI and PTSD to conduct research and train health care professionals. The bill requires that the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, report to Congress with comprehensive plans to prevent, diagnose, mitigate and treat TBI and PTSD.

This bill increases the minimum severance pay to 1 year's basic pay for those separated with disabilities incurred in a combat zone or combat-related activity and 6 months basic pay for all others. This is quadrupling or doubling, depending on the circumstance, the current arrangement. The bill also eliminates the requirement that severance pay be deducted from disability compensation for disabilities incurred in a combat zone.

This bill also addresses the problem that exists because medically retired servicemembers who are eligible for Tricare as retirees do not have access to some of the cutting-edge treatments that are available to members still on active duty. The bill does that by authorizing medically retired servicemembers to receive the active duty medical benefit for 3 years after the member leaves active duty. This can be extended to 5 years where medically required. The bill authorizes military and VA health care providers to provide medical care and counseling to family members who leave their homes and often leave their jobs to help provide care to their wounded warriors. The Dignified Treatment of Wounded Warriors Act requires the Secretary of Defense to establish standards for the treatment of and housing for military outpatients. These standards will require compliance with Federal and other standards for military medical treatment facilities, specialty medical care facilities, and military housing for outpatients that will be uniform and consistent and high level throughout the Department of Defense.

This bill also includes measures proposed by the Committee on Veterans' Affairs under the leadership of Senator AKAKA that address shortfalls in the VA system for care of our wounded warriors after their transition to the VA.

So in summary, the Dignified Treatment of Wounded Warriors Act is a comprehensive approach that lays out a path for the Department of Defense and the Department of Veterans Affairs to address shortfalls in the care of our wounded warriors while they remain in military service, during the transition from the military to the VA, and after this transition, while in the care of the VA.

Our wounded warriors deserve the best care and support that we can muster. The American people rightly insist on no less. This wide-ranging legislation will improve the provision of health care and benefits to injured military personnel and make the system much more efficient as well.

● Mr. MCCAIN. Mr. President, today the Senate adopted, by unanimous consent, legislation that will make a significant difference in the lives of America's wounded warriors and veterans. I

applaud the passage of the Dignified Treatment of Wounded Warriors Act and the 3.5 percent across-the-board pay raise for the men and women of the U.S. military.

This legislation bridges the gap in health care coverage for the severely wounded, and ensures their access to the broadest possible range of health care services. It authorizes additional care and support for families who are caring for the wounded. The bill increases traumatic brain injury care for veterans, and access to mental health evaluations. It requires the Secretaries of Defense and Veterans Affairs to develop and implement new policy to better manage the care and transition of our wounded soldiers. It also empowers a special board to review disability ratings of 20 percent or less, and to restore to wounded soldiers, if appropriate, a higher disability rating or retired status. And, it authorizes additional funding for traumatic brain injury and post-traumatic stress disorder.

The disability evaluation systems of the Departments of Defense and Veterans Affairs are out of date and in need of reform. This legislation advances that reform by requiring the immediate initiation of pilot projects to fundamentally change and streamline those antiquated systems. The bill also improves benefits related to administrative separation from the military due to injury, increasing severance pay and eliminating the requirement that severance pay be deducted from VA disability compensation for injuries incurred in a combat zone.

The legislation requires the Secretary of Defense to inspect and improve medical treatment and residential facilities, and to study the accelerated construction of new facilities at the National Military Medical Center at Bethesda, MD.

This legislation is an important step toward restoring trust for America's wounded soldiers and veterans. The Senate can be proud that it has put the needs of wounded warriors and our selfless service men and women ahead of partisanship, jurisdictional boundaries and disagreements over policy. We are now ready to move foward to conference with the House of Representatives and make overdue improvements for our soldiers, their families, and our veterans.

While I am pleased we have been able to take this action today, very critical improvements to defense policy and programs remain in the unfinished work on the National Defense Authorization Act for 2008, which the Democratic Senate leadership pulled from the Senate floor last week because of policy disagreements on Iraq.

Failure to pass the Defense authorization bill will curtail many needed initiatives to support our military personnel and their families and to continue the fight on the global war on terror. Our military forces deployed throughout the world, including Iraq and Afghanistan, need the resources, training, and equipment that this bill would provide. Examples of the important authorities that are being held hostage to the contentious debate on policy in Iraq include: increasing in end-strength for the Army and Marine Corps; providing combat-related special compensation to serve members who are; medically retired because of a combat-related disability; paying over 25 special pays and bonuses designed to improve military recruiting and retention; improving military equipment needed to protect deploying forces, including $4.0 billion for mine-resistant vehicles known as MRAPs; updating Army combat systems and additional funding for armor and aviation survivability equipment; building five warships and funding for Virginia class submarines; increasing the number of Department of Defense and Department of Energy programs to help reduce the threat of nuclear materials from the former Soviet Union falling into the hands of terrorists; encouraging more focused competition for the billions of dollars that the Department of Defense spends on contract services; and providing critical authorities to combatant commanders to address security priorities and support allies, coalition partners, and others in the war on terror.

I call on the Senate leadership to resume consideration of the Defense authorization bill at the earliest possible time, so that these and many other critical pieces of the legislation will become law for the benefit of our troops. Swift passage of the National Defense Authorization Act for 2008, coupled with support for our wounded warriors and hard-working troops together represent the full measure of support for our military forces that they need, and that they unquestionably deserve.●

Mr. WARNER. Mr. President, Senator LEVIN, along with Senator MCCAIN, have forged a comprehensive, bipartisan legislative package to ensure that wounded and injured members of the Armed Forces receive the finest care and benefits, which they richly deserve.

I thank Senators on both sides who participated in this legislation, on the basis of their own legislative initiatives and their amendments—10 of which were agreed to when the bill was considered by the full Senate on July 12, 2007.

I want to underscore that this bill is—in no way—a reflection of concern about the quality of acute medical care that our soldiers, sailors, airmen, and marines receive when they sustain wounds or illness in the field of battle.

Our men and women in uniform receive the best treatment anywhere in the world, and that fact has been sustained by every outside panel studying the problems arising from the disclosures at Walter Reed last February.

In fact, just today, the President's Commission on Care for America's Wounded Warriors, the Dole-Shalala Commission, found that the survival rate of those seriously injured has markedly increased compared to the rate in Vietnam and previous wars.

The report of a commission appointed by Secretary Gates, and led by two distinguished former Secretaries of the Army, Togo West and John Marsh confirms this by stating: Through advances in battlefield medicine, evacuation care, the Department has achieved the lowest mortality rates of wounded in history.

Let us never doubt the bravery and skill of our medical personnel.

This bill, approved by the Senate this morning, addresses the failure of systems—again, quoting from the Department of Defense Commission report—failures which included the: product of bureaucratic behavior, inability to reconcile institutional disparities, and leaving the wounded warrior and family to untangle that which government agencies cannot.

It is with great humility that I recall that I was the first Member of the Senate to visit Walter Reed—on February 23, 2007. It happened to be the same day that Secretary Gates visited Walter Reed to conduct his own inspection.

In the intervening months, many encouraging developments have taken place. I applaud the leadership of Secretary Gates in promptly taking action to correct deficiencies at Walter Reed, and insisting on accountability for failures in leadership that contributed to unacceptable conditions for our soldiers.

Our committee has also have received assurances from the Secretary of the Army Pete Geren, Deputy Secretary of Defense Gordon England and the Deputy Secretary of Veterans' Affairs Gordon Mansfield, that each will work tirelessly to improve the consistency and effectiveness of their management of all soldiers and veterans.

The bill which has now been passed by unanimous consent is comprehensive and deserving of our support. It incorporates many of the findings of completed studies and reviews, as well as the constructive ideas of Members of the Senate.

This legislation will ensure that wounded and injured members of the Armed Forces receive the care and benefits that they deserve.

It will improve physical and mental health benefits for the severely wounded, to ensure that they have the broadest possible options for care from military, veterans and private sector health care resources.

It includes significant initiatives in the areas of traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD, for soldiers and veterans. This addresses the Dole-Shalala findings that over 52,000 Iraq and Afghanistan returning veterans have been treated for PTSD symptoms by the VA.

This legislation also creates a special review board to reexamine disability determinations which fall below the 20 percent threshold if a former member

of the armed services feels that he or she received an unfair rating.

Additionally, the bill requires the Departments of Defense and Veterans Affairs to rapidly move to fundamentally change and improve the disability evaluation systems within the two departments.

I am pleased that the legislation will ensure that as policies and programs are developed to improve care and management of wounded soldiers and veterans, that such policies and improvements will apply equally to members of the Active and Reserve components.

The bill also requires that military personnel continue to receive the best possible care at Walter Reed Army Medical Center until equivalent medical facilities are constructed at the National Naval Medical Center, Bethesda, MD, and the Fort Belvoir, VA, Army Community Hospital—and requires the Department of Defense to study the feasibility of accelerating the relocation of medical capabilities in the National Capital Region required by the Base Realignment and Closure Act of 2005.

The Senate can be proud that it has put the needs of our wounded warriors first and set forth bipartisan jurisdictional boundaries.

I want to thank my colleagues—especially Senator AKAKA, chairman of the Senate Committee on Veterans Affairs, and Senator CRAIG, the ranking member, for their cooperation, and for the work of both our committee staffs—working together—in the preparation of this legislation.

It is my hope that we will proceed expeditiously to conference with the other body on wounded warrior legislation and promptly resume consideration of the National Defense Authorization Act for 2008 when Congress reconvenes in September.

We owe this to our men and women in uniform and their families stationed throughout the world. They deserve nothing less than our full support.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 60 minutes, with Senators permitted to speak therein up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, and with the Republicans controlling the first half and the majority controlling the second.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Mr. President, I wish to proceed on my leader time.

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

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS JASON LEE BISHOP

Mr. MCCONNELL. Mr. President, most of the men and women who wear our country's uniform would not call themselves heroes, but I am afraid I would have to disagree with that. Those who fight abroad for our freedom here at home are, indeed, heroes. I rise to honor one special Kentuckian among them who was lost to us in the line of duty.

SFC Jason Lee Bishop of Covington, KY, was killed by a car bomb while on patrol operations in Siniya, Iraq, on New Year's Day of 2006. A member of the 1st Squadron, 33rd Cavalry, 3rd Brigade Combat Team, 101st Airborne Division, based in Fort Campbell, KY, he was 31 years old.

For his outstanding service as a soldier in the U.S. Army, SFC Bishop was awarded the Bronze Star Medal and the Purple Heart, as well as many other medals and honors of distinction.

Jason was the first of four children born to his parents Frank and Brenda Bishop in the northern Kentucky town of Covington. His mother remembers Jason as a young child standing on the seat in the family car and singing along with the radio, especially to Kenny Rogers.

Riding in the car with his father was a different experience. Frank taught young Jason how to drive by putting him in the driver's seat at the top of a hill, disengaging the parking brake, and issuing one command: ''Drive.'' On a stick shift, no less.

Jason and his dad enjoyed deer hunting and fishing together, something they did whenever the opportunity arose. Playing cards was another way the two enjoyed each other's company. His family says Jason learned to count using playing cards.

Jason graduated from Covington Holmes High School in 1993 with 4 years of junior ROTC experience. He entered the Army immediately upon graduation.

After basic training and assignment at Fort Knox, also in my State of Kentucky, Jason was sent to the Republic of Korea. He also was deployed to Bosnia for a 10-month tour. Later assigned to Fort Campbell back in Kentucky, Jason was promoted to sergeant first class.

Completing Drill Sergeant School was one of SFC Bishop's proudest accomplishments. Earning that drill sergeant badge was physically and mentally grueling, perhaps the toughest of all of his assignments.

Jason became a darn good drill sergeant. A fellow drill sergeant who served with him at Fort Knox, SFC Daniel Webster, says he is not aware of any combat deaths among the 1,000 men Jason trained at Fort Knox—a remarkable record. ''There is no doubt in my mind soldiers are coming back from Iraq and Afghanistan alive because Jason was so committed to their training,'' SFC Webster added.

In July of 1999, while stationed at Fort Knox, Jason met the woman he would marry, Katrina Bishop. They took their vows in 2002. ''He and I were soulmates,'' Katrina says.

They had a son, Matthew Franklin Bishop. Only 1½ years old when Jason deployed for the last time, he idolized his father. Matt ''quickly became his shadow,'' Katrina says. ''Wherever Daddy was, Matt had to be too.''

In September 2005, Jason and his unit deployed to Iraq. They would come home without him in September of 2006.

Jason is loved and remembered by his parents Frank and Brenda Bishop; his sisters Jamie, Lacey, and Julia Bishop; his wife Katrina Bishop; his son Matthew Bishop; his daughter Morgan Bishop, as well as many other beloved family members.

A wall that stands at Fort Knox to honor all of the fallen heroes in Iraq and Afghanistan has been named for the soldier who once served there. It is called ''Bishop's Wall of Remembrance.''

There is also a Sergeant First Class Jason Bishop Memorial Park at Covington that sits directly across from the house in which Jason grew up.

But the tribute to Sergeant First Class Bishop I can speak to most is this medal.

This medal, this coin was sent to me by Katrina Bishop. The Bishop family had it made in honor of their son. On one side it lists Jason's dates of birth and death, his assignment in the 101st Airborne Division, and his service in Operation Iraqi Freedom.

On the other side of the coin it reads: ''Sergeant First Class Jason Lee Bishop'' and has a picture of his sergeant's stripes. It also lists seven attributes that the Bishop family chose to remember their son, husband, and father by: loyalty, honor, duty, integrity, respect, selfless service, personal courage.

Mr. President, this medal is the Bishop family's reminder of Jason's life, which was tragically ended, and of their love for him, which will never end.

I thank Katrina Bishop for this gift, and I will be honored to keep it in my office. It will serve as a reminder to me, as well, of how much we owe the men and women of our Armed Forces whose highest calling is to fight for the freedom of others.

I ask the Senate to pause for a moment today and hold the family and friends of SFC Jason Lee Bishop in their prayers. They certainly will be in mine.

I yield the floor.

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

DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, first, I want to compliment the distinguished minority leader for not just recalling the sacrifices of the family and members of the U.S. military today, but for his efforts to do that for a long time now on the Senate floor. He focuses on Kentuckians who have a long history of service to their country, and rightly so. I know he would add to that the service of those members of our military and their families from all over this country and add them to our prayers and thoughts as well. We spend time in Washington debating policies that affect them, and they are living it every day, every minute of every day. I appreciate the words he brought to the Senate floor not just on this occasion but on previous occasions as well.

Mr. President, I will talk about the action taken earlier by the majority and minority leaders. We have now, by unanimous consent, approved two key provisions of the Defense authorization bill by unanimous consent in a period of 3 or 4 minutes. Yet it took the last 2 weeks to debate the Defense authorization bill, only to have it pulled from the floor so that we could not vote on it. It was used by the majority leader as a surrogate for the debate on Iraq policy. We have had something like seven or eight different resolutions—perhaps more, I have forgotten the count this year—on policy relating to Iraq. There is no more important national security issue facing our country than the war against terrorists, and certainly the central battle field in that war is the Iraq war.

Republicans do not shy away from the debate about what to do. It is an extraordinarily important debate. On the other hand, I would have two arguments with the way this has been done. First, the time of the debate right now is misplaced because after the Senate unanimously confirmed General Petraeus, after the President had changed his course and consulted with General Petraeus and others about a new strategy, and that strategy was developed, we sent General Petraeus to Iraq to begin executing that strategy. We put together five brigades to represent a surge in troop strength to accomplish the mission, the last of which went into the theater about a month ago.

When we did that, we made a commitment to the soldiers, marines, airmen, and all the Navy personnel to back them in what we sent them to do, not to immediately begin questioning whether they could succeed in their mission. We heard a lot of calls from the other side of the aisle that were very defeatist in nature, saying it was already lost and there was no way they could win. That is, obviously, not a good sendoff for the young men and women you are putting in harm's way to accomplish a mission that is important to the American people.

So the timing of the debate was off. General Petraeus and Ambassador Crocker will report back here in September. It is an interim report on this new strategy. But we have an idea that it will tell us a lot about the future course of action we should pursue. I think most Americans believe, even though all of us would like to have the troops come home and have our engagement there ended as much as it can, the reality is that Americans don't want to lose, don't want to be defeated. They certainly don't want to see the consequences of that defeat, with al-Qaida having a base of operations in Iraq, perhaps millions of Iraqis slaughtered in the ensuing chaos, and U.S. policy in the war against terror undercut dramatically in that very important region of the world. So the timing was off.

Secondly, using the Defense authorization bill as the surrogate for that debate was wrong. This is a little bit of an inside-the-beltway discussion, but the American people need to know why this is wrong. Each year, for 45 years, the Senate has passed a Defense authorization bill setting the policy for our national security for the following year and establishing the authorization for troop strength, military weapons acquisitions, policy related to missile defense, and you name it. The President has signed the Defense authorization bill. That then enables the Congress to appropriate the money to pay for the things that we believe are necessary for the military.

But this year, instead of having the debate and amending that bill and passing it, it was simply used as a vehicle to debate Iraq. Then when the last Iraq resolution was defeated, the bill was not passed. It was pulled from the floor. That left extraordinarily important policy hanging—policy on which our military troops rely.

This is not the first time the Democratic majority has had second thoughts about action it has taken on the Senate floor. I am glad it is having second thoughts about this bill. But by the action that has been taken, we are still not going to be adopting good policy in the right way. There are consequences to this piecemeal approach.

Let me illustrate my point. What we have just done this morning is to do two very important parts of that bill: to adopt a 3.5-percent, across-the-board pay raise for uniform military service personnel, and to adopt the language from the Dignified Treatment of Wounded Warriors Act, both of which were critical components.

Senator JOHN MCCAIN, my colleague from Arizona, spoke eloquently regarding both matters on this floor on numerous occasions. I know were he here now, he would be pleased at the action the Senate has taken.

Let me cite a few of the things that have been left on the cutting room floor as a result of not passing the Defense authorization bill, but rather simply taking a couple of provisions that are obviously popular with our constituents and leaving the remainder behind. Here are a few of the things we are not adopting as a result of this piecemeal approach: Senator JOE BIDEN noted that the MRAP, or Mine Resistant Ambush Protected vehicles, ''are the best available vehicle for force protection'' for our troops. He is right. There was $4.1 billion in the act to authorize payment for this equipment. Not adopted.

It authorizes the new hiring and bonus authorities to assist the Defense Department in recruiting and retaining needed, quality health and mental care professionals in the military. Not adopted.

It authorized $50 million in supplemental educational aid to local school districts affected by the assignment and location of military families. That is something all military families know about. Not adopted.

It authorized payment of combat-related special compensation to servicemembers who are medically retired due to combat-related disability. Not adopted.

It included provisions to examine and strengthen security forces at defense sites storing weapons-grade nuclear materials. That is a very important provision relating to nuclear deterrent. Not adopted.

It would have satisfied the Army Chief of Staff's unfunded requirements list by authorizing an additional $2.7 billion for items such as reactive armor, aviation survivability equipment, combat training centers, and machine guns—a variety of things the Pentagon said were necessary to support the missions of our men and women in the military. Not adopted.

My point here is that when you use the Defense authorization bill for the purpose simply of having a debate on Iraq, there are a lot of bad consequences to not passing that bill. You cannot cure them by simply picking a couple of the more politically popular items, such as we have done today, and getting those adopted by unanimous consent. I am delighted that we have done it, but that is not the end of the story if we are really going to support the mission of our troops.

Mr. President, let me conclude on this thought. To some extent, this debate we had in the last 2 weeks just on the Iraq war is a manifestation of what has gone on in the Congress for the last 200 days. It is hard to believe that 200 days is gone. What does this Congress have to show for its actions and being in session for these 200 days? I cannot say nothing because the reality is, we have approved and named 20 post offices. That is a post office every 10 days. It is not exactly heavy lifting, but it is something. As a matter of fact, it is the main thing this Senate can point to in terms of accomplishment. The only other thing of substance was the minimum wage increase, which, unfortunately, did not include the benefits to small businesses that have to pay the minimum wage in terms of tax relief, which Republicans

tried to have included. Of course, we had to pass the supplemental appropriations bill to fund the war effort. That is it.

I apologized yesterday for calling this a ''do-nothing Congress.'' After all, we have named 20 post offices. Let's call it the ''post office Congress.'' Perhaps in the remaining time this year we will pick up the action. Perhaps we will find ways to accomplish things that the American people really want us to do.

One of the big problems we can see is because we have not done the appropriations bills to fund everything from the military to the Departments of Justice and Commerce, all of the other departments of Government that serve the American people are going to be facing a trillion-dollar-plus Omnibus appropriations bill this winter. That is the worst of legislating. It is kind of the opposite of what we are doing with the Defense authorization bill where we don't pass the bill, but we pick two or three items that are politically popular and do them by unanimous consent.

In this case, you don't do anything to fund the Government until the last few days, and then you ball it up into one giant bill, thinking nobody can vote against it because, after all, it is either all or nothing.

That is very bad legislating and something I think we are going to resist because it represents not just an increase in spending but will undoubtedly represent bad policy as well.

Mr. President, my hope is that this ''post office Congress'' can get on to some other business. I am delighted we have been able to select two items from the Defense authorization bill to adopt by unanimous consent today. But that will not correct the deficiencies. I hope my colleagues, in the remaining time before the August work period, and in the months of September and October, will roll up their sleeves and work on the problems the American people sent us here to resolve.

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

Mr. CORNYN. Mr. President, how much time remains on this side in morning business?

The ACTING PRESIDENT pro tempore. There remains 17½ minutes.

RECENT SENATE ACTIONS

Mr. CORNYN. I thank the Chair.

Mr. President, last week was not a great week in the U.S. Senate. We had an overnight session that was designed to highlight the efforts by the majority to pass a timetable for withdrawal in Iraq, regardless of the consequences of that timeline and that withdrawal.

We then had another episode where I think both sides of the aisle were sort of forced to look in the abyss and to pull back because, as I am sure the Chair and other colleagues will recall, there was an amendment clearly offered to embarrass the President and this side of the aisle based upon the commutation of the sentence of Scooter Libby. There was an amendment offered highlighting the dozens of pardons issued by President Clinton. As you will recall, Mr. President, people paused at where we had gotten to in this debate—the acrimony and incriminations—and decided to figuratively lay our guns on the table and walk away.

That vote on the Scooter Libby commutation was actually vitiated, something I have never seen happen before, but I guess anything can happen by unanimous consent in the Senate, and it did. And there was no vote on the amendment to deal with the Clinton pardons.

I mention those because I think, unfortunately, the Senate has gotten to a bad place, not only in the eyes of the American people, where 16 percent, according to the most recent poll I have seen, believe the Senate is doing a good job, but we have gotten to a bad place in terms of the hyperpartisan atmosphere and the point-scoring that seems to take precedence over all other matters. That is not the kind of Senate I ran to serve in, and I know that a number of colleagues feel exactly the same way.

On Tuesday mornings, thanks to Senator LAMAR ALEXANDER of Tennessee and Senator JOE LIEBERMAN of Connecticut, we have instituted a new breakfast meeting each week. It is a bipartisan meeting. This was the subject of some conversation—the amendments, the hyperpartisan atmosphere, and really the episodes I just mentioned that occurred last week.

Again this morning, on Wednesday morning, one of the highlights of my week, I attended the Senate Prayer Breakfast. It is also bipartisan, obviously. This was brought up again, although I am not going to go into any detail since both of those meetings occur without any policy statements and, obviously, press is not invited; it is a private meeting where Senators can come together on a bipartisan basis, both at the Wednesday breakfast and the Tuesday breakfast, and talk about issues we care about, trying to do things for the American people, in the case of a prayer breakfast to share stories and get to know each other a little bit better.

I will say that there is some recognition that the Senate has too many team meetings—and by that I mean with Republicans meeting with other Republicans trying to figure out how we can win or score points against Democrats and Democrats meeting with Democrats thinking about ways they can score points against Republicans—and not enough meetings where we get together on a bipartisan basis to try to figure out what we can do to get business done for the benefit of the American people.

Senator KYL mentioned the woeful record of accomplishments so far this year. I note that beyond the unanimous consent requests that were proffered this morning that passed the Wounded Warrior legislation and the pay raise for our men and women in uniform, the minimum wage increase is the only substantive legislation that has passed so far this year, notwithstanding that being part of the ''6 for '06'' part of the campaign our friends on the other side of the aisle made part of their agenda.

I note, as Senator KYL has pointed out, that since taking power more than 200 days ago, the new majority has renamed 20 post offices. But my point is that it has opened more than 300 investigations and held more than 600 oversight hearings. Unfortunately, this has resulted in an effort to try to score political points by looking backward, conducting investigations about matters that have happened in the past or, I fear, too often partisan purposes and at the loss of our ability to look forward and figure out how do we work together to solve problems.

I guess one of the most recent manifestations of this hyperpartisan atmosphere and the kind of point-scoring we see going on, to the detriment of passing good bipartisan legislation, the Senator from Wisconsin, Mr. FEINGOLD, announced recently his intention to submit two resolutions to censure the President, one for his handling of the war in Iraq and the other for antiterrorism policies the administration has established. Of course, if he does follow through with his stated intention to submit these censure resolutions, that would prompt debate on what I believe would be meaningless political gestures and would further delay substantive legislation we should be considering.

Senator KYL mentioned the most direct example of the kind of game-playing we have seen recently with the Defense authorization bill. Of course, that served as the platform for the debate on the withdrawal resolutions and the sense-of-the-Senate resolution offered by Senator LEVIN and Senator REED, but when that did not pass, of course, that legislation was pulled from the Senate's agenda. Of course, as Senator KYL pointed out, there are a lot of important parts of that bill which will not be enacted because it was pulled down.

I am glad to see that the Wounded Warrior legislation, which I have worked on as part of the Senate Armed Services Committee, has now passed, as well as the 3-percent across-the-board pay raise. But other important parts of that legislation have not been passed, including a $4.1 billion authorization to procure Mine Resistant Ambush Protected vehicles. These, of course, are a new design of vehicles that are designed to defeat improvised explosive devices, which have been one of the most deadly weapons used against our troops in Iraq. Unfortunately, many of these weapons have been shipped, especially explosive foreign penetrators, from Iran to Iraq.

There are other important parts of this legislation: For example, adding $2.7 billion for items on the Army Chief of Staff's unfunded requirements list, including money for reactive armor and Stryker requirements; $207 million for aviation survivability equipment; $102 million for combat training centers, and funding for explosive ordnance equipment, night-vision devices, and the like.

There is also $50 million in supplemental educational aid to local school districts affected by the assignment or location of military families, so-called impact aid, which affects my State. A lot of school districts depend on that money which is provided to local school districts because, of course, Federal property cannot be taxed for purposes of local education, and when you have a Federal military installation there with a lot of children going to those schools, the only way they can pay the bills is to get this impact aid.

I could go on and on. Unfortunately, because of what we have seen in this hyperpartisan atmosphere, those important provisions of the Defense authorization bill have not been passed, although I am glad that the Wounded Warrior legislation and the 3-percent pay raise did pass this morning by unanimous agreement.

Then, of course, we see another casualty of the hyperpartisan atmosphere where it took more than 100 days for the new majority to allow the passage of an emergency war funding bill for our troops in combat. This delay caused a lot of dislocation and hardship for our men and women in uniform and their families, the very people we ought to be trying to lighten the burden for rather than burden them further with the political theater and the political wars in the Senate.

Then there is the issue of judicial nominees. The last 2 years of President Clinton's term of office, with a Republican-controlled Congress, there were, if memory serves me correctly, 15 to 17 circuit court nominees confirmed. So far, we have only had a handful confirmed by this Congress, and we have judges stuck in this slow walk of a process—for example, judges such as Leslie Southwick, a nominee for the Fifth Circuit Court of Appeals.

Judge Southwick's qualifications and credentials are outstanding. The American Bar Association has given him its highest rating. He was approved unanimously by the Senate Judiciary Committee for a life-tenured position as a U.S. district judge during the 109th Congress. Although he is from Mississippi now and serves on the State courts in Mississippi, he graduated from the University of Texas in 1975. After completing law school, he clerked for the presiding judge of the Texas Court of Criminal Appeals and then for Judge Charles Clark on the Fifth Circuit Court of Appeals. After a few years in private practice, Judge Southwick reentered Government service in 1989 when he became a deputy assistant attorney general for the U.S. Department of Justice. In 1994, Judge Southwick was elected 1 of the first 10 judges on the Mississippi Court of Appeals. He remained on the bench, except for a military leave of absence from 2004 until 2006. During that time, he served as a staff judge advocate for the 155th Brigade combat team in Iraq.

Despite his stellar qualifications and strong support from his two home State senators, so far it has been the demonstrated intent of our colleagues on the other side of the aisle to block his ability to get a vote in the Senate Judiciary Committee and to prevent him from getting an up-or-down vote on the floor of the Senate.

I should correct that. In fairness, the chairman of the Judiciary Committee has offered to give Judge Southwick a vote in the committee, but we know committee Democrats are poised not only to tarnish the good record of this judge but then to perhaps send him here with a negative vote in committee. I know there are talks that are ongoing.

Unfortunately, I think this is a demonstration again of the hyperpartisan atmosphere that unfortunately poisons relations, not only between colleagues in the Senate but turns off so many people across the country. It is regrettable.

My hope is, as we did last Thursday night, that we can walk away from this hyperpartisan atmosphere, seeing that basically no one wins when congressional approval hovers at 16 percent. It is hard to imagine that it could go much lower. Unless we turn away from the kinds of practices we have seen for the first 200 days under this new majority and unless we try harder to work together, have less team meetings and have more bipartisan meetings where we talk about what we can do to pass legislation for the benefit of the American people, I fear Congress will continue to be held in low esteem by the American people.

It is important that we wake to what should be a wake-up call that is provided by these low poll numbers and the recognition that this serves no one's best interests, certainly not the best interests of the American people.

My hope is that rather than just naming more post offices, rather than passing one or two bills, such as the minimum wage bill and now these bills by unanimous consent this morning, we will seize this opportunity to try to do what is in the best interest of the American people. That is why most of us came to the Senate. Unfortunately, we have been captivated by the partisanship that is insisted upon too often by narrow special interest groups that seem to spend a lot of time at the Capitol and have way too much influence, in my view.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

DIGNIFIED TREATMENT OF WOUNDED WARRIORS ACT

Mrs. MURRAY. Mr. President, earlier this morning, the majority leader, Senator REID, asked unanimous consent for the Senate to pass a significant piece of legislation, the Dignified Treatment of Wounded Warriors Act. That was agreed to, and the Senate has now accomplished a major step that I wish to take a few minutes to highlight this morning.

All of us were astounded earlier this year when the Washington Post ran a series of articles about the treatment of our soldiers, our men and women, at the Walter Reed facility. They outlined the horrific conditions that some of our soldiers were living in as they received treatment for their wounds from a war far away. After that, we talked to and heard about many soldiers who were in medical hold units not only at Walter Reed but across the country who were waiting not a few weeks, not a few months, but months on end—and even almost 2 years—to get their disability ratings so that they could be discharged from the military and continue on with their lives once they had been wounded.

I went up to Walter Reed with our majority leader and members of our leadership team to talk to some of the soldiers who were in medical hold at Walter Reed. They expressed complete frustration at what they found themselves in. It was not just the physical part of their living conditions, but it was the fact that they had other wounded soldiers who were their advocates trying to help them work through a disability system that made no sense to them, their advocate or to any of us who were listening.

They talked about their family members who were literally left on hold not knowing when they would be able to come home, get a job, go back to work, and resume being a part of their family again. They talked about long lines. They talked about paperwork that had gotten lost. They talked about not knowing they had traumatic brain injury even a year and a half after they had been wounded and came home.

No one had taken the time to ask them if they had been near an explosive device and perhaps they had some kind of brain injury. Yet they knew that they couldn't find their keys that they had set down, they couldn't remember the dates of their kids' birth, they couldn't remember what they had done a few years ago, much less today. They knew something was wrong, but no one had taken the time to ask them what they had seen on the ground in Iraq or what they had been involved with that might have caused a brain injury.

I went home to the State of Washington and talked to some of our soldiers who were in medical hold at one of our facilities in Washington State. I invited anyone who would like to come. I expected maybe a dozen, two dozen men and women to come over and talk to me. Over 200 showed up, expressing anger, frustration, and telling story after story after story of long delays in getting their disability ratings, in being unable to get their lives put back together, in not being diagnosed correctly.

Well, I am proud the Senate, in a few short months, has stood up and said: Not on our watch. Not anymore. This morning, in passing the Dignified Treatment of Wounded Warriors Act, we are moving forward in an aggressive way to make sure the men and women who have served our country so honorably are treated well when they come home. We are making sure those men and women who were asked to fight a war for this country, no matter how we felt about that war personally, those who went to the war and fought for our country don't have to come home and fight their own country to get the health care they so deserve and should get without having to fight someone for it.

This Senate acted in an aggressive way. Two of our committees, the Veterans' Affairs Committee, headed by Senator AKAKA, and the Armed Services Committee, headed by Senator LEVIN, in a bipartisan way, put together, for the first time, a historic joint committee to bring in experts to talk to us about what the needs were and what we needed to do. From those excellent recommendations from that joint hearing, we worked together in a bipartisan way to craft legislation that would require the Secretary of Defense and the Secretary of Veterans Affairs to develop a comprehensive policy by January 1 of next year on the care, management, and transition of our servicemembers from the military to the VA, or to civilian life, so our brave men and women don't fall into that transitional trap between the DOD and the VA anymore and feel like they have come home and been lost.

This is critically important. It is an aggressive action that, for the first time, will require the Department of the Defense and the Department of the VA to work together. Soldiers, men and women, too often feel like when they are in the service—in the Army, in the Navy, in the Armed Forces—there is a completely different system that doesn't even talk to our VA, which has a totally different disability system. Their paperwork doesn't go back and forth between each regarding how they are rated as disabled. The Army is completely different than how they are rated by the Veterans Affairs Department. That means their care is not adequate, it means they are frustrated, it means they are angry, and we say: No more. We are requiring now the Secretary of Defense and the Secretary of Veterans Affairs to jointly come back to us with a policy that makes sense for this country's men and women who have fought for all of us.

In this legislation, we also dealt with enhanced health care for our men and women who have served us. Too often they find their health care cut off long before they are able to get back and get a job. We authorize disability ratings of 50 percent or higher to receive health care benefits for 3 years. For some of the family members of a spouse—husband or wife—who have been injured, they lose their own health care. So we make sure we aggressively move forward and not allow our families to be left without health care while their servicemember is being cared for at one of our medical facilities.

We also focus dramatically on TBI, traumatic brain injury, and post-traumatic stress syndrome, two significant wounds of this war. We establish new centers of excellence within the Department of Defense, one for TBI and one for post-traumatic stress syndrome. We require the Department of Defense to analyze soldiers so they do not go home and end up like the young man who told me he had been discharged from the Army and for 18 months was at home. No one asked him when he was discharged whether he had been around any kind of IED explosion in Iraq. No one asked him how he was doing. For 18 months, he sat at home in a rural community in my State and wondered why he could no longer talk to his friends; wondered why he couldn't remember what he learned in school a few years ago; wondered why, as a young man of 22, he felt his life had changed dramatically and he didn't know who he was anymore. Eventually, he tried to take his own life. That should not happen to a service man or woman who has served us honorably.

What happened to him has happened to many other soldiers who have served us in Iraq. He had been around not 1, not 5, not 20, but more than 100 explosions while he was on the ground in Iraq. As a result, he had severe traumatic brain injury that was not diagnosed when he left. No one asked him when he was discharged whether he was having any problems. No one followed up when he got home, to see if he was adjusting okay.

We say, no more. We say the Department of Defense looks at every soldier when they come in and when they leave, asks them what kind of action they have seen on the ground in Iraq, and follows up with them and gives them the care so they can perform and come back to normal life as quickly as possible. This is the least we can do.

It has taken the Senate just a few months to aggressively go after this, to pass a bill through committee, to bring it here to the floor of the Senate and, very importantly, the full Senate this morning supporting that legislation and passing it to the House, hopefully quickly to conference and to the desk of the President of the United States. That is what our soldiers deserve. I am sorry it happened 4½ years after this war started. It should have happened before this war started with the preplanning that I will not go into this morning that obviously we did not have. But I will say as a Senator who did not vote to go to war in Iraq, I have said consistently—no matter how we felt about that war then or how we feel about it today—that we have an obligation, as leaders of this country, to make sure the men and women who fight for us get the care they deserve. The passage of this bill today is part of that commitment, and I am very proud of the Senate.

Later this morning, the commission the President has put in place, the Dole-Shalala commission, will also come forward with their recommendations. I look forward to seeing what they have to say, but this Senate is not going to sit around and wait for a report from anybody. We are moving, and moving aggressively. I hope whatever recommendations come out in the Dole-Shalala commission report that we see today do not end up on a dusty shelf in the White House, as the 9/11 Commission recommendations did or as the Iraq study commission recommendations did. I hope the White House works aggressively to make sure these recommendations—both from Congress and from their commission—are put into effect because whatever laws we pass will only be managed efficiently and effectively and work if the White House joins us in a partnership to make this happen.

I wanted all of our colleagues in the Senate to know, and for the country to know, we are moving aggressively forward to make sure the men and women who serve us are served as well by this country, and I am proud of the action of the Senate this morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that right.

HOMELAND SECURITY APPROPRIATIONS

Mr. MENENDEZ. Mr. President, I am pleased to rise today to talk about a bill that I am proud of, and of which all Americans should be proud.

I first want to commend the esteemed chairman of the Appropriations Committee, Senator BYRD for his commitment to drafting a bill that is in our Nation's best interest. I also would like to convey my respect for Senator BYRD and the ranking member, Senator COCHRAN, for the exemplary bipartisan they have shown in negotiating this bill and bringing it to the floor.

The Homeland Security Appropriations bill that will be before us later

today is a clear indication that our priorities have changed. After years of neglecting key homeland security initiatives, this bill ends a trend that has been straining our first responders, forcing our States to come up with more, and leaving us more vulnerable than we should be 6 years after September 11.

This bill is part of a framework that we have created this year to restructure our priorities—and it is clear that homeland security is at the top of the list. I am proud of the levels we set in the budget resolution we passed earlier this year. As a member of the Budget Committee, one of my top requests to Chairman CONRAD was that we provide enough to the Appropriations Committee so that it could not just reject the President's cuts to key homeland security funding, but go above and beyond what has been funded in recent years. I thank Chairman CONRAD, for his commitment to homeland security funding in the budget resolution and for understanding what those funds mean to a State like New Jersey.

This year we have set the tone. The message is clear—when it comes to homeland security, the status quo just won't cut it. This bill says that loud and clear. By increasing overall funding by 8 percent over last year, we recognize that those on our front lines need our support. In this bill, they will get it.

For New Jersey, the funds in this bill mean the difference between having what we need to protect our high-risk areas and leaving our infrastructure vulnerable. The grants this bill provides means millions more for our ports to increase site security and implement key initiatives.

The increases for next year mean our fire departments will have the resources they need to hire new firefighters, to upgrade their equipment, and to reduce the long shifts far too many of them are working. The focus on first responder funding means our law enforcement will continue to have support to carry out key terrorism prevention efforts in our cities.

Perhaps most importantly, this bill does not take the approach that we can do what is minimally required and pretend that is enough. For all of the President's talks about how critical security at home is, for all the administration continues to warn us about how at risk we are for an attack, I am just dumbfounded because no matter where I look, I cannot find where he makes supporting our first responders a priority. No matter how hard I try, I cannot see how he expects our ports to be as secure as they should be 6 years after September 11. For all the reminders this administration likes to give the American people that we are at war, that we are vulnerable, that we must be vigilant, I do not see where we are matching that rhetoric with dollars.

This bill is about more than rhetoric. It is about providing what is needed.

I am proud that this bill rejects the President's cuts to first responders, and actually increases funding by $644 million. Nearly 6 years after September 11, would seem unfathomable that we would actually cut funding for first responders, but that is exactly what the President's budget called for.

In this bill, we provide more than $400 million than the President for firefighters. We increase funding for FIRE grants by $25 million more than last year so that fire departments can purchase new equipment. When nearly a third of firefighters are not equipped with a self-contained breathing apparatus or portable radios, I think there is no question that these funds are sorely needed. One of the grant programs I hear about the most, as I am sure do many members, is the SAFER grants. I have listened to firefighters from my State far too many times plead for the SAFER grants not to be cut. And yet, every year, this is a fight we have had to have with the administration. I truly hope this is the last year. These grants help departments increase their staff, often so they can cover more 24-hour shifts. Our bill increases funding by $13 million over last year.

I am also extremely proud of the direction this bill takes us for improving key grant funding to States and our most at-risk areas. This bill restores the two major grant programs, the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program, and increases funding for urban area security grants. For reasons I cannot explain, the President sought to cut State homeland grants in half, and practically eliminate the law enforcement grants.

For States like New Jersey, these funds are not just an added bonus—they are essential. These grants allow States to purchase equipment, train first responders, put in place response plans, and a whole host of other critical activities. By restoring cuts to these programs, officials in New Jersey will have the confidence that we are working to provide them every last dollar, and that we understand how critical this funding is.

Our bill also provides an increase for the Urban Area Security Initiative, the only fully-risked based funding of its kind, designed to help the most high-threat urban areas. I have spoken on this floor before about the unique threats that our UASI—Urban Area Security Initiative—region in northern New Jersey faces. As one of the most densely populated areas in the Nation, we face the complexity of populous neighborhoods nestled among high-profile infrastructure, including the largest port on the east coast, a major international airport, and a string of chemical plants—which makes up what is known as the ''2 most dangerous miles'' in America. When people back home hear that, they ask me what we are doing to protect that area, because those 2 miles are not isolated—thousands drive by it every day, and many live close enough to call it their backyard. When we pass this bill, I can tell them that yes, we are working to make more funding available, yes, we are addressing those areas most at risk.

Our bill also seeks to end the trend of pouring our resources into aviation security and spending pennies in comparison on rail, mass transit, port, and chemical security. This bill more than doubles funding for rail and transit security, and far exceeds what our past funding bills have done for port security. We provide $400 million for port security grants, a level which our ports have been calling for for some time.

Anyone who knows the Port of New York and New Jersey understands the daunting task of securing the perimeter of the port. The port is surrounded by storage facilities and warehouses, with waterways on one side, and a major highway and an airport on the other, and rail lines and a major pipeline running along side it. So, for a site as complex as our port, perimeter security is no easy feat.

Our Nation's ports have a long to-do list, and I guarantee you, every one of the improvements they want to make costs money. In the wake of the SAFE Port Act, which the President signed into law last year, our ports have even more requirements they are supposed to carry out. Yet the President did not call for any funding to implement these initiatives. Our bill does.

We double port security grants, to the level authorized in the SAFE Port Act.

We provide $15 million for the Coast Guard so they can increase the number of inspections at facilities, conduct vulnerability assessments, and develop long-range vessel tracking systems.

We provide $60 million for operational centers as called for in the SAFE Port Act that will help coordinate information sharing, intelligence gathering, and support cooperation among Federal, State, and local agencies.

And, we provide $15 million to help ports implement the TWIC port worker ID program, which has been delayed again and again. It is past time for us to have something as simple as uniform, technologically advanced ID cads for those workers at our ports.

This bill also contains a very short, but very crucial provision that is well known to people in New Jersey. It allows States to have more stringent chemical security standards. If you have ever been to Newark's Liberty Airport, than you were within a few short miles of the Kuehne plant in South Kearny, in a range that would without question be devastated by an attack at that facility. Because plants like this one are uniquely sandwiched between highways and neighborhoods, in an area that rises to the level of being called the ''2 most dangerous miles,'' New Jersey has taken action to make sure we are doing everything possible to keep these plants secure.

Because it is far ahead of the curve when it comes to chemical security, the notion that the Department of Homeland Security can issue regulations that could preempt New Jersey's, and possibly be weaker than our standards, turns logic on its head. The bottom line is, when it comes to the security of things uniquely New Jersey, like the location of this chemical plant, no one knows what we need better than our State. And that is the position that this bill takes. I applaud my fellow Senator from New Jersey, Mr. LAUTENBERG, for ensuring this language is part of this bill, and I thank Senator BYRD for realizing how essential preserving New Jersey's standards are for the future of chemical security.

When this Homeland Security appropriations bill is passed and signed into law, we will be able to definitively say we have passed legislation that makes us smarter and stronger when it comes to our Nation's security.

The bill ensures we are protecting, not neglecting, our critical infrastructure; our first responders have more, not less, to do their jobs; and our States will have the critical resources they deserve.

I urge all my colleagues to support this incredibly sound bill and take this important step to getting our homeland security funding where it should be in finally meeting the challenge of securing our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business.

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

ATTORNEY GENERAL GONZALES

Mr. WHITEHOUSE. Mr. President, yesterday, as you will recall, in the Senate Judiciary Committee, Attorney General Gonzales appeared. I spoke with him about a seemingly simple concept, the impartial administration of justice.

But, as is so often the case with this administration and with this Attorney General, the simple is often confused, and what should be impartial is often tainted with politics.

I asked the Attorney General about the administration's policy regarding communications between staff at the Department of Justice and at the White House, about ongoing investigations and cases. This kind of conversation, of course, should be very limited in scope. Until recently, it was.

Attorney General Janet Reno wrote, in a 1994 letter to White House Counsel Lloyd Cutler:

> Initial communications between the White House and the Justice Department regarding any pending Department investigation or criminal or civil case should involve only the White House Counsel or Deputy Counsel (or President or Vice President), and the Attorney General or Deputy or Associate Attorney General.

That is seven people, total. Four in the White House, three in the Department of Justice.

As I pointed out to the Attorney General, this administration has dramatically expanded this policy to allow literally hundreds of people at the White House to discuss sensitive case-specific information with dozens of people at the Department of Justice. Even worse, a further revision to this policy signed by Attorney General Gonzales specifically added the Vice Presidents's Chief of Staff and the Vice President's Counsel, David Addington, to the list of those empowered to have these conversations. Karl Rove, by the way, is also on the list.

Why in the world would it be appropriate to give the Vice President's staff a green light to muck around in sensitive Department of Justice affairs? Based on my experience as a U.S. attorney, I can think of no reason.

So why did the Attorney General himself issue a memo specifically authorizing that? Well, the Attorney General himself seemed to have no idea. When I asked him about it yesterday, he said:

> As a general matter, I would say that that's a good question. I'd have to go back and look at this. On it's face, I must say, sitting here, I am troubled by this.

Well, Mr. Gonzales, I am troubled by this too. Troubled but, unfortunately, not surprised.

Not surprised because this administration has, at almost every turn, done everything possible to enhance the power of the President and the Vice President to dismiss Congress's essential constitutional oversight responsibilities, to disrupt the balance of power crafted by our forefathers and to thwart those who would stand up and say: Enough is enough.

But now a chorus of Senators is finally saying: Enough is enough.

When I ran for the Senate, I spoke often about the need for a check on the Bush administration's relentless abuse of power. Now, after having served in this great institution for only 6½ months, I feel more strongly than ever that it is vital for our Democratic majority to serve as an essential bulwark against an imperial executive branch.

Without 60 votes, we cannot get things done over objection from the other side as often as we would like. But with a majority, we can at least stop some of the mischief. We can stop them from politicizing everything from Government-funded scientific research to U.S. attorney's offices, Government functions that have historically operated entirely free of partisan influence.

We can spotlight their efforts to undo our system of checks and balances, their penchant for unneeded secrecy, and often, disregard for the law and our American principles.

We can call them out when they use national security as a shield against legitimate oversight and as a weapon against political adversaries, against attempts to conduct Government in secret and in darkness and sometimes in defiance of the law.

In the process, the administration has done grave damage to the principles and values that have made this country an example for the world. The writ of habeas corpus? Adherence to the Geneva Conventions? The independence of Federal prosecutors? The principle of judicial review? The notion that a citizen in a democracy has a right to know what their Government is doing in his name?

Each of these, in ways great and small, has been eroded by this administration. Then, when you think they cannot possibly push the envelope any further, they do. I am referring to two recent episodes: First, the Vice President's now infamous and incredible assertion that his office is exempt from an Executive order designed to protect classified information because it is not, get this, it is not an entity within the executive branch, and the Attorney General's apparent complicity with this theory.

Executive Order No. 12958, as amended by President Bush, regulates the classification, safeguarding, and declassification of national security information. It also requires the National Archives' Information Security Oversight Office to, among other things, conduct onsite inspection of Federal agencies and White House offices to ensure compliance with these important regulations.

Despite cooperating with the National Archives in 2001 and 2002, in 2003, the Vice President abruptly decided he was above complying with an Executive order, even one signed by President Bush.

Repeated attempts by the National Archives to secure the Vice President's cooperation or at least an explanation for noncompliance were met with silence and then, apparently, an effort to abolish the office that had dared try to enforce the law.

In the meantime, in January 2007, the National Archives referred the question to the Department of Justice for clarification, as to whether the Vice President is an executive branch entity required to comply with an Executive order. You might think that in 6 months the Department of Justice would produce a memo stating the Vice President must comply with Executive orders and that he is, in fact, as we all know, in the executive branch.

Well, you would be wrong. The Vice President makes an argument that would flunk an elementary school civics test so he may circumvent safeguards on national security information. The Attorney General goes along with this by refusing even to respond to a letter seeking clarification of the law, which is a core function of the Department of Justice Office of Legal Counsel.

What is going on here? Second, in this ignominious list is the President's

personal intervention to deny security clearances to investigators from the Justice Department's Office of Professional Responsibility, or as we call it, OPR, who were looking into the administration's warrantless domestic surveillance program.

This is the first time ever an OPR investigator was denied necessary clearances to conduct their investigation. Of course, the denial of security clearances had the intended effect: The investigation by OPR was shut down.

Now, as we all know, the distinguished chairman of the Senate Judiciary Committee, Senator LEAHY, has been forced to issue subpoenas to the White House, the Office of the Vice President, the Department of Justice, and the National Security Council, in order to obtain information Congress has sought for months related to the administration's legal justification for the warrantless wiretapping program.

If the White House's refusal to honor earlier congressional subpoenas and turn over information on the U.S. attorney firings is any indication of things to come, we can expect more stalling and more stonewalling by this administration as Congress seeks to learn the truth.

Again, what is going on here? What is going on, I believe, is a systematic effort on the part of the Bush administration, to twist, to partisan and political advantage, threats to our national security as justification for conducting Government in secret and in darkness, shadowed from congressional oversight and far from the light of public scrutiny.

If this requires making preposterous arguments, such as the Vice President's, in their view, that is fine. If this requires taking unprecedented action to deny clearance to Government investigators, fine by them. If this requires dispensing with many years of tradition and practice, distorting the plain language of Executive orders and abdicating the Department of Justice's watchdog role, again, fine with them. If this requires attempts to a evade even a congressional subpoena, well, that is apparently fine too.

I will end where I began, with the issue of communications regarding ongoing cases and investigations between the White House and the Department of Justice. As Mr. Gonzales acknowledged yesterday, the greatest danger of infection of the Department of Justice with improper political influence comes from the White House.

Along with Chairman LEAHY, I have introduced a bill to set the Reno-Cutler policy for White House contacts as a baseline and to require the Department of Justice and the White House to report to Congress any time they authorize someone else to have these sensitive discussions.

It is my sincere hope this bill will have bipartisan support. But this bill is only one small part of a larger effort to restore checks and balances to our Government. We must and we will continue this effort, challenging the administration to work for the Democratic Congress, to stop playing politics with national security, and to end the secrecy and abuse of power that have become the hallmark of the Bush era.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. DURBIN. Mr. President, one of the more challenging tasks for a Senator is not to stand in judgment of a bill or even a law or a policy but to stand in judgment of a person. I served in the House of Representatives for 14 years before coming to the Senate. It is the one dramatic difference between the two bodies. Time and again we are called on in the Senate, in our capacity to advise and consent to Presidential nominations, to stand in judgment of people. It is not an easy assignment. You have to, in a matter of a short period, maybe meet a person, read about their background, and try to think ahead whether they are ready for the job they are being sent to do. For some it is only a temporary assignment. It might be for a year or two or more in a Federal agency with an important responsibility. I look at those judgments and assignments seriously, but not nearly as seriously as the task of picking Federal judges. A Federal judge, that man or woman, is appointed for a lifetime. The decision you make about a person has to be done more carefully. There has to be more reflection. If questions are raised about a person, their judgment, their values, their background, their veracity, their integrity, those questions are taken more seriously because that judge on that bench will be the face of America's law for the rest of his or her natural life.

As a member of the Judiciary Committee, I come face to face with these decisions on a regular basis and try to do my best to not only help pick good judges for my own State of Illinois but to be fair in judging those the President, whether a Democrat or Republican, sends to us for approval.

There is a controversial nomination now pending for the U.S. Court of Appeals for the Fifth Circuit, the nomination of a local State judge in Mississippi named Leslie Southwick. I came to the Southwick nomination with no advance knowledge of the man or anything he had done. I truly had an open mind. I attended his nomination hearing and tried to give him the benefit of the doubt. Today I am sorry to report I have only doubt about his appointment to this lifetime position. There are too many questions about whether Judge Southwick would bring a measure of fairness in cases involving civil rights and the rights of ordinary people in his court. This perception as to whether he will be fair or even-handed is determinative in my mind. Whether you agree with that perception, it is there.

It is sad but accurate to report that Judge Southwick has lost the confidence of the civil rights community in the State of Mississippi and across the Nation. There is one case I wish to mention which may help explain why this has occurred. The case is called Richmond v. Mississippi Department of Human Services. Because of the wording in the case, it is unfortunate, I will be unable to read it into the RECORD; it would be inappropriate. But suffice it to say, in this 1998 case, the Mississippi State Court of Appeals ruled 5 to 4 to reinstate and give back pay to a White employee who had been fired for calling a Black employee the ''N'' word. Judge Southwick was in the five-person majority and thus was the deciding vote in that case.

Here is the background. The plaintiff, Bonnie Richmond, was a White employee who worked at the Mississippi Department of Human Services, a State agency with a 50-percent African-American workforce. After referring to an African-American colleague as a ''good ole'' ''N'' word, Bonnie Richmond, the white employee, was fired. She appealed her termination and was successful. A State hearing officer reinstated her. That decision was affirmed by the full Mississippi Employee Appeals Board, then reversed by the State court trial judge. Judge Southwick's court reversed it again, ruling for the White employee who had used the offensive racial epithet. Finally, the Mississippi Supreme Court weighed in. The Mississippi Supreme Court unanimously reversed the majority opinion which Judge Southwick had signed his name to, ordering the case to be remanded to determine an appropriate punishment short of termination for the White employee, Bonnie Richmond.

Mr. Southwick's defenders point out that he didn't write the opinion he signed on to. That is certainly true. But he didn't have to sign on to it, if he didn't agree with it. He could have filed a concurrence agreeing in the judgment but not the reasoning. He chose not to do so. The opinion Judge Southwick signed stated that the White employee who used the ''N'' word in this case ''was not motivated out of racial hatred or animosity directed toward her co-worker or toward blacks in general.''

I don't believe that is a mainstream view in America. I don't believe it is a mainstream view to say that the ''N'' word is ''not motivated out of racial

hatred or animosity.'' The Southwick majority also affirmed the determination of the hearing officer who said the use of the term good old ''N'' word was intended to mean a ''teacher's pet'' and was in this context about as offensive as calling someone ''a good old boy or Uncle Tom or chubby or fat or slim.'' Again, is that a mainstream view in America?

Recently a civil rights organization had a symbolic ceremonial burial for the ''N'' word, saying it is time it be removed from the American language, it is so offensive. For someone in Judge Southwick's court to be so dismissive of this term is truly to be insensitive. I don't believe the opinion which Judge Southwick signed on to reflected the type of racial sensitivity we need in a Federal judge.

The dissent in the case was eloquent and powerful. It said:

> The [''N'' word] is, and has always been, offensive. Search high and low, you will not find any non-offensive definition of this term. There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend.

I certainly agree with that powerful dissent. I am sorry Judge Southwick does not.

At his May 10, 2007 hearing, Judge Southwick was asked if he still stood by his vote in that case. He said he did. I find that very troubling.

This is particularly important given the context of this nomination. This Fifth Circuit covers the States of Mississippi, Texas, and Louisiana. Those three States have the largest percentage of minority residents of any Federal circuit in America—44 percent. The State of Mississippi has the largest percentage of African Americans of any State in the Union—36 percent.

There are 19 judges on the Fifth Circuit. Of those 19, only one is African American. That would be Judge Carl Stewart of Louisiana.

Now, some have suggested that recent nominees to the Fifth Circuit reflect a deliberate design to protect this imbalance. Others say it is a conscious disregard of the obvious unfairness. The most generous view is that it is only a coincidence.

Two previous nominees to this Fifth Circuit seat—Charles Pickering and Michael Wallace—were not confirmed because of their anti-civil rights backgrounds.

Judge Pickering had unethically tried to lower the prison sentence for a convicted cross burner. Mr. Wallace defended the discriminatory policies of Bob Jones University and was so notorious for his hostility to civil rights that the American Bar Association gave him a rating of ''not qualified.''

The Southwick nomination has become a controversial nomination, with more focus than any other current circuit court nomination I can think of on the racial issue. Time and again, the nominees sent by the White House to the Senate Judiciary Committee fail the most basic test as to whether they will fill this lifetime position on the Federal bench and rule fairly on issues involving race.

It is critical that members of the Fifth Circuit have an open mind when it comes to issues of race. In a letter sent to the Judiciary Committee, the Congressional Black Caucus opposed the confirmation of Judge Southwick and said:

> Our Caucus is most concerned about Mr. Southwick's ability to afford equal justice under law in the Circuit where racial discrimination has always been most pronounced.

In another letter of opposition sent to the Judiciary Committee, the NAACP, the NAACP Legal Defense Fund, National Urban League, and the Rainbow/PUSH Coalition said:

> This position is a lifetime appointment. If confirmed, Southwick will often provide the final word on the civil rights of millions of minority residents within the Fifth Circuit.

Historically, there have been some judicial giants in the Fifth Circuit who have served with great courage. Alabama used to be part of that Circuit. A few years ago, I went to Alabama for the first time as a guest of an organization known as the Faith and Politics Institute on Capitol Hill. It is a bipartisan group, and it tries to blend some views toward values with political decisions.

Under the leadership of JOHN LEWIS, the Congressman from Atlanta, GA, who was a pioneer in the civil rights movement, we went down to visit some of the key places where the civil rights struggle occurred.

We went to Birmingham and Montgomery and Selma, AL. I had to leave a little early, and so it appeared I would not have a chance to visit the Edmund Pettus Bridge, the notorious bridge where the march from Selma was stopped with violence. John Lewis, typical of what a fine person he is, said: I will get up extra early Sunday morning. I will drive you over there. You and I will walk across the bridge together.

Well, Senator SAM BROWNBACK joined us, and I am sure Senator BROWNBACK felt as I did, that it was an extraordinary day. That early, cool Sunday morning, JOHN LEWIS took us across that bridge and showed us the point where he had been clubbed and almost killed, as he tried to walk on that civil rights march.

I will never forget that scene. As a college student, I thought that maybe I could be there at that march. As luck would have it, I was not. I have regretted it ever since. But to be there that moment with JOHN LEWIS a few years ago really was a touching experience.

As we were driving back from the Edmund Pettus Bridge, JOHN LEWIS said to me: Do you know who the real hero was that day? It was Federal Judge Frank Johnson of Alabama. Johnson ordered the integration of Montgomery buses after Rosa Parks' protest in 1956, and he was the one who allowed that march in Selma to take place. Because of Judge Johnson's courage, he was shunned by his community, ostracized. His mother's home was bombed. He was threatened many times because of his courage when it came to the issue of civil rights.

So when we speak of the Fifth Circuit, and its history, and Federal judges, I think of Frank Johnson and what he meant to America's history because of his courage.

At Judge Southwick's nomination hearing, I wanted to be fair with him, and I asked him a question which was maybe one of the easiest questions you could ask of a nominee. I asked him to name a single time in his career or in his life when he took an unpopular point of view on behalf of the voiceless or powerless. He could not name a single instance.

I thought, perhaps that was not fair. The judge should be allowed to reflect on that question. I will send it to him in writing and ask him: Was there a time in your life when you sided, for example, with a civil rights plaintiff when your court was split? He could not name a single case in his judicial career.

There has been a heavy focus placed on Judge Southwick's votes in the so-called ''N'' word case—which I have discussed—and a custody case in which he voted to take an 8-year-old girl away from her lesbian mother.

I disagree with Judge Southwick's position in these cases. I think, sadly, they show an inclination toward intolerance and insensitivity. But I am sympathetic to the argument that these are only two cases out of thousands in which he has taken part. However, it is not the end of the story.

A business group in Mississippi looked at 638 cases during an 8-year period of time and rated Judge Southwick as the judge on the Mississippi Court of Appeals most likely to rule against common, ordinary people, employees suing their employers. Another study showed he voted with companies and employers, businesses and powerful interests, in 160 out of 180 cases in which there was a split decision.

Many groups that do not normally take a position on a Federal judge have spoken out against Judge Southwick. There are many positive things about this judge's life. He has served his country. He has served in the military. And I am sure he has done many good things. But when a Senator has to make a decision about a lifetime appointment to a critical circuit court position, in a controversial area, where we have had a string of controversial nominees, you have to take that very seriously.

There is just too much doubt about whether Judge Southwick will have an open mind when it comes to civil rights and the rights of ordinary people in his court, and that is why I will oppose him if he comes before the Judiciary Committee.

A final word. Senator PATRICK LEAHY, the chairman of the Senate Judiciary Committee, has said he will

call Judge Southwick for a vote whenever Senator SPECTER and the Republican minority want his name to be called. I do not know how my colleagues on the Democratic side will vote. I know many of them share my misgivings.

Judge Southwick has had a hearing, which is more than can be said for many nominees from the Clinton administration—over 60 judicial nominees were bottled up in the Senate Judiciary Committee during those years, never even given the dignity or courtesy of a hearing and vote. Judge Southwick had his hearing. He had his opportunity to speak and answer questions, unlike dozens of Clinton nominees who never had that chance.

Now his record is there for everyone to view, and his name is there if the Republicans decide they wish to call him for a vote. This is not obstructionism. This is the process as it should work. I urge my colleagues, particularly from the State of Mississippi, if Judge Southwick does not prevail, I hope they will be able to find in that great State someone who can be brought to this nomination who will not incur the wrath and doubt that Judge Southwick has over his decisions and over his testimony before the Senate Judiciary Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

HOMELAND SECURITY

Mr. GRAHAM. Mr. President, a bit later I will be calling up an amendment to the Homeland Security appropriations bill pending before the Senate. I would like a moment, if I could——

The PRESIDING OFFICER. If the Senator will suspend.

Mr. GRAHAM. Yes, I certainly will. I believe Senator BYRD wants to make a statement first.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2638, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Byrd/Cochran amendment No. 2383, in the nature of a substitute.

Bingaman amendment No. 2388 (to amendment No. 2383), to provide financial aid to local law enforcement officials along the Nation's borders.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my friend and colleague, the very able and distinguished Senator from South Carolina, for his characteristic courtesy.

Mr. President, this morning, we return to the consideration of the fiscal year 2008 Homeland Security appropriations bill. The Appropriations Committee, by a vote of 29 to 0, produced a balanced and responsible bill.

The bill includes significant resources for border security, for enforcing our immigration laws, and for improving security at our airports. We include—we include, may I say—significant new resources for implementing the SAFE Port Act. We also restore cuts in the first responder grants program.

Last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. Hear me now. I will say that again. Last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. That is right here, the U.S. homeland. I will quote from the report. This is not just ROBERT BYRD talking.

Let me say that again. Last week, the administration released its latest—I am talking about the administration, the Bush administration, the administration in control of the executive branch—the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. I will quote from the report:

> We judge the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years.

That ought to make us sit up and take notice. I am going to say it again. Hear me.

Last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. I will quote from the report:

> We judge the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the Homeland and a continued effort by these terrorist groups to adapt and improve their capabilities. . . .
>
> [W]e judge that al-Qa'ida will intensify its efforts to put operatives here.

Let me repeat that word—here, H–E–R–E.

Yesterday, in light of this latest threat assessment from the Government's most senior intelligence analyst—I better read that again. Yesterday, in light of this latest threat assessment from the Government's most senior intelligence analyst, I urged the President to reconsider his veto threat of this bill. This morning, we received the White House's response. The President has said he will veto this bill because he, the President—President Bush—regards the additional spending for border security, port security, aviation security, and for first responder grants as excessive.

The President has every right to make this threat, but, in my view, the view of this West Virginia mountaineer, the threat is irresponsible. Let me say that again. In my view—and I am a U.S. Senator—the threat is irresponsible.

If the President is going to scare the Nation by issuing intelligence estimates that say the threat of a terrorist attack is persistent and evolving, he, the President—President Bush—has a responsibility to back it up with resources to deter that threat. The Appropriations Committee recognizes the threat, and the Appropriations Committee of the Senate has responded responsibly.

I ask unanimous consent to have printed in the RECORD the Statement of Administration Policy dated July 25, 2007.

Mr. President, I yield the floor.

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

STATEMENT OF ADMINISTRATION POLICY, S. 1644—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

(Sponsor: Senator Byrd (D), West Virginia.)

The Administration strongly opposes S. 1644 because, in combination with the other FY 2008 appropriations bills, it includes an irresponsible and excessive level of spending and includes other objectionable provisions.

The President has proposed a responsible plan for a balanced budget by 2012 through spending restraint and without raising taxes. To achieve this important goal, the Administration supports a responsible discretionary spending total of not more than $933 billion in FY 2008, which is a $60 billion increase over the FY 2007 enacted level. The Democratic Budget Resolution and subsequent spending allocations adopted by the Senate Appropriations Committee exceed the President's discretionary spending topline by $22 billion causing a 9 percent increase in FY 2008 discretionary spending. In addition, the Administration opposes the Senate Appropriations Committee's plan to shift $3.5 billion from the Defense appropriations bill to non-defense spending, which is inconsistent with the Democrats' Budget Resolution and risks diminishing America's war fighting capacity.

S. 1644 exceeds the President's request for programs funded in this bill by $2.2 billion, part of the $22 billion increase above the President's request for FY 2008 appropriations. The Administration has asked that Congress demonstrate a path to live within the President's topline and cover the excess spending in this bill through reductions elsewhere. Because Congress has failed to demonstrate such a path. if S. 1644 were presented to the President, he would veto the bill.

The President has called on Congress to reform the earmarking process that has led to wasteful and unnecessary spending. Specifically, he called on Congress to provide greater transparency and full disclosure of earmarks, to put them in the language of the bill itself, eliminate wasteful earmarks, and to cut the cost and number by at least half. The Administration opposes any efforts to shield earmarks from public scrutiny and urges Congress to bring full transparency to the earmarking process and to cut the cost and number of earmarks by at least half.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

SECURING OUR BORDERS

The Administration has requested a total of $11.8 billion in FY 2008 for border security and interior enforcement measures, representing a nearly 50 percent increase since FY 2006. The Administration is pleased that the bill supports the requested funding for strengthening border security by adding 3,000 new Border Patrol agents, enhancing interior enforcement efforts, and providing $1 billion for fencing and other infrastructure improvements through the Secure Border Initiative. The Senate is asked to support other key elements of the Administration's effort to control our border as well.

The Administration strongly objects to the $100 million reduction to the US–VISIT budget. While the Administration appreciates the Senate's support for the Unique Identity program, US–VISIT cannot collect and analyze 10-print or move towards completing IDENT/IAFIS interoperability without the full request, as these funds are necessary to critical support operations and key program management and support functions, such as data center operations and fingerprint examiners. This shortfall will deny DHS and the FBI the ability to search each other's databases using a full 10 fingerprints, to assist with terrorism and criminal investigations.

The Administration opposes any provision delaying Western Hemisphere Travel Initiative (WHTI) implementation at our land and sea borders to June 2009. The Administration is committed to working with Congress and the public to implement WHTI in a manner that will cause as little disruption as possible, while providing Americans with the enhanced security that they expect. Recently, the U.S. Departments of State and Homeland Security announced that U.S. citizens traveling to Canada, Mexico, the Caribbean, and Bermuda, by air, who have applied for but not yet received passports can nevertheless temporarily enter and depart the United States with a government issued photo identification and proof of application for a passport from the Department of State through September 30, 2007. The federal government is making this accommodation for air travel due to longer-than-expected processing times for passport applications in the face of record demand. In addition, earlier this summer, DHS announced that it will accept an expanded list of secure documents at land and sea ports of entry when WHTI becomes effective on January 31, 2008.

The Administration is concerned by the decision to significantly reduce funding for the Secure Flight program, which addresses critical vulnerabilities in the Nation's aviation security system. The program has been delayed for many years, and lack of sufficient funding in FY 2008 would further delay it beyond the current target deployment of 2010. TSA has provided all requested information on the program and continues to work closely with Congress and the Government Accountability Office (GAO) to meet the ten mandates specified in P.L. 108–334. Hence, the Administration asks that Congress fund the Secure Flight program at the requested level while providing TSA authority to transfer sufficient funds, if needed, after Congressional notification, to meet the ten requirements as soon as possible.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The Administration strongly opposes the dramatic increase of $1.8 billion for State and local homeland security grant programs. By the end of FY 2007, DHS will have provided over $23 billion in direct preparedness support to State and local agencies of which approximately $8.5 billion will be unspent and available for preparedness projects in FY 2008. Rather than appropriating additional unjustified dollars, Congress should work together with the Administration to ensure that existing dollars are being appropriately spent and to develop a better understanding of what reductions in risk and increases in State and local capabilities will be achieved with these unspent funds. The Administration strongly believes that the FY 2008 request level of $2.2 billion is appropriate and allows the Federal Government to meet national priorities and stand together with State and local first responders in preparing for terrorist attacks and other major disasters. Further, the Administration is opposed to the creation of a new regional preparedness grant program, which would be duplicative of current programs. While the Administration strongly supports efforts to enhance preparedness on a regional scale, existing grant programs currently offer strong incentives for regional collaboration through State homeland security strategies and programs.

CHEMICAL FACILITY SECURITY

The Administration opposes section 531, which would prevent the Department of Homeland Security (DHS) from establishing and enforcing, for the first time, a single, national performance-based standard for enhancing the security of high-risk chemical facilities. Allowing State preemption of Federal law could thwart DHS's efforts to establish a national chemical facility security framework. Separately, while the Administration would prefer that Congress not restrict the Department's authorities in this manner, the Administration notes that the approach taken by this bill would cause less disruption to the chemical security program than language contained in the House version of the bill, H.R. 2638 which in addition to allowing State preemption, would also lessen the protection of sensitive information relating to the security of these facilities.

SECRET SERVICE

The Administration strongly objects to the elimination of $3.1 million for presidentially designated Secret Service protection for Executive Office of the President (EOP) personnel, which leaves these costs unfunded for FY 2008. In addition, beyond FY 2008, the uncertainty of who will be protected and how much the Secret Service protection will cost would create an unnecessary burden for the EOP.

The Administration also strongly objects to section 516(b) that would limit the Secret Service's protective mission by creating a burdensome reimbursable mechanism in lieu of the appropriate flexibility needed to protect these officials. The Secret Service is better equipped to manage these costs.

PRINCIPAL FEDERAL OFFICIAL (PFO)

The Department of Homeland Security supports the Senate bill's omission of language previously included in the House bill, H.R. 2638, which would prohibit funding PFOs during disasters or emergencies. The Secretary of Homeland Security serves as the principal Federal official for domestic incident management. The PFO plays a valuable role as the representative of the Secretary in the field by coordinating Federal operations to respond to and recover from terrorist attacks, major disasters, and other emergencies. The Administration understands the need to clarify the chain of command for incident management and is currently revising the National Response Plan to address this need.

MANAGEMENT

The Administration strongly supports funding provided in the bill for the design and buildout of the St. Elizabeths campus, which is the first critical step toward a consolidated DHS headquarters.

The Administration is strongly opposed to any effort to reduce, limit, or delay funding for DHS human resources initiatives. The bill provides only $5 million of the $15 million requested for a human capital system, whi?h would severely impact support to basic human resource services and development of practices designed to meet the Department's diverse personnel requirements.

While the Administration understands the need for prompt delivery of reports to Congress, the requirement to deliver reports on complicated matters before receiving funding could inhibit the Department's efforts to carry out its mission. Congress already requires more than 1,000 appropriations-related DHS reports and is urged to ease the administrative burden upon DHS and reduce the additional reports required in the bill.

The Administration objects to the provision that would prohibit the use of funds for further data center development until the National Center for Critical Information Processing is fully used. The Department is consolidating its data center operations into two primary facilities and this provision would limit the Department's ability to improve and streamline its data management capabilities.

The Administration appreciates the importance of GAO's ability to conduct inquiries efficiently and effectively, and DHS is taking action to speed its response to GAO requests. However, the Administration objects to the requirement that DHS revise departmental guidance regarding relations with GAO in consultation with the Comptroller General. Congress's directing the adoption of certain truncated deadlines and procedural hurdles is inconsistent with the principle of separation of powers, because it would interfere with the time-tested process of accommodation between the Executive and Legislative branches.

The Administration strongy objects to section 502, which would suspend for FY 2008 the DHS Secretary's authority to reorganize the Department to rapidly meet changing mission needs.

NATIONAL COMMUNICATIONS SYSTEM

The Administration is concerned with the level of funding provided for Next Generation Network priority telecommunications services. Without the full request, the Wireless Priority Service and Government Emergency Telecommunications Service would lose coverage as communications carriers migrate from circuit-switched networks to packet-switched networks, preventing national security decision makers from receiving prioritized bandwidth for emergency communications.

UNITED STATES COAST GUARD (USCG)

The Administration objects to section 529, which prohibits alteration of the Civil Engineering Program of the Coast Guard. This language would severely limit USCG's administration of its engineering programs, including its ability to make such programs more cost-effective, and undermine the Commandant's authority under 14 U.S.C. 632. It would also significantly affect the Commandant's efforts to realign the USCG's mission support organization, of which civil engineering activities and elements comprise only one part.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

The Administration is disappointed that the bill does not include a provision necessary to clarify fee authority with respect to the USCIS Systematic Alien Verification for Entitlements (SAVE) program. The

SAVE program serves the needs of numerous Federal, State and local agencies that need to verify immigration status for the purpose of determining eligibility for a wide variety of public benefit programs by providing them the necessary information from DHS records.

COMPETITIVE SOURCING

The Administration strongly opposes sections 515 and 528, which impose restrictions on competitive sourcing for work performed by the Immigration Information Officers at the U.S. Citizenship and Immigration Services and the Federal Law Enforcement Training Center instructor staff. Depriving DHS of the operational efficiencies gained by competition limits its ability to direct Federal resources to other priorities. Management decisions about public-private competition and accountability for results should be vested with the Department.

CONSTITUTIONAL CONCERNS

Several provisions of the bill purport to require advance approval by congressional committees prior to the obligation of funds. These include sections 504, 505, 509, and 534; and under the headings, ''Border Security Fencing, Infrastructure, and Technology,'' and ''Air and Marine Interdiction, Operations, Maintenance, and Procurement,'' U.S. Customs and Border Protection; ''Salaries and Expenses,'' United States Secret Service; ''Management and Administration,'' National Protection and Programs Directorate; and ''Indicator Technology,'' United States Visitor and Immigrant Status.

Section 513 of the bill, which purports to prohibit the Executive Branch from screening certain airline passengers, should be stricken as inconsistent with the President's constitutional authority as Commander in Chief to take steps necessary to protect the Nation from foreign attack.

Section 518 purports to prohibit the use of funds with respect to the transmission of certain information to Congress. This section could impede communications within the Executive Branch and could undercut the President's constitutional duty to ''take care that the Laws be faithfully executed.'' The Administration urges the Senate to delete the provision.

The PRESIDING OFFICER (Mr. CARPER). The Senator from South Carolina is recognized.

AMENDMENT NO. 2412 TO AMENDMENT NO. 2383

Mr. GRAHAM. Mr. President, I offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER, proposes an amendment numbered 2412.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. GRAHAM. Mr. President, this amendment builds a little bit on what Senator BYRD is talking about. How the threats to the Nation are real, how to handle those threats, how much money we need, and where to put the money are all honest and genuine debates. But I think we found some common ground here as a nation from the last immigration debate.

Senator JUDD GREGG has been one of the leading advocates for stronger border security since I have been in the Senate.

During the last immigration debate in terms of a comprehensive approach to solving immigration policy, one of the things we seemed to find common ground on was the idea of providing additional border security. So the amendment I have just offered, which will be cosponsored by Senators GREGG, SESSIONS, KYL, CORNYN, MCCONNELL, DOMENICI, MCCAIN, SUNUNU, MARTINEZ, COLEMAN, SPECTER, and many others, seeks to build on what we did in the last debate—to make it a reality in the area in which we have common ground.

The amendment has $3 billion in terms of spending, emergency funding. I would argue that the border security situation in this country and visa overstays are emergencies and that we have lost operational control of our border. We have lost the ability to track people who come here on visas in terms of when their visas expire and whether they left, and we will pay a heavy price, not only economically and socially but from a national security perspective. Of the ''Fort Dix Six'' people who were caught conspiring to attack Fort Dix, NJ, I think three overstayed their visas and three came across the border illegally earlier on in their life. So this amendment puts the Senate and the American people's money where our mouth has been, and $3 billion will go a long way.

The goal of this amendment is to provide complete operational control of the U.S.-Mexican border. It will increase the number of Border Patrol agents to 23,000. It will allow us to appropriate four new unmanned aerial vehicles, 105 ground-based radar camera towers, 300 miles of vehicle barriers, 700 miles of border fencing, and a permanent end to the catch-and-release policy with 45,000 new detention beds.

This is a comprehensive border security amendment. It also authorizes things we need to have authorized from the last debate where we were not able to pass a comprehensive bill. It takes some of the stronger border security measures and makes them part of this amendment. As I said, it will increase the number of border security agents to 23,000. It adds 14,500 new Customs Border Patrol agents through fiscal year 2012, increasing the overall number to 30,000. The Sanctuary City problem Senator COBURN identified—he has modified his original proposal, and that is in this amendment.

This amendment authorizes a continued National Guard presence. It strengthens our laws to deny immigration benefits to aggravated felons, gang members, sex offenders, and child abusers. It really goes into our law and cleans up what is pretty much a mess by making sure we have the ability to detain and deport people who are dangerous, who have been convicted of serious offenses.

It gives State and local law enforcement authorities the ability to detain illegal aliens and transfer them to the Department of Homeland Security. It basically allows them to take money from Homeland Security grants and apply it to the cost of detaining and turning over illegal immigrants they may run into and apprehend.

As to visa overstayers, the 19 hijackers who came into America who perpetrated the acts of 9/11, I believe all of them—if not all of them, most of them—were visa overstayers. Forty percent of the illegal aliens in this country never come across the border; they overstay their visa. This will allow the Department of Homeland Security to come up with a tracking system to better identify visa overstayers, who have proven to be in the past some of the most dangerous people in terms of threat to the homeland. It will allow the agency to coordinate with local law enforcement mandatory detention and deportation.

It also gets tough on those who keep coming back across the border. There is this catch-and-release concept which needs to end. That is why we have 45,000 new bedspaces to detain people, give them the hearings required by law, and under this amendment, if you are caught coming back into the country after you have been deported, it has mandatory jail time.

One reason we have 12 million people here is that no one seems to take our laws too seriously, including ourselves. So now it is time to tell the world at large and those who would violate our laws that there will be a price to be paid, unlike the current system; that if you are caught coming back into the country after you have been deported, there will be mandatory jail time. This has been tried in some areas of the border, and it has been enormously successful.

There are many parts in this bill regarding employment eligibility and verification. The pilot program to have biometric cards to determine employment will be expanded, and those who tell us about possible threats to our Nation's transportation system or homeland, we are going to protect them from civil lawsuits. If you are trying to identify a problem and you call your government and say: I think there is a problem here, we are going to make sure you don't get sued for doing your civic duty.

So it is a comprehensive approach. It is a $3 billion dollar appropriation, and within that appropriation, we have some change in policy that will secure the homeland in a better fashion than the current system does. If this is not an emergency, I don't know what would be in terms of our national security interests.

The one thing the Congress—the Senate and the House—should agree on immediately, in my opinion, is gaining operational control, regaining operational control of our border and controlling the visa program that allows millions of people over time to come to the United States.

I would just make one point here. RAHM EMANUEL, one of the Democratic House leaders, was quoted recently as saying that his party will not attempt comprehensive immigration reform until at least the second term of a prospective Democratic President. That is a chilling statement. I think that is a very dangerous thing to be saying at a time when our Nation is under siege, and to suggest to the American people that the Democratic leadership in the House is going to put this topic off until the second term of a prospective Democratic President misses the point and really, literally, misses the boat. This is an emergency if there ever was one, and the idea of putting this off for 6 or 7 more years I think would be a national security nightmare. It would be an economic and social mistake for the ages in terms of the role the Congress would play.

So I urge my colleagues in the Senate not to go down the road that Congressman EMANUEL has laid out for the Democratic-controlled House; that is, putting this whole discussion off until the second term of a prospective Democratic President. I couldn't find a better issue to show difference between myself and my colleagues in the House at the Democratic leadership level than this issue. Not only should we do this now on this bill at this moment, we should have done this years ago.

This is one of the issues facing the American people where there is broad consensus by Republicans, Democrats, and Independents. People want operational control of their borders. They want more money spent to secure their borders and to control who comes to the country, and for those who violate our laws and commit crimes, a better process to detain them and deport them. That is exactly what this amendment does.

I believe our thinking on this amendment is very much in line with the American people. They see this very much as something we should have done a long time ago. Let's not forgo this opportunity. We tried just a few weeks ago, and that failed; a chance of having comprehensive reform failed. I feel an obligation to join forces with people who were disagreeing with me on a comprehensive approach to find common ground. I think the country is urging us to find that common ground. I believe this is a great place to start.

The Border Security First Act of 2007 has been a product that has been bipartisan in nature. It is a collaborative effort between people who have a common view of our border security needs, and it is good legislation. It is needed money at the right time. It is policy changes that will make us safer as a nation.

I would like to recognize Senator JUDD GREGG's efforts over many years to push the administration—and the Senate particularly—to deal better with the lack of control on our borders.

I look forward to talking about this amendment further. I appreciate all the cosponsors and the effort to do something constructive now. Let's, for heaven's sake, not wait 6 more years before we do something. Let's seize the moment, and the moment is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the Senator from Maryland be recognized.

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

Mr. GREGG. Mr. President, before congratulating the Senator from South Carolina for bringing forward this extremely important amendment, let me begin by congratulating the Senator from West Virginia and the Senator from Mississippi, the senior members of the Appropriations Committee, chairman and ranking member of the Appropriations Committee, who also are chairman and ranking member of the Subcommittee on Homeland Security, for bringing forward a bill which makes major strides toward addressing our needs as a nation to protect ourselves and to make sure our borders are secure.

This has been a very integral issue for both of these leaders for many years. Senator COCHRAN, who chaired this committee before the Democratic majority took over, and Senator BYRD, who was the ranking member on this committee for years and has been intimately involved in the effort to try to make sure we adequately address things like port security—their leadership is extraordinary, and this bill is a reflection of that. I do not want this amendment to in any way imply they have not made an extraordinary and a very effective effort to move forward with border security because within the context of the dollars they had available to them, they have done excellent work.

What this amendment does, however—and I congratulate the Senator from South Carolina for bringing it forward—is acknowledge the fact that we have an emergency here. It is as big and important an emergency relative to national security as the war in Iraq is. I look at them pretty much as the same type of national emergency. The issue of controlling our borders is an issue of national security, of making sure that we as a country are safe and we maintain our viability as a nation. A country that doesn't control its borders is not safe and will lose its viability as a nation. So nothing is more important to us from the standpoint of protecting national security and making sure we get operational control over the borders, which the Senator pointed out effectively, as this amendment moves forward.

Some have said: Why would the former Budget Committee chairman, and now ranking member, be willing to offer an emergency resolution which brings this bill up by $3 billion? That is the reason. I have voted to make sure our troops are fully funded in Iraq. I am voting for this amendment because it will make sure we have the people we need on the border to assure that our national security is maintained. In maintaining security over the border, this amendment, once and for all, will put into place the necessary funding—this isn't an authorizing event, remember—to be sure we have the boots on the ground, the technology in place, and the detention capability in place in order to manage the border.

It takes the present situation where we are ramping up the 20,000 border agents and increases that number to 30,000 by 2012, and prefunds it, for all intents and purposes. In addition, it gives us 45,000 detention beds, which is what we need to stop the catch-and-release process. So when the border agents apprehend someone whom they deem to be in this country inappropriately, they have a place they can put that person, where they can find them until they make a final determination—when the court system makes a final determination of whether that person is illegally in this country and should be returned.

The way the law works now, unfortunately, we don't have enough beds. What happens is the person gets detained and the court system says return in a couple weeks and we will dispose of whether you are here legally. For the most part, they don't show up for court. This amendment will end that practice of catch and release, and I congratulate the Department for having worked hard to try to do this with the resources they presently have.

In addition, this amendment will fully fund the commitment that we as a Congress made at least 2 years ago now to put into place the necessary hard fence and the virtual fence so that we know who is crossing the border, or when someone is crossing illegally, and we can stop, as well as possible, those who attempt to enter illegally. We know we need hard fencing in urban areas and we need virtual fencing along the less populated areas. We put out a plan and hired a contractor to put up the virtual fencing. This amendment guarantees that that virtual fencing, which involves a lot of electronics and air observation through Predators and the equipment necessary, such as helicopters and vehicles, will enable the people on the ground to apprehend these individuals who come in illegally where the crossing occurs, and it involves the necessary resources and capital investment to accomplish all of that, which is absolutely critical.

It has the capital resources in it necessary to get the job done of protecting our borders, and the American people, if this amendment passes, will be able to look at the dollars that have been put into the pipeline, which will accomplish what is the first thing the American people want relative to immigration reform, which is secure borders.

I supported the last comprehensive immigration bill. I was one of the few members on our side who voted for that bill. I believe we need to do something in a comprehensive way. But I also recognize the reality of the situation, which is that the American people will not move forward or will not accept movement in the area of comprehensive immigration reform until they are confident we have regained control over our borders. This amendment accomplishes that.

In addition, there are a number of authorizing events in here. I recognize that authorizing appropriations is anathema to many of us. As was pointed out eloquently by the Senator from South Carolina, we don't have effective immigration reform. So the vehicle for accomplishing very targeted law enforcement reform—and this is law enforcement reform—in the area of protecting our borders is going to have to fall to the Appropriations Committee. It has not been unusual for the Appropriations Committee to assume the role of taking on an authorizing event when it is narrow and aimed at an issue of doing something that delivers a better service, and in this instance it is protecting our borders. That is not an unusual event for the Appropriations Committee. It is a lift, but it is something the Committee has done in the past and done rather well. I have chaired a couple of committees where that has been done.

This is the time to do it. This is the time to put into place the authorizing language necessary to do the demonstration programs on US–VISIT, which we absolutely need, to address the issue of how you deal with criminal aliens who have committed a felony, a rape, or are child abusers—that language is in here—and to address the issue of how you deal with sanctuary cities, and especially give State and local law enforcement individuals the authority to be an adjunct to the law enforcement effort being put forward by border control and Customs in the area of making sure our borders are secure.

When someone comes through the northern border, for example—we don't have a lot of security on the northern border in the sense that we have it on the southern border because it is mostly forest or terrain that is not open. People can cross that border fairly quickly and easily and always have been able to. We don't have the same problem on the southern border. We have waves of people coming in there. Most of the first individuals coming in at the northern border will usually meet people of a law enforcement nature, but not our Customs and Border Patrol agents. It is probably going to be somebody south of there, in Epping, NH, or in New Ipswich, who says I want to know if you are here legally, and they have to have some authority to be able to raise that issue. They have to have probable cause. They have to have the authority to step forward when they have probable cause. This bill gives that authority.

This is a good and appropriate piece of legislation for us to take up at this time. I recognize it puts the bill in further jeopardy because it is emergency funding and it adds $3 billion to the bill. But this is a national security issue and it needs to be done. I also recognize the Senator from West Virginia pointed out that this bill has received a letter from the administration saying they may or may not—but implying they would—veto it because it is over their allocation.

Like the Senator from West Virginia, that concerns me a great deal because I, again, must state that I don't see a whole lot of difference between fighting the war in Iraq and fighting the war on the border to protect ourselves from people coming into this country who may do us harm. Those are two issues which merge in this entire question of how we fight the war on terror. I can separate this bill from the other appropriations bills that may be over the administration's request—maybe in agriculture, or in foreign operations, or in education and labor, or maybe in transportation, which is the actual day-to-day operations of the Government. But when it comes to fighting the war on terror and protecting national security, I believe we have to do everything necessary to accomplish that, and that means, in this instance, fully funding the necessary people to go on the border and the capital resources necessary to support those people on the border.

AMENDMENT NO. 2415 TO AMENDMENT NO. 2412

Mr. GREGG. Mr. President, at this time, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2415 to amendment No. 2412.

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

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

The amendment is as follows:

At the end of the amendment, add the following:

This division shall become effective one day after the date of enactment.

Mr. GREGG. This amendment simply changes the date, Mr. President. It is a technical amendment. I appreciate the courtesy of the Senator from Maryland in allowing me to proceed and, obviously, the Senators from West Virginia and Mississippi.

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, I yield to the chairman of the committee, the Senator from West Virginia, who I understand would like some time to respond to the amendment offered.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Maryland, the able Senator, for yielding.

I rise to discuss the Graham amendment. In total, in fiscal year 2008, the bill includes $11,377,816,000 for border security programs within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement. This is $1,288,302,000, or 12.7 percent, above fiscal year 2007, and $338,846,000 above the President's request. That is 3 percent over the President's request.

With these funds, by the end of fiscal year 2008, there will be a total of 17,819 Border Patrol agents, 31,500 detention beds, and more than 12,700 immigration enforcement and detention personnel. Additionally, the combined funding in fiscal years 2006, 2007, and 2008 for border security fencing, infrastructure, and technology is more than $2.5 billion.

Including the funding provided in this bill, since 2004, on a bipartisan basis under the leadership of Senators BYRD, CRAIG, and GREGG, Congress will have increased the number of Border Patrol agents by 7,000, the number of immigration enforcement personnel by 2,546, and the number of detention beds by 13,150.

The President has threatened to veto this bill because of what he considers to be ''excessive'' spending. However, it is not ''excessive'' when we provide funds to secure our borders. I support continued bipartisan efforts to provide funding for real border security. We do not yet have the amendment, but I look forward to reviewing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, I thank Senator BYRD and Senator COCHRAN and the members of the Appropriations Committee for the fine work they have done on this 2008 Department of Homeland Security appropriations bill.

As has been pointed out, this will provide $2.2 billion more than the President's request for homeland security. I note that it received the unanimous support of all members of the committee, and for good reason: It is an important investment in the security of our Nation. It provides the needed resources so we can deal with the security concerns in our own country, whether they be at our airports, seaports, rail stations, or in our home communities. That is what we should be doing. It should be our highest priority. I congratulate the committee for the manner in which it considered this legislation and has brought it forward. I urge us to move it forward as rapidly as possible.

Two weeks ago, Michael Chertoff, the Secretary of the Department of Homeland Security, said he had a gut feeling our Nation is at an increased risk of a terrorist attack this summer. While I hope his warnings would be based on more than a feeling, the National Intelligence Estimate released last week

supports Secretary Chertoff's instincts. Based upon the facts before it, the National Intelligence Council judged that ''the U.S. homeland will face a persistent and evolving terrorist threat.'' Al-Qaida has ''protected and regenerated key elements of its Homeland attack capability'' and is now as strong as it was in 2001. The NIE states that ''the United States currently is in a heightened threat environment.''

Based upon that, it is disheartening that while the intelligence community is discovering evidence of an increased threat to this country, President Bush has recommended cutting funding to grant programs that secure our ports, airports, and bolster local law enforcement and fire departments around Maryland and our Nation.

The increased funding in this bill for our port and aviation security and first responders will have a profound impact on my State of Maryland.

Let me start with the Port of Baltimore. It is one of our country's most important ports and a significant economic engine for our entire region, providing more than 33,000 jobs in Maryland and generating $1.5 billion in revenue every year. It is the Nation's eighth largest port, handling about 2,000 ships and 31 million tons of cargo each year.

With the size of the Port of Baltimore, proximity to Washington, workload, and productivity come increased risks. That is why I was a strong proponent of the Security and Accountability for Every Port Act of 2006, the SAFE Port Act of 2006. This bill authorized more funding for programs that are critically important to the security of our ports, including risk-based port and cargo security grant programs, the development of a long-range ship-tracking system, the development of a biometric transportation security card for port workers, and development of a system to identify high-risk containers.

These were all programs that, after hearings in the Congress, we felt were critically important to secure our seaports.

You can imagine my dismay and the distress of the public safety officials and emergency planners in Maryland when President Bush, who signed the SAFE Port Act, did not propose to fund many of the new activities that legislation authorized. I am grateful to the Appropriations Committee for recognizing the risk to the Port of Baltimore and other ports around the country. It provided the funds so we can move forward with those initiatives.

The bill will provide $15 million above President Bush's request to hire additional port security inspectors, conduct vulnerability assessments at 10 high-risk ports, and develop a long-range vessel-tracking system so we can monitor ships as they travel around the world.

Most importantly, this bill provides $400 million in port security grants, $190 million above the President's request as authorized—as authorized—by the SAFE Port Act of 2006, which the President signed. These grants will provide Maryland with critical support to improve perimeter fencing, underwater detection capability, and enhanced video surveillance systems.

I am pleased the committee recognizes the importance of the Coast Guard's presence at Curtis Bay, MD, and notes it is a ''critical component of the Coast Guard's core logistics capability'' and ''directly supports fleet readiness.''

The committee further recognizes the vital role the yard has played in ''the Coast Guard's readiness and infrastructure for more than 100 years'' and recommends ''that sufficient industrial work should be assigned to the Yard to maintain this capability.'' I agree, and I intend to do my best to make sure the committee's recommendations are, in fact, followed.

The bill provides $15 million above President Bush's request to address a shortage of Coast Guard boats and qualified personnel to allow the Coast Guard to enforce security zones and protect critical infrastructure.

The bill provides $60 million above the President's request for the establishment of Coast Guard interagency maritime operational centers authorized, again, by the SAFE Port Act of 2006, which will improve collection and coordination of intelligence, increase information sharing, and unify efforts among Federal, State, and local agencies.

The bill gives equal attention to transportation security, providing $3.7 billion for transportation security improvements, $764 million more than the President's request. This funding includes $400 million for rail and mass transit security grants, $529 million for explosive detection systems, and $41 million for surface transportation security. The bill provides the needed funds for passenger and luggage screening.

These grants will provide much-needed funding to protect airports in Maryland and across the Nation. In the past, I have worked with the Transportation Security Administration, TSA, to bring the latest high-tech devices to Baltimore, including state-of-the-art equipment to scan baggage and passengers for explosives. I am proud the BWI Thurgood Marshall Airport was the first airport in the Nation to have a fully federalized screening workforce after the 9/11 terrorist attacks.

Despite continued threats to aviation security, President Bush sought to cut funds to purchase and install explosive detection equipment at airports by 17 percent. Once again, I thank the committee for not following the President's recommendation in that area.

This bill provides $66 million for TSA air cargo security, $10 million above the President's request. When combined with the $80 million included in the fiscal year 2007 emergency supplemental appropriations bill, these funds will put TSA on a path to screen all cargo placed on passenger aircraft, and that is what we should be doing.

The bill provides nearly $530 million, almost $90 million above the President's request, to purchase and install explosive detection equipment at airports around the country. We need to do that. We need to have the latest equipment for explosives at our airports.

I am disappointed the committee was forced to shift $45 million from container security to secure pathways, such as airfreight. We should not be in a position where we have to make those kinds of choices.

We must do more to ensure the safety of the Nation's chemical facilities. Enhanced security requires strong regulatory standards and policies attuned to the risks faced by the communities surrounding such facilities. In December 2006, the Bush administration proposed regulations to preempt State and local governments from adopting stronger chemical security protections than those proposed by the Federal Government. While the Federal Government must ensure chemical facilities meet minimal safety standards, States must retain the ability to set stricter standards to address the unique needs of their local communities. This bill ensures the essential ability of States to pass and enforce tougher chemical site standards than existing Federal standards, and it provides an additional $15 million to help States meet those standards.

Again, I applaud the committee for providing that help. It is very important to the area I represent in Maryland, where we have so many chemical plants.

Despite tragically ample proof in the wake of Hurricane Katrina that State and local governments were unprepared for a major natural disaster or terrorist attack, the President's budget proposes a $1.2 billion cut in vital homeland security grant programs that provide critical support to local law enforcement and firefighting departments.

I know we all talk about how important these agencies are, our local firefighters, our local first responders. The President's budget cuts those funds. I am pleased the Appropriations Committee did not follow the recommendation of President Bush but instead increased funding by $1.8 billion over the President's request for our States and cities to improve their ability to respond to attacks and natural disasters.

These allocations include $560 million for firefighter equipment grants, $525 million for State homeland security grants, $275,000 more than President Bush's request, and $375 million for law enforcement and terrorist prevention grants.

The committee also provided FEMA with $100 million to rebuild its core competencies and improve management. I hope the Agency will make wise use of these additional funds.

Emergency preparedness officials in Maryland are especially happy to see

increased allocations in FEMA's budget for predisaster mitigation. Increased preparedness funding will lead to long-term savings by decreasing subsequent damage claims. Most importantly, increased preparedness ensures we are ready to keep our people out of harm's way.

I am pleased the bill contains critical resources to develop and implement improved detection and communications technology, improve communications, and improve and streamline intelligence-gathering agencies. Better technology and intelligence are a critical part of us being prepared against threats. We need to do better on intelligence gathering, and this bill provides help in doing that.

Congress can provide resources, but we cannot legislate appropriate action by DHS officials. All of us remember with outrage how DHS officials placed the Washington, DC, and the New York City metropolitan areas in a low-risk category for terrorist attacks or catastrophe. That decision was ridiculous. That decision, if it had been allowed to stand, would have cost those regions millions of dollars of antiterrorist funds and would have had a devastating impact on their ability to respond to attacks. Last year, many of DHS's grants were not released until December 29, 2006, the day before the end of the fiscal year. When the money Congress appropriates sits around in Washington for more than 11 months, Americans certainly are not any safer. The delay in releasing funds undermines the budget and plans of emergency response agencies in all our communities. The appropriations bill will penalize DHS for releasing grants late—a reduction of $1,000 per day when mandated timelines are not met. Local officials are hamstrung waiting for guidance and grant moneys from DHS. Once again, I thank the Appropriations Committee for putting that provision in the bill.

This bill takes other unusual measures, such as requiring the Department to submit expenditure plans for key programs to the committee for review before funds will be released. We saw the devastating results of incompetent management in the disastrous days before, during, and after Hurricane Katrina hit the gulf coast in 2005.

At the beginning of this month, the Washington Post reported the Bush administration had failed to fill roughly one-quarter of the top leadership posts at DHS, ''creating a 'gaping hole' in the nation's preparedness for a terrorist attack or other threat.'' These are serious problems the administration needs to address immediately.

Earlier this year, the Senate passed S. 2, a bill implementing many of the remaining 9/11 recommendations. Ever since I served on the House Select Committee on Homeland Security, I have strongly supported the 9/11 recommendations that we distribute homeland security money based on risk and ''be mindful of threats'' increased security measures will pose ''to vital personal and civil liberties.'' In other words, put our money where it is needed based on risk assessment, but be mindful of civil liberties.

S. 2 increases the amount of grant money distributed based on risk, and it strengthens protections for all our most cherished liberties. I hope the Senate will get a chance to pass the conference report to this bill before the August recess. I look forward to sending it to President Bush for his signature. It nicely complements the appropriations bill we are poised to pass in the next day or two.

Nearly 6 years ago, on a sunny September morning, Americans received a terrible wakeup call, telling us we can be attacked here and we need to do more to protect ourselves. Congress took that responsibility to heart, passing legislation empowering the President to protect our Nation.

I am proud to offer my support for this critical bill. Given the current state of our national security and the most recent NIE report, it is imperative we pass this bill immediately. There is no time for delay.

Once again, I thank the leadership of the Appropriations Committee for bringing this bill forward. It deserves our support. I hope we will have a chance to vote on it within the next day or two so this bill can become enacted in a timely way to meet the needs of our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent to be recognized for up to 10 minutes and then immediately thereafter for my colleague on this issue, Senator NELSON, to be recognized for up to 10 minutes.

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

AMENDMENT NO. 2400

Mr. VITTER. Mr. President, I call up the Vitter amendment No. 2400, which is at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending matter?

Mrs. MURRAY. Mr. President, at this time, I object to setting aside the amendment. Certainly, the Senator can speak on the amendment, but we are working through the process on the first amendment and are unable to, at this point, set it aside. Certainly, he is welcome to speak.

The PRESIDING OFFICER. Objection is heard. The Senator from Louisiana is recognized to speak on his amendment.

Mr. VITTER. Mr. President, that is disappointing because we have been in communication with all the floor leaders of this bill to actually call up the amendment, but I will certainly proceed to speak on it. It is amendment No. 2400, which is at the desk, which would amend the Homeland Security Appropriations Act to allow the reasonable reimportation of prescription drugs from Canada only.

I am joined in this very important amendment by Senator NELSON of Florida and Senator STABENOW of Michigan, and I thank my colleagues, and many other colleagues, who are supportive of this idea. This will be a continuation of a very important, very productive policy we began last year. Last year, I again joined with Senator NELSON of Florida, Senator STABENOW, and many others in coming forward with this specific amendment on last year's Homeland Security appropriations bill.

We had a full and healthy debate on the topic. After that full and healthy debate, it passed the Senate floor 68 to 32. After it was retained in the conference committee and passed through the House and the Senate in the final version of the appropriations bill, this amendment and the policy was signed into law. Because of that, we effectively ended the practice by Customs and Border Patrol of seizing from Americans what are otherwise lawful, safe, prescription drugs that happen to be purchased from Canada—drugs which are identical to those that can be purchased in the United States.

Again, Mr. President, I want to make clear to all my colleagues that this amendment merely continues the important work we began last year, which received a very resoundingly positive vote of the full Senate—68 to 32. Why do we need to continue that? Well, everybody knows—everybody who buys prescription drugs, everyone who has an elderly parent, grandparent, or aunt whom they are helping in terms of those very real needs and costs—we are burdened with sky-high prescription drug costs in this country, while virtually the rest of the world pays far greater reduced prices for exactly the same prescription drugs. That is the system we are trying to break up and break through. That is what we are trying to end in order to allow Americans to have access to safe and cheaper prescription drugs from Canada, and elsewhere.

It is very important that we take this step forward to continue the policy we started last year, to continue it for this fiscal year, in order to allow Americans this opportunity. Again, I want to underscore several things, at the risk of repeating myself.

No. 1, this is a continuation of what we did last year by a vote of 68 to 32. No. 2, this applies to individuals only, and individual amounts of prescription drugs for individual use. We are not talking about wholesalers, we are not talking about businesses getting into the business of buying from Canada. And, No. 3, this does apply to Canada only. We are not talking about any other country.

Now, let me say straight off that I support much broader and stronger reimportation legislation. I have supported that position consistently since I came to the Senate and before that while I was in the House, and I am very hopeful that I will be successful, working with others on this issue, in passing

that broader reimportation language this year. But in the meantime, this is a very important step forward that we must preserve into the next fiscal year.

Mr. President, I yield the floor and invite Senator NELSON to share his remarks.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I want to discuss this bipartisan amendment, which we overwhelmingly passed last year as an amendment to the Homeland Security appropriations bill. It basically gets at one little thing that we can do to protect against the rising cost of prescription drugs.

At the end of the day, what we are going to have to be able to do, on a big program such as Medicare and the Medicare prescription drug benefit, we are going to have to give that negotiating power to the Federal Government, through Medicare, to negotiate, through bulk purchases, the price of the drugs in order to bring them down. Until we can get that—and we tried earlier this year and we were not successful in getting 60 votes to cut off debate. So until we can get that, we have to go at whatever avenue we can.

One way is to allow citizens to order, through Canadian pharmacies, the very same drugs they get from American pharmacies. And it is not only the same drug, it is manufactured in the same place—indeed, with the same packaging. They can order from Canadian pharmacies where they get that drug, in many cases, at half the retail price they are paying in pharmacies in the United States. I am talking about not only going across the border and bringing it back, but I am talking about also being able to order by mail, by telephone, and by the Internet without having U.S. Customs intercept and confiscate these packages.

We went through this whole discussion a year ago, and we pointed out the history of this program. We pointed out how Customs had gotten into it and were confiscating these packages. Yet the Acting FDA—Food and Drug Administration—Commissioner said it wasn't a safety factor if the drugs were coming from Canada. I want to underscore Canada. I didn't say another country. I said Canada—if the drugs were for the personal use of the person ordering the prescriptions, and if they were for a limited supply. And they defined that limited supply as 90 days or less—3 months. And, of course, that is what a lot of our constituents have been doing for years, and getting their prescriptions at less than half the cost.

So we passed that amendment last year overwhelmingly. What happened was, the pharmaceutical lobby got hold of it when it got into the conference committee with the House and it got watered down so you could do it as long as you traveled into Canada and brought the drugs back. Well, for somebody who lives in Detroit, maybe that helps them, or somebody who lives on the northern end of any of the northern States that have a border with Canada, maybe that helps them, but it doesn't help our constituents who live elsewhere in the country, particularly in a State such as mine, Florida, where they are trying to make financial ends meet.

I recall for the Senate the fact that there are senior citizens in America today who cannot afford the cost of their prescriptions and the cost of their food as well. They go in and they cut their prescription tablets in half, which, of course, does not solve their problem. So what we are trying to do is, in one little way here, to get at the cost of these drugs to be able to bring them down.

What we want to do is pass this amendment. If we can get it up for a vote, it will pass the Senate. What Senator is going to say to a senior citizen: You cannot order prescription drugs from Canada at half the price. Every Senator is going to vote for it, and then we will have to protect it again when it gets down in the conference committee with the House to see that it doesn't get watered down. And we will have to protect against the putting in of such limitations as they have in the past, saying: Oh, well, the White House will approve this amendment if they make it subject to the Secretary of HHS determining that it is safe.

Well, of course, they never make that determination, so, in effect, it doesn't ever happen. In point of fact, if you ask these officials privately, they will admit that it is safe because it is the same drug, made by the same manufacturer, even with the same packaging.

So Senator VITTER and I will be offering this amendment later, at a time that we are allowed under the parliamentary procedure to offer it, just as we offered it last year, and I would then encourage the Senate to pass it overwhelmingly, just as we did last year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 3 minutes as in morning business.

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

CONGRESSIONAL DELEGATION TO GREENLAND

Mr. GRASSLEY. Mr. President, I understand we are going to have a group of Senators visiting Greenland this weekend to see the effects of global warming on glaciers. I am sure they will visit areas where you can see icebergs breaking off glaciers, presumably more frequently than normal, due to global warming, although this phenomena has always occurred to some extent.

Perhaps these Senators will also visit with local residents, such as farmers who have been able to graze their sheep longer during this warmer weather that now seems to be there.

However, I wonder if, for a little historical perspective, the group will be visiting the Viking ruins on the southern tip of Greenland. As someone interested in history, I think such a visit would be very fascinating. I have always believed that we can learn a lot from history, so I am sure some value could be found in such an excursion to the Viking ruins at the southern tip of Greenland.

As many of my colleagues may be aware, archeologists have dug through the permafrost to excavate the remains of Viking farms, part of two major settlements that at one time may have had up to 5,000 inhabitants, and those settlements, presumably, lasted for over 400 years.

As we all know, Greenland was first settled by Erik the Red, who encouraged fellow Norsemen to join him in colonizing the empty land that we call Greenland today. These men grew grain and grazed sheep and cows in pastures. They prospered, at least at first, building structures like a great hall and a cathedral, as well as homes and barns. The remains of about 400 stone structures still exist on Greenland.

For reasons I am not sure are fully understood, sometime around the end of the 15th century, the Viking settlement in Greenland disappeared. No one knows precisely why the Vikings disappeared from Greenland, but it appears from the archeological evidence that life got somewhat harder and the climate became cooler and the land more difficult to farm, until Greenland could no longer sustain the Viking settlements.

I had an opportunity to be reminded of this as I saw on the Discovery Channel this week where they were talking about a small ice age overcoming the Northern Hemisphere during the late 1400s, 1500s, and 1600s. Maybe that had something to do with the Viking settlements disappearing from Greenland. But 500 years later, we are able to catch a glimpse of what their life must have been like by digging through a farm buried in that permafrost on Greenland. Only a little more time has passed since the Viking settlements disappeared until today, than from the time they were established there in Greenland until they were abandoned.

Contemplating the passage of time over centuries humbles us by putting our own short lifespan in historical perspective. It makes us realize that God is ultimately in control and the activities of human beings today are one tiny part of that divine plan. I think, from time to time, we need to reflect that way, which is why I hope my colleagues visiting Greenland this weekend have an opportunity to take time out of their schedule to visit the Viking ruins.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, I would like to share some thoughts on the Graham-Gregg-McConnell amendment that has been offered this morning and to support it. It is the Border Security First Act. It includes actual funding which would be emergency funding. I think this is justified.

I know my colleague, Senator GREGG, is a former chairman of the Budget Committee. He is very astute and alert that we do not abuse emergency funding, and he believes this is a justified emergency—and I do too. In other words, how much longer can we continue to have lawlessness at our borders? This bill would go a long way in fixing that. Certainly, every aspect of the bill, I believe, is a positive step in returning us to a lawful system of immigration in America.

One reason actually funding this project, these efforts, through this bill and through emergency spending is so important is because we have a history of promising things and not doing them. Not this year but last year the bill came forward in the Judiciary Committee to comprehensively reform immigration. I realized we had a shortage of border enforcement officers, Border Patrol, and I offered an amendment to do that as part of that authorization bill, that immigration reform bill. It was readily accepted.

I offered an amendment that added bed spaces, and it was readily accepted, because I knew we needed more if we were going to be effective.

I offered more funding to train State and local law enforcement. It was accepted.

I offered amendments on fencing which were accepted as well—at least some of them. More on the floor were accepted.

Then I had an insight that hit me. That insight was that when we pass an authorization, what occurs is we authorize certain legal changes. Those legal changes take place at once. For example, the guaranteed path to citizenship in that immigration bill—it passed, it became law, it was guaranteed, it would happen no matter what. But I realized it was real easy for my colleagues to agree to things that involved enforcement that required money, real dollars, to carry out because I realized they may have no intention of seeing that effort be funded. Or, if they did have an intention to see it funded, there are so many steps, hurdles, and loopholes to go through before it is ever funded it may never get funding because it would have to go through the appropriators and they would have to appropriate the money.

To authorize money for a fence is not to build a fence. That is the point. You have to appropriate some money to build a fence. That was the gimmick, I believed all along, and that led to a suggestion I made about having a trigger. Senator ISAKSON went into that in some depth and offered the amendment to have a trigger. The trigger said: Before any of these other law changes about amnesty or legalization of those here illegally could occur, some other things had to happen first. If you didn't spend the money on the others, this would never happen. There was a trigger. That was a good idea, it was. It dealt with the problem we were dealing with.

There is cynicism that is out there because of what happened in 1986. Let's be honest about it, what happened in 1986 was amnesty occurred. They didn't deny it was amnesty. They were giving people legal residence and path to citizenship in 1986. But they promised to do the things necessary to create a lawful system in the future and that it would not happen again. Three million people in 1986 were provided amnesty. But as we all know, the promises were never fulfilled. We did not create a lawful system of immigration. We did not do the things necessary to enforce our laws at the border. As a result of that, we now have 12 million people illegally in our country. Right? That is what happened. There is no mystery about this. This is actually fact.

We had this bill that came up, the so-called comprehensive reform bill. I absolutely believe it did not get us there. That is why I opposed it. I made up my mind I was not going to participate in a legislative process that would tell our people of America, and my constituents, we were going to create a lawful system in the future, if we were not going to do it. That is why a number of people suggested we should have a border security first bill. That is what the House of Representatives said last year. They said they were not even going to consider our bill because they believed we ought to prove to the American people we could create a lawful system of immigration first.

In this amendment, Senator GREGG and Senator GRAHAM and Senator KYL and MCCONNELL—many of those who had supported the comprehensive reform—are saying let's get some credibility with the American people. I thank them for that. I believe this is a step in the right direction.

Senator GRAHAM and Senator GREGG—we discussed it recently with members of the press and they made the point: The American people want to see we are serious about what we promise first. That is why they support that.

For example, this legislation would fund 23,000 border agents. The bill that is on the floor today, the basic Homeland Security bill, would fund a little less than 18,000 agents. We need more agents. We have to get to that tipping point. We don't need a whole unlimited number of agents. In my opinion, somebody who has been involved in law enforcement most of my career, I believe we can get to a point where the word is out worldwide that our borders are not wide open, and if you come to the United States, you are likely going to be caught, unless you come legally. If we do, we could see a substantial reduction in the number of people attempting to come here illegally. But we have to get other agents out there to get to that point—so 23,000 would help a lot. It is more than this bill has in it.

Another thing you have to have is detention beds. In other words, if you arrest someone for illegally entering our country, if you are in a position where they are released on a promise to come back for some proceeding because you do not have a prison bed, a detention bed in which to put them, they do not show up. We have examples of the catch-and-release policy, where 95 percent of the people released on bail on a promise to come back for their hearing didn't show up—surprise, surprise. They were willing to come to the country illegally. Who thinks they are going to show up legally to be deported? How silly is that? It was an indication to me and the American people that this Government was not serious about immigration. We were not serious. Any government that allows such a silly, worthless, no-good policy as that is not serious about it.

So this bill would add detention beds. The underlying bill is at 31,000. This would take us to 45,000. Hopefully, that will take us to that tipping point, so then we can say to a person who has been apprehended: We are not going to release you, we are going to hold you until you are deported. Sometimes it is difficult, if they are from foreign countries, distant countries, not our border countries, to get them back to their countries. It takes some time to get a plane or a boat to ship them out.

Another thing that is a part of this—certainly, if we are serious about immigration, one of the things we want to do is welcome legitimate help from our State and local law enforcement agencies. There are only a few thousand Federal immigration agents inside the United States—not at the border, I mean inside the United States. There are 600,000-plus State and local law enforcement agents. They basically have been blocked from being able to participate in any way.

There is, however, a program called a 287(g) provision that gives training to State and local officers so they don't mess up, and they treat everybody exactly properly and help in an effective way to partner with Federal officers to enforce immigration laws.

If you don't want immigration laws enforced, you don't want the 600,000 State and local law officers participating. See? If you don't want the law enforced, you don't want these people to participate in any way because right now we only have several thousand

Federal agents—not on the border, inside the whole United States of America. The only people we can rely on would be voluntary State and local support.

What we learned in Alabama, my home State, we trained 60 State troopers in this program. It took far too long, in my view. The State had to pay their salaries. It cost the State of Alabama $120,000 to be a partner with the Federal Government to enforce laws that they have authority to enforce—but to enforce laws of the Federal Government on an issue, immigration, that should be primarily a Federal responsibility.

This bill, the amendment that was offered, this border security first amendment, would provide some grant programs to enable more States to participate in this program.

It also funds—actually puts the money out to fund the fence. We have had a half dozen votes on the fence, and it has still not been built. They are building some now, they say. They are doing some. But it is still not on track to be completed, and it is not funded according to what we voted. We voted to build 700 miles of fencing. The underlying legislation, this appropriations bill, only funds 370 miles. That is not what we voted to do.

You see what I am saying? It is one thing to authorize and vote to do something. We all go back home and we are so proud: I voted to build a fence. But nobody ever comes around to provide the money to actually do it. So this bill would fund that.

On the question of our local facilities to apprehend people for serious crimes, people who are in the country illegally, who are subject to being deported as soon as they are released from jail occurs—under current law, that is not working well at all.

This bill would allow local facilities, detention facilities, to detain them for up to 14 days, to give the Federal Government the right to do that, to get them deported, as they should be, if they committed felonies in the United States.

Last September, 80 Senators voted to build 700 miles of fencing along our border. Ninety-four Senators voted for the amendment I offered for $1.8 billion to be appropriated. It eventually got reduced in conference to $1.2 billion to build the fence we said we were going to build. This bill, the underlying bill, calls for an additional $1 billion toward construction of the fencing. But that is not enough. The Gregg-Graham-Kyl amendment would provide the money sufficient to do that and get us on the right track.

I will mention briefly a couple of other things in the legislation that I strongly favor. Senator GRAHAM has advocated previously that we need to have penalties for people who come back into the country illegally. I mean, how silly is it to have persons enter the country illegally, you apprehend them, you do not prosecute them, you do not put them in jail—you could, because it is a crime—and you deport them, and here they are the next week, or even the next day coming back into the country. You have got to, at some point, if you are serious about law, have a penalty extracted.

So this bill would require penalties for people who reenter a second time, at least, in our country illegally. Certainly that is a good step, but it is not happening today. There is a deal going on among certain judges, and it has gotten to be a real problem for our immigration enforcement system. That is, local State judges, if they have an individual who is about to be deported, often will cut the sentence and not make it the required sentence, and that would obviate their deportation from the country for being convicted of a felony. This would keep judges from going back and manipulating the criminal justice system to try to prevent a result that should naturally occur in the future.

It has institutional removal program funding. This is important as a practical matter. It does not work to wait until a person has completed their jail time for a serious criminal offense, and then have the Federal Government start up a proposal to deport them. They run away; they do not show up to be deported. It is so obvious that that is happening. So we have a program, the institutional removal program, that does allow the Federal Government to take those people before they are released from jail and do the paperwork and commence the hearing so at the time of their departure, they are released into State prison for the serious offense they have committed, they would directly be deported. That only makes sense. We are doing some of that now, and this bill would provide extra money for that.

In every aspect of the legislation, it is a step in the right direction. It does not get us there if the executive branch or if the Government does not want to enforce these laws. It does not get us there if the House or conferees fail to put this money in the bill. There are still a lot of loopholes. We should not pat ourselves on the back. But these are all critical steps toward creating a lawful immigration system. If we can do that and regain some confidence among the American people, we will be able to talk about many more of the issues in favor of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 2392, the Isakson-Chambliss amendment, be called forward.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I regretfully inform the Senator at this point we are not setting aside amendments until we have disposed of or determined how we are going to dispose of some of the other amendments that are in front of us. I would be happy to let the Senator speak on the amendment at this time. We are going to object until we have a way to proceed forward with the amendments that have been offered.

The PRESIDING OFFICER. Objection is heard.

Mr. ISAKSON. Mr. President, I thank the Senator from Washington. I ask unanimous consent—I am going to speak briefly—Senator CHAMBLISS be allowed to speak immediately after me.

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

AMENDMENT NO. 2392

Mr. ISAKSON. Mr. President, I associate myself with the remarks that I have been able to hear this morning by Senator GREGG, Senator SESSIONS, Senator GRAHAM, and others. I rise to bring forward—I cannot bring it forward because they will not let me call it up, but at least talk about amendment 2392 offered by myself and Senator CHAMBLISS from Georgia. To that end, I ask unanimous consent to have printed in the RECORD our joint letters—Senator CHAMBLISS and my joint letters—of June 12 and July 12.

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

(See Exhibit 1.)

Mr. ISAKSON. Mr. President, the reason I entered these two letters is they reflect precisely what the amendment does. The amendment offered is a sense-of-the-Senate amendment. It is the sense of the Senate that expresses the following: This is a team sport. It takes the executive and the legislative branch to get our Nation secured, our homeland security, and in this case, our borders secured. The letters I submitted by Senator CHAMBLISS and myself are letters to the President of the United States—one submitted during the debate on immigration, one submitted 2 weeks following the debate on immigration—asking the President of the United States to send an emergency supplemental to the floor of the House and Senate to fund all of the border security measures we have passed, such as the fence bill, which we authorized last year, and the five key provisions of the immigration bill that were lost that deal with border security. That is Border Patrol agents; the unmanned aerial vehicles and ground positioning radar; it is detention facilities; and, most importantly, most importantly, it is the biometrical secure ID which gives you the redundancy to see to it that we finally stop the forged document business, close the border, remove the attractive nuisance to come to America, and motivate people to go back and come in the right way and the legal way.

Some may say, well, an emergency supplemental is not the way to go. I would submit it is the only way to go. If anybody doesn't think this is an

emergency, I don't know about your phone system, but mine broke down with the volume of calls we had last month. The Senate broke down with the volume of calls and the weight and the complexity of this issue. But, most importantly of all, we broke down because the people of the United States do not have the confidence in this Congress or the President that they will secure the border.

There is no question that this country needs an immigration policy system that works for high skilled, moderately skilled and lower skilled. There is no question that we need to review our entire immigration system. There is no question it needs fixing. But there is equally no question that is never going to take place until the American people feel we have secured the homeland and, in particular, have secured the border to the South with Mexico.

We know what it takes to do it. It is delineated in the bill that was on the floor of the Senate a month ago. We know what it takes to do it. We know how to do it. In fact, in the last year, we developed an entire new system of building fences that has allowed us to accelerate barrier construction along the border. It is being done right now at San Luis, between San Luis and Yuma, AZ. I have been there and seen it. It speeds up the system, and it is foolproof. It gets the redundancy we need in our security system to make it work.

I am not asking the Senate to do anything I have not asked the President of the United States to do. I think every day we wait is a serious mistake. We know it will take a minimum of 24 months to do the biometric ID, train the number of Border Patrol officers we need to add, build the 30,000 detention cells, put the unmanned aerial vehicles in the sky, and get the ground positioning radar and ground sensor systems in. We know it is going to take 24 months. But it is going to take 24 months from when we finally have the political courage and will to fund the money. The only way to ensure that is for us to join hands with the President, pass a singular bill without any other subject on it, that appropriates the emergency funds necessary to accomplish those things.

It is not complicated, and I do not think it should be controversial. It is my hope when the majority reads this amendment and decides on whatever their posturing would be on this bill, that they understand this is a clear, concise message that a unanimous Senate should send to the President of the United States to see to it that we start that 24-month clock by funding the money and appropriating it and getting the job done. This issue is too critical; it is too important. It is job one and we must do it now.

EXHIBIT 1

U.S. SENATE,
Washington, DC, June 12, 2007.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Although the Senate's effort to reform our nation's immigration laws through the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 is stalled, illegal immigration remains our nation's number one domestic issue. We therefore believe it is incumbent upon us and our colleagues to tackle this issue and not leave this problem for future generations to solve.

As we travel around Georgia and continue to hear from our constituents, the message from a majority of Georgians is that they have no trust that the United States Government will enforce the laws contained in this new legislation and secure the border first. This lack of trust is rooted in the mistakes made in 1986 and the continued chaos surrounding our immigration laws. Understandably, the lack of credibility the federal government has on this issue gives merit to the skepticism of many about future immigration reform.

We believe the way to build greater support for immigration reform in the United States Senate and among the American public is to regain the trust in the ability of the federal government to responsibly administer immigration programs and enforce immigration laws. There is bipartisan agreement that we need to secure our borders first, and we believe this approach will serve as a platform towards addressing the other issues surrounding immigration reform.

To that end, we believe that you and your administration could alleviate many of the fears of our constituents by calling for an emergency supplemental bill to fully fund the border and interior security initiatives contained in legislation currently pending in the Senate, as well as any outstanding existing authorizations. Such a move would show your commitment to securing the border first and to stopping the flow of illegal immigrants and drugs into our nation. It will also work towards restoring the credibility of the federal government on this critical issue.

We urge you to carefully consider this request, and thank you for the opportunity to express the views of the people of Georgia on this matter.

Sincerely,

SAXBY CHAMBLISS,
Senator.
JOHNNY ISAKSON,
Senator.

U.S. SENATE,
Washington, DC, July 12, 2007.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On June 12, 2007, we wrote to you regarding our commitment to securing our nation's borders and suggesting a way forward on comprehensive immigration reform. Now that the Senate has again rejected the comprehensive approach embodied in the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, we want to underscore our belief that illegal immigration remains our nation's top domestic issue. Although the Senate has turned its attention to other legislative priorities, the American public, who daily encounters the effects of our current failed immigration system, has not forgotten the duty we have, as their federal representatives, to address the issue of illegal immigration.

Many Americans from across the nation have become engaged in this issue, and shared with us their wide ranging and passionate opinions on how we can reform our immigration system. While there is no consensus on the best approach to comprehensive immigration reform, there is near unanimity in the belief that we should secure our borders first. We sincerely believe the greatest obstacle we face with the American people on the issue of immigration reform is trust. The government's past failures to uphold and enforce our immigration laws have eroded respect for those laws and eliminated the faith of the American people in the ability of the government to responsibly administer immigration programs.

We believe there is a clear way to regain the trust of the American public in the competency of the federal government to enforce our immigration laws and manage our immigration system: We should prove our abilities with actions rather than make promises. To that end, we believe that you and your administration could alleviate many of the fears of our constituents by calling for an emergency supplemental bill to fully fund the border and interior security initiatives contained in the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, as well as any outstanding existing authorizations. Such a move would show your commitment to securing the border first, stopping the flow of illegal immigrants and drugs into our nation, and creating a tamper-proof biometric identification card for foreign workers. It will also work towards restoring the credibility of the federal government on this critical issue.

We urge you to carefully consider this request, and thank you for the opportunity to express the views of the people of Georgia on this matter.

Sincerely,

SAXBY CHAMBLISS,
Senator.
JOHNNY ISAKSON,
Senator.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 2392

Mr. CHAMBLISS. Mr. President, first, I associate myself with the remarks of my good friend and my colleague from Georgia relative to this particular amendment. He is dead on target. We have been there for 2 years now encouraging this border security issue, that it be brought forward to the forefront on this issue of immigration. We are going to continue to pound at this until it is, in fact, realized by Congress and the administration and something is done.

I also associate myself with the remarks of my good friend from Alabama, Senator SESSIONS, along with Senator GREGG and Senator GRAHAM. This problem relative to illegal immigration was debated here thoroughly in the halls of the Senate a year ago as well as last month. Unfortunately, we have not come to any conclusion as to any part of this issue. The problem has not gone away. So I rise today to discuss amendment No. 2392, which is an amendment Senator ISAKSON and I have offered regarding the need for emergency spending to secure the borders of the United States.

Since September 11, our local, State, and Federal law enforcement officials

have taken great strides to make communities, air and water ports, cities, and national landmarks safer and more secure. I think it is a credit to this administration, as well as to the Congress, that we have not suffered another attack domestically since September 11. But we must continue to be vigilant. One part of that is securing our borders. We have improved our information-sharing capabilities between Federal and local first responders and law enforcement officials.

Within our intelligence community—the CIA, the FBI, NSA—we have also increased our information-sharing capabilities -both vertically within each agency and horizontally with each other.

Since the inception of our global war on terrorism, we have made numerous arrests, disrupted al-Qaida communication and planning capabilities, prevented and foiled potential terror attacks, broken up sleeper cells, and captured members of al-Qaida's top leadership.

When it comes to our national security, terrorists only have to get it right once. We have to get it right every single time. None of us can afford to take our safety and our freedom for granted. Much more still needs to be done, But there is no doubt about it, we are winning the war on terrorism.

On June 28, 2007, the Senate, by a vote of 46 to 53, rejected cloture on a bill to provide for comprehensive immigration reform. However, illegal immigration remains as a top domestic issue in the United States. The American people continue to encounter the effects of our failed immigration system on a daily basis. They have not forgotten the duty of Congress and the President to address this issue of illegal immigration and the security of the international borders of the United States. This amendment will help remind the President and Congress that the problem of illegal immigration is still with us. There is no consensus on the best overall approach to comprehensive immigration reform, but I believe, and many Americans do as well, that the first step is funding the necessary tools to defend our country. The Federal Government has the responsibility to, and immediately should, secure the borders of the United States.

Even with our best efforts, illegal entry into the United States remains a vast problem that is getting more and more out of control. This is a security breach we must address. We must commit the sufficient money for our border security agencies, including Customs and Border Patrol, Immigration and Customs Enforcement, as well as the National Guard currently on our borders through Operation Jump Start.

Many Americans from across the Nation have become engaged in this issue and shared with me their wide-ranging and passionate opinions on how we can secure our borders and resolve our illegal immigration crisis.

I sincerely believe the greatest obstacle this body faces with the American people on the issue of border security and immigration reform is trust. The Federal Government's lack of action to uphold and enforce our immigration laws and secure our borders has eroded respect for those laws and eliminated the faith of the American people in the ability of the Government to responsibly administer immigration programs and protect our citizenry.

I believe there is a clear way to regain the trust of the American people in the ability of the Federal Government to enforce our immigration laws and secure our borders. We should prove our abilities with actions rather than continuing to make promises.

To that end, Senator ISAKSON and I believe the President could alleviate many of the fears of our constituents and other great citizens of America by calling for an emergency supplemental bill to fully fund the border and interior security initiatives contained in the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, as well as any outstanding existing authorizations.

Such a move would show his commitment to securing the border first, stopping the flow of illegal immigrants and drugs into this country, and creating a tamper proof biometric identification card for foreign workers who are here legally. It will also work toward restoring the credibility of the Federal Government on this very critical issue. Frankly, Congress has not done a very good job of addressing this issue for about two decades. It is imperative that we find and implement a solution quickly. This is a national security emergency which must be addressed immediately. I certainly do not have all of the answers, but I do know that, first and foremost, what we have to do is secure the borders. This is where the problem originates, and this is where it must be halted. If we don't secure our borders, then nothing else we do relative to immigration reform or national security will really matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to join my colleagues in support of the Graham amendment, of which I am pleased to be a cosponsor, and to provide my colleagues some information I found particularly revealing in the form of a four-part series in my hometown newspaper, the San Antonio Express News, written in May of 2007. The author of the series, a reporter by the name of Todd Bensman, chronicles the movement of an Iraqi individual from Damascus, Syria, to Detroit, MI. It is particularly instructive, as we are contemplating this amendment and the importance of funding border security measures, that this kind of information be brought to the attention of the Senate.

I ask unanimous consent to have the first of the four-part article from MySA.com entitled ''Breaching America: War refugees or threats?'' printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. CORNYN. Mr. Bensman, in this article, found the following in his investigation, and I will summarize. More than 5,700 illegal immigrants from 43 countries with majority Muslim populations, including state sponsors of terror, have been caught while traveling over the Canadian and Mexican border along well-established underground smuggling routes since 9/11, a traffic that continues today. Mr. Bensman estimates between 20,000 and 60,000 of these so-called special interest aliens, by virtue of their country of origin being countries where terrorism is, unfortunately, alive and well or because they are state sponsors of international terrorism, have gotten through without being caught since 9/11. These migrants, although relatively small in total numbers, are high risk because they hail from countries where American troops are actively battling Islamic insurgents, nations where radical Islamic organizations have bombed U.S. interests or murdered Americans. Unguarded U.S. borders are most certainly in the terrorists' playbooks as a means of entering the country. Since the late 1990s, at least a dozen confirmed terrorists have sneaked over U.S. borders, including operatives from Hezbollah, Hamas, Tamil Tigers, and one al-Qaida terrorist once No. 27 on the FBI's most wanted terrorist list.

On the U.S. side of the border, the FBI is supposed to interrogate and conduct a threat assessment and interrogations on every captured special interest alien, but the process is severely flawed and open to error. Often, the FBI signs off on captured special interest aliens, allowing them access to the political asylum process without conclusively knowing whether they are or are not associated with terrorist organizations. Furthermore, Border Patrol agents are simply using expedited removal processes to kick special interest aliens back over the border into Mexico, where they will certainly try to cross again, with no investigation and no FBI referral whatsoever.

This series of articles published in the San Antonio Express News will be an eye-opener for the people of this country.

Frankly, those of us who are Members of the Senate have the privilege of having classified briefings from time to time. Of course, we cannot talk about that intelligence information on which we are briefed behind closed doors. But here in the public domain are the results of Mr. Bensman's investigation in chilling detail, chronicling the movement of an individual from Damascus, Syria, to Detroit, MI, via Moscow, Havana, into Guatemala, and then up through Mexico's southern border and into the United States.

I have met with Border Patrol agents. Perhaps the current occupant of the chair and others have had the same experience I have. I asked them, out of the 1.1 or the 1.3 million people we actually detain coming across our southern border, for every person we detain, how many people do you think get across? I have heard estimates ranging from detaining maybe one out of every three to one out of every four. The truth is, nobody knows for sure who gets away. We do know that people who are detained and returned across the border likely try again. So it is hard to get good information.

This is not a matter of solely economic migrants coming from Mexico or Central or South America into the United States. The truth is, Central America and Mexico are a land bridge into the United States for anybody anywhere around the world who wants to come here, anybody who has the money to pay the human smugglers to get them here. Obviously, these could be individuals who want to work and who want nothing but a better life—what we all have and want in America—but it can also be very dangerous people who want to do us harm. That is the reason this funding, this emergency funding for border security, is so important.

It is also important that we begin to regain the lost public confidence that the Federal Government can actually deliver on its promises. We have been telling people for a long time how important it is in a post-9/11 world to know who is coming into our country and why people are coming here. Recognizing that if there is a way to separate the economic migrants and to create an immigration system that would give people an opportunity through legal immigration to come to the United States on a controlled basis, it will then allow law enforcement agencies an effort to target those who are common criminals, drug dealers or, indeed, terrorists or special interest aliens from state sponsors of terrorism.

We were reminded again about the dangers from our porous borders when, on Monday, officials with Immigration and Customs Enforcement announced that they had arrested more than 100 gang members in Texas. These 121 suspects represent 27 different gangs, including the notorious Mexican Mafia and MS–13. Of course, MS–13 is the ultraviolent Central American gang that has come into the United States through our broken borders. More than half of these gang members had criminal charges against them, and nearly half of them were arrested on administrative and immigration-related charges. So we see time and time again, as most recently as the daily newspaper, what the threat is. Yet Congress continues to do not nearly enough to fix it.

This amendment gives us an opportunity to fix the problem at the border. It is not just at the border. We need to deal with our broken immigration system because roughly 45 percent of the people who are illegally present in the country today in violation of our immigration laws came in on a legal visa but simply overstayed and melted into the vast American landscape. So we have to, as this amendment does, make sure we find ways to police visa overstayers. We need to make sure we continue to work on document fraud and identity theft that makes it hard for even good faith employers to determine the legal eligibility of prospective employees to work in America. This amendment is the first big step toward regaining the public's confidence again and demonstrating that we are actually serious about delivering on our promises, not engaged in overpromising but underdelivering, as we have in the past.

I will be offering at a later time some amendments myself. Coming from a border State with 1,600 miles of common border with Mexico, this is a personal issue to many of my constituents, particularly. While some, such as the Senator from Alabama, Mr. SESSIONS, believe strongly in the need for more fencing along the border, it is controversial along the border in south Texas. I have worked with those local officials and property owners. We have two amendments I will be talking more about later. The consultations we have conducted have been useful in coming up with creative ways to accomplish the nonnegotiable goal of border security.

I noticed most of the property abutting the Rio Grande River is private property. I am not sure the Border Patrol or the Department of Homeland Security has really thought through the fencing idea and what it would mean to condemn through eminent domain proceedings private property along the border in Texas. I am informed that in Arizona and other places, much of the property along the border is already owned by the Federal Government, so we don't have that issue. But I have found in Texas, this is a controversial issue.

I have been pleased to work with my colleague, Senator HUTCHISON, to make sure that in this amendment and in every opportunity, we have insisted upon consultation with local elected officials and property owners to achieve the most effective means of border security, recognizing that result is nonnegotiable but how we get there should be the subject of consultation and negotiation.

Getting back to the private property issue, one of my amendments will ask the Department of Homeland Security to produce a report talking about the impact on border security due to the fact that much of the property, for example, in Texas is private property and asking them to come back and tell Congress so we can make more intelligent decisions about how to effectively use the taxpayers' money to accomplish that nonnegotiable goal of border security, given the fact that a lot of that property is private property and would require, if fencing was going to be built on it, that some sort of eminent domain proceeding would go forward. Obviously, the ranking member of the Appropriations Committee, the Senator from Mississippi, and the chairman of the Appropriations Committee would want to know whether the Federal taxpayer is going to be asked to pay just compensation for eminent domain proceedings if, in fact, those were contemplated.

There is a lot of beneficial discussion going on as we talk about this with local officials and others. For example, on my many visits to the U.S.-Mexico border in Texas, I have heard local law enforcement officials and the Border Patrol talk about the problems caused by an invasive plant commonly called Carrizo cane. Carrizo cane, as it turns out, grows so big and so fast that not even the night-vision technology used by Border Patrol agents can penetrate the Carrizo cane. It serves as a safe haven for human smugglers and common criminals along the border. If the Federal Government could work with local officials and local property owners to eradicate Carrizo cane, this robust perennial grass that can grow to a height of 20 to 30 feet, multistemmed clumps that resemble bamboo and forms large colonies, it would enhance the natural barrier the Rio Grande River already provides in many places along the border. Thus, it would also assist the local Border Patrol agents by providing a clear line of sight and ready access to areas that are currently not available to them because of the dense growth of this Carrizo cane.

I am pleased to say the Border Patrol has taken the suggestion and is talking to local officials and property owners. This shows some real promise. But it demonstrates what happens when you have local officials and people who live in the community talking to Federal officials trying to come up with a solution to a common problem.

Now, when the Federal Government—folks operating in the Beltway—decide they have a better idea, and they do not care what local and State officials think about it, well, usually that creates a lot of conflict and it also creates a less perfect solution and maybe not a solution at all.

So I will be offering that Carrizo cane amendment as well as another amendment which would require a report by the Department of Homeland Security on the impact of border security measures on private property owners along the Rio Grande River a little later on.

But I close by saying the threat posed by common criminals—as a result of our broken borders—to drug dealers is very real. As Mr. Bensman's article points out, the access through our broken borders to virtually anybody in the world who has enough money to pay the smugglers to get them in is an open door to people whom we prefer not come here; namely, people who come from countries

that are state sponsors of international terror and, perhaps, people with the goals of harming innocent Americans, taking advantage of the same broken borders that yield access to economic migrants.

EXHIBIT 1

[From the San Antonio Express-News]

BREACHING AMERICA: WAR REFUGEES OR THREATS?

(By Todd Bensman)

DAMASCUS, SYRIA.—Al Nawateer restaurant is a place where dreams are bartered and secrets are kept.

Dining areas partitioned by thickets of crawling vines and knee-high concrete fountains offer privacy from informants and agents of the Mukhabarat secret police.

The Mukhabarat try to monitor the hundreds of thousands of Iraq war refugees in this ancient city, where clandestine human smuggling rings have sprung up to help refugees move on—often to the United States.

But the refugees who frequent Al Nawateer, gathering around Table 75 or sitting alone in a corner, are undaunted, willing to risk everything to meet a smuggler. They come to be solicited by someone who, for the right price, will help them obtain visas from the sometimes bribery-greased consulates of nations adversarial or indifferent to American security concerns.

The deals cut at places like Al Nawateer could affect you. Americans from San Antonio to Detroit might find themselves living among immigrants from Islamic countries who have come to America with darker pursuits than escaping war or starting a new life.

U.S.-bound illicit travel from Islamic countries, which started long before 9–11 and includes some reputed terrorists, has gained momentum and worried counterterrorism officials as smugglers exploit 2 million Iraq war refugees. The irony is that the war America started to make itself safer has forced more people regarded as security threats toward its borders.

A stark reminder of U.S. vulnerability at home came this month when six foreign-born Muslims, three of whom had entered the country illegally, were arrested and accused of plotting to attack the Army's Fort Dix in New Jersey.

What might have happened there is sure to stoke the debate in Congress, which this week will take up border security and immigration reform. But the Iraqi refugee problem provides a twist on the question of what assurances America owes itself in uncertain times: What do we owe Iraqis thrown into chaos by the war?

Politically, immigration can be a faceless issue. But beyond the rhetoric, the lives of real people hang in the balance. A relatively small but politically significant number are from Islamic countries, raising the specter, some officials say, of terrorists at the gate.

For those few, the long journey to America starts at places like Al Nawateer.

The restaurant's reputation as a meeting place is what drew Aamr Bahnan Boles.

Night after night, Boles, a lanky 24-year-old, sat alone eating grilled chicken and tabouli in shadows cast by Al Nawateer's profusion of hanging lanterns: Boles always came packing the $5,000 stake his father had given him when he fled Iraq.

Boles was ordering his meal after another backbreaking day working a steam iron at one of the area's many basement-level garment shops when he noticed a Syrian man loitering near his table. The Syrian appeared to be listening intently. He was of average build and wearing a collared shirt. Boles guessed, he was about 35 years old.

When the waiter walked away, the Syrian approached Boles, leaned over the cheap plastic table and spoke softly. He introduced himself as Abu Nabil, a common street nickname revealing nothing.

''I noticed your accent,'' the Syrian said politely. ''Are you from Iraq?''

Boles nodded.

''I could help you if you want to leave,'' the Syrian said. ''Just tell me when and where. I can get you wherever you want to go.''

For an instant, Boles hesitated. Was the Syrian a Mukhabarat agent plotting to take his money and send him back to Iraq? Was he a con artist who would deliver nothing in return for a man's money?

''I want to go to the USA,'' Boles blurted.

''It can be done,'' said the Syrian. But it wouldn't be cheap, he warned. The cost might be as high as $10,000.

Hedging against a con, Boles said he didn't have that kind of money.

The Syrian told him there was a bargain-basement way of getting to America. For $750, he could get Boles a visitor's visa from the government of Guatemala in neighboring Jordan.

''After that you're on your own,'' the Syrian said. ''But it's easy. You fly to Moscow, then Cuba and from there to Guatemala.''

The implication was obvious. The Syrian would help Boles get within striking distance of the U.S. border. The rest was up to him.

Boles knew it wouldn't be easy or quick: Not until a year later in-fact, in the-darkness just before dawn on April 29, 2006, would he finally swim across the Rio Grande on an inner tube and clamber up the Texas riverbank 40 miles west of Brownsville.

But Boles was undaunted. He cut a deal with the Syrian, setting in motion a journey into the vortex of a little-known American strategy in the war on terror: stopping people like him from stealing over the border.

RIVER OF IMMIGRANTS

Near the tiny Texas community of Los Indios, the Rio Grande is deep, placid and seemingly of little consequence.

But its northern bank is rigged with motion sensors that U.S. Border Patrol agents monitor closely, swarming whenever the sensors are tripped:

Here and all along the river, an abstract concept becomes real. America's border with Mexico isn't simply a political issue or security concern. It is a living body of water, surprisingly narrow, with one nation abutting its greenish-brown waters from the north and another from the south.

Since 9–11, the U.S. government has made guarding the 1,952–mile Mexican border a top priority. One million undocumented immigrants are caught each year trying to cross the southern and northern U.S. borders.

Because all but a tiny fraction of those arrested crossing the southern border are Mexican or Central American, issues of border security get framed accordingly and cast in the image of America's neighbors to the south. Right or wrong, in this country the public face of illegal immigration has Latino features.

But there are others coming across the Rio Grande, and many are in Boles' image.

People from 43 so-called ''countries of interest'' in the Middle East, South Asia and North Africa are sneaking into the United States, many by way of Texas, forming a human pipeline that exists largely outside the public consciousness but that has worried counterterrorism authorities since 9–11.

These immigrants are known as ''special-interest aliens.'' When caught, they can be subjected to FBI interrogation, detention holds that can last for months and, in rare instances, federal prison terms.

The perceived danger is that they can evade being screened through terror-watch lists.

The 43 countries of interest are singled out because terrorist groups operate there. Special-interest immigrants are coming all the time, from countries where U.S. military personnel are battling radical Islamist movements, such as Iraq, Afghanistan, Somalia and the Philippines. They come from countries where organized Islamic extremists have bombed U.S. interests, such as Kenya, Tanzania and Lebanon. They come from U.S.-designated state sponsors of terror, such as Iran, Syria and Sudan.

And they come from Saudi Arabia, the nation that spawned most of the 9–11 hijackers.

Iraq war refugees, trapped in neighboring countries with no way out, are finding their way into the pipeline.

Zigzagging wildly across the globe on their own or more often with well-paid smugglers, their disparate routes determined by the availability of bogus travel documents and relative laxity of customs-enforcement practices, special-interest immigrants often converge in Latin America.

And, there, a northward flow begins.

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. CORNYN. Mr. President, I would like to, if I may, turn to one other issue; and that has to do with the nomination of Judge Leslie Southwick.

I heard the distinguished Democratic whip, majority whip, speak to the Southwick nomination earlier, and I wish to make sure, in fairness, there is a complete consideration of the facts.

Of course, Judge Southwick, the nominee to which the majority whip objects, has been given the highest marks by his peers for the qualities of fairness and compassion by both the Mississippi Bar Association and the American Bar Association on two occasions, both when he was nominated to serve as a Federal district judge and now with his nomination to the Fifth Circuit.

Regarding Senator DURBIN's concerns, of course, as a member of the Judiciary Committee, he voted to confirm Judge Southwick to a lifetime Federal bench. So I wonder why, now that he has been nominated to the Fifth Circuit, those concerns have arisen when, in fact, there were no such concerns expressed when Judge Southwick was nominated and confirmed unanimously by the Senate Judiciary Committee to the Federal district bench.

I heard Senator DURBIN criticize Judge Southwick for his participation in the case of Richmond v. Mississippi Department of Human Services. The fact of it is, Judge Southwick did not write the opinion Senator DURBIN is critical of. Of course, as a judge, unlike a legislator, a judge has no choice but to vote. He voted for the result, for the outcome of the case, but I think it is unfair to attribute the writing of the opinion to Judge Southwick, something he did not write.

Of course, we all deplore the racial slur which was the subject of that opinion. The board determined, from the evidence before it, that the racial slur was an isolated comment, was made outside of the target's presence, was

followed by an apology—which I think is significant—which was accepted and did not result in significant disruption of the workplace.

Under Mississippi law, the board's ruling could only be reversed if it was ''arbitrary and capricious, accepting in principle the notion that a decision unsupported by any evidence is by definition arbitrary and capricious.''

The court of appeals majority, including Judge Southwick, operating under a highly deferential standard of review—which is applied in the case of agency decisions routinely—upheld the board's decision and found that there was some evidence to support the board's ruling that the isolated comment did not sufficiently disturb the workplace so as to justify the employee's termination.

The majority made clear it did not endorse or excuse the slur. They said:

> We do not suggest that a public employee's use of racial slurs . . . is a matter beyond the authority of the employing agency to discipline.

In other words, they said it would be appropriate to discipline a person for using racial slurs.

Of course, Judge Southwick reiterated his disdain for the use of any racial slurs and has repeatedly told the committee that the use of the word at issue is—in his words—''always offensive''—I would hope we would all agree with that—and ''inherently and highly derogatory.'' At the hearing he said: ''There is no worse word.'' He said it was ''unique'' and that he could not imagine anything more offensive.

In response to a written question from Senator DURBIN, Judge Southwick wrote:

> Use of this word is wrong, improper, and should offend everyone regardless of the speaker's intent.

I agree.

As a legal matter, the Supreme Court of Mississippi explicitly agreed with the appellate court's conclusion that dismissal was unwarranted. That was the appeal from the Court of Appeals to the Supreme Court of Mississippi. The supreme court said:

> In this case, we find that the harsh penalty of dismissal of Bonnie Richmond from her employment is not warranted under the circumstances.

We can agree or disagree with the decision made by the board that reviewed that. We can agree or disagree with the decision of the court of appeals. But I do not know why, after the American Bar Association—the professional organization that reviews Federal nominees—after they have reviewed Judge Southwick's record, including his participation in that decision, and found him to be highly qualified, why we would come back and try to besmirch his reputation as a part of trying to defeat this nomination.

I am sure there will be more discussion about Judge Southwick as we go forward. I hope we are not heading down a very dangerous path again, which is to deny this President's nominees—or any President's nominees—an opportunity for an up-or-down vote. Right now, I know the senior Senator from Mississippi, Mr. COCHRAN, has been talking to the chairman of the Judiciary Committee, and the chairman has offered a vote for Judge Southwick's nomination in the committee.

But right now Judge Southwick is continuing to have consultation with members of the committee, in hopes he can get an up-or-down vote in the committee and then hopefully come to the floor where we can have a debate which will cover the whole range of Judge Southwick's qualifications and his resume and his record so the Members of the Senate can fairly ascertain for themselves whether he should be confirmed and then have an up-or-down vote.

But right now I hate to see Judge Southwick unfairly criticized by attributing to him something he did not even say, by joining an opinion which was ultimately upheld by the Mississippi Supreme Court in compliance with appropriate legal standards. That is what judges do. They do not decide winners and losers and then try to justify the result. They apply the law impartially to everyone who comes before them. From all appearances, Judge Southwick has been true to that requirement and that great tradition of our judiciary.

I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORNYN. My apologies, Mr. President. I will be brief. My staff reminded me there was one other amendment I was going to mention that I failed to mention. It will be an amendment I will also offer later on that builds upon the good work of Mr. BINGAMAN, the Senator from New Mexico, that was unanimously approved by the Senate earlier this week.

My amendment will actually double the amount Congress can provide for the Border Relief Grant Program that will help local law enforcement in towns and cities along our borders cover some of the costs they incur serving as the backup to Federal officials when it comes to combating illegal immigration and fighting drug traffickers and other border-related crimes.

The Senate unanimously approved this same amendment during debate on the immigration bill we considered earlier this year. It is also included in the comprehensive border security package Senator GRAHAM has offered and is currently pending, and, of course, of which I am a cosponsor.

It is the obligation of the Federal Government to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

For far too long, local law enforcement officers—I am talking about sheriffs, I am talking about police chiefs, and others—as well as local taxpayers, have borne the burden of law enforcement, given the failure of the Federal Government to adequately fund the Border Patrol and to demonstrate its willingness to secure the border. So now it is time not only to add to the Federal law enforcement officials—by increasing the number of Border Patrol—but it is time for the Federal Government to own up to its responsibilities and fund local law enforcement through this grant program to the extent they are willing and able to support the Federal Government's efforts to secure the border.

This Border Relief Grant Program will give the men and women in law enforcement, who are on the frontline of securing America's border, the necessary support to do their jobs and ensure that local taxpayers do not have to foot the bill. These funds can be used to obtain equipment, hire additional personnel, and upgrade law enforcement technology.

It is my hope my colleagues will support this amendment again, as they have before.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered. The Senator is recognized.

Mr. SPECTER. Mr. President, I further ask unanimous consent that I may be permitted to speak for up to 30 minutes.

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

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. SPECTER. Mr. President, I have sought recognition to reply to a floor statement made earlier today by the senior Senator from Illinois concerning the pending nomination of Judge Leslie Southwick for the Fifth Circuit Court of Appeals.

The Senator from Illinois asserted that ''there are too many questions about whether Judge Southwick would bring a measure of fairness in cases involving civil rights and the rights of ordinary people in his court.'' But in the course of the speech of the Senator from Illinois, he only raised one question. That one question was about a specific case.

The Senator from Illinois went on to say:

> This perception as to whether he will be fair or evenhanded is determinative in my mind. Whether you agree with that perception, it is there.

I begin by disagreeing categorically with the Senator from Illinois that it is a matter of perception. It is a matter of fact. When he says this perception as to whether he will be fair or even-handed is determinative, I disagree strongly. What is determinative is what are the facts of his record taken in totality.

The one question which the Senator from Illinois has raised involves a case where the Mississippi intermediate appellate court upheld a finding by an administrative board that an employee should not be fired under the circumstances which I will now describe.

The employee had made a racial statement which was a one-time comment. The slur was not in the presence of the targeted coworker. The employee apologized to the coworker. The coworker accepted the apology. The incident did not produce any significant workplace disruption.

The administrative board then made the determination that the incident did not warrant dismissal of the employee. The question then presented to the court on which Judge Southwick sat, the intermediate appellate court, was whether the finding by the administrative board was arbitrary and capricious; that is, whether there was sufficient evidence for them to find to that effect.

When Judge Southwick testified before the Judiciary Committee, he was emphatic in his statement that the slur was unacceptable, that he did not agree with that kind of conduct, and that it was the worst kind of word to use—the so-called ''N'' word—but that his role as an appellate judge was to make a legal determination on whether there was sufficient evidence to uphold the decision or whether the administrative board was arbitrary and capricious.

The Senator from Illinois then said that the Mississippi Supreme Court unanimously reversed the majority opinion. But, the fact is—and this is implicitly acknowledged by the Senator from Illinois—that the only reversal was on the very narrow ground of whether there had been sufficient findings by the administrative board to come to its conclusion.

The Mississippi Supreme Court agreed with the Mississippi intermediate appellate court that dismissal was an inappropriate remedy. That was really the core of the case. But the State supreme court said there ought to be more facts stated by the administrative board in coming to that conclusion, which was a highly technical modification as to what the appellate court had said.

The Senator from Illinois further made a very brief reference, a one-sentence reference, in his speech, to a custody case in which ''he voted to take an 8-year-old girl away from her lesbian mother. I disagree with Judge Southwick's position in these cases.'' That is the only thing he had to say about the custody case which has been cited against Judge Southwick.

Here again, as in the case involving the racial slur, Judge Southwick did not write the opinion. He concurred in the opinion. I think fairly stated as a legal matter, when someone writes the opinion, there is full responsibility for everything in it. In a sense, one might say the same thing about someone who concurs. That person could write a separate concurring opinion. But unless there is something extraordinarily wrong, out of line, that is not a common practice.

In the second case to which the Senator from Illinois referred—only one sentence—there were many factors which led to the award of custody to the father, such as he had a steady job, he had a higher income, he owned a large residence, and he had roots in the community. Although the Senator from Illinois did not refer to one sentence in the opinion—again, which Judge Southwick did not write but concurred in—there was a reference to a ''homosexual lifestyle'' which has been used frequently, including the Lawrence v. Texas decision. It is perhaps not the most sensitive kind of language, and perhaps there could have been a substitution for it, but it certainly does not rise to the level of a disqualifier.

The Senator from Illinois has said that Judge Southwick could not be fair to run-of-the-mill litigants in the courts and cited a couple of studies, which are not identified, which do not specify any authors, and on their face, in the statement by the Senator from Illinois, I think fairly stated should be entitled to really very little, if any, weight. But let's take a look at some of the specific cases that Judge Southwick has decided.

In a case captioned McCarty Farms Inc. v. Caprice Banks, Judge Southwick affirmed an award of permanent partial disability benefits for a woman who experienced a 70-percent industrial disability to her right arm and a 30-percent loss to her left. However, Judge Southwick wrote separately to argue that injured workers deserve more evidentiary options to prove damages. He would have instructed the court to consider wage-earning capacity as well as functional or medical impairment.

In the case captioned Sherwin Williams v. Brown, Judge Southwick held a 45-year-old carpet layer was permanently and totally industrially disabled due to an onsite injury and that the carpet layer made reasonable efforts to obtain other employment. Judge Southwick concluded he was entitled to permanent total disability benefits.

In a case captioned United Methodist Senior Services v. Ice, Judge Southwick affirmed the award of workmen's compensation benefits to a woman who hurt her back while working as a certified nursing assistant, despite her first employer's claim that she exacerbated the injury during her subsequent employment. In addition, Judge Southwick recognized that the evidentiary standard the employer sought to impose would have prevented many plaintiffs from receiving compensation for a work injury.

In Kitchens v. Jerry Vowell Logging, Judge Southwick reversed the Workers Compensation Commission's decision that a truck driver from a logging company did not suffer a permanent loss of wage-earning capacity, and remanded the case for further consideration.

In Total Transportation v. Shores, a 6-to-4 decision, Judge Southwick joined the other three dissenters, who would have upheld an award of workmen's compensation benefits for a truck driver's widow where the majority ruled in favor of the employer.

In Burleson v. Hancock County Sheriff's Department, a 6-to-3 decision, again Judge Southwick joined in dissent, arguing that a public employee was unconstitutionally fired, while the majority ruled in favor of the employer.

Similarly, Judge Southwick has ruled numerous times in favor of tort victims and against businesses. In Ducksworth v. Wal-Mart Stores, Judge Southwick voted to reverse a trial court's verdict against a customer who had slipped on an unknown substance at Wal-Mart.

In Breland v. Gulfside Casino Partnership, Judge Southwick voted to reverse summary judgment for a casino in a slip-and-fall action brought by a patron who had suffered multiple injuries falling down a casino staircase.

In Martin v. B. P. Exploration & Oil, Judge Southwick voted to reverse summary judgment against the plaintiff, who injured her ankle upon exiting a gas station's restroom on an allegedly poorly constructed access ramp.

In Wilkins v. Bloodsaw, Judge Southwick voted to reverse a grant of summary judgment in favor of a Pizza Hut which was sued by a mother who was injured when her disabled son fell as she tried to help him exit the restaurant.

Similarly, Judge Southwick has voted in favor of criminal defendants on numerous occasions, often in dissent. For example, in Jones v. State, a 5-to-5 decision, Judge Southwick dissented, arguing for reversing a conviction because the indictment did not provide the defendant with sufficient clarity to know with certainty what crime was being charged.

In Parker v. State, Judge Southwick dissented, arguing that a murder conviction should be reversed because the trial judge failed to give a proper jury instruction.

In Mills v. State, a 6-to-3 decision, Judge Southwick dissented from the majority, affirming a drug conviction on the grounds that the court should not have admitted a statement by the defendant's 4-year-old son, and the State failed to disclose a piece of evidence against the defendant that it had in its possession.

In Harris v. State, a 5-to-4 decision, Judge Southwick dissented from the majority opinion, affirming a drunk

driving conviction on the grounds that the trial court erroneously allowed the State to avoid proving all the elements charged in the indictment.

In Hughey v. State of Mississippi, Judge Southwick affirmed the trial court's decision to disallow cross-examination as to the victim's sexual preference, recognizing that whether the victim was homosexual was not relevant to the defense, and that such a line of inquiry could produce undue prejudice.

This Hughey v. State of Mississippi case, where Judge Southwick excluded a victim's sexual preference, is a strong indication—much stronger than the one line in the argument by the Senator from Illinois—concerning the issue of a ''homosexual lifestyle.''

There are also testimonials, and I will offer two. La'Verne Edney, a distinguished African-American woman partner in a prominent Jackson, Mississippi, law firm, a member of the Magnolia Bar Association, the Mississippi Women Lawyers' Association, and a member of the Mississippi Task Force for Gender Fairness, has shared her compelling story of Judge Southwick, who gave her an opportunity when few would. This is what she said, and I quote:

When I finished law school . . . I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals . . . who had ever hired African-American law clerks. . . . While Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity.

Ms. Edney further observed:

It did not matter the parties' affiliation, color or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly. Judge Southwick valued my opinions and included me in all of the discussions of issues presented for discussion. Having worked closely with Judge Southwick, I have no doubt he is fair, impartial, and has all of the other qualities necessary to be an excellent addition to the United States Court of Appeals for the Fifth Circuit.

Now, contrast what Ms. Edney said, a prominent lawyer engaged in all of the advocacy groups—gender fairness, women trial lawyers, Magnolia Bar—compare that to the opinion of Judge Southwick in one case, where he joined in a concurring opinion, where there was a racial slur immediately apologized for, with what this woman, who was his law clerk, found in a very detailed relationship showing fairness and justice.

Patrick E. Beasley, a practicing attorney in Jackson, Mississippi, who also happens to be African-American, endorsed Judge Southwick for, among other qualities, his fairness to minorities. This is what Mr. Beasley had to say:

I speak from personal experience that Leslie Southwick is a good man who has been kind to me for no ulterior reason. I am not from an affluent family and have no political ties. While I graduated in the top third of my law school class, there were many individuals in my class with higher grade point averages and with family ''pedigrees'' to match. Yet, despite all of the typical requirements for the clerkship that I lacked, Judge Southwick gave me an opportunity. Despite all the press to the contrary, Judge Southwick is a fair man and this is one of the qualities that makes him an excellent choice for the Fifth Circuit Court of Appeals.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. SPECTER. No. But I will be glad to respond to the Senator from Alabama when I finish my speech. I will be glad to respond to him at length.

The overall record—I have changed my mind. I will yield for a question.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SPECTER. Maybe the Senator from Illinois will change his mind, too.

Mr. SESSIONS. Mr. President, for the first time, on the question of Judge Southwick's ruling, the Senator's remarks make clear to me that he was required as a judge, as I understand it, to not reverse the administrative panel's opinion unless it was arbitrary and capricious, I believe is what the Senator said.

It seems to me that sometimes we make a mistake, and I was going to ask the Senator a question, as one of the most able lawyers here in this body for sure, about whether he thinks sometimes we ascribe to the judge who has to rule on a case following the law, that somehow we would suggest he may have approved this racial slur even though he may have ruled in a way different from that?

In other words, does the Senator think we ought to be careful in this body not to unfairly suggest that the judge approved this racial slur, which I know he did not, as a result of that ruling?

Mr. SPECTER. Mr. President, the question posed by the distinguished Senator from Alabama is illustrative of the unfairness of citing that case against Judge Southwick, because he did not sanction the slur which was uttered.

In fact, the administrative review board did not sanction the slur. The administrative review board had only the question to decide as to whether that was grounds for permanent dismissal. That is the only question they had to decide. And then when the case came before the Mississippi intermediate appellate Court, as the Senator from Alabama has noted, that court had only to decide whether the ruling by the administrative review board was arbitrary and capricious, which means that there was insufficient evidence to sustain it.

So Judge Southwick is removed by two major barriers from any conceivable approval of a racial slur: first, on the fact that the administrative board said it was bad, Judge Southwick said it was bad; and, in addition, there was sufficient evidence for the administrative board to find what it did.

Now, on the critical question as to whether there were any grounds for permanent dismissal because of what was said, everybody said no—that is, the administrative board, the intermediate appellate court, and the State Supreme Court—contrary to the bland assertion by the Senator from Illinois that the intermediate appellate court was reversed. The Supreme Court said everybody is correct, there are not grounds for permanent dismissal, but we think the administrative board should have given more details as to the reasons why it came to that conclusion.

Mr. SESSIONS. Mr. President, I thank the Senator for his effort and the time it takes to be able to examine the complexities of this situation. Most of us are too busy to do it. You do indeed have a passion for the truth, and you have done well in getting there, and I thank you for sharing those thoughts with us.

Mr. SPECTER. Well, I thank the Senator from Alabama for complimenting me for my passion for truth. It so happens that is the title of the book I wrote—Harper Collins, available online.

Back to the case, though, Mr. President, and I will be brief here. I would point to Judge Southwick's overall record. It is an excellent record: cum laude from Rice, J.D. from the University of Texas Law School, clerk for the Court of Appeals for the Fifth Circuit, an adjunct professor in the Mississippi College of Law, unanimously well qualified by the American Bar Association.

And then an extraordinary thing. When he was in his fifties, he volunteered to go to Iraq in the Judge Advocate General's Corps, and was in areas with very heavy fighting. He interrupted a 12-year service on the Mississippi appellate court to do that. That is an extraordinary act, really extraordinary, for somebody in his position to do.

I sat down with Judge Southwick at some length to talk to him, and he is an enormously impressive man. He is very mild mannered. He has been on the court, as I say, for 12 years. He has participated in 6,000 cases, he has written 985 opinions, and all they can extract out of this record is one case which, as the colloquy with the Senator from Alabama points out, doesn't establish a peppercorn. That is a legal expression for being practically weightless in terms of what their objections are.

The Senator from Illinois then went through the history of the last two nominees who were shot down. I have a reputation and a record to back it up, to have supported President Clinton's nominees, crossing party lines, when they were qualified.

The Senator from Illinois makes it a point—not that it has anything to do with this case—that the Republicans didn't give 70 of President Clinton's nominees a hearing.

That was wrong. That was wrong. But what we are doing here is we are visiting on Judge Southwick somebody else's sins. If I thought he was not qualified, I wouldn't be taking the lead that I am in this case.

When we go through these issues, it is reminiscent of the very contentious controversy which was raised on this floor in 2005 when the Democrats were filibustering judges in retaliation for what had happened during the Clinton years and the Republicans were threatening the so-called constitutional or nuclear option. We ought not go back to those days.

When you have a man with the record of Judge Leslie Southwick, he is being picked on. With the extensive record he has, to cite one case and to talk about perception—I repeat, when the Senator from Illinois says that perception is determinative, I say that this body ought to vote on the facts.

I am pleased to see that a number of Democrats are interviewing Judge Southwick, and I believe they will find him to be very impressive, as I did. I strongly urge my colleagues to look at the facts very carefully. The Senate should not function on perception. The Senate should not function on what somebody else concludes or believes. We ought not do that. We ought to look at the record and make the decision in fairness to this man and in fairness to the entire process of confirmation of Federal judges.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I ask the manager of the bill if it would be appropriate for me to speak now on the amendment I propose to offer. Seeing no objection, I will proceed.

The PRESIDING OFFICER. The Senator is recognized to speak on the amendment.

AMENDMENT NO. 2405

Mr. ALEXANDER. Mr. President, I will not ask unanimous consent that the pending amendment be set aside because I understand from the bill's managers that at this point there would be an objection to that.

That disappoints me. I have an amendment I would like to offer. It is an amendment we discussed in the full Appropriations Committee when it was considered, and I hope I have the opportunity to offer the amendment at another time.

The amendment was filed earlier today. It is No. 2405. The amendment has as cosponsor Senator COLLINS.

I ask unanimous consent at this time that Senator VOINOVICH and Senator WARNER be added as cosponsors to amendment No. 2405.

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

Mr. ALEXANDER. Mr. President, this amendment, the Alexander-Collins-Voinovich-Warner amendment, has to do with the law we call REAL ID.

I will describe REAL ID in a moment, but fundamentally what the amendment proposes is to offer $300 million in funding to the States to implement REAL ID. The offset would be a 0.8-percent across-the-board cut in the rest of the bill. The total bill is $37 billion, more or less. I know that offset is not one the chairman and ranking member of the committee are likely to approve of, but during our committee discussions I offered other offsets which weren't approved of, and I feel strongly that if the Congress requires the States to adopt REAL ID or something similar to REAL ID, then the Congress ought to pay for it—hence the $300 million amendment.

Someone once said about me last year—and I haven't been here very long, this is my fifth year as a Senator, but I have been around a while—they said the problem with LAMAR is he hasn't gotten over being Governor, which I was privileged to be in my home State of Tennessee for several years.

I hope when I get over being Governor, the people of Tennessee send me home because I think one of the contributions I can make is to remind the Congress and remind the country that our country's strengths begin with strong communities and strong counties and strong cities and strong States and that the central government, according to our traditions and our Constitution, is for the rest of the things that States, communities, cities and counties can't do. According to the 10th amendment and its spirit, if we require it of the State and local governments from here, we should fund it from here.

Nothing used to make me more angry as a Governor than for some Senator or Congressman to pass a bill with a big-sounding idea in Washington, DC, hold a press conference, take credit for it, and then send the bill to me to pay. Then that same Senator or Congressman more than likely would be back in Tennessee within the next few weeks making a big speech at the Lincoln Day or Jackson Day dinner about local control.

This is such an important issue that the 1994 elections turned on it, to a great extent. I remember dozens of Republican Congressmen and candidates standing with Newt Gingrich on the Capitol steps, saying:

No more unfunded Federal mandates. If we break our promise, send us home.

That may be one of the reasons the Republican Congress got sent home last year, because we hadn't paid enough attention to that promise. I can remember Senator Dole, when he was the majority leader in the Senate in 1995. He was campaigning for President, campaigning around the country and I was often at the same events. He would hold up his copy of the Constitution and talk about the 10th amendment. That is the spirit I wish to talk about today.

The REAL ID Act began in a good way. The 9/11 Commission recommended, in some fairly vague language, that we needed to improve our identification documents in the United States. The Commission found that:

[a]ll but one of the 9/11 hijackers acquired some form of U.S. identification document, some by fraud. Acquisition of these documents would have assisted them in boarding commercial flights, renting cars, and other necessary activities.

So said the 9/11 Commission. The Commission added that the Federal Government should:

. . . set standards for the issuance of . . . sources of identification, such as drivers' licenses. Fraud in identification documents is no longer just a problem of theft.

The Congress began to implement the recommendations of the 9/11 Commission soon thereafter, and in December of 2004 the Senate passed the Intelligence Reform and Terrorism Prevention Act of 2004 which called for States to create secure driver's licenses and ID cards under section 7212 of the bill.

It established a negotiated rulemaking process that included State government officials, which was a direct effort to deal with the problem I discussed. Through that, standards would be promulgated that would make it more difficult to create and obtain fraudulent driver's licenses.

The purpose of the negotiated rulemaking process was so that as Congress said that our national needs called for more secure documents, the State and local governments could say let us talk with you about the realities at home, about what we use driver's licenses for, about how many there are, about what the cost would be of implementing new standards, and about how long it might take. In addition, we might have some other ideas about a different kind of secure document that might be better than a driver's license for this purpose. And there are some privacy standards we are worried about.

In addition to that, the experience with national identification cards around the world hasn't been all that promising. In Nazi Germany it wasn't a good story. Those who remember the more recent history of South Africa, when every citizen had a card to carry around which would decree what their race is and whether they were of mixed blood, that sort of ''Big Brother'' attitude is of great concern in the land of liberty, the United States of America. So the negotiated rulemaking process was to take into account all of that.

Then came along the REAL ID Act of 2005 in the midst of all this careful consideration. It was attached to the emergency supplemental appropriations bill of 2005. In other words, it was stuck in, by the House of Representatives, on the troop funding bill and it was signed into law by the President in May. We had no choice but to pass it. We had our men and women in Afghanistan and Iraq. We had to pay the bills for their service. This was just stuck in there. We had to vote it up or down and REAL ID became law. The Senate didn't hold any hearings. It was swept through Congress.

The REAL ID Act superseded that negotiated rulemaking process included in the Intelligence Reform bill, in which the States and the Federal Government were working back and forth to set minimum standards for State driver's licenses in an effort to deter terrorists. REAL ID established a de facto national ID card by setting Federal standards for State driver's licenses and making the States create and issue them.

One might say the States don't have to do it. They don't have to do it unless they want their citizens to be unable to fly on airplanes or obtain other necessary Federal services. It is a Hobson's choice. So, in effect, the REAL ID law, with no hearings, no consideration of whether there might be some other kind of card or set of different cards that would be more appropriate, became law. The States had to comply with that and that meant 245 million U.S. driver's licenses or ID holders would have to get new identification.

The Department of Homeland Security has not yet issued final regulations of this massive act, even though the States are supposed to be ready to comply with these new standards and measures by May 11 of next year, 2008. Final regulations are expected to be released in the early fall, and this will give States just months to reach the May 2008 deadline.

It is true that, thanks to Senator COLLINS and others, and our willingness to forgo an amendment earlier this year, the Department of Homeland Security agreed to grant waivers to States to delay implementation. But, still, under the present route, 245 million people in America will need to get new ID cards by May of 2013.

REAL ID is a massive unfunded mandate on the States to begin with. Last fall the National Governors Association and others released a study putting the cost of REAL ID at $11 billion over 5 years. The Department of Homeland Security itself said the cost may reach $20 billion over 10 years. To date, the Federal Government has appropriated $40 million for the States to comply with REAL ID, and only $6 million of the $40 million has actually been given to the States.

Here we go again. After a lot of promises from Washington, DC, on this side of the aisle and on that side of the aisle—we say no more unfunded mandates, but we have a real big idea, we announce it, take credit for it and send the bill to the Governors and the legislatures. We let them worry about whether to raise college tuitions, raise property taxes, or cut services over here—worry how do we pay for this new mandate?

No wonder 17 States now have passed legislation opposing the REAL ID Act, including Tennessee, which became the 16th State on June 11 of this year.

To get an idea of what REAL ID would require, first, you have to prove the applicant's identity, which would take a passport, birth certificate, a consular report—there are a number of other documents that could be used. Then you have to prove your date of birth. That might mean you have to bring in two documents. Then you have to prove your Social Security number. That might mean you have to go find your Social Security card. I wonder how many people have their Social Security card today. You are up to three documents. You need the address of your principal residence—you have to prove that. Then you have to prove you are lawfully here. That is not just for someone who is becoming a citizen or someone coming here, this is for every single person who drives a car or gets an ID; he or she has to prove they are lawfully here under REAL ID. In all the States, that is 245 million people.

In Tennessee last year, there were 1,711,000 new or renewed driver's licenses. I renewed mine by mail; 154,000 renewed theirs online. There will be no mail renewals, there will be no online renewals in Tennessee or Maryland or Mississippi or Washington State. Everybody will get to go to the driver's license office. There are 53 of those in Tennessee, and 1.7 million of us will show up at those 53 offices, not just at one time, not just in 1 week, but just in 1 month, scrambling around, trying to figure out what documents we need to have. I can imagine there are going to be phone calls coming into our offices that make the phone calls on immigration look like a Sunday school class.

We need only look at the recent passport backlog to imagine what might happen with the REAL ID backlog. We remember that the passport quagmire in which we have been in the last few months was triggered by a very well intentioned policy change designed to thwart terrorists. Specifically, new rules were implemented in January of 2007 requiring Americans to have passports for travel between the United States and Canada, Mexico and most of the islands of the Caribbean. This caused a massive surge in passport applications. There were 12 million passports issued in 2006. The State Department expects to issue 17 million this year—a 42-percent increase. Prior to the passport regulations, applications were increasing at a rate of 1 to 2 million a year. We are expecting an increase of 5 million applications from 2006 to 2007.

In March of this year, there was a backlog of 3 million passports. The current backlog is 2.3 million passports. Prior to the new regulations, turnaround time was 6 weeks on regular service and 2 weeks on expedited service. At the worst part of this year, they were running 12 to 14 weeks on regular service and 4 to 6 weeks on expedited service. This massive backlog destroyed summer vacations, ruined wedding and honeymoon plans, disrupted business meetings and educational trips, caused people to lose days of work waiting in line, and caused people to lose money for nonrefundable travel and hotel deposits and reservations.

My office has worked with the passport office over the last few months. I would compliment them for the dedication of the employees and how they were trying to deal with this massive surge, but we imposed upon them a burden they simply could not handle.

What do we say to the people of Tennessee: Show up at our 53 driver's license offices with the correct documentation; otherwise, you may wait for 2 hours, you get up to the window, and then they tell you've forgotten your Social Security card and you must come back again. If they show up over 1 month, this is going to make the passport application surge look like a small problem.

I believe we have a choice in Congress. I think insofar as REAL ID goes, we should either fund it or we should repeal it. Fund it or repeal it.

It may be that we need to have a national identification card. I have always been opposed to that, but we live in a different era now. But I would much prefer to have seen the Senate debate this in the usual way and let us consider, for example, whether a secure work card, such as the kind Senator SCHUMER and Senator GRAHAM have proposed and Senator CORNYN and I have talked about, might not be a better form of ID card.

Most of our immigration problems, for example, are related to work. Maybe a secure identification card would be better, a secure Social Security card would be better, or maybe, because of privacy concerns and our memory of Nazi Germany and our memory of South Africa, we want to be very careful about having anything that is actually called a national ID card or even a de facto ID card. So maybe we can work over a period of years and help to create several cards: maybe a travel card that some can use on airplanes or other forms of travel; maybe a work card; maybe some States would want to use the driver's license as that form of ID card. But the point would be that there would be three or four choices which could be used for ID which would be secure and would help with the terrorism threat we face.

I regret very much that we did not have a chance to take this problem, this recommendation of the 9/11 Commission, properly through the Senate and consider it. I was glad to see the legislation that created the negotiated rulemaking process that at least involved the States in what is going on.

We have an obligation in this body to recognize the fact that if we are going to have something called REAL ID—and according to our own Department of Homeland Security, it is going to cost $20 billion over 10 years—then we have a responsibility to appropriate that money or most of that money to pay for it. Today, we are at $40 million. That is why Senator COLLINS and Senator WARNER and Senator VOINOVICH and I intend to offer this amendment to the appropriations bill to provide $300 million in funding to the States to

implement REAL ID. In the meantime, I am going to work with other Senators to either reestablish the negotiated rulemaking process or to repeal REAL ID and let us move ahead with a different way of developing a secure identification card.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, while I am not offering any amendments now on Homeland Security appropriations, I do wish to speak about a couple of amendments I will be offering.

First, we all understand that the inspector generals are the eyes and ears for not only the public and the executive branch but also for Congress within Federal agencies.

As part of a piece of broader legislation I have previously filed, I wanted to include in this bill the provisions that would relate to the Department of Homeland Security. Keep in mind, the Department of Homeland Security has been on the high-risk list as long as it has been in existence. The high-risk list is put out, in terms of management issues, by the Government Accountability Office.

There are so many areas I could go into of mismanagement and problems within FEMA and other parts of Homeland Security, but suffice it to say that my amendment is going to help the public get access to the inspector general's information. It would require that the Department of Homeland Security put on the home page of their Web site a direct link to the inspector general's report and, furthermore, provide information on the home page of how people can, in fact, turn in the Department of Homeland Security for issues of fraud, waste, and abuse.

We need to enlist the public's help. In order for them to do that, they have to know what is going on. It is my goal eventually to make sure the IG Web site is on the home page of every Federal agency, and this is a good start in the Department of Homeland Security.

The other amendment I have is troubling. In fact, it is scary. After the hurricanes in 2005, there were a number of trailers that were distributed to the victims of Katrina and Rita. Less than a year later, there was a complaint regarding the condition of these trailers, and it related to the health of the people in the trailers. There was testing done, one test, by FEMA. It found dangerously toxic levels of formaldehyde. What happened after those test results, and test results also done by independent organizations? Nothing. Toxic levels of formaldehyde in trailers the Government provided to victims of a hurricane.

Here is the scary part. The scary part is the General Counsel's Office within FEMA was advising the department: Let's keep this quiet. We don't want to own this issue.

I am quoting now from things written by the lawyers in FEMA. A man actually died in a trailer. There was a conference call. As a result of the call, the General Counsel's Office put out a directive: We are in litigation on this issue. We must be on every conference call. Nothing should be done on this without going through us. We don't want to own this issue.

All of these kinds of messages were sent throughout FEMA. Now we have a problem; we have a safety issue for American citizens living in trailers that we have given them.

FEMA finally goes out and does some testing. They open all the windows and turn on the exhaust fans and then say: We don't think the problem is that serious. We better notify people. We want to notify people, but don't put our phone number on it. Tell them there might be a problem. In other words, let's see if we can't avoid being held responsible by giving out information. But for gosh sakes don't let them ask a question about what they do to get out of the trailer, how they get a new trailer, how they can find out how the problem is being addressed.

We can take two attitudes in Government. We can take the attitude that we want to try to ''CYA'' and look good or we can take the attitude we are here to serve the public. Those people in FEMA were using Federal tax dollars, and their goal was to help people in times of need and make sure they stayed safe.

This Congress has a solemn obligation to make sure we get to the bottom of this. My amendment will require the inspector general to do an immediate and thorough report as to everything that happened in this incident and, within 15 days of enactment of this law, FEMA must report to Congress what action they have taken in response to this issue.

When, finally, this all came to light in a very well run House hearing in July of 2007, they promised swift action. We need to know what is ''swift action.'' We have to have the indoor quality testing and the root cause determination. We must make available alternative safe housing, and we obviously have to make sure the Office of General Counsel is held accountable for an attitude that is all about covering our risk instead of protecting American citizens.

Senator OBAMA and Senator PRYOR are working with me on this amendment. I anticipate it will have bipartisan support and many other Senators will join us.

There is a lot of talk around right now about whether Congress is doing its job, whether we are asserting ourselves in terms of a branch of Government that is supposed to provide oversight and accountability. I am confused as to why this did not reach the public's attention prior to January of this year. I am proud that it has now. I am proud that these kinds of hearings are going on and that we are providing the kind of oversight and accountability of the executive branch that protects the American people.

I urge my colleagues to support this amendment so we can make sure our job is to protect the people we serve and not to protect Government officials.

I yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KYL. Mr. President, I want to talk about the pending amendment to the bill. This amendment is called the Graham-Gregg-Kyl-Sessions, et al., amendment. I wanted to make a couple of quick comments about it.

Because the immigration bill failed on the floor of the Senate, a variety of States have begun to pass their own laws to enforce certain elements of immigration policy, including determining employment eligibility. My State of Arizona is one of those States.

What I noticed that at least a couple of them have done, including Arizona, is to require that employers check with the Department of Homeland Security, and the basic pilot program we have established as a pilot program, to determine the validity of the Social Security status of the prospective employee. It may well be that as States fill the gap created because the Federal Government has not adopted immigration reform legislation, especially dealing with that subject, that the Department of Homeland Security and Social Security will be increasingly called upon to provide information to the States. Because of that, they are probably going to need to be able to improve their systems; not to change what they do or create a Federal program but at least to be able to respond to those State inquiries.

My understanding from the Department of Homeland Security is that they have the capacity to deal with additional inquiries now, but they wish to improve their capabilities and make sure the accuracy level is high of the information passed back to the States and to the employers requesting information, and perhaps even to expand what it is they can provide by way of verification of the validity of the Social Security numbers. So as this process unfolds, we are going to have to make sure all of our Government agencies—primarily the Department of

Homeland Security—have what they need to respond to these requests.

To that end, one of the elements of the amendment that has been offered here authorizes the expenditure of funds for the specific purpose of improving the reliability of the basic pilot program and associated programs of the Federal Government that would respond to State inquiries. Obviously, my preference is that the Federal Government undertake that ourselves. Our responsibility is to form the immigration laws and secure the border. Having failed to pass legislation, they can help our citizens around the country by having the most robust database possible that is easy to access and, therefore, States and employers throughout the States can take advantage of.

The only other thing is that I support this amendment because it includes many of the features that were part of the immigration bill that almost everybody agreed with. What you heard in the debate was that we all agree we need to secure the border, enforce the laws, return to the rule of law, but—there was always a ''but'' and different people had different reasons they didn't want to support the bill. But the bottom line was that almost everybody here supported the essential enforcement features.

The Department of Homeland Security appropriation bill, therefore, is the appropriate place to include funding for the execution of the laws that currently exist and, almost without exception, this amendment does not add new authority or programs for enforcement but rather identifies areas in which enforcing existing law would be enhanced through greater capability achieved through the expenditure of funds that could, among other things, hire more personnel or in other ways make the system more robust.

Here is one specific example: Most folks like to refer to securing the border, and the symbol of that is the hiring of more Border Patrol. That is fine; we need them. But we also know that 40 percent of illegal immigrants in the United States didn't cross the border illegally. They came here on visas and then overstayed their visas illegally. The question is, what can we do to enforce our visa policy, as well as what can we do to secure the border?

This bill focuses on that visa overstayer problem and provides funding for the kind of particular investigators and agents for Immigration and Customs Enforcement that would ordinarily be looking at that problem. In addition, it explores ways in which the entry-exit system can be implemented and we can understand who has overstayed their visas so that can be enforced.

There is much else in this amendment that is good policy and that backs up that policy by the expenditure of funds. The $3 billion figure in here is, very roughly, an approximation of what the immigration bill that we debated provided for, minus the implementation of a couple of programs, the biggest one of which was the employee verification system. That system obviously failed along with the rest of the immigration bill. That was a pretty expensive item.

You will recall that we had mandatory spending of $4.4 billion—money that would have been collected from fines and fees. The $3 billion here represents the bulk of what that money would have been spent on, minus the employee verification system and a few other odds and ends.

That is the explanation for the particular amount of funding in the bill. I hope our colleagues will think carefully about this amendment. Its purpose is good. I think its execution is good. It is on the right bill. What it does that is a bit troublesome to some Members is provide some authorization, though that is not the primary element; it would not be the first time we provided authorization on an appropriations bill, but I can see there is some of that in here. The other aspect is the emergency funding nature. One way or another, we are going to have to get the funding to do the things the American people have insisted on. I have no objection to doing this as emergency funding. If we can fund $100 billion for the Iraq war, for example, I think we can fund $3 billion to secure our own border. If the loss of the immigration bill a month ago taught me anything, it was that the American people are very skeptical that we are committed to enforcing the law. I believe until we demonstrate to them a seriousness of purpose by actions rather than words, by the appropriation of money and by the expenditure of that money on things that they can see make a difference in enforcing immigration policy, they are not going to give us the green light to adopt a more comprehensive immigration reform bill. That is why I am supportive of this amendment as the next step toward solving the problem. I think we want to solve it. I think this is a step in that direction and I, therefore, urge my colleagues to support the legislation.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, I filed earlier a number of amendments. I want to talk about some of those and why I think that they are important. I am pleased to say many of them have been included, all or in part, in the Graham-Gregg-Kyl-McConnell amendment that I have cosponsored. I think, in effect, it represents a positive step to creating a lawful system of immigration, which I believe we owe to the American people. They expect that.

What good is it for us to pass new ideas, new laws, and new provisions concerning immigration if they will not be enforced any better than those we have had before? That is the real rub, the real problem we have. That was my fundamental concern and objection to the comprehensive bill that failed to pass a few weeks ago. It would not have done the job, it would not have been effective, and it did not accomplish what we need to accomplish.

I want to share some ideas about the amendments that I have offered and why they are important. I believe Senator KYL said that we have broad bipartisan support for this. There was some belief that if enforcement amendments are passed, then some people would never confront the other aspects of immigration that others believe need to be confronted. I think the truth is that people tried to hold hostage enforcement in order to gain support for a new idea of immigration, and an amnesty, or a legalization process that the American people didn't agree to. It didn't work. So let me share a few thoughts that I think are important with regard to having a good legal system for our borders.

First, we have to have more barriers, more fencing. The funding for the fencing that we asked for—the 700 miles of fencing—would be included in the amendment that has been proposed, offered, and called up. That is a good step in the right direction. I will offer separately an amendment asking the GAO—our Government Accountability Office—to analyze the cost. The cost factor that I have heard is about $3.2 million per mile for the fence. That exceeds my best judgment of how much that I think it ought to cost to build a fence based on my experience of building a fence in the country in the past. Fences usually do not cost millions of dollars but, this fence on the border is going to cost a lot of money. Yes, we need a lot of fencing on the border, and maybe double and triple fencing in some areas. We need high-tech cameras, and that will run the cost up. But sometimes you get the impression that the people who don't believe in fencing are running the cost up so high that maybe the American people will change their mind about the fence. We know the fence at San Diego was a great success. People on both sides of the border appreciate it. What was a rundown, crime-prone area on both sides of the border in San Diego is now making economic progress, and illegal immigration and crime in that sector is way down. Putting up a strong fence is the right thing for us to do and we must do it if we are serious about enforcement.

I ask for commonsense purposes, tell me how we can have enough border agents to cover 1,700 miles for 24 hours a day, 7 days a week? Are they just going to stand out there all day and all night? We need barriers that will multiply the Border Patrol officer's capability to respond in an effective way to

apprehend those who break into the country.

Through a combination of these efforts, we can get to the point where we go from an open border to a border that people understand to be closed, and, as a result, we could see a reduction in the number of people who attempt to come into our country illegally.

I am pleased that a good part of the State and local law enforcement provisions I have provided for will be included in the amendment. I am pleased that a good part of the National Guard provisions I have offered, including continuing Operation Jump Start, will be included, and the criminal alien provisions dealing with removing those aliens who have been convicted of crimes are deported.

I am pleased that we are moving towards ensuring that illegal entrants will be prosecuted when they come into the country illegally. This can be done by expanding the Del Rio, TX, zero-tolerance policy to other areas of our border so that illegal aliens who come across the border are not just met and greeted, given free meals, and taken back home, but actually are convicted of the crime that they committed when they came across the border illegally. We have seen good results from that program. And there are some other provisions that are important.

I have filed three amendments dealing with the fence. The first deals with a GAO study of the cost of the fencing. We need to know how much money has been spent thus far—there is a lot of confusion out there—how much fencing is now in place after all the money we have spent, how much it is costing and will cost the American taxpayers in the future, and whether there are better techniques and procedures by which we can build more fencing for less cost faster without significantly sacrificing quality. That is what that study would include. The Government Accountability Office regularly evaluates those kinds of issues, and I believe they will give us a valuable report that will help us in the future.

A second amendment calls for full funding of the fencing.

The Secure Fence Act of 2006 that I offered, which was signed into law, requires 700 miles of fencing. This amendment which I offered would fully fund the 700 linear miles of southern border fencing required by providing $1.548 billion to be used for the construction of topographical mile 371 through 700. That is what the law requires.

The Congressional Research Service and the Department of Homeland Security have told us that 700 linear miles in the act will actually require more miles topographically; so the 700 linear miles becomes close to 854 topographical miles. So my amendment will fund the remaining 484 topographical miles of fencing not currently funded for construction by December 31, 2009.

I have drafted this amendment in two ways. One is to be paid for with an across-the-board cut, and the other is designated as emergency spending.

If we are able to adopt the amendment offered earlier today by Senator GRAHAM and others, perhaps that will go a long way to solving the problems I have raised, but, in fact, we could go further and should go further.

My next set of amendments addresses State and local law enforcement's ability to assist Federal law enforcement. My amendment allows for some of the grant moneys appropriated by the bill to go for State and local training exercises, technical assistance, and other programs under the law. This would be a pot of up to $294 million to be used to reimburse State and local expenses related to the implementation of the INA section 287(G) agreements.

Under the Immigration and Nationality Act, State and local governments can sign memorandums of understanding—they are referred to as MOUs in the Government. When two foreign nations do it, they call them treaties. It is about as complex. MOUs are important—with the Department of Homeland Security to have their law enforcement officers trained to work with DHS and to enforce immigration law. That is how State and local people work together. My amendment encourages State and local governments to seek out these agreements and participate in them. The Federal Government needs to welcome State and local law enforcement's assistance at every opportunity, not discourage it.

Alabama was the second State, I am pleased to say, in the Nation to sign such an agreement. We have trained 3 classes of approximately 20 State troopers each for a total of 60 State troopers who are now ''cross-designated'' to work with the immigration agency, ICE. Each class cost the State of Alabama about $40,000. The State of Alabama had to pay to train their officers in this fashion so they could participate with the Federal Government. They have spent about $120,000 to date to help the Federal Government enforce Federal immigration laws. I think we can do better. We should encourage State law enforcement officers, and we should help fund this partnership program. I have no doubt in my mind that is the right way.

Then I have an amendment that affirms State and local authority and expands of the immigration violators files in the National Crime Information Center, that is not in the Gregg amendment. My amendment would reaffirm the inherent authority of State and local law enforcement to assist the Federal Government in the enforcement of immigration laws.

Confusion among the circuit courts, particularly dicta in a Ninth Circuit decision that appears to be somewhat contradictory to the Fifth and Tenth Circuits, is involved. That has led to a Department of Justice Office of Legal Counsel opinion that questioned some powers of State and local law enforcement. And then the Department of Justice withdrew that opinion. So there is uncertainty—the Presiding Officer knows how uncertain it can get involving the prosecution of cases in multiple jurisdictions—about what the power of local law enforcement is to participate in helping to enforce immigration laws.

The issue is very real. Just today in the Washington Times, there is an article about it. The article is entitled ''Virginia eyes plan to deport illegals. Panel suggests a statewide policy.'' It is being discussed all over the country. They say in that article:

> Other areas, such as the role of local and State police officers in enforcing immigration law, are more ambiguous. It is not clear what the State's role is in enforcing immigration law, Mr. Cleator said.

He is senior staff lawyer for the Virginia State Crime Commission. He said it is not clear what the State role is, and there is some ambiguity, less than most people understand, but there is a perception of ambiguity, and there is some ambiguity. That is why my amendment is needed and important.

My amendment will place additional information in the National Crime Information Center's immigration violators file so that critical information on final orders of removal, revocation of visas, and expired voluntary departure agreements can be readily available to State and local law enforcement officers. They need that information so they can make the right decisions when they apprehend somebody going about their normal business on matters such as speeding and the like.

The National Crime Information Center is the bread-and-butter database of local law enforcement, and they need this information properly inputted into that computer center because the State law officers will be the ones routinely coming into contact with unlawful and deported aliens during the course of their normal duties, such as a DUI charge. They want to know something about them, and the information is not being readily placed in that computer.

Everybody knows that virtually every law enforcement officer in America who stops somebody for an offense—such as DUI, theft, burglary, robbery—runs the suspect's name in the National Crime Information Center, and this is done to determine whether there are pending charges against the suspect, whether the suspect had been convicted of other crimes or if other charges will require that the suspect be held in addition to the charge for the original stop. This is done every day through tens of thousands of inquiries to NCIC. I have discovered that they are not putting a sufficient amount of the immigration violation information in NCIC. We have to do that if we want that a lawful system of immigration to work. If someone doesn't want lawful immigration to work then they will not put that immigration violators' information in NCIC.

Another issue I have raised is Operation Jump Start. This deals with National Guard funding through the end of the year 2008 and improvement in the rules of engagement. There is funding in the Gregg amendment for this matter, but it did not include rules of engagement language.

My amendment, and a similar amendment filed by Senator KYL for another bill, provides the funding, which is $400 million, needed to keep the current National Guard presence of 6,000 guardsmen on the southern border through the end of 2008. The administration's plan is to reduce those forces by half—down to 3,000—by September 2007. So by next summer, they want to have those numbers in half. The National Guard is working to deter illegal border crossings. They are big making a difference there. They are also helping us create the impression that our border is no longer open, that it is closed and it is not a good thing for someone to try to come across it illegally. Removing the National Guard members when they have been so successful would be premature.

If we take all these actions and keep the National Guard at the border, we can help reach that tipping point that I referred to earlier.

In addition, my amendment will allow the National Guard members to have a greater role in stopping illegal aliens along the border. National Guard members should be permitted to aid in the apprehension of illegal aliens crossing the border, at least until a Border Patrol agent comes on the scene. Today, they are only permitted to use nondeadly force for self-defense or the defense of others. So they cannot apprehend illegal aliens that they see crossing the border because they cannot use force unless it is to defend themselves or others. The rules of engagement prevent them from effectively apprehending illegal aliens. My amendment will allow those brave and effective National Guard members to apprehend illegal border crossers until the Border Patrol officer can come to their location.

Another big deal is that we want to make sure criminal aliens are deported. In effect, this language in the amendment I will offer and filed is included in the Gregg amendment. It deals with this problem. The American people understand the need to deport aliens, legal and illegal, who have committed crimes in the United States, crimes that make them deportable. We have laws that say that if you are here in a nonpermanent status and you commit a crime, then you are to be deported; nonpermanent status means that you do not have legal permanent status or citizenship in America. And one of the conditions of that admission is that you don't commit crimes. That is not too much to ask. That is our standard. Most countries have a similar standard.

And criminal aliens should be deported, as a matter of policy, at the end of their State or local criminal sentences. They should not be allowed to slip through the cracks and be released back into society. That is not what our laws call for, but it is happening every day.

Additionally, State court judges should not be allowed to vacate convictions or to remit sentences for the purpose of allowing the alien to escape the immigration consequences of their crimes. Those events that criminal aliens are not being deported and that some criminal aliens are avoiding the immigration consequences of their crimes are of great concern to the American people and Border Patrol agents who are out there working their hearts out.

So my amendment will double the funding—$300 million—that DHS has for the institutional removal program, a program that allows DHS to identify criminal aliens while they are in jail serving State and local sentences. Once they have been identified, they go through the paperwork, and the administrative removal process can be completed while they are in jail. This allows the criminal alien to be put directly into the Department of Homeland Security's custody at the end of their prison term, so that they can be quickly deported.

My amendment expands the criminal alien program by directing that the Secretary of DHS implement a pilot project to evaluate technology to automatically identify incarcerated illegal aliens before they are released. Manpower alone won't get this job done. But if we start correctly with technology, we can make great progress. It can be a big improvement in our current system.

In addition, my amendment ensures that when a criminal alien commits a crime, then the original conviction and sentencing will stand when DHS has determined whether the alien is deportable based on their crimes. This ensures that the trial judge's decision to change the sentence or the judgment of conviction won't be able to undermine the immigration impact of the original judgment.

Madam President, we have a real problem. We have a situation in which 27 percent of the persons in the Federal and State penitentiaries are foreign born—this is an amazing number to me—and they are there for crimes other than immigration—for drugs, fraud, sexual abuse, violent crimes. Large numbers of them—the majority of them—are persons who are not citizens. They have been involved in crimes of a serious nature, and they should be deported when they complete serving their sentence for those crimes. That is what is not occurring.

In fact, we have at this moment, we believe, some 600,000 absconders. These are people who have been apprehended and ordered deported, who are told to report for deportation, or similar orders, and have just simply absconded into the country and never shown up. That is a huge number of illegal aliens that we could eliminate, or reduce, if we could handle this process of taking care of their deportation as soon as they have finished their criminal time in jail.

Currently, the Department of Homeland Security and the Department of Justice have implemented a zero tolerance policy at the Del Rio sector of the border. This policy makes sure that every illegal alien is prosecuted for their illegal entry into the United States. It is a misdemeanor for the first offense. It is a criminal offense, but it is a misdemeanor for the first offense of coming into our country illegally. This policy has decreased illegal entry into the Del Rio sector by 58 percent.

Now, when you consider that last year we arrested 1 million people attempting to enter our country illegally, you get an understanding of what a 58-percent reduction in illegal entries means when that kind of policy is enacted. Though there are nine border sectors, Del Rio is the only one that has such a policy. My amendment would expand the success of the Del Rio project to the two border sectors with the highest crossing rates—Tucson, AZ, and San Diego, CA.

My amendment also requires that until a zero tolerance policy is fully in place, the Department of Homeland Security must refer all illegal entries along the Tucson-San Diego sector to the respective U.S. Attorneys' Offices for prosecution. The U.S. Attorneys' Offices must then provide a formal acceptance or declaration of that prosecution request, which would then allow a record so that Congress can know what all is happening—whether additional resources are needed to fully implement this highly effective policy along the entire border. I think that is a good step in the right direction.

Also, Madam President, we have the question of affidavits of support and their lack of use and my amendment deals with that. Since 1997, most family-based and some employment-based immigrants have to have, and do have, a sponsor that guarantees the immigrant will not become a public charge. In other words, they are admitted into the country, but only on the condition that if they have financial needs, this sponsor will take care of that, not the taxpayers of the United States. That is a legitimate condition, I submit, to place on entrance into the United States.

So the sponsor would enter into a contract with the Federal Government, promising to pay back any means-tested public benefits the immigrant would receive. There are some exceptions—medical assistance, school lunch, Federal disaster relief.

To my knowledge, the Federal Government has never gone after sponsors to ensure they follow through on the commitment they have made. My amendment will require a study to be done by the Government Accountability Office to determine the number

of immigrants with signed affidavits of support that are receiving or have received Federal, State, and local benefits when those immigrants really are not eligible and should have turned to their sponsors for support. A GAO study is needed to determine how much revenue the Federal Government could collect if they enforced these contracts and insisted that the individual who sponsored the person into the country actually pays what they are supposed to pay.

We need to preserve means-tested public benefits for those who are truly needy. We don't have enough money to take care of all the people in our country and shouldn't have to take care of people when they have a sponsor who promised to take care of them and promised that the sponsors would pay back the money for any benefits that the immigrants received.

So those are some of the amendments I offered. There is much that we can do to make our system of immigration at the border more effective. I would just cite that it is a matter of national security. We absolutely know that we have many people who simply want to come to America to work and don't want to cause any attack on the United States, and they are good people. They simply would like to make more money, which is available in the United States, than if they stay in their home country. But we also know that since we are not able to accept everyone who would like to come to America, we have to have rules about who can come and who cannot come and those we let come have to obey our laws.

One of the first and toughest rules should be that we don't allow people to come here who are terrorists, or have terrorist connections that could threaten our country.

Next, we need to ask ourselves how many persons should come in legally, and under what conditions, what kind of skills and abilities and education level and language skills they should have. That should be part of a good and effective immigration policy.

I will just say, however, that any such rules are absolutely worthless if we have a wide open system where people come across illegally on a regular basis and they know they have a high probability for success to come here illegally. Indeed, we know they do because we have about 12 million people here illegally.

So those are some steps I suggest we can take that will improve our legal system. I am pleased that a number of those will be included in the Gregg-Graham amendment and will not require a separate vote.

I hope we will take this responsibility seriously. I see no reason we should not undertake the actions that I have suggested, which have bipartisan support in the Congress. I hope they will not become part of some grand agreement that everything else that we can't agree on has to be a part of it. In other words, these provisions, which I think would have broad bipartisan and public support, these provisions should not be used as a vehicle to try to drag on things that people don't agree with—certainly not at this time.

So I support these amendments. I am glad we do have the Graham-Gregg-McConnell-Kyl amendment on the floor, and I support that. And I would ask these amendments be considered in due course.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. KENNEDY. Madam President, before the Senate, I understand, is a Graham amendment dealing with border security. Then there is a second-degree amendment that has been offered on top of that which effectively is where we are at the present time. I would like to make a few comments about this whole issue that has been brought up by Senator GRAHAM in terms of the security aspects at the border.

Those of us who supported a comprehensive program on immigration reform supported strong border enforcement because we know there are 400,000 or 500,00 people who have come across the border, minimally, a year. We don't know their names. We don't know where they go. They disappear into American society. There is no question, on a matter dealing with homeland security, we have to be serious about dealing with our borders. We understand that.

That is why it is so interesting to me, when I saw we had that opportunity 2 years ago, we had a great deal of fuss on the other side about building a fence along the border and then, after they got their vote, the Republicans never funded that particular program.

When we had a chance a few weeks ago to do something on comprehensive border control, again the Republicans, the other side, voted no; they voted it down. Now we have the proposal to try to, I guess, make them politically OK among the voters. We know this issue of undocumented and illegal immigration is a complex one, is a difficult one.

We know the primary reason people come across the border down in the Southwest is because of the magnet of jobs in the United States. This amendment does nothing about the magnet of jobs. We should not delude ourselves, if we say we are going to support this particular proposal and then not deal with what is the basic cause of the hundreds of thousands of people who come here, and that is the magnet of jobs. This amendment doesn't deal with the magnet of jobs. Maybe it has a good political ring to it out there on the hustings, that we are doing something, but as we have seen time and time again, as long as we are not going to deal with the magnet of jobs, the efforts we have on the border—we can build the fences, people have ladders to go over them; or you can build fences and people will burrow and go underneath them—as long as you have the powerful magnet of jobs, the efforts will fail.

We are going to have a vote on this issue, although I, for one, believe having strong border security is a key aspect of having comprehensive reform. That is why a number of us are going to support an alternative to the Graham amendment, an alternative that recognizes, No. 1, this is a complex problem—we are for border security and control, to the extent we can—but, No. 2, that we have a situation affecting millions of Americans in agriculture and that is, if we are going to have border control we are going to have to be able to provide agricultural workers. That is why I hope the Senate will consider an amendment which will have the border control provisions but also have what is called the AgJOBS provisions that will address what is the need in agricultural America.

Without it, as we have heard so eloquently from Senator FEINSTEIN, as we heard from Senator LARRY CRAIG, we are going to have devastation in major parts of our country.

If you are going to have border security, you are going to have to have some way for these workers to get in. The AgJOBS bill is the bill that has had over 60 Members of the Senate who have been supporters of that program. That seems to me to begin to make a good deal of sense.

Recognize, in dealing with this whole issue in a comprehensive way, the most vulnerable people inside our borders, those individuals who are here and are undocumented in so many instances are young people, brought here through no fault of their own because their parents brought them here when they were under 16 years of age, who are here for more than 5 years, serving 2 years in the military, graduating from the high schools of this country—it is called the DREAM Act.

I see my friend and the principal spokesperson and sponsor of that, the Senator from Illinois, Senator DURBIN, on the floor. He speaks so well to this issue. When we have the amendment before the Senate, I will review some of the great, important successes of many young individuals who came here undocumented and have worked long and hard and have graduated from high school, which is no mean feat when you have more than a 50-percent dropout rate among the Hispanic community. The fact that these individuals are here, want to be part of the American dream, want to contribute to our Nation—the DREAM Act gives them the hope and opportunity for the future, which so many who have come here as

immigrants and as children, who want to be a part of the American dream, have felt.

This will be a proposal I hope we will have a chance to vote on. It will have the border security aspects included in the Graham proposal. It will recognize, if you are going to try to close the border, you are still going to have the great agribusiness in our country that is going to demand workers. We have a way of responding to that, a way about which Senator FEINSTEIN and Senator LARRY CRAIG have spoken to this body, a familiar path that makes a great deal of sense. That will be part of the proposal. Then we say to some of the most vulnerable individuals here, we recognize the challenges you are facing.

The proposal we are going to offer is a downpayment on a day where we might be able to come to a more comprehensive approach, which will be clearly in the interests of the Nation and in the interests of those who have come here and hopefully are looking forward to being a part of the American dream—pay their fines, pay their dues but be a part of the American dream.

I also mention I was somewhat troubled by the provisions of the Graham amendment, which effectively will say, for those who have overstayed their visa—and we know that is about 46 percent of all the undocumented. You can't deal with the problem of the undocumented here in the United States and just close the border because almost half of those who are undocumented here come from overstays. So let's not confuse the American people and beat our chests and say we have taken a strong security position by dealing with the border and not dealing with the undocumented.

We have 12.5 million undocumented here. We simply do not have enough detention centers in which to detain them.

We want to deal with the terrorists. We want to deal with the drug smugglers. We want to deal with the hardened criminals. Rather than focusing our attention on those goals, we would divert precious resources to what? Jailing women and children, taking the overstays and putting them into detention? We have an undocumented problem and what are we going to do? This is not the solution. This whole scenario sounds like another plan like we had in Iraq: Al-Qaida in Afghanistan was the organization who attacked the United States and what did we do? We went into Iraq, wasting our resources. This amendment is focused on roundups and mass detention, rather than target the real threats which are terrorism and crimes. This amendment on the Homeland Security Appropriations bill is not the answer.

It seems to me an alternative approach makes a great deal of sense. This is a modest program. It is a well-thought-out program. It is a tried and tested program. It is a program where they have had hearings and the Senate is familiar with it. Let's do what is necessary at the border. Let's do what is necessary to ensure that agriculture and those workers who have worked in the fields are going to have the respect and dignity they should have. That has bipartisan support. Let's insist we are going to include the DREAM Act, which has strong bipartisan support as well.

Let's move on and accept that concept. That includes the basic thrust of the amendment of the Senator from South Carolina. Then let's move ahead with the Homeland Security bill.

I know my friend from Connecticut wishes to address the Senate.

Mr. GREGG. Will the Senator yield for a question?

Mr. KENNEDY. I will yield briefly, without losing my right to the floor, yes.

Mr. GREGG. I understand the Senator is essentially embracing the concept of moving forward independently with the DREAM Act, essentially; is that the position of the Senator?

Mr. KENNEDY. We would have an amendment that would have border security and AgJOBS and the DREAM Act together, put in together, so we will deal with border issues but also recognize, if you are going to have a strong border, if we are going to keep out agricultural workers, that we have a major agricultural industry here, and we ought to accept AgJOBS which, I think at last count, has 66 cosponsors, Republicans and Democrats. Also, we have an emergency with that particular proposal. Also, look at those who are the most vulnerable people in this country, and those are the children who have been brought here through no fault of their own, trying to be a part of our system. Many of them are in the Armed Forces of our country. It is called the DREAM Act. The Senator from Illinois has been a prime sponsor.

We think, with that combination, that will be much more responsive to the real challenges we are facing, both from a security point of view and from an economic point of view, an agricultural point of view and from a humane point of view.

Mr. GREGG. If I could simply make the point in the form of a rhetorical question: I am not sure the DREAM Act, as viable as it may be, has a great deal to do with Homeland Security's job on the border. Of course the Lindsey Graham amendment, of which I was a sponsor, is focused at Homeland Security's responsibility on the border.

But I appreciate the point of the Senator. I am not sure why he stopped there. Why doesn't he just reoffer the entire comprehensive immigration bill?

Mr. KENNEDY. This, I believe, is the downpayment. I remind my friend, and then I will yield the floor:

Enforcement alone will not do the job of securing our borders. Enforcement at the border will only be successful in the long term if it is coupled with a more sensible approach to the 10 to 12 million illegal aliens in the country today and the many more who will attempt to migrate to the United States for economic reasons.

This is from the Coalition for Immigration Security. This is from a White House official charged with homeland security. This is a security issue, and we believe it is important.

The final point I mention to my friend from New Hampshire is a key aspect of the DREAM Act is to encourage these young people to serve in the military. At a time when we have critical needs in the military, the opportunities for these young people to serve in the military will give a very important boost to the Armed Forces of the country, and that obviously is dealing with the security of the Nation.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I rise to discuss an amendment Senator COLLINS and I intend to introduce. I gather the parliamentary situation is such that there will not be a grant of unanimous consent to set aside the pending amendment, so we did want to take this opportunity to discuss an amendment which would add $100 million to the Homeland Security appropriations bill for the purpose of funding efforts at the State and local level to make communications between our law enforcement personnel interoperable—they can talk to each other. This is a pressing need for homeland security, for disaster response.

I know my friend and colleague from Maine cannot remain on the Senate floor for long. So I yield to her for some comments about our amendment. Then I will retake the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, first, let me thank the committee chairman, Senator LIEBERMAN, for his graciousness in yielding to me.

I am pleased to be a cosponsor of Senator LIEBERMAN's amendment to add $100 million for an interoperability communications grant program. Last year, the Homeland Security Committee spent 8 months investigating the flawed response to Hurricane Katrina.

It was very disappointing for the committee to learn that the same kinds of problems in the ability of emergency first responders to communicate with one another that were evident in the response on 9/11 still existed that many years later and hampered the response to the victims of Hurricane Katrina.

When the 9/11 Commission reviewed all that went up to the attacks on our country on 9/11 and evaluated the response, it identified the tragic truth that many firefighters, police officers, and other emergency responders lost their lives on 9/11 because their communications equipment was incompatible. The police could not talk to the firefighters, who could not, in turn, talk to the emergency medical personnel.

We found exactly that same problem existing years later in the response to Hurricane Katrina. In fact, we found that within the same parish of New Orleans, police and firefighters often had incompatible communications equipment. It should be evident if our first responders cannot talk to one another in the midst of an emergency, the response is going to be greatly hampered, and in some cases that means additional loss of life. That is just unacceptable.

State and local governments recognize their problems with emergency communications, which is why the Department of Homeland Security receives more requests for funding to upgrade and purchase compatible emergency communications equipment under the State Homeland Security Grant Program and the Urban Areas Security Initiative than for any other allowable use.

The experts tell us the only way we are ever going to get a handle on this problem is if we dedicate funding for this purpose. The Homeland Security bill that is about to emerge from conference would establish a multiyear program to achieve that goal. But we need to make a downpayment on that program through this appropriations bill.

I know the leaders of the Appropriations Subcommittee on Homeland Security have worked very hard, and there are many demands on the money that is available. But I would urge them to take a look at our proposal.

Creating an interoperability emergency communications network is a complicated, expensive, and lengthy process. It is the type of multiyear project that requires States to know how much money they will be getting each year for several years in order to come up with the kind of regional plan that is needed to address this problem.

Even the most effective preincident planning will prove ineffective if first responders are unable to communicate with each other effectively in real time, on demand, during an actual incident, and in the immediate aftermath.

I would point out that Senator LIEBERMAN and I also sponsored an amendment when the budget was on the Senate floor, which was adopted just 4 short months ago, that provided $400 million for this critical purpose. Yet, unfortunately, the appropriations bill before us contains no funding for interoperability communications grants.

Now, we recognize the competing demands, and that is why the Senator from Connecticut and I are proposing a modest program of only $100 million rather than the $400 million that was adopted during consideration of the budget resolution.

I urge my colleagues to join Senator LIEBERMAN and me in supporting funding for interoperability emergency communications. This is a high priority for our first responder community, for those who are on the front lines when disaster strikes.

I yield to the Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Maine for an excellent statement.

First, I thank the leadership of the Appropriations Committee, Senator BYRD, Senator COCHRAN, Senator MURRAY, for working as hard and effectively as they have to provide funds that are critical to securing our homeland.

In fact, the committee added two and a quarter billion dollars for Homeland Security above the request of the President's budget. For that, they are to be thanked. That is exactly the right thing to do at a time when the threat of terrorism continues to be a clear and present danger for our American homeland.

Senator COLLINS and I are offering this amendment because, as she said, we believe the committee has not provided anything for one of our Nation's highest priorities, and thus an adjustment is needed and I speak of interoperability of communications systems among law enforcement personnel, first responders, the very fundamental capacity in an emergency to pick up whatever means of communication they have and speak to the firefighters, police officers, and emergency responders wherever they may be.

As Senator COLLINS indicated, just to build some history, in the Senate budget resolution conference report earlier this year adopted by the Senate, we provided for $400 million to be spent next year for this program in helping States and localities to allow their first responders to talk to each other in a crisis. That is the budget resolution. It is a first step, but it was an important step.

Senator COLLINS also referred to the conference committee on the 9/11 legislation that passed both Houses of the Congress. We have been in conference for some period of time. I am happy to say we concluded the conference successfully within the last 24 hours, and a report is now circulating among the members of the committee to have them sign it. I gather that a majority of members of the House committee have already signed, and Senators, in their wisdom, are taking a little longer to read the report. But I am confident that before the end of the day we will have a majority there, too, as well.

Well, the conference report on the 9/11 legislation, which is before us, to implement as yet unimplemented parts of the 9/11 Commission Report, or those parts that have been inadequately implemented, and/or, frankly, ideas that the respective committees in the House and the Senate have had on our own initiative to strengthen our homeland security against the threat of terrorism, which as I said earlier is clear and present, as the most recent reports on al-Qaida and its intention to strike us make painfully clear, and to create the kind of apparatus that will protect the American people in the event of natural disasters because there is an obvious overlap in what those capabilities will do.

So the 9/11 legislation conference report will be before the Senate soon. It does authorize a new interoperability emergency communications grant program. It should, hopefully, provide additional and much needed resources to help the Nation's first responders.

Now, I used the word ''hopefully'' advisedly because this new grant program the 9/11 legislation creates will not help our first responders unless we put some money into it. That is what this bill and this amendment to this bill that Senator COLLINS and I are offering would do. It would provide $100 million for the program in fiscal year 2008. It is below the $400 million authorized in the budget resolution. But this $100 million is a good start and an opportunity to essentially put our money where our promise was in the 9/11 legislation.

This actually is a very modest amount compared to the overall needs there are across the country. Yet it is a good beginning. 9/11 taught us many lessons about what we need to better protect our homeland, and one clearly was improve the ability of our first responders to talk to one another.

I know none of us will ever forget 9/11/01, that day we watched live on television as the extraordinarily brave New York City police, firefighters, and other emergency personnel raced into the doomed buildings trying to save lives, many of them not actually on duty but knowing a crisis had occurred, running to help their fellow citizens, to help their fellow first responders.

But as we watched, we could not see what was happening inside the building where another tragedy was occurring. Inside the World Trade Center buildings, the uncommon heroism of the first responders was running into unnecessary chaos. The incredible bravery of those men and women was running into avoidable confusion, all of it caused by their inability to talk to one another on the communications systems they had.

One fire chief told the 9/11 Commission:

> People watching on TV that day certainly had more knowledge of what was happening 100 floors above us than we did in the lobby of that building.

The sad, tragic fact is we know that this failure of interoperability of communications cost lives, too many lives. There were other communications breakdowns that day that hampered the response efforts at the Pentagon and in Shanksville, PA. Then, as Senator COLLINS said, during Hurricane Katrina, and the gulf coast, we saw a problem of communications that went beyond interoperability; it was the failure to operate in that crisis.

Phone lines, cell towers, and electrical systems were destroyed by the storms, making it nearly impossible at times for many first responders and

government officials on the gulf coast to talk to each other, to get the public assistance, to rescue people in danger. This massive failure was so bad that some emergency officials on the gulf coast were forced to resort to runners to communicate with their first responders in the field.

Think of that. Here we are in the 21st century, and this great American Nation that has spawned a revolution in global communications technologies, where in a catastrophic crisis, our first responders, whose duty it is to protect us, had to resort to communications techniques that we thought we had left behind on the battlefields of the Civil War, and that was to resort to runners.

This amendment would provide the $100 million for this emergency grant program created in the 9/11 bill. The funding would come from a small, across-the-board cut in all other Department of Homeland Security programs. That is the only way we can think fairly to do it. It is real small, about a quarter of 1 percent of the DHS budget, to be exact 0.27 percent, a small amount to shift into a program that is necessary to save lives when disaster strikes.

It is important to note that these funds will be provided to States only after the Office of Emergency Communications in the Department of Homeland Security has approved statewide interoperability communications plans so we are not just going to have city A or fire department B or ambulance company C apply and get their own grants. You have to be part of a plan in every State.

I note again the $400 million in dedicated funding for this program that was provided for in the Senate-passed and House-passed budget resolution earlier this year in anticipation of this new program. Perhaps because the 9/11 bill that has just been completed in conference was not finished when the Appropriations Committee met to adopt this Homeland Security appropriations bill, the committee did not include any funding for interoperability communications.

House appropriators did include $50 million to start the program. Now the Senate must do its part.

We owe it to our first responders, the men and women whose duty it is to protect us and all the people they protect in cities and towns across the Nation, to help them create the kinds of communications systems that will enable them to talk to each other in crisis so they can react swiftly, efficiently, and effectively when the alarm bell rings and duty calls them to respond.

At the appropriate moment, when it is possible to do so, Senator COLLINS and I will introduce an amendment to achieve the purposes I have stated.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, before the Senator from Connecticut leaves the floor, I appreciate his leadership on the 9/11 Commission recommendations conference report and the bill generally and, of course, the work he has done on the other conference report, the only two we have had to speak of, on ethics and lobbying reform. He has been essential to moving these things along. We have approached these two measures on a very bipartisan basis which is, I am confident, the reason we were able to get them to the floor. The work of the Senator from Connecticut has been exemplary.

Mr. LIEBERMAN. I thank the majority leader.

Mr. REID. I wish a number of things. One of the things I wish is that we could legislate the way I remember the Senate legislating. There have been editorials written, there was a cartoon this morning in the Washington Post, about all the many filibusters led by Republicans. We came to our first appropriations bill. We have two individuals who are historic in their knowledge of the Senate, Senator BYRD and Senator COCHRAN. I have lamented with my friend from Mississippi on a number of occasions how we would like to follow regular order. We try to do that as much as we can.

There are a number of ways to kill legislation. One is to get on the floor and talk forever. That is the old-fashioned filibuster. The other way is to do it by diversion, other ways. That is what we have before us today. We have here a bill dealing with Homeland Security. We all know border security is important, and we know the underlying bill is $2.3 billion more than the President requested, most of that money going directly to border security—3,000 new detention beds, 3,000 new Border Patrol agents. It is a good bill. But my friends who want to not have this bill have now done what would seem almost impossible: They want to relegislate immigration. We have spent about a month on immigration this year, about a month last year, far more than any other issue.

Now we have pending before us an amendment, the Graham amendment, that in effect relegislates immigration.

Of course, there is a piece in there for border security. We all support that. But there are also pieces in that that take away basic rights people have, people who are American citizens. So it is unfortunate we are at this juncture.

I have no alternative, and I have thought of everything I could think of to try to avoid this collision. It is my understanding the Graham amendment is pending; is that true?

The PRESIDING OFFICER (Mr. OBAMA). The Graham amendment is pending.

Mr. REID. The Graham amendment is in violation of Senate rules. It is legislating on an appropriations bill. I raise that as a point of order.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Parliamentary inquiry initially: Is the second-degree amendment the pending amendment or is the Graham amendment pending?

The PRESIDING OFFICER. Both amendments are pending.

Mr. GREGG. Is the majority leader's motion to both amendments?

The PRESIDING OFFICER. The point of order goes to the underlying first-degree amendment.

Mr. GREGG. It is a point of order that this is legislating, this is the rule XVI point of order; is that correct?

Mr. REID. Yes.

Mr. GREGG. I raise the defense of germaneness with respect to the pending amendment.

The PRESIDING OFFICER. The Chair is not aware of an arguably legislative provision in the House bill, H.R. 2638, to which amendment No. 2412, offered by the Senator from South Carolina, could conceivably be germane.

Mr. GREGG. So the amendment is germane?

The PRESIDING OFFICER. The Chair does not believe that the defense of germaneness is appropriately placed at this time.

Mr. GREGG. Mr. President, I disagree with the ruling of the Chair and, therefore, I appeal the ruling of the Chair. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. REID. I know we are not in debate, but I wanted to inform Senators, there has been an evacuation order issued on the Hart and Dirksen buildings. We are going to go ahead and start the vote, but when the buildings allow the Senators to come, we will make sure they have an opportunity to vote. We are not going to cut anybody off because they are locked in a building someplace.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I would like 3 minutes to quickly point out where we are.

The PRESIDING OFFICER. Is there objection?

Mr. REID. When you finish, I won't need as much time as you. I will take 2½ minutes.

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

Mr. GREGG. So our colleagues understand the lay of the land, because it is a fairly complicated parliamentary situation, the Graham amendment, which increases funding for Border Patrol by $3 billion, I would point out that the majority leader, I believe, misspoke when he said the extra $2.2 billion in this bill went to border security. The extra $2.2 billion in this bill, the majority of it exceeds the President's request

in the area of first responders, and that is why we did not move that money out of the first responders to fund this. This is in addition to the funding in this bill to fully fund 23,000 Border Patrol agents, 45,000 detention beds, the virtual fence, the hard fence, and to make sure there are enough ICE enforcement officers. So it is a major initiative in the funding area.

There is also authorizing language in here. It is the authorizing language which I guess the majority leader has the most concerns about. But that is the underlying bill. The question before the body is, as I understand it, the underlying bill, probably because the authorizing language may not be germane. This will be a vote basically on the issue, in my opinion, of whether you want to increase funding for border security by $3 billion, fully funding what is necessary in order to make the border secure, including undertaking specific authorizing language which we think is important in order to give the Border Patrol and ICE agents the necessary tools they need in order to remove people from this country who have come to this country illegally or have done illegal acts while they are here. This is essentially a vote on the underlying amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have expressed my affection for my friend from New Hampshire on many occasions. He is a wonderful Senator. I am very aware of his great record of public service—Congressman, Governor, Senator. But the statement he made is wrong. This is not a vote on immigration. This vote we are going to take today, if the Chair is overturned, will set a precedent for all future appropriations bills, all of them, lowering, if not eliminating, the legislation on appropriations threshold. So this will mean any appropriations bill that comes through here, you can put anything on it. Some of us will remember—I know Senator COCHRAN will remember—I raised a point of order against something that Senator Helms did, and it was one of the biggest mistakes I made because we overruled the Chair. It took years for us on a bipartisan basis to go back to where we were.

On appropriations bills, you will be able to put in an appropriations bill anything you want. We will get back to the days of appropriations bills just putting anything you want in them. One of the good things about the appropriations process is you should not be able to legislate on an appropriations bill. That is what this is all about.

I also say to my friend from New Hampshire and all those people who believe this is a way to vote on immigration, it is not. It will lower the standards here in the Senate significantly. I would say, the funding aspect, none of us have any problem with that. We agree. That is one of the things I said publicly, that I appreciated the President when we had our immigration debate. He provided money that was emergency, direct funding of $4.4 billion for the border. I supported that. It allowed us to pick up more votes. It was a very important thing. I applauded the President for having done that. I told the President after that legislation fell through how much I appreciated his leadership.

But we need some leadership. This is going to lower the standards of the appropriations process and the Senate. We accept the funding measure. We would agree right now. Do it by unanimous consent. We agree to that. Then let's have the immigration debate some other time. We have spent 2 months on it already. Isn't that enough?

Mr. President, I want all Senators to know, Democrats and Republicans, if the Chair is overturned, this will set a precedent for all future appropriations bills, lowering, most likely eliminating, the legislating on appropriations threshold. We should not go down that road. I want to pass some of these appropriations bills. We want to get things done. Is this the picture we are going to have?

I will use leader time at this time. I came here this morning. I felt so good because we passed by unanimous consent the Wounded Warrior legislation. The distinguished Republican leader said: Well, why don't you add to that the pay raise for the troops? I said: It is OK, we will do that. I walked out of here—if I had some muscles, Mr. President, I would flex them because we really did well this morning. But the fact is, this afternoon we are back in the bog trying to claw through legislation we should not have to.

We have filed cloture 45 times this year. Why? For this bill we have now on the Senate floor, Homeland Security appropriations, we had to file cloture on a motion to proceed to it. That is hard to comprehend, but we did. We had to file cloture.

I do not want to file cloture on this bill because the first thing that would happen is people would come and say: I have not had a chance to vote on an amendment.

So I don't want to file cloture on this bill. I want people to have the opportunity to offer amendments and vote on them. But let's try to stay within the rules. This is legislating on an appropriations bill.

If my friends on the other side of the aisle want to overrule the Chair, that is really too bad and that will go into part of the writing where people will talk about how this Republican minority—I understand our majority is pretty thin: 50 to 49. Come September, it will be 51 to 49. That is pretty close. So it is not an issue where we are bulling our way over and through everybody. Every vote we take here is close. But this is not the way to go.

This may make everybody happy, but then there will be no appropriations bills. We will just do a big omnibus at the end of the year and do away with the appropriations process because now it does not matter what bill we bring up—we can bring up the Veterans' Administration, the VA, Military Construction appropriations bill, and with that, we can put anything in that we want that does not have anything to do with the purview and the scope of that bill. That is what people are getting into here. It is a shame.

Mr. President, I ask the vote be started.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—52

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

NAYS—44

Alexander	DeMint	Lugar
Allard	Dole	Martinez
Barrasso	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hagel	Snowe
Coleman	Hatch	Specter
Collins	Hutchison	Sununu
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Craig	Kyl	Warner
Crapo	Lott	

NOT VOTING—4

Brownback	Johnson
Clinton	McCain

The PRESIDING OFFICER. The Senate sustains the decision of the Chair.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I appreciate the vote turning out the way it did. First of all, I want the record to clearly reflect that the author of this legislation, my friend from South Carolina,

LINDSAY GRAHAM, offered it because he thought it was the right thing to do. He has very strong feelings about a lot of issues and he expresses them. One of those he feels strongly about is the issue of immigration. He offered this amendment in good faith, and I want everybody to know that is how I feel.

Procedurally, though, sometimes here we get in the way of each other. In fact, that is what has happened. What I would like to do is ask unanimous consent that the money portion—the portion of the Graham amendment that funds border security for all the things he and Senator GREGG laid out—that we accept that by unanimous consent.

My friend from New Hampshire wants to look at the legislation they have. I am hopeful that sometime tonight I can offer that in the form of a unanimous consent request. I wish to make sure everybody on both sides has the opportunity to look at the legislation. In effect, I again state simply it would give more money for border security. I will not harp on this, other than to say we in Nevada have a tremendous problem. We arrest illegals, and there is no place to put them. So they are let loose. This money would allow us to build more detention beds, hire more border security officers, and it will add the first part of the legislation that is absolutely necessary—that we do something about immigration. We always talk about border security wherever any of us go. But then there are other things that would not happen today with this legislation.

Hopefully, within the next hour or so, when Senator GREGG has had a chance to look at that—and I will clear it with Senator KENNEDY and others—we can, by unanimous consent, pass that portion of the bill dealing with financing border security.

I yield the floor at this time and, again, express my appreciation for the bipartisan vote that we had.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, we are on the verge of an important bipartisan accomplishment to actually seriously begin to secure the border. I thank Senator GRAHAM for his amendment. I thank the majority leader for his willingness to pass that portion of it that clearly is directed at border security.

I think once we have had an opportunity to actually read the amendment, which Senator GREGG and his staff and Senator GRAHAM and his staff are doing, we will have an opportunity to do something important for the country later tonight.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I am not sending this up in the form of an amendment. I want this to be placed in the RECORD to indicate what we would like to have accepted by unanimous consent. If there is an agreement on both sides, we will propose the amendment together. This is not an amendment, but I ask unanimous consent that it be printed in the RECORD.

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

(Purpose: To appropriate an additional $3,000,000,000 to improve border security)

At the appropriate place, insert the following:

TITLE BORDER SECURITY ENHANCEMENTS

For an additional amount for ''U.S. Customs and Border Protection, Salaries and Expenses'', $1,000,000,000, to hire, train, support, and equip additional Border Patrol agents and Customs and Border Protection Officers and for enforcement of laws relating to border security, immigration, customs, and agricultural inspections, and regulatory activities related to plant and animal imports.

For an additional amount for ''U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology,'' $1,000,000,000, to remain available until expended.

For an additional amount for ''U.S. Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement'', $100,000,000, to remain available until expended.

For an additional amount for ''U.S. Customs and Border Protection, Construction'', $150,000,000, to remain available until expended, for construction related to additional Border Patrol personnel.

For an additional amount for ''U.S. Immigration and Customs Enforcement, Salaries and Expenses'', $700,000,000, to remain available until expended, to hire additional agents to enforce immigration and customs laws, procure additional detention beds, carry out detentions and removals, and conduct investigations.

For an additional amount for ''Federal Law Enforcement Training Center, Salaries and Expenses'', $25,000,000, to remain available until expended, to train newly hired Border Patrol agents and other immigration and customs personnel funded in this amendment.

For an additional amount for ''Federal Law Enforcement Training Center, Acquisitions, Construction, Improvement, and Related Expenses'', $25,000,000, to remain available until expended, to provide facilities to train the newly hired Border Patrol agents and other immigration and customs personnel funded in this amendment.

These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mr. GREGG. Mr. President, if I can ask the leader a question, as I understand it, we are going to try to work out an agreement on the funding and the language which is behind the funding that didn't authorize the language——

Mr. REID. That is directed at border security, yes.

Mr. GREGG. Is that the money that increases border agents from 23,000 up to 30,000 and increases the number of beds to 45,000 and covers the fence, the virtual fence, and the number that funds ICE?

Mr. REID. We will take a look at your language, and you can look at ours, but the answer to your question is yes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I think we are all concerned that we get border security right. The Graham amendment offered us that opportunity. It looks like we may get there tonight.

Let the Senate understand there is a Catch-22 to what we are doing. While Americans want their border security—my guess is what the majority leader is proposing we adjust to will pass by the unanimous support of this Senate. The Catch-22 is that American agriculture is now in crisis, in part because we have failed to pass an immigration bill that addresses their guest worker need problem and the border closes and the human labor flow stops. We want it stopped. We want the illegal movement to stop, but we need a legal system tied to this to solve a problem.

Last agricultural season, underemployed by 25 percent, $3 billion lost at the farm gate, the consumer picked up the bill. Then we struggled mightily to solve the problem, and we could not. Now we are heading into another harvest season, with 35 percent underemployment, with a projected $5 billion to $6 billion loss in American agriculture—fruit, vegetables, and nuts left hanging on the trees and oranges rotting in the orange groves.

The Senator from California and I have said, please, help us a little bit and reinstate a guest worker program with border security; give us a 5-year pilot temporary program to solve a near disastrous problem for American agriculture. We fumble through and we cannot do it. So what are America's farmers doing—the ones who can afford to? They are taking their capital and equipment and they are moving to Mexico and Argentina and Brazil and Chile. America's investment will move south of the border.

Here we are now, 60 percent dependent on foreign oil to fuel our cars. Are we going to become 60 or 70 percent dependent on foreign countries to produce our fruits and our vegetables? If this Senate cannot get it right within a decade, that is where we will be—maybe even less time than that.

So while we debate border security—and while we are all for it, and while I have been aggressive in moving legislation with Senator BYRD, starting 2 years ago, to tighten our borders—always in my mind tied to that was reform of the guest worker program and getting a workforce for American agriculture that was legal, that was transparent, that came and worked and went home. But we can't do that. We would not do it. We refuse to do it because of grounds of political intimidation.

Shame on us if we destroy American agriculture because we cannot get it right. So the Senator from California and I are left with no alternative. Do we object to unanimous consent to secure the border? Of course we would not. We cannot and we should not. But we will ask this Senate to vote time and time again and either say you are for American agriculture or you are against it.

Therein lies the question this Senate has yet to answer, and they must answer if we are to supply America with its fresh fruits and vegetables and the kind of abundant food supply that we have grown use to—but more important that we expect.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. If I may, I thank the Senator from Idaho for those comments. He is absolutely right in what is happening. It is happening to a great extent as well in California. Referring to this chart, I wish to show the Senate what has happened. Agriculture is moving to Baja, Mexicali, and the Nogales regions—more than 20,750 acres of agriculture have moved from the United States to this area here and more than 8,600 employees have moved to this area in Mexico. Over here, more than 25,350 acres have moved to the center of Mexico, with more than 2,460 employees.

Mrs. BOXER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mrs. BOXER. The Senator deserves to be heard.

Mrs. FEINSTEIN. I thank my colleague from California for this. I speak on her behalf as well. Agriculture is in crisis. We have a $34 billion industry. Labor is down by as much as 30 percent. What is happening is farmers are renting land in Mexico. They don't want us to know that. It is difficult to get these figures, but we got them, and this is what is happening. Now, what will happen to the land in California, Idaho, Washington, and in other places? It will lie fallow. Farmers will soon decide they would rather farm in Mexico, with fewer restrictions on pesticides and lower phytosanitary standards. Their land will be sold for development and we will lose our farmland in this Nation.

The catastrophe, the crisis, is now. The harvest system is coming up now. What Senator BOXER, Senator CRAIG, and many others ask is please pass this 5-year pilot program and enable people who have worked in agriculture, who will continue to work in agriculture, to be able to do so legally. Reform the H2–A program so it functions for the rest of us.

The fact of the matter is, 90 percent of agriculture is undocumented labor. Why doesn't the Senate recognize that? Why doesn't the Senate recognize you cannot get Americans to do this work?

Why do we want to drown American agriculture? Why do we want to send it over the border?

What Senator CRAIG, Senator BOXER, and I are saying is, with this money, you take away our leverage to get this bill done, unless we can have some kind of commitment that we can do this bill as a stand-alone bill or move it on another bill. We ought to just face that right now, that Senator CRAIG and I would like to have a commitment that we can put this bill on another bill, or move it as a stand-alone bill without amendments, and hopefully get it passed so agriculture in America can harvest their crops this fall. We ought to have a discussion because this money we all would like to do, no question about it. We all want border security. We all want to fund border security.

(Ms. CANTWELL assumed the Chair.)

Mrs. BOXER. Will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mrs. BOXER. I thank Senator FEINSTEIN. She and I have gone to the farms. We have seen what is happening. We have seen the fruit just fall from the trees and wither when people are hungry. This is a ridiculous situation.

The question I have for my friend is—it is rather rhetorical, given the rules of the Senate—all of us have worked so hard for so many years for the AgJOBS bill. Isn't it a fact that it has been years since Howard Berman in the House started this and we all got involved? And isn't it so that instead of being a contentious matter, AgJOBS has had strong support, not only in the Senate but all over the country? Isn't it true that AgJOBS is supported not only by the owners of the ranches and the farms but also supported by all the unions and the labor people? And isn't that a reason to pull together, to unite? Isn't it so that it pulls together Republicans and Democrats?

Mrs. FEINSTEIN. The Senator from California is absolutely correct. It does. It pulls together all of us. We believe we have 60 votes in this body for AgJOBS because we believe there are 60 Senators at least who understand what the problem is, there is no question about it.

Senator BOXER has been on this issue for at least 7 years. Senator CRAIG, the Senator from Idaho, was the original sponsor of AgJOBS, along with Senator BOXER and Senator KENNEDY. That was 7 years ago. Is that not correct, I ask the Senator from Idaho, Mr. CRAIG?

Mr. CRAIG. That is correct.

Mrs. FEINSTEIN. Seven years ago. This bill is known by everybody in this body, and everyone in this body should know there is a need. We believe we have the votes in the House to pass the bill as well if it is a stand-alone bill, a 5-year pilot that enables farmers to hire workers.

Let me say one other thing. There is a myth out there that anybody can do agricultural labor. If you stand by a freeway and watch people pick lettuce, you will see precision movements, you will see an organized crew, you will see they are trained in how to do it, and you will also see it is backbreaking labor that Americans will not do.

There is no industry in the United States that faces the crisis agriculture does right now, I say to Senator BOXER. She knows that. I know that. We know what is happening to our farms and growers. Whether they operate 50,000 acres or 50 acres, it is the same problem. It takes, in California, 40,000 workers to harvest grapes. They are grown in four counties. It takes 40,000 workers to harvest 1 crop.

Does the Senator from Texas want me to yield?

Mrs. HUTCHISON. Yes. Madam President, I was going to ask if the Senator from California will yield because I do think there is a bipartisan consensus that we need to address AgJOBS. We need to have a temporary worker program going forward that fills the need for the economy of our country to continue to thrive.

I know the Senator from California has worked for years on this issue, as has the Senator from Idaho. I hope we can have a freestanding bill that would encompass agricultural workers and other temporary workers, such as food processors.

I was visited this week by a food processor who very much wanted comprehensive immigration reform and worked very hard for it. He is trying to do the right thing. But he is very concerned about the business being able to do the job it needs to do to get its product out on the market. I think we are going to have an employer crisis in this country if we don't have a legal way for people to hire workers for jobs that are otherwise going unfilled.

I commend the Senator from California, the Senator from Idaho, and the Senator from Georgia who is on the floor as well who has worked for AgJOBS. We need a temporary worker program that, going forward, provides for our economic basis. I hope we can have a freestanding bill that will be amendable so that we can do that part of comprehensive reform.

I believe 90 percent of the people in this body want border security, which we may be able to achieve tonight, and the majority leader and the minority leader have begun to get an agreement on that issue. Plus, I believe there is 90 percent agreement on a temporary worker program and taking care of the agricultural businesses. I hope those who are saying immigration reform is dead are wrong in that we can do certain parts of it where there is an overwhelming consensus in this body.

I thank the Senator from California for bringing this issue up and sticking to it.

Mrs. FEINSTEIN. Speaking through the Chair to the Senator from Texas—I see the majority leader is going to say something. Madam President, is he going to make us an offer?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, if I may say a few words so people know what the schedule is, first of all, this may surprise people, but we care about agricultural jobs in America. Where most people see the bright lights of Las Vegas and Reno, we specialize in garlic and white onions. We have tremendous need for agricultural workers, and they are hard to get in central Nevada. So I personally am in favor of the AgJOBS

bill. It is something that I know I have spoken with the Senator from Idaho, Mr. CRAIG, about on many occasions and the Senator from California on more occasions than she and I could ever calculate.

I am committed to doing something about AgJOBS. I hope we can do something soon. One of the bills we have to do in September is the farm bill. We have to do it. It has been 5 years. We have to renew it. Part of that has to be AgJOBS. If we can figure out a way to do it as freestanding legislation, I am willing to do that. I want all those who are concerned about AgJOBS to know that I am on their side. I will do whatever I can to help expedite this legislation.

I will also say, getting back to the Homeland Security legislation, I have conferred with the managers of this bill, Senator MURRAY, Senator COCHRAN, and Senator BYRD. It seems to me it would be in everyone's best interest not to have any more votes tonight. If there is something the managers can work out by voice vote, then we should certainly do that.

What I think we should do tonight is, if people have amendments to offer on this very important piece of legislation, do it. Tomorrow is Thursday. I remind everyone, we still have a lot to do. I spoke with Senator INOUYE. I believe he was the last one to sign the conference report on the 9/11 recommendations. That will be done. We should have something on ethics and lobbying reform. SCHIP, we have to be on that legislation next week. We have to finish this bill.

Even though there have been a lot of starts and stops today, we have had some progress.

Mrs. FEINSTEIN. Will the majority leader yield for a question?

Mr. REID. In 1 second, I will.

Unless the two managers have some objection, I would hope we could have people offer amendments tonight. If their amendments requires votes, we will set those for as early in the morning as we can. It would be wonderful if we could finish this bill tomorrow. As I said early on, I don't want to file cloture on this bill. I don't want to. This is the first appropriations bill. We have to set an example of trying to move forward.

I have just been notified that I am asked to go to the White House with the Speaker on Wednesday to talk about appropriations bills. This would be something really important to talk to him about on Wednesday, and we may be able to get one of them done.

Unless somebody has an objection to my suggestion, I think we will have no more votes tonight.

Mrs. FEINSTEIN. I believe I had the floor.

Mr. REID. I didn't want to take the floor away from the Senator from California. I wanted to let people know what we were doing here.

Mrs. FEINSTEIN. If I may, through the Chair to the majority leader, my interest was piqued in what the majority leader had to say. My question is, Would the majority leader be prepared to give Senator BOXER, Senator CRAIG, Senator HUTCHISON, and me a commitment that perhaps the majority leader and the minority leader could sit down and agree to allow a vote on AgJOBS as part of the farm bill without amendments, or some version of AgJOBS?

Mr. REID. Madam President, I say to my friend, I am happy to make that commitment. I will do everything I can to make sure it is part of the farm bill. I will do what I can. I will talk with Senator HARKIN. I will talk with Senator CHAMBLISS, who is on the floor. I am sure he is in favor. I ask through the Chair, is the Senator from Georgia in favor of the temporary worker program for agricultural workers?

Mr. CHAMBLISS. Madam President, I will respond this way: Obviously, I am in favor of a temporary worker program for agriculture. We have one now. Senator CRAIG, Senator FEINSTEIN, and I worked diligently to try to come to some accord on H–2A reform, but I have to tell the majority leader, we have never been able to reach that accord, and there are some issues that are going to require some major amending before we will be agreeable to bringing that bill up on the farm bill.

Mr. REID. Madam President, I appreciate the Senator from Georgia being so candid.

I say to the Senator from California, Senator CHAMBLISS obviously is not in agreement with her. I will make a commitment without any qualification that I will do whatever I can to make sure that is part of the farm bill. I will talk with Senator HARKIN, that is sure, the chairman of the committee. It is important we do this, and the Senator from California has my commitment—all four Senators—to do whatever I can. If it is not impossible, we may try to work something else out. Rather than have it part of the farm bill, we may try to do something freestanding.

Mrs. BOXER. Will the Senator yield further? I wish to tell my friends that I have discussed this with Senator HARKIN. We had a meeting in my office about California priorities. I talked with him about how much Senator FEINSTEIN and I would like this bill. I think he is very open. I am sorry the Senator from Georgia does not feel as we do about it, but I think we have a good chance of getting it in the farm bill, or at least getting a version of it and, if not, getting it done freestanding.

It is at a crisis point. Senator FEINSTEIN has shown us that we are losing our people, we are losing farms, we are losing workers, we are losing whole economies, and it is just the start. Seven years ago, we knew this was going to happen. It is time to act.

I appreciate Senator REID's commitments, and this is a man of his word. I hope we can all work with Senator REID and also Senator MCCONNELL to bypass some of the negativity we have heard tonight.

Mr. REID. Madam President, also, Senator CHAMBLISS is a reasonable man. You never know, he might wake up some morning and say maybe we should help those onion farmers out in Nevada.

Mr. CHAMBLISS. Will the majority leader yield for a question? First of all, I would love to invite the majority leader to Georgia to eat some really good Vidalia onions, and I look forward to trying some of his.

Mr. REID. I say to my friend, I hope it doesn't violate any of the ethics rules, but somebody sent me a box of onions, and my wife and I ate all we could and we gave some to our daughter. They were really quite good.

Mr. CHAMBLISS. That was Senator ISAKSON. We are glad you enjoyed them. My friend from California knows we have been trying to resolve this issue not for weeks and months but for years. We have been working on this issue. We have some major differences, as we have discussed. We had hoped to have an immigration reform bill on which we could resolve this issue. We moved a long ways in that direction.

Madam President, I would like to ask my friend from California a question.

As you know, I agree with everything you said, everything Senator CRAIG said about the dire straits in agriculture. We have a huge labor problem, and we are in need, in California, in Idaho, in Georgia, and in every part of the country, for agricultural labor to harvest our crops as we move toward the harvest season. The problem with the AgJOBS bill has always been it has an amnesty provision in it. It is called earned adjustment. That has been the major issue.

Does the Senator intend to include that earned adjustment provision in the 5-year pilot program that the Senator is talking about offering now?

Mrs. FEINSTEIN. If I may, through the Chair to the Senator from Georgia, what we have said is, a version of the AgJOBS bill.

The AgJOBS bill was negotiated over 7 years between the growers and the United Farm Workers Union and others. So it is a negotiated product. I actually thought that we had satisfied the Senator's concerns in many of our discussions. I am trying to recall, but I believe there were at least three areas where we made some changes specifically because of the Senator's concerns in the discussions that we had.

So I thought we had agreement on the H–2A part of the bill, which I believe was your interest, in return for which, with respect to the earned adjustment part of the bill, I would be happy to discuss this with you more. But the bill is based on, if a worker has worked in agriculture, he or she can submit documentation to that effect, for so many hours over so many years, that individual can get what we call a

blue card in the original bill and continue to work in agriculture for a substantial additional period. If they satisfied the hours, the filing, the taxes, and everything required of them, then they could apply after that period for a green card. That is as far as our bill went, the original bill.

Mr. CHAMBLISS. Madam President, if I can again ask the Senator a question. That has been the problem area.

Mrs. FEINSTEIN. I thought the problem area was citizenship.

Mr. CHAMBLISS. That is a pathway to citizenship, giving them priority on getting the green card.

But let me say to the Senator from California, I think the fact that we all recognize there is a problem and that we all want to get to the end which is a viable program that will allow all our farmers access to a quality pool of people who are here in a legal capacity under a valid temporary worker program, as long as it is truly a temporary worker program, and that those individuals are required to go back home at the time their job is completed—then we don't have an argument.

But as long as you continue to give them a pathway to citizenship, it is going to be a problem. We have just had that debate. So I would say this: I would hope between Senator CRAIG, Senator FEINSTEIN, myself, and others who are interested, that if we could come up with an AgJOBS-like, that would truly be a like version of AgJOBS, then perhaps that is a way that we could work our way through this year. It is going to take some time to get that done, and we don't have much time. Time is getting short. Here we are at the end of July almost, and harvest season is upon us.

If we could come up with some agreement to get us through this year, to give us time, maybe, to work out in the long run a more permanent program that does not include that pathway to citizenship, I would be in agreement with the Senator.

Mrs. FEINSTEIN. If I might, through the Chair to the Senator from Georgia, I would like to make one point.

I understand your concern is with the H–2A part of the bill. The other part of the bill is for different States because what happens in my State is, these crews work different produce. They go from one harvest to another to another to another because the harvests are staged at different times. So the bill has two component parts to it.

Of course, we are willing to talk. We are happy to sit down and talk. But we tried to do that with you, as you know, and I thought we had a product that we agreed to.

My understanding is the Senator from Idaho would like to ask a question.

Mr. CRAIG. Madam President, I would like, for a moment, to react to the Senator from Georgia. It is oftentimes confused that AgJOBS was two bills that were merged together—two problems solved. One was to create a new, modern, guest worker—or I should say flexible guest worker program that fits the needs of American agriculture. That was over here. We reformed the H–2A program. But over here was, what do you do with 1.2 million illegals who are here and are now working in agriculture and have been here for 4 or 5 years? That was the other side of it.

We said: If you stayed here and worked and became legal and met these qualifications, there would be something at the end of the road because we believe if you don't do that, if you say: Oh, yeah, you can stay and you can work, but you have to stay in agriculture to do so—specific to agriculture—you have created indentured servitude. You and I do not want that, nor do we want to be accused of that in any respect.

So we have to look at the two realities. The two realities are an H–2A program that does not meet the need of American agriculture today and a current workforce that is here and illegal.

How you bring legality to that workforce that is here and is illegal remains the question on which we differ. I think we have come awfully close to agreeing on a new guest worker program. And in that, the Senator from Georgia is right: It is very clear: They come, they work, they go home. That is a true guest worker program. Now, that is not today, that is tomorrow. Today is how do you meet the needs and solve the illegality problem of those currently here? Therein lies our struggle.

Somehow we have to be able to fix that and require compliance and not be accused or meet the test of not producing indentured servitude by saying the only way you can become legal is to stay in agriculture. That is not very fair either. So I guess they all have to go home. Some would like that, too.

You and I will never escape the definition of amnesty because anytime we touch an illegal and give them anything, we will be accused by the anti-immigration forces in this country of having morphed a new form of amnesty. At the same time, they are forcing us to refuse dealing with the real problem and solving it, or at least they are forcing some to run for cover in search of something that is impossible, and that is zero amnesty. You can't get there. I don't believe it is possible.

If you touch an illegal in any way, and in any way give them something that offers them some stability in the current environment, tomorrow morning Lou Dobbs will say: Amnesty. And it is a new creation he thought of overnight while in one of his 1932 labor dreams.

I yield the floor.

Mr. CHAMBLISS. Madam President, let me finally say to the Senator from California, again, we agree there is a problem. I think at the end of the day we agree what we want to do is give your farmers, my farmers, Texas farmers, and all farmers and ranchers the ability to have that quality pool of labor. And if there is a way to get there that is truly a means by which those workers who are here are temporary, I think that is going to be the key. Hopefully, we will continue the dialogue to see if we can't work something out.

Mrs. FEINSTEIN. If I may respond through the Chair to the Senator from Georgia, we had hoped, I say to the Senator, that we had worked it out. We believe there are 60 votes for the bill. We are happy, all of us—those of us who have worked on this bill—to sit down with you and go over it again and hopefully have something for the September farm bill. I think it is important.

The problem with waiting until September is part of the harvest is over, and we have lost a crop. I cannot tell you how much is going to be on the ground come September, but I can tell you in my State it is going to be a substantial amount. I worry about land lying fallow and then being sold by farmers for development and the loss of rich, great American farmland. I don't think that is what either one of us want.

We will try to work with you, Senator BOXER, Senator CRAIG and I, and, hopefully, we will be able to come up with something by September.

So I thank the Senator and the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2468 TO AMENDMENT NO. 2383

Ms. LANDRIEU. Madam President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2468.

Ms. LANDRIEU. Madam President, I ask unanimous consent to dispense with the reading of the amendment.

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

The amendment is as follows:

(Purpose: To state the policy of the United States Government on the foremost objective of the United States in the Global War on Terror and in protecting the United States Homeland and to appropriate additional sums for that purpose)

At the end, add the following:

SEC. 536. (a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States Government that the foremost objective of the United States in the Global War on Terror and in protecting the United States Homeland is to capture or kill Osama bin Laden, Ayman al-Zawahiri, and other members of al Qaeda and to destroy the al Qaeda network.

(b) FUNDING.—

(1) ADDITIONAL AMOUNT FOR COUNTERTERRORIST OPERATIONS.—There is hereby appropriated for the Central Intelligence Agency, $25,000,000.

(2) EMERGENCY REQUIREMEN6T.—The amount appropriated by paragraph (1) is hereby designated as an emergency requirement pursuant to section 204 of S.Con.Res.21 (110th Congress).

Ms. LANDRIEU. Madam President, the underlying bill that Chairman

BYRD and Ranking Member COCHRAN have put together is really good work. As a member of the Appropriations Committee, I am pleased to have worked on this bill. Senator MURRAY has provided some extraordinary leadership to add to this appropriations bill some resources to match the words that come out of this Capitol about securing our ports, securing our rail, and stepping up additional resources for our airports.

This underlying bill, the Homeland Security appropriations bill, reflects this goal and objective. For the most part, it meets it in a substantial way. But I would like to remind all of us here, my colleagues, though it is hard to remember or to put in perspective, but a few years ago, just over 5, we didn't have a Homeland Security appropriations bill. Until Osama bin Laden and al-Qaida established a network and put 19-plus men on planes that took out buildings in New York, a section of the Pentagon here in Washington, and crashed into a field in Pennsylvania, this department didn't even exist.

This department has been put together to try to help this country stand up against a great and growing threat—a great and growing threat. Unfortunately, according to the latest intelligence report—and I have the unclassified summary—this is not a diminishing threat. One would think that, after the money we have spent prosecuting the war, the diplomacy, and all the other things we are doing, this report would say that al-Qaida is weakened. But it doesn't say that. It says al-Qaida is strengthening. Of course, we know that Osama bin Laden is still on the loose.

So I come to the floor to offer an amendment to the Homeland Security bill to try to refocus our attention on how this whole thing got started. It all got started by a guy named Osama bin Laden and the al-Qaida network. My amendment says it should be the policy of the United States to refocus our efforts to find him, to destroy him, and to focus on the al-Qaida network wherever it is found.

There are pieces of it in Iraq, I am not going to debate that here. But there are pieces of al-Qaida that are still focused, according to this National Intelligence Estimate, right here in our homeland. So my amendment is substantive in the sense that it simply restates, or states for the first time but clearly, that it is the policy of the United States that the foremost objective of the global war on terror and protecting the homeland of the United States is to capture or kill Osama bin Laden and to destroy his network and other members of his network. I understand this is not just the work of one person. It adds $25 million to the Central Intelligence Agency for that purpose. I know there are other amounts of money that are being spent, and resources, some readily obtainable and some that are classified. But there are additional resources that need to be brought to bear on this and, most importantly, a focus to help us remember how we got here in the first place and what this Homeland Security bill should be doing, by protecting our Nation and keeping focus on al-Qaida. That is the essence of my amendment.

I thank the leader for allowing me to offer it tonight. Anytime the Senate feels we can vote on this in accordance with the schedule will be fine by me.

Mr. DORGAN. Will the Senator yield for a question?

Ms. LANDRIEU. Yes, I will.

Mr. DORGAN. I visited earlier with my colleague from Louisiana. I think this is an awfully good amendment. It establishes a priority which should have been established long ago.

As you know, the President, when asked about Osama bin Laden, at one point said, I don't care about Osama bin Laden. I don't care about Osama bin Laden. Now we have the National Intelligence Estimate that says the greatest terrorist threat to this country is the leadership of al-Qaida and Osama bin Laden. If that is the case, it ought to be job one to eliminate the leadership of al-Qaida. Eliminating the greatest terrorist threat to our country ought to be the most important goal. That is what the Senator states in her amendment.

I spoke yesterday about this issue at some length, describing the kind of Byzantine position we are in with everyone telling us that here is the great threat to our country. Yet, on the other hand, we are going door to door in Baghdad in the middle of a civil war with our soldiers while there is what is called a safe harbor or secure haven apparently in Pakistan or Afghanistan or somewhere on the border.

My point is there ought not be a square inch of safety anywhere, no safe harbor, no secure hideaway anywhere on this planet for the leadership of al-Qaida.

I think this is a good amendment. I intend to offer the amendment that I offered on the Defense authorization bill as well tomorrow. It was passed unanimously and my hope is it will be accepted unanimously. Senator CONRAD offered it, but the Defense authorization bill was pulled. I intend to offer that amendment tomorrow, but my hope is the Senate will approve the amendment offered by the Senator from Louisiana because I think it advances this country's interest in defeating terrorism, and that is a very important goal.

Ms. LANDRIEU. I thank the Senator from North Dakota. He has been a leader in helping us to stay focused by increasing the reward. We have to remember—I wish I had my poster but I don't, but this is what a small version of it looked like. I know the Chair may have a hard time seeing it, but this is what Osama bin Laden looks like. It is important for us to continue to see his picture. He is on the FBI's ''Most Wanted'' list. This was before he organized the attack against our country that has killed over 3,000 innocent civilians and, as we know, now 4,000 of our soldiers, approximately, have lost their lives and 38,000 to 40,000 wounded, trying to retaliate against this attack.

I thank the Senator from North Dakota. I intend to be a cosponsor of his amendment. It is complementary to this one. Again, I offer it as I think appropriate on this bill which lays out the resources to protect our homeland. Let's make sure those resources are used so there is a big target on the back of this man Osama bin Laden and his very dangerous network that is still alive, unfortunately well, and according to our own estimates growing as a threat.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Madam President, we have spent this time wanting to get the legislation passed dealing with border security. It would have been the Graham-Pryor amendment. We basically would have taken the amendment offered by the Senator from South Carolina, the first several pages of it, dealing with border security, the money part of it. My friend, the distinguished junior Senator from Texas, objects to that. That is unfortunate. He wants to add additional language to that. As I explained to him, we have had many Senators want to add language.

But Senator GRAHAM, he came to us after all the changes, the suggested changes in the legislation, and he said: You take our bill as it is written. Now it was not easy to get that approved on our side, but we did get it done. There is an objection now. I am sorry that there will not be the money for border security, but that is the way it is. I regret that. I am sorry to have taken so much of the Senate's time to do that. It is 7 o'clock at night. We are back to where we were.

We will move forward. There are a number of amendments pending. My friend Senator ALEXANDER has waited around for a long time to offer his amendment. My understanding is that Senator VITTER is here. Is he ready to go?

I apologize. I hope other Senators will come and offer amendments. We will do our best to try to finish this bill tomorrow.

Is there anything my friend from Texas wishes to say in addition to what I have said?

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Texas.

Mr. CORNYN. Mr. President, I disagree with the characterization of the

distinguished majority leader. The objection to the proposed unanimous consent was to only a portion of the original Graham amendment of which I was a cosponsor. It completely overlooked and ignored 45 percent of the illegal immigration in this country caused by people who enter with a visa that is legal but then they overstay. My suggestion to the distinguished majority leader and other colleagues is that we not ignore that 45 percent but, rather, include that as an acceptable expenditure under current law for part of the $3 billion.

He has explained to me that there is objection on his side to including that 45 percent of illegal immigration as part of the accepted expenditures for this $3 billion. I am sure he has accurately reported what his conference or caucus has said. But my concern is that we not spend money on the border security component and then pat ourselves on the back and claim success when, indeed, the proposal would have ignored 45 percent of the cause of illegal immigration. We need an approach that will deal both with border security as well as the interior enforcement caused by visa overstays.

Mr. REID. Mr. President, if I could say to my friend, I also think this is a problem we should deal with. But I think the language as written in this legislation would allow that. I would be happy to join with my friend in a letter to the Secretary of Homeland Security. I would be happy to meet with him when we get this done to tell him that this legislation, in my opinion, and hopefully in the opinion of a distinguished former member of the Texas Supreme Court, a great legal background, as we have propounded it would also allow this. We could make a very good case to the executive branch of Government that that is so. I hope my friend would take that as an offer of good faith to try to move this along.

I am convinced that if we pass what has been suggested by GRAHAM and PRYOR—and the Senator from Texas knows this better than I do—this does cover the fact that the Department of Homeland Security certainly should use some of this money to make sure we know where people are. It is absolutely wrong that we have people here who come on study visas and we lose track of them. That is one example. I know a significant number of Senators would agree. I think Secretary Chertoff would think this is something he should do with part of that money.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I welcome the opportunity always to work with the distinguished majority leader on legislation, including this legislation. But the fact is, the American people have lost confidence in the Federal Government when it comes to broken borders and our lack of enforcement of our immigration system. It is more appropriate that we contain the requirements in the amendment itself and not in letters he and I might write to the Secretary of the Department of Homeland Security. The fact is, the Department is not going to do anything unless we direct them to do so in legislation.

I regret the distinguished majority leader has to object to my request to include, in addition to border security, provisions saying that the money could be spent for interior enforcement as well. If that is the way it is, that is where we are.

The PRESIDING OFFICER. The majority leader.

Mr. REID. It seems sometimes people like to have the issue rather than solving the problem. This would have gone a long way toward easing the friction on both sides toward problems with immigration. It hasn't. My friend, I could say, will still have an issue to talk about. Maybe that is more important to him than solving this problem.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I thought we were getting along well until that last comment by the majority leader. I want to solve this problem too. I think my record of involvement in the immigration and border security issue has demonstrated that. I am not interested in scoring political points; I am interested in solving the problem. But I am suggesting that the proposal by the majority leader will not solve the problem. It solves 55 percent of the problem, not the remaining 45 percent.

I assure the distinguished majority leader that I am interested in a solution. That is why I proposed that some of this money would be able to be allocated for interior enforcement, including the 632,000 absconders, people under final orders of deportation who have simply gone underground or who have left the country and then reentered illegally, both of which are classified as felons under the Immigration and Naturalization Act. I would have thought that the majority leader would think that an appropriate use for some of this $3 billion in this amendment, to go after those felons, to make sure our laws are enforced according to the letter of the law as written by Congress. I regret he does not see it the way I do. I guess that is where we are.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I visited with the managers about speaking on some amendments.

The first amendment I am going to reference, I will just speak about it because it is still in Legislative Counsel, but we will have it shortly. That probably means tomorrow. But I wish to alert people to a problem we have with Homeland Security that I would like to fix through amendment. The amendment would restrict the Department of Homeland Security from using any funds appropriated in this bill for the enforcement of interim final chemical security regulations relating to the stored quantity of propane gas between 7,500 pounds and 100,800 pounds. I will put this in language that people, at least in rural America, can understand.

We have a situation where you don't have natural gas, and that is on most farms, a lot of small businesses, and small towns. Homes are heated with propane, 500-gallon tanks that are somewhere on the property, usually behind the house or, in the case of a farm, out by the grain bins where you dry your corn or other grains using propane gas. Things of that nature are what I am talking about.

Let me be very clear; my amendment is limited and narrowly tailored in that it only limits use of funds for enforcing one listed chemical. That one listed chemical is propane. Some people refer to it as LP gas, liquid propane gas—one and all the same.

It would allow the Department to use funds to enforce the regulation for larger facilities, things that can honestly be said could be used for terrorist activity, but not the propane tank behind some farmhouse or by some grain bin. This amendment is necessary to ensure that these regulations truly protect our homeland but not burden farmers and small businesses and create a bigger problem with regard to propane security that I will mention in a minute.

This final rule was published by the Department of Homeland Security on April 9, 2007, and became effective June 8 of this year. These regulations were required by Congress as part of the Department of Homeland Security appropriations bill of 2007 and are known as the chemical facility antiterrorism standards. The regulations include an appendix that lists chemicals of interest to the Department and the stored quantities that will trigger reporting and screening requirements for those who house the listed chemicals. Included in the list of chemicals of interest is propane stored in quantities greater than 7,500 pounds.

Propane is used by virtually every arm of agriculture, from small family farms to large agribusinesses across the country. Propane is used to dry grain, to heat facilities for livestocks and poultry, and to heat thousands of rural homes across the country. This listed quantity of 7,500 pounds is roughly 1,785 gallons.

For those who are not from rural America, the typical rural home has at least one thousand-gallon tank for heating and maybe has two or three of these tanks for home heating and cooking, depending upon the size of the home. Some family farms may have a home tank and multiple farm tanks. Under the current regulation and thresholds, these rural homes and farms would qualify as a chemical facility and would have to complete what is known as the ''top screen'' process to register the site as a chemical facility. These are not homes in large metropolitan areas; they are rural homes where the nearest neighbors could be miles away. But under the current regulation, counting all tanks on one

property, they would be subject to the screening requirements and also subject to penalties if they failed to complete the screen.

Most people listening to me are probably saying: So what. If the Department lists the chemicals, these folks should register. Well, in its own regulatory analysis—I am quoting from the Department now—the Department calculates that the average cost to complete the top screen process will be between $2,300 and $3,500 per screen. That is not a lot of money to some large chemical facility, but to John Q. Public who owns three tanks on his farm to heat his home as well as to heat his sheds and barns and maybe dry grain, $2,300 to $3,500 is very real money.

Further, the top screen requires individuals to fill out a lengthy form that is highly detailed and may require help from attorneys to ensure that the forms are filled out properly. Once this is completed, the Department then makes a determination if the site will need to complete a security vulnerability assessment. If this assessment is necessary, the Department then determines if a site needs a site security plan for chemical security.

The bottom line is that many rural homes, farms, and small businesses could be required to pay $2,300 to $3,500 as just a preliminary step to determine whether they are ''high risk'' for a terrorist attack. These lengthy forms, complex requirements, and high costs pose a harsh, undue burden upon rural America; hence my amendment and hence my begging for consideration of this from my colleagues.

I also believe this regulation has a possibility of increasing threats to our country as opposed to making it safer. As written, this rule and the current quantities of propane may lead many homeowners, farmers, small businesspeople to limit how full they might keep their onsite storage tanks. For example, a home with multiple tanks may only fill a backup tank part of the way to stay under the threshold so they do not have to fill out the top screen.

Now, as a result of that, that home, that small business, that farm may have to increase the number of times its tanks are filled once or twice during the winter months. This increase in the number of tank fills—because they are only going to be partially filled—means the number of trips propane trucks make is very much increased, leading to more propane tankers per business and more propane tankers going down our highways.

Now, I ask all of you to consider, what is a more vulnerable threat to America, John Q. Public's family home in rural Iowa—or in any other State—or an increase in hundreds, maybe thousands, of extra propane tankers on America's highways and roads?

Now, I tried to solve this problem before this amendment. On June 25, 2007, I sent a letter to Secretary Chertoff asking him to consider the impact of including propane in quantities of 7,500 pounds in the regulations. I asked Secretary Chertoff to consider including an exemption for rural homes, farms, and small businesses that store and provide propane in excess of 7,500 pounds. To date, I have only received a response saying the Department is ''giving careful consideration'' to my letter.

Now, I appreciate the careful consideration being given to my letter, but I wish to know what is being done to ensure there is no undue burden placed upon rural Americans and that these rules have the impact that is intended. We all want to ensure our homeland is as safe as possible, but we need to do so without overburdening rural Americans and threatening the growth of a small business.

Further, as I pointed out, there is an additional possible safety concern that may be a consequence of the regulation. As such, I will offer an amendment that would prohibit the use of any funds to the Department to enforce the current regulations for propane when the site of that propane has more than 7,500 pounds but less than 1,800 pounds, until it amends these regulations to provide an exemption for rural homesteads, agricultural producers, and small business concerns.

Again, this amendment is narrowly tailored only toward propane and does not impact enforcement of the regulations for other listed toxic chemicals. Additionally, this amendment includes safety provisions to ensure that if a threat is imminent to rural America, the Department can inform Congress of such threat and continue with its current regulations. This amendment is necessary to ensure that Government regulations meet a commonsense test and do not unduly burden rural America.

AMENDMENT NO. 2444 TO AMENDMENT NO. 2383

Mr. President, I am now going to go to an amendment I do have written and would like to offer. I send amendment No. 2444 to the desk and ask for its consideration. Mr. INHOFE should be listed as a cosponsor.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. INHOFE, proposes an amendment numbered 2444 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To provide that none of the funds made available under this Act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 or may be available to enter into a contract with a person, employer, or other entity that does not participate in the such basic pilot program)

On page 69, after line 24, insert the following:

SEC. 536. None of the funds made available under this Act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 537. None of the funds made available under this Act may be available to enter into a contract with a person, employer, or other entity that does not participate in the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mr. GRASSLEY. This amendment to this appropriations bill is to strengthen our efforts to verify if people in the United States are legal to work in this country.

Without a doubt, we have an illegal immigration problem. People are crossing our borders each day to live and work in the United States. Some individuals may have innocent motives, some may not. Some may be living in the shadows and wish to do our country harm.

We do not live in a pre-9/11 world anymore. We must do all we can to protect our country. That is why I am proposing this amendment. It would do two things very appropriate in the Department of Homeland Security appropriations bill. It would require the entire Department of Homeland Security to use the basic pilot program—also known as the electronic employment verification system.

The Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire and employ aliens not eligible to work. It required employers to check the identity and work eligibility documents of all employees.

The easy availability of counterfeit documents has made a mockery of the 1986 bill. Fake documents are produced by the millions and can be obtained very cheaply.

In response to the illegal hiring of immigrants, Congress created the basic pilot program in 1996. This program allows employers to check the status of their workers by checking one's Social Security number and alien identification number against Social Security Administration and Homeland Security databases.

The immigration bill before the Senate last year and this year would have required all employers to use the basic pilot program over a period of time by

phasing it in. Both the administration and Congress were poised to pass legislation mandating participation in this program. It has been argued that the employment verification system is crucial to enforcing the laws already on the books. Many say the system is a needed tool for employers to check the eligibility of their workers.

Since 1996, the system has been updated, the system has been improved. It is a Web-based program, and employers can go online quickly and very easily when hiring an individual. Employers in all 50 States can use the program, and it is voluntary for the private sector. Currently, over 18,000 employers use the basic pilot program.

Under current law, however, the Federal Government is supposed to be using the employment verification system—emphasis upon ''current law'' and ''supposed to be using.'' We are talking about the Federal Government as an employer and whether we are setting a good example for the private sector on checking whether people are legally in this country if they are going to work for us. Of the 18,000 users I have mentioned, Homeland Security says 403 Federal agencies are using this pilot program. But my colleagues will be shocked to hear that very few of the 22 agencies at the Department—the Department of Homeland Security—are actually participating in this program.

I asked Secretary Chertoff in January of this very year about requiring all agencies to use this system and extending the requirement to contractors who do business with the Federal Government.

The Department of Homeland Security responded by saying these 403 Federal agencies are participating in the basic pilot program. The Department said it was also on track to make sure all agencies were using this system by the end of the fiscal year.

I ask unanimous consent, Mr. President, to have printed in the RECORD my letter to the Secretary and the Department's response.

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

U.S. SENATE,
Washington, DC, January 24, 2007.

Hon. MICHAEL CHERTOFF,
Secretary, Department of Homeland Security, Washington, DC.

DEAR SECRETARY CHERTOFF: Thank you for your time on Monday to discuss the worksite enforcement actions against Swift & Company. I appreciate the time you took to hear our concerns, and discuss solutions to improve our efforts to reduce identity theft by illegal aliens.

As I stated in our meeting, our government agencies must do a better job of communicating with each other. That is why I authored an amendment last year to the immigration bill that would give your department access to taxpayer information maintained by the Social Security Administration. I look forward to pushing this measure into law.

Additionally, I want to reiterate my concerns about the need for federal government agencies to use the basic pilot program. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 included a provision requiring select entities to participate in the program. The law states that ''Each Department of the Federal Government shall elect to participate in a pilot program and shall comply with the terms and conditions of such an election.'' I would like to know how this law is being enforced, and how your department is working to ensure compliance by all federal agencies.

Furthermore, I would like the Department's legal opinion about the ability to require contractors and subcontractors of the federal government to use the basic pilot program. Last July, the U.S. Immigration and Customs Enforcement (ICE) arrested nearly 60 illegal immigrants at Fort Bragg in North Carolina. Last week, ICE arrested nearly 40 illegal immigrants hired by contractors working on three military bases (Fort Benning, Creech Air Force Base, and Quantico Marine Base), one of which was reportedly a member of the dangerous MS–13 gang. There are many similar stories of illegal aliens being hired by contractors who work at critical infrastructure sites throughout the United States. Requiring those who do business with the federal government should be held to the same standard as our executive department agencies. I encourage you to take steps to ensure that contractors are using the tools that we have provided, and are participating in the department's electronic employment verification system.

I appreciate your time and consideration of these views. I look forward to hearing from you.

Sincerely,

CHARLES E. GRASSLEY
U.S. Senator.

OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF HOMELAND SECURITY,
Washington, DC.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of Secretary Chertoff, thank you for your letter regarding federal agencies and government contractors using the Basic Pilot Employment Verification Program (Basic Pilot).

Currently, there are 403 federal agencies that are participating in the Basic Pilot. The majority of the federal Basic Pilot participants are member offices of the legislative branch, although there are several key executive branch participants, such as the U.S. Citizenship and Immigration Services headquarters office and components of the U.S. Coast Guard. The U.S. Citizenship and Immigration Services, which oversees the Basic Pilot, is exploring several approaches this fiscal year to use Basic Pilot to verify all executive branch new hires. Also under consideration is whether the Office of Personnel Management (OPM) could conduct the verifications through the Basic Pilot on behalf of all executive branch new hires or whether each agency should individually conduct the verifications for its own new hires. The Department of Homeland Security (DHS) would be pleased to keep your staff apprised of the status of this planning effort. DHS's goal is to ensure that all executive branch new hires are verified through the Basic Pilot by the end of FY 2007.

With respect to whether or not departmental contractors use the Basic Pilot program, DHS is exploring options to encourage contractor participation in the program.

I appreciate your interest in the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative and Intergovernmental Affairs at (202) 447–5890.

Sincerely,

DONALD H. KENT, Jr.,
Assistant Secretary.

Mr. GRASSLEY. Since receiving the letter from Secretary Chertoff, this is what I have found out: that this response—that 403 Federal agencies are using the program—was deliberately misleading. In fact, congressional offices make up to 99 percent of the Federal users. Of the 411 or more Federal Government users, 400 are congressional offices—136 in the Senate and 264 in the House.

So I am taking issue with the Department for their response to me and feel this is deliberately misleading the Congress on the use of the basic pilot program—when I get back a letter that says 403 Federal agencies are using the program, and 99 percent of them are here on Capitol Hill, not downtown.

According to staff at the Citizenship and Immigration Service, only 11 executive branch agencies are using the program—only 11—and only 5 of the 22 agencies at Homeland Security are using the program—only 5.

The President visited a Dunkin' Donuts shop last year. The company announced all of its franchises would use the basic pilot program to verify their workers. If Dunkin' Donuts can use the system, so can the Federal Government, particularly the Departments with the mission of protecting the homeland.

We ought to be setting an example, the Federal Government, for all employers. But within the Federal Government, the very department enforcing the law, suggesting it is being used, ought to set the example.

I am ashamed to say the Department of Homeland Security—the most valuable component of the executive branch in securing our Nation from terrorism—then is setting a very bad example.

Congress and the administration must be a model of good employment practices for the rest of the country. My amendment is needed to push executive branch participation in this program.

Now, there is a second part to my amendment. It would extend this principle to contractors who do work for the Federal Government. Because the second part of the amendment would require all contractors—in just the Department of Homeland Security—to use the basic pilot program to check the eligibility of their workers.

Now, I think it ought to go beyond contractors for the Department of Homeland Security, but we are working on the Homeland Security appropriations bill so I am limiting it to that. It is my opinion that those who do business with Homeland Security agencies should also be required to use the electronic employment verification system. They may be private-sector people, but they are working for the

Federal Government and they are in place of Federal employees.

There have been many examples of aliens illegally in the country working for Government contractors and being allowed to work in sensitive areas. I gave a number of examples last week during consideration of the Defense authorization bill when I tried to apply this same principle to that bill when it was up.

But the Department of Defense, I want you to know, is not the only culprit. This week, a man from Houston was sentenced for harboring illegal aliens, some of whom had access to an Alexandria airbase and Louisiana National Guard facility under a Federal Emergency Management Agency construction contract.

The company employed 30 to 40 workers, contracted with FEMA, and was able to send illegal aliens to a worksite where they had access to a National Guard facility and airbase.

There were many news stories about undocumented individuals working in the construction industry in New Orleans after Hurricane Katrina.

Then there was ''Operation Tarmac,'' launched by Immigration and Customs Enforcement in 2002, to enhance security at our airports and remove undocumented immigrants from these critical facilities.

The operation resulted in investigations of hundreds of thousands of people and more than 900 arrests of unauthorized workers. Aliens illegally in this country were working as janitors, baggage checkers, and luggage handlers.

Whether it is FEMA or the Transportation Security Administration or Border Patrol or the Citizenship and Immigration Service, we must make sure those hired by the agencies are legally able to work in the United States.

While Immigration and Customs Enforcement has taken some steps to find unauthorized workers at secure sites, illegal aliens should not be hired in the first place. We cannot allow people illegally in our county to check our bags or process immigration benefits.

One way to get at that problem, then, is to require Departments, particularly the Department of Homeland Security, to use the basic pilot program up front. There is no cost to employers. Instead, the American public will be more protected than it is today.

Earlier this year, the Senate voted unanimously to debar employers from Government contracts if they are found to hire aliens illegally in the country. That vote signified an overwhelming opinion that our Government should only be doing business with those who take our immigration laws very seriously. Therefore, this part of my amendment should not be problematic.

I hope my amendment can be considered this week. It is not overly expansive. It is to the Department we are appropriating money for. I don't believe it is overly burdensome because the Federal Government is preaching to the private sector. They are preaching to the other Government agencies that we ought to be doing it. We in Congress have adopted it more than anybody else in the Federal Government has. If we can do this in our hiring of people, surely other Government agencies can.

I hope this amendment—I think a commonsense amendment—can be considered. I am happy to debate it, but I am finished presenting it. I have it before the Senate and I will let the managers of the bill take the course from that point.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Iowa for his contribution to the debate and consideration of this legislation. I ask unanimous consent that it be set aside so that I may call up another amendment.

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

AMENDMENT NO. 2405 TO AMENDMENT NO. 2383

Mr. COCHRAN. Mr. President, on behalf of the Senator from Tennessee, Mr. ALEXANDER, I call up amendment No. 2405 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. ALEXANDER, proposes an amendment numbered 2405 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To make $300,000,000 available for grants to States to carry out the REAL ID Act of 2005)

On page 40, after line 24, insert the following:

REAL ID GRANTS TO STATES

SEC. ____. (a) For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302), $300,000,000 to remain available until expended.

(b) All discretionary amounts made available under this Act, other than the amount appropriated under subsection (a), shall be reduced a total of $300,000,000, on a pro rata basis.

(c) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on the accounts subject to pro rata reductions pursuant to subsection (b) and the amount to be reduced in each account.

Mr. COCHRAN. Mr. President, I will set this amendment aside and take it up in due course in the consideration of the bill.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer four amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I thank Chairman BYRD, Senator MURRAY, and Senator COCHRAN for their leadership on this outstanding bill which will help make America safer and, of course, we in New York particularly care about homeland security. I want to commend the committee for putting together a bill that shows the Nation where our priorities lie. After years of shortchanging the Department of Homeland Security, the committee has now put forth a bill that will sufficiently fund the Department, in my judgment. In the next year, DHS will finally be equipped to do its job of making our Nation safer from harm.

The bill will make America safer by investing in high priority projects—such as the kind of technology we need to keep us safe—while also protecting us at our borders, in our skies, at our ports of entry, and on our subways, rail, and mass transit systems.

AMENDMENT NO. 2416 TO AMENDMENT NO. 2383

Mr. SCHUMER. Mr. President, I call up amendment No. 2416.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2416 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To evaluate identification card technologies to determine the most appropriate technology for ensuring the optimal security, efficiency, privacy, and cost of passport cards)

At the appropriate place, insert the following:

SEC. ____. INDEPENDENT PASSPORT CARD TECHNOLOGY EVALUATION.

(a) IN GENERAL.—Before issuing a final rule to implement the passport card requirements described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note), the Secretary of State and the Secretary of Homeland Security, using funds appropriated by this Act, shall jointly conduct an independent technology evaluation to test any card technologies appropriate for secure and efficient border crossing, including not fewer than 2 potential radio frequency card technologies, in a side by side trial to determine the most appropriate solution for any passport card in the land and sea border crossing environment.

(b) EVALUATION CRITERIA.—The criteria to be evaluated in the evaluation under subsection (a) shall include—

(1) the security of the technology, including its resistance to tampering and fraud;

(2) the efficiency of the use of the technology under typical conditions at land and sea ports of entry;

(3) ease of use by card holders;

(4) reliability;

(5) privacy protection for card holders; and

(6) cost.

(c) SELECTION.—The Secretary of State and the Secretary of Homeland Security shall

jointly select the most appropriate technology for the passport card based on the performance observed in the evaluation under subsection (a).

Mr. SCHUMER. Mr. President, I am introducing an amendment that will require the Government to test an array of possible card technologies before creating new passport cards for land border crossings.

Under the Western Hemisphere Travel Initiative, the Department of Homeland Security is moving toward new rules to require travelers to show a passport or an approved alternative document at land ports of entry. As we all saw from the record passport backlogs over the past few months, the Nation suffers when the administration makes big changes at the border without adequate preparation. Yet with the new passport cards, DHS and the State Department seem to be rushing forward blindly again. They have already issued a proposed rule on passport card technology, but when I questioned officials from DHS and the State Department, they admitted they had not done any on-the-ground testing of their proposed cards. This lack of testing is especially shocking because the administration is making a very unusual move in trying to use a type of technology that has weaker security capabilities than some of the other options that are out there. We don't know whether it would work on the border unless we test it.

I think that with proper preparation and testing, we can have a border document that is both secure and efficient, that preserves both security and allows commerce to continue to flow freely across the border. That is what I want to see. But if we let the DHS push this forward, I am concerned that travelers will get the worst of both worlds.

DHS in this case has it all backward. They need to do the testing before making a final choice of technology. We need to know that any new cards will be reliable, secure, efficient, and easy to use. If the administration won't do that testing on its own, then Congress must step in. My amendment says DHS and the State Department need to do a serious evaluation comparison of two or more card technologies before they issue a final regulation to start selling these cards to people. This is a smart and straightforward way to make sure the administration is spending money wisely. I can't see why anyone would object to it, and I hope we can certainly agree without much controversy to pass it into law.

AMENDMENT NO. 2461 TO AMENDMENT NO. 2383

Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 2461.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2461 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To increase the amount provided for aviation security direction and enforcement)

On page 2, line 11, strike ''$100,000,000'' and insert ''$94,000,000''.

On page 18, line 2, strike ''$5,039,559,000'' and insert ''$5,045,559,000''.

On page 18, line 10, strike ''$964,445,000'' and insert ''$970,445,000''.

On page 18, line 20, strike ''$2,329,334,000'' and insert ''$2,335,344,000''.

Mr. SCHUMER. Mr. President, the Law Enforcement Officer Reimbursement Program reimburses local law enforcement for security services that TSA requires at all airports around the country. But due to a planned expansion, the program is not fully funded at the level needed to maintain the present level of service. Currently, 275 airports are part of the program, which is funded at $64 million. As the program moves from a reimbursement agreement model to a cooperative agreement model, TSA hopes to include 300 airports, but they will attempt to do this with the same level of funding used for 275 airports. Most of these airports are smaller, rural. They are not the kind of airports that can easily come up with the tens of thousands of dollars that might be required. So this is a smart and straightforward way to make sure the administration is spending money wisely. My amendment will make sure the level of security service provided at airports does not suffer as more airports become part of this important program.

AMENDMENT NO. 2447 TO AMENDMENT NO. 2383

Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 2447.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2447 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To reserve $40,000,000 of the amounts appropriated for the Domestic Nuclear Detection Office to support the implementation of the Securing the Cities initiative at the level requested in the President's budget)

On page 49, line 22, strike the period at the end and all that follows through ''2010:'' on page 50, line 2, and insert the following: '', of which $10,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget.

''SYSTEMS ACQUISITION

''For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $182,000,000, to remain available until September 30, 2010, of which $30,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget:''.

Mr. SCHUMER. Mr. President, I am joined by my New York colleague Senator CLINTON and my colleagues from New Jersey, Senator LAUTENBERG and Senator MENENDEZ, in offering an amendment to fully fund the Securing the Cities initiative at the level of $40 million. This is what was requested by the President. Securing the Cities is an innovative partnership between the Federal Domestic Nuclear Detection Office and local law enforcement to set up a ring of radiation detection devices around the perimeter of urban centers to stop dirty bombs or nuclear weapons. The Nuclear Detection Office chose the New York region as the first area to pilot this approach, and local authorities have been working together for months to plan and train. But the committee proposes to provide only three-quarters of the funding requested by the President.

When it comes to protecting cities from nuclear or radiological attack, we can't stop halfway. Securing the Cities is a cutting-edge plan to safeguard the people and assets of our most threatened city centers. This program is moving ahead and it needs the full amount the President requested: $30 million to purchase equipment and $10 million for planning and research. I hope the relatively small amount of money here will be approved without much debate by my colleagues.

AMENDMENT NO. 2448 TO AMENDMENT NO. 2383

Finally, Mr. President, I ask that the pending amendment be set aside and I call up amendment No. 2448.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2448 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To increase the domestic supply of nurses and physical therapists, and for other purposes)

On page 69, after line 24, add the following:

SEC. 536. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS THROUGH THE RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.

Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''1996, 1997,'' after ''available in fiscal year''; and

(B) by inserting ''group I,'' after ''schedule A,'';

(2) in paragraph (2)(A), by inserting ''1996, 1997, and'' after ''available in fiscal years''; and

(3) by adding at the end the following:

''(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.''.

Mr. SCHUMER. Mr. President, it should be a secret to no one that DHS is far behind in processing visas. One consequence of these lags is that thousands of visas go unused every year. This amendment takes approximately 61,000 of these unused visas from past years and allocates them for two professions that have been hit very hard by the visa crisis: nurses and physical therapists. Hospitals in New York, from the large ones in New York City to the small rural ones upstate, and hospitals around the country are feeling the crunch from the huge nursing shortage. There are now more than 100,000 nurse vacancies nationwide, by some counts.

This amendment doesn't do anything to change existing law, and doesn't—I repeat, doesn't—create a single new visa. It is a one-time fix that does one thing: It takes one small pool of existing visas that now isn't being used and sets it aside for two professions that desperately need the help.

I look forward to working with the committee on these amendments, as I believe they are important additions to the great work the committee has already done. I will ask for the yeas and nays at the appropriate time.

I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. DOLE. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside in order for me to offer two amendments.

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

AMENDMENT NO. 2462 TO AMENDMENT NO. 2383

Mrs. DOLE. Mr. President, I call up amendment No. 2462, which is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE] proposes an amendment numbered 2462 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To require that not less than $5,400,000 of the amount appropriated to United States Immigration and Customs Enforcement be used to facilitate agreements described in section 287(g) of the Immigration and Nationality Act)

On page 16, line 1, strike ''may'' and insert ''shall''.

Mrs. DOLE. Mr. President, the underlying DHS appropriations bill makes available $5 million for facilitating 287(g) agreements. As the bill is currently written, the Secretary of DHS could ignore the will of Congress and refuse to use the money to facilitate 287(g) agreements. The current amendment would simply require that the Secretary use this funding for its intended purpose.

I ask unanimous consent that this amendment be temporarily laid aside so that I may call up my second amendment.

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

AMENDMENT NO. 2449 TO AMENDMENT NO. 2383

Mrs. DOLE. Mr. President, I send to the desk my amendment No. 2449.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE] proposes an amendment numbered 2449 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To set aside $75,000,000 of the funds appropriated for training, exercise, technical assistance, and other programs under the heading State and local programs for training consistent with section 287(g) of the Immigration and Nationality Act)

On page 39, line 21, insert '', of which not less than $75,000,000 shall be used for training, exercises, and technical assistance consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g))'' before the semicolon at the end.

Mrs. DOLE. Mr. President, the underlying bill provides over $51 million for training to support implementation of 287(g) agreements. My amendment would make an additional $75 million available for this purpose by providing that a portion of the $294 million already appropriated under the bill for general State and local training grants be used specifically for 287(g) training.

Mr. President, in recent months, I have heard from local law enforcement officials from every corner of my home State of North Carolina who, frankly, have had it. They are fed up. They are fed up because they are powerless to bring justice to illegal aliens who are committing crimes, such as drinking and driving and gang-related activity. They are fed up that Federal agents lack the manpower to help them process these criminals. They are fed up with the catch and release of dangerous individuals. Local law enforcement officers are fed up that when they try to solve these serious problems—that is, they seek authority under a program called 287(g) to process illegal aliens who committed crimes—they are put through the bureaucratic ringer and often turned away.

Why would the Department of Homeland Security deny our local law enforcement agencies the tools that are readily available to them under current law that would help address major challenges in their communities? Most simply, the answer is funding. Immigration and Customs Enforcement, or ICE, does not have the money to train and provide assistance to these local entities that are textbook examples of places that desperately need 287(g) status.

In the aftermath of the immigration debate, it is abundantly clear Americans have no confidence that their Government is taking the critical steps to secure our borders or enforce the laws on the books. The public will continue to distrust and rightly reject any so-called comprehensive immigration reform until they wholeheartedly believe these steps have been taken to keep their communities and families safe.

The 287(g) program is an invaluable tool to achieving these goals, and it should be fully utilized. My amendments will help ensure that it is fully utilized, and without actually increasing the cost of the bill. I repeat, my amendments do not add any cost to this legislation.

I urge my colleagues to support these measures, and I truly hope these commonsense amendments are fully considered.

Mr. President, I ask unanimous consent that my amendment be laid aside, and I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 2476 TO AMENDMENT NO. 2383

Mr. COCHRAN. Mr. President, a moment ago, the Senator from Iowa, Mr. GRASSLEY, was speaking and described an amendment to require the Secretary of Homeland Security to establish reasonable regulations relating to stored quantities of propane. On his behalf, I send that amendment to the desk and ask that it be reported.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. GRASSLEY, proposes an amendment numbered 2476 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to establish reasonable regulations relating to stored quantities of propane)

On page 69, after line 24, add the following:

SEC. 536. CHEMICAL FACILITY ANTITERRORISM STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds in this Act

may be used to enforce the interim final regulations relating to stored quantities of propane issued under section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), including the regulations relating to stored quantities of propane in an amount more than 7,500 pounds under Appendix A to part 27 of title 6, Code of Federal Regulations, until the Secretary of Homeland Security amends such regulations to provide an exemption for agricultural producers, rural homesteads, and small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) that store propane in an amount more than 7,500 pounds and not more than 100,800 pounds.

(b) EXCEPTIONS.—

(1) IMMEDIATE OR IMMINENT THREAT.—Subsection (a) shall not apply if the Secretary of Homeland Security submits a report to Congress outlining an immediate or imminent threat against such stored quantities of propane in rural locations.

(2) QUANTITY.—Subsection (a) shall not apply to any action by the Secretary of Homeland Security to enforce the interim final regulations described in that subsection relating to stored quantities of propane, if the stored quantity of propane is more than 100,800 pounds.

(c) RULE OF CONSTRUCTION.—Except with respect to stored quantities of propane, nothing in this section may be construed to limit the application of the interim final regulations issued under section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note).

Mr. COCHRAN. Mr. President, I ask unanimous consent that the amendment be set aside for consideration later.

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

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2386 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2386 on behalf of Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. FEINSTEIN, proposes an amendment numbered 2386 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To amend title 18, United States Code, to make technical corrections to the new border tunnels and passages offense)

On page 69, after line 24, add the following:

SEC. ___. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—

(1) REDESIGNATIONS.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, ''Border tunnels and passages'', and inserting the following:

''555. Border tunnels and passages.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(6)of title 18, United States Code, is amended by striking ''554'' and inserting ''555''.

(c) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking ''554'' and inserting ''555''.

Mrs. MURRAY. Mr. President, I believe this amendment has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2386.

The amendment (No. 2386) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2387, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2387 on behalf of Senator FEINSTEIN and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. FEINSTEIN, proposes an amendment numbered 2387, as modified, to amendment No. 2383.

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

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

The amendment is as follows:

At the appropriate place in the bill:

SEC. ___. SEXUAL ABUSE.

Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking ''the Attorney General'' each place that term appears and inserting ''the head of any Federal department or agency''.

Mrs. MURRAY. Mr. President, I believe this amendment has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER (Mr. SALAZAR). If there is no further debate, the question is on agreeing to amendment No. 2387, as modified.

The amendment (No. 2387), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2430 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2430 on behalf of Senator CORNYN.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. CORNYN, proposes an amendment numbered 2430 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To provide for the control and management of Arundo donax, commonly known as ''Carrizo cane'')

At the appropriate place, insert the following:

SEC. _____. PLAN FOR THE CONTROL AND MANAGEMENT OF ARUNDO DONAX.

(a) DEFINITIONS.—In this section:

(1) ARUNDO DONAX.—The term ''Arundo donax'' means a tall perennial reed commonly known as ''Carrizo cane'', ''Spanish cane'', ''wild cane'', and ''giant cane''.

(2) PLAN.—The term ''plan'' means the plan for the control and management of Arundo donax developed under subsection (b).

(3) RIVER.—The term ''River'' means the Rio Grande River.

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

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—The Secretary shall develop a plan for the control and management of Arundo donax along the portion of the River that serves as the international border between the United States and Mexico.

(2) COMPONENTS.—In developing the plan, the Secretary shall address—

(A) information derived by the Secretary of Agriculture and the Secretary of the Interior from ongoing efforts to identify the most effective biological, mechanical, and chemical means of controlling and managing Arundo donax;

(B) past and current efforts to understand—

(i) the ecological damages caused by Arundo donax; and

(ii) the dangers Arundo donax poses to Federal and local law enforcement;

(C) any international agreements and treaties that need to be completed to allow for the control and management of Arundo donax on both sides of the River;

(D) the long-term efforts that the Secretary considers to be necessary to control and manage Arundo donax, including the cost estimates for the implementation of the efforts; and

(E) whether a waiver of applicable Federal environmental laws (including regulations) is necessary.

(3) CONSULTATION.—The Secretary shall develop the plan in consultation with the Secretary of Agriculture, the Secretary of the Interior, the Secretary of State, the Chief of Engineers, and any other Federal and State agencies that have appropriate expertise regarding the control and management of Arundo donax.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit the plan to—

(1) the Committees on the Judiciary of the Senate and the House of Representatives; and

(2) the Committees on Appropriations of the Senate and the House of Representatives.

Mrs. MURRAY. Mr. President, I believe this amendment as well has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2430.

The amendment (No. 2430) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2425, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2425 on behalf of Senator MCCASKILL and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. MCCASKILL, proposes an amendment numbered 2425, as modified, to amendment No. 2383.

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

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

The amendment is as follows:

At the appropriate place in the bill:

SEC. _____. REPORTING OF WASTE, FRAUD, AND ABUSE.

Not later than 30 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security shall establish and maintain on the homepage of the website of the Department of Homeland Security, a direct link to the website of the Office of Inspector General of the Department of Homeland Security; and

(2) the Inspector General of the Department of Homeland Security shall establish and maintain on the homepage of the website of the Office of Inspector General a direct link for individuals to anonymously report waste, fraud, or abuse.

Mrs. MURRAY. Mr. President, I believe this amendment as well has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2425, as modified.

The amendment (No. 2425), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2390, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2390 on behalf of Senator CLINTON and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. CLINTON, proposes an amendment numbered 2390, as modified, to amendment No. 2383.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. _____. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

Mrs. MURRAY. Mr. President, I believe this amendment as well has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment No. 2390, as modified.

The amendment (No. 2390), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, we have made some progress on the Homeland Security appropriations bill today. We just adopted some amendments and worked our way through several issues today. A number of Senators have offered amendments tonight. I hope that early tomorrow morning we can go to those amendments and get votes on them and begin to move this bill.

The majority leader has made it very clear to all of us that he wants this bill completed this week, and we intend to do that. If any Senators have amendments they would like to offer, we encourage them to come as early as possible tomorrow to get them offered so we can work our way through them and finish this bill in a timely manner.

Mr. KERRY. Mr. President, I ask unanimous consent to have a letter from the Professional Services Council in support of my amendment to apply standard contracting laws to the Transportation Security Administration printed in the RECORD.

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

PROFESSIONAL SERVICES COUNCIL,
Arlington, VA, July 24, 2007.

Hon. JOHN KERRY,
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS KERRY AND SNOWE: During the Senate's consideration of the fiscal year 2008 Homeland Security Appropriations Act, we understand that you will offer an amendment to repeal the provision in the Aviation and Transportation Security Act (P.L 107–71) that the Transportation Security Administration's procurements are to be governed exclusively by the Federal Aviation Administration's Acquisition Management System (AMS) and are specifically exempt from coverage of most of the Federal procurement laws and the Federal Acquisition Regulations (FAR). This amendment is identical to the provision you offered and the Senate adopted by voice vote last year during the Senate's consideration of the fiscal year 2007 Homeland Security Act; regrettably the provision was not enacted into law.

As you know, the Professional Services Council (PSC) is the principal national trade association for companies providing services to virtually every agency of the Federal government. Many of our member companies now do business with the Transportation Security Administration (TSA) and other components of the Department of Homeland Security. On behalf of the more than 220 member companies, thank you for the invitation to provide our views on this amendment.

On behalf of PSC, we support this amendment. Bringing TSA at least under the common rules applicable to the Department of Homeland Security and to the preponderance of the federal agencies will increase competition, expand opportunities for greater small business participation, provide greater accountability and transparency in their procurement processes, and provide greater options for addressing the challenges of the department's acquisition workforce. Indeed, there are clear advantages for all parties when agencies operate under common rules and procedures. Moreover, as TSA seeks to train its current workforce and further expand its acquisition workforce, the degree of commonality between its acquisition procedures and other federal agency practices will have a real effect on the cost and efficiencies of bringing in skilled professionals.

We appreciate your leadership on this matter. If you have any questions or need any additional information, please do not hesitate to let me know.

Sincerely,

ALAN CHVOTKIN, ESQ.,
Senior Vice President and Counsel.

AMENDMENT NO. 2405

Mr. WARNER. Mr. President, I am pleased to join with my colleague Senator ALEXANDER as a cosponsor of his important amendment. I understand that Senator COLLINS and Senator VOINOVICH are also cosponsors.

This amendment is simple. It provides funding—$300 million—for grants to the States for the continued development and implementation of the REAL ID program. This funding is fully offset by an across the board reduction of all discretionary amounts included in the underlying bill.

Mr. President, the REAL ID program is critical for our national security.

We know, from history, that the duplication and falsification of drivers' licenses is a reality, and this fact is a national security concern. As you may recall, all but one of the 9/11 hijackers obtained some form of U.S. identification—some by fraudulent means—which aided them in boarding commercial flights. We need confidence that the individual that displays this card is, in fact, the rightful owner of it. And this card, the REAL ID, will provide that confidence.

The proposed regulation for the REAL ID program sets out common standards for the security and information on the card itself. These standards require: minimum data visible on the card, such as full names; verification of identity documents, such as birth certificates and Social Security numbers; physical security features embedded in the card to protect privacy and make tampering more difficult; security of

manufacturing facilities and background checks for employees handling these applications and cards.

In my view, the Federal Government must be a good working partner with the States, and this amendment, which provides funding for the program, is a step in the right direction. We must proceed with this program on a partnership concept of States and the Federal Government working together. For that reason, I am pleased to learn that the National Governors Association supports this amendment. This program is an important step in achieving some type of identification that will help America feel more secure in our daily requirements to identify ourselves and to otherwise conduct our life here at home.

Mr. SPECTER. Mr. President, I seek recognition to offer my support for the amendment to be offered by Senator CASEY with regard to homeland security grant timelines. This amendment would lengthen the amount of time available to obligate funds provided in fiscal year 2008 under the State Homeland Security Grant Program and the Rail and Transit Security Grant Program from a maximum of 36 months to a maximum of 48 months.

I am advised that several transit agencies have encountered problems obligating homeland security grant funding within the current timetable, particularly for large and complex projects such as installing underground emergency communications networks in subway tunnels.

The Southeastern Pennsylvania Transit Authority, SEPTA, in particular, has encountered problems which have thus far prevented it from being able to utilize federal homeland security grant dollars to install an emergency communications network in its 20-mile subway tunnel system which runs underneath portions of the city of Philadelphia. The absence of a communications system capable of functioning underground severely limits the ability of SEPTA and first responders to deal with a potential emergency in Philadelphia's subway tunnels and does not provide an adequate level of protection for the traveling public.

Specifically, SEPTA claims that a 3-year period is not sufficient time to coordinate regional interoperability issues with the city of Philadelphia and the surrounding first responder agencies. It is my understanding that preliminary engineering requirements and the time associated with procuring the necessary technology further compound the problem. Finally, SEPTA claims that it does not receive enough homeland security grant funding in a 3-year period to complete such a complex project.

This amendment will provide SEPTA and other transit agencies in similar predicaments with additional time to plan, coordinate, secure technology for and fund important and complex projects such as underground communications systems. I urge my colleagues to support this amendment.

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 55 young Americans who have been killed in Iraq since April 28, 2007. This brings to 777 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 21 percent of all U.S. deaths in Iraq.

PFC Jay-D H. Ornsby-Adkins, 21, died on April 28 in Salman Pak, Iraq, of injuries sustained when an improvised explosive device detonated near his military vehicle and then encountered small arms fire. Private First Class Ornsby-Adkins was assigned to D Company, 1st Battalion, 15th Infantry Regiment, 3rd Infantry Division, Fort Benning, GA. He was from Ione, CA.

First LT Travis L. Manion, 26, died on April 29 while conducting combat operations in Al Anbar Province, Iraq. First Lieutenant Manion was assigned to 1st Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Astor A. Sunsin-Pineda, 20, died on May 2 in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. Specialist Sunsin-Pineda was assigned to A Company, 4th Brigade Special Troops Battalion, 1st Infantry Division, Fort Riley, KS. He was from Long Beach, CA.

SGT Felix G. Gonzalez-Iraheta, 25, died May 3 in Baghdad, Iraq, of wounds suffered when his unit came in contact with enemy forces using small arms fire. Sergeant Gonzalez-Iraheta was assigned to the 1st Battalion, 18th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany. He was from Sun Valley, CA.

Cpl Charles O. Palmer II, 36, died May 5 while conducting combat operations in Al Anbar Province, Iraq. Corporal Palmer was assigned to 8th Communication Battalion, II Marine Expeditionary Force Headquarters Group, II MEF, Camp Lejeune, NC. He was from Manteca, CA.

PFC William A. Farrar Jr., 20, died May 11 in Al Iskandariyah, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Private First Class Farrar was assigned to the 127th Military Police Company, 709th Military Police Battalion, 18th Military Police Brigade, Darmstadt, Germany. He was from Redlands, CA.

SPC Rhys W. Klasno, 20, died May 13 in Haditha, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Specialist Klasno was assigned to the 1114th Transportation Company, Bakersfield, CA. He was from Riverside, CA.

SGT Steven M. Packer, 23, died May 17 in Rushdi Mullah, Iraq, of wounds suffered when his dismounted patrol encountered an improvised explosive device. Sergeant Packer was assigned to the 2nd Battalion, 14th Infantry Regiment, 2nd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY. He was from Clovis, CA.

PFC Victor M. Fontanilla, 23, died May 17 in Iskandariya, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Private First Class Fontanilla was assigned to the 725th Brigade Support Battalion, 4th Brigade Combat Team, 25th Infantry Division, Fort Richardson, AK. He was from Stockton, CA.

SSG Christopher Moore, 28, died May 19 in Baghdad, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Staff Sergeant Moore was assigned to the 1st Battalion, 5th Cavalry Regiment, 2nd Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX. He was from Alpaugh, CA.

PFC Joseph J. Anzack, Jr., 20, died in Al Taqa, Iraq. Private First Class Anzack was initially reported as Duty Status Whereabouts Unknown on May 12, 2007, when his patrol received small arms fire and explosives. Private First Class Anzack was assigned to D Company, 4th Battalion, 31st Infantry Regiment, 10th Mountain Division, Fort Drum, NY. He was from Torrance, CA.

PFC Daniel P. Cagle, 22, died in Balad, Iraq, died May 23 of wounds suffered when an improvised explosive device detonated near his unit in Ramadi, Iraq. Private First Class Cagle was assigned to the 3rd Battalion, 69th Armor Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Carson, CA.

CPL Victor H. Toledo Pulido, 22, died May 23 in Al Nahrawan, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Corporal Toledo Pulido was assigned to 3d Squadron, 1st Cavalry Regiment, 3rd Brigade Combat Team, 3rd Infantry Division, Mechanized, Fort Benning, GA. He was from Hanford, CA.

SPC Gregory N. Millard, 22, died on May 26 in Salah Ad Din Province, Iraq, of injuries sustained when an improvised explosive device detonated near his military vehicle. Specialist Millard was assigned to A Company, 2nd Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from San Diego, CA.

SGT Clayton G. Dunn II, 22, died on May 26 in Salah Ad Din Province, Iraq, of injuries sustained when an improvised explosive device detonated near his military vehicle. Sergeant Dunn was assigned to A Company, 2nd Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from Moreno Valley, CA.

SPC Mark R. C. Caguioa, 21, died on May 24 at the National Naval Medical Center, Bethesda, MD, died of injuries sustained on May 4, 2007, in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. Specialist Caguioa was assigned to B Company, 1st Battalion, 5th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Stockton, CA.

SGT Nicholas R. Walsh, 27, died May 26 from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Sergeant Walsh was assigned to the 1st Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Emmanuel Villarreal, 21, died May 27 from a nonhostile vehicle accident at Kuwait Naval Base, Kuwait. Lance Corporal Villarreal was assigned to Battalion Landing Team 1st Battalion, 11th Marine Regiment, 13th Marine Expeditionary Unit, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG Thomas M. McFall, 36, died May 28 in Baghdad, Iraq, of wounds suffered when an improvised explosive device detonated near his position during a dismounted patrol. Staff Sergeant McFall was assigned to the 1st Battalion, 38th Infantry Regiment, 4th Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Glendora, CA.

SPC Alexandre A. Alexeev, 23, died on May 28, in Abu Sayda, Iraq when an improvised explosive device detonated near his military vehicle. Specialist Alexeev was assigned to A Troop, 6th Squadron, 9th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Wilmington, CA.

SPC Doonewey White, 26, died on May 29 in Balad, Iraq, of injuries sustained on May 28, 2007, in Baghdad, Iraq, when a vehicle-borne improvised explosive device detonated near his vehicle. Specialist White was assigned to B Troop, 2nd Battalion, 5th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Milpitas, CA.

SPC Romel Catalan, 21, of California, died on June 2 in Ameriyah, Iraq, when an improvised explosive device detonated near his vehicle. Specialist Catalan was assigned to A Company, 1st Battalion, 23rd Infantry Regiment, 2nd Infantry Division, Fort Lewis, WA. He was from Los Angeles, CA.

SGT Shawn E. Dressler, 22, died on June 2, in Baghdad, Iraq, when an improvised explosive device detonated near his vehicle. Sergeant Dressler was assigned to A Company, 1st Battalion, 18th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany. He was from Santa Maria, CA.

SSG Greg P. Gagarin, 38, died June 3 in Thania, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Staff Sergeant Gagarin was assigned to the 1st Battalion, 37th Field Artillery Regiment, 3rd Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Los Angeles, CA.

SGT Andrews J. Higgins, 28, died June 5 in Baqubah, Iraq, of wounds suffered when his unit came in contact with enemy forces using small arms fire. Sergeant Higgins was assigned to the 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Hayward, CA.

PFC Justin A. Verdeja, 20, died June 5 in Baghdad, Iraq, of wounds suffered when his unit was attacked by insurgents using small arms fire. Private First Class Verdeja was assigned to the 2nd Battalion, 12th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, Fort Carson, CO. He was from La Puente, CA.

PFC Cameron K. Payne, 22, died June 11 in Balad, Iraq, of wounds suffered from an improvised explosive device that detonated near his vehicle during combat operations in Baghdad, Iraq. Private First Class Payne was assigned to the 2nd Battalion, 16th Infantry Regiment, 4th Infantry Brigade Combat Team, 1st Infantry Division, Fort Riley, KS. He was from Corona, CA.

LCpl Johnny R. Strong, 21, died June 12 while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Strong was assigned to 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA.

SPC Damon G. LeGrand, 27, died June 12 in Baqubah, Iraq, of wounds suffered when insurgents attacked his unit with anti-tank mines, rocket-propelled grenades and small arms fire in Baghdad, Iraq. Specialist LeGrand was assigned to the 571st Military Police Company, 504th Military Police Battalion, 42nd Military Police Brigade, Fort Lewis, WA. He was from Lakeside, CA.

SPC Josiah W. Hollopeter, 27, died June 14 in Balad, Iraq, of wounds suffered when his unit was attacked by insurgents using small arms fire in Al Muqdadiyah, Iraq. Specialist Hollopeter was assigned to the 6th Squadron, 9th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX. He was from San Diego, CA.

SGT Derek T. Roberts, 24, died on June 14, in Kirkuk, Iraq, when an improvised explosive device detonated near his vehicle. Sergeant Roberts was assigned to B Company, 2nd Battalion, 35th Infantry regiment, 25th Infantry Division, Schofield Barracks, HI. He was from Gold River, CA.

SSG Stephen J. Wilson, 28, died June 20 while conducting combat operations in Al Anbar Province, Iraq. Staff Sergeant Wilson was assigned to Combat Logistics Battalion 13, 13th Marine Expeditionary Unit, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Shawn P. Martin, 30, died June 20 while conducting combat operations in Al Anbar Province, Iraq. Sergeant Martin was assigned to Combat Logistics Battalion 13, 13th Marine Expeditionary Unit, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Raymond N. Spencer Jr., 23, died June 21 in Baghdad, Iraq, of wounds suffered when his unit was attacked by insurgents using an improvised explosive device and small arms fire. Private First Class Spencer was assigned to the 2nd Battalion, 12th Cavalry Regiment, 4th Brigade Combat Team, 1st Cavalry Division, Fort Bliss, TX. He was from Carmichael, CA.

PVT Shane M. Stinson, 23, died on June 23, in Baghdad, Iraq, of injuries sustained when his mounted patrol encountered an improvised explosive device and small arms fire. Private Stinson was assigned to the 2nd Battalion, 69th Armor Regiment, 3rd Infantry Division, Fort Benning, GA. He was from Fullerton, CA.

PFC Cory F. Hiltz, 20, died June 28 of wounds sustained when his unit was attacked in Baghdad by insurgents using improvised explosive devices. Private First Class Hiltz was assigned to the 2nd Battalion, 12th Infantry Regiment, 2d Brigade Combat Team, 2d Infantry Division, Fort Carson, CO. He was from La Verne, CA.

SGT Giann C. Joya Mendoza, 27, died June 28 of wounds sustained when his unit was attacked in Baghdad by insurgents using improvised explosive devices. Sergeant Joya Mendoza was assigned to the 2nd Battalion, 12th Infantry Regiment, 2d Brigade Combat Team, 2d Infantry Division, Fort Carson, CO. He was from North Hollywood, CA.

SGT Michael J. Martinez, 24, died June 28 of wounds sustained when his unit was attacked in Baghdad by insurgents using improvised explosive devices. Sergeant Martinez was assigned to the 2nd Battalion, 12th Infantry Regiment, 2d Brigade Combat Team, 2d Infantry Division, Fort Carson, CO. He was from Chula Vista, CA.

SGT Shin W. Kim, 23, died June 28 of wounds sustained when his unit was attacked in Baghdad by insurgents using improvised explosive devices. Sergeant Kim was assigned to the 2nd Battalion, 12th Infantry Regiment, 2nd Brigade Combat Team, 2d Infantry Division, Fort Carson, CO. He was from Fullerton, CA.

SPC Victor A. Garcia, 22, died July 1 in Baghdad, Iraq, of wounds suffered from enemy small arms fire. Specialist Garcia was assigned to the 1st Battalion, 38th Infantry Regiment, 4th Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Rialto, CA.

SSG Michael L. Ruoff Jr., 31, died July 1 in Ta'meem, Iraq, of wounds sustained from enemy small arms fire. Staff Sergeant Ruoff was assigned to the 1st Battalion, 77th Armor Regiment, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany. He was from Yosemite, CA.

LCpl Juan M. Garcia Schill, 20, died July 2 while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Garcia Schill was assigned to 2nd Battalion, 7th Marine

Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Petty Officer First Class Steven Phillip Daugherty, 28, died July 6 as a result of enemy action while conducting combat operations in the vicinity of Baghdad, Iraq. Petty Officer Daugherty was assigned to an East Coast-based SEAL team. He was from Barstow, CA.

MAJ James M. Ahearn, 43, died July 5 when his vehicle struck an improvised explosive device in Baghdad, Iraq. Major Ahearn was assigned to 96th Civil Affairs Battalion, 95th Civil Affairs Brigade, Fort Bragg, NC. He was from Concord, CA.

SPC Roberto J. Causor Jr., 21, died July 7 in Samarra, Iraq, of wounds suffered when insurgents attacked his unit with an improvised explosive device and small arms fire. Specialist Causor was assigned to the 2nd Battalion, 505th Parachute Infantry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC. He was from San Jose, CA.

PFC Bruce C. Salazar, Jr., 24, died on July 6, in Muhammad Sath, Iraq, of injuries sustained when his dismounted patrol encountered an improvised explosive device. Private First Class Salazar was assigned to B Company, 1st Battalion, 30th Infantry Regiment, 3rd Infantry Division, Fort Stewart, GA. He was from Tracy, CA.

LCpl Steven A. Stacy, 23, died July 5 from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Stacy was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Jeremy D. Allbaugh, 21, died July 5 from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Corporal Allbaugh was assigned to 1st Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Angel R. Ramirez, 28, died February 21 at Marine Air Ground Combat Center, Twentynine Palms, CA, after being medically evacuated following a non-hostile incident in Al Qaim, Iraq, on December 21, 2006. He was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. His passing was made public on July 10.

SPC Eric M. Holke, 31, died on July 15, in Tallil, Iraq, when his vehicle overturned. Specialist Holke was assigned to A Company, 1st Battalion, 160th Infantry Regiment, 40th Infantry Division, Army National Guard, Fullerton, CA. He was from Crestline, CA.

LCpl Shawn V. Starkovich, 20, died July 16 in Al Anbar Province, Iraq. Lance Corporal Starkovich was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Ronald L. Coffelt, 36, died July 19 in Baghdad, Iraq, of wounds suffered from an improvised explosive device. Sergeant Coffelt was assigned to the 503rd Military Police Battalion, 16th Military Police Brigade, Airborne, XVIII Airborne Corps, Fort Bragg, NC. He was from Fair Oaks, CA.

SFC Luis E. Gutierrez-Rosales, 38, died on July 18, in Adhamiyah, Iraq, of injuries sustained when his vehicle encountered an improvised explosive device and small arms fire. Sergeant First Class Gutierrez-Rosales was assigned to A Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany. He was from Bakersfield, CA.

Cpl Christopher G. Scherer, 21, died July 21 from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Corporal Scherer was assigned to 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Shawn G. Adams, 21, died July 22, in Owaset, Iraq, of wounds suffered from an improvised explosive device. Sergeant Adams was assigned to the 3rd Battalion, 509th Parachute Infantry Regiment, 4th Brigade Combat Team, Airborne, 25th Infantry Division, Fort Richardson, AK. He was from Dixon, CA.

I would also like to pay tribute to the four soldiers from California who have died while serving our country in Operation Enduring Freedom since April 28.

SSG Joshua R. Whitaker, 23, died May 15 in Qalat, Afghanistan, of wounds suffered from enemy small arms fire. Staff Sergeant Whitaker was assigned to the 1st Battalion, 7th Special Forces Group, Fort Bragg, NC. He was from Long Beach, CA.

SGT Charles E. Wyckoff, Jr., 28, died on June 6 in Helmand Province, Afghanistan, of injuries sustained when his dismounted patrol received small arms fire. Sergeant Wyckoff was assigned to C Company, 1st Battalion, 508th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from Chula Vista, CA.

SGT Thomas P. McGee, 23, died July 6 of wounds sustained when his vehicle struck an improvised explosive device in Wazi Khwa, Afghanistan. Sergeant McGee was assigned to the 546th Military Police Company, 385th Military Police Battalion, Fort Stewart, GA. He was from Hawthorne, CA.

SFC Sean K. Mitchell, 35, died July 7 in Kidal, Mali, of injuries sustained from a non-combat related incident. Sergeant Mitchell was assigned to the 1st Battalion, 10th Special Forces Group, Stuttgart, Germany. He was from Monterey, CA.

PETTY OFFICER FIRST CLASS JEFFREY CHANEY

Mr. HAGEL. Mr. Presdient, I rise to express my sympathy over the loss of U.S. Navy Petty Officer First Class Jeffrey Chaney of Omaha, NE. Petty Officer First Class Chaney was killed on July 17 by an improvised explosive device in Salah Ad Din Province, Iraq. He was 35 years old.

Petty Officer First Class Chaney graduated from Bellevue West High School in 1990. He enlisted in the Navy in 1993 and spent 4 years of his 14-year Navy career as a recruiter. Petty Officer First Class Chaney's passion for serving his country made him a strong recruiter. He was even able to recruit his brother Randy Chaney to the Navy.

Petty Officer First Class Chaney was assigned to Explosive Ordnance Disposal Mobile Unit 11, based at Naval Air Station Whidbey Island, WA. His experience with ordnance disposal led to other experiences. He worked with Secret Service for President George H.W. Bush's 80th birthday celebration in 2004, where he met the former President and former Soviet leader Mikhail Gorbachev. He also assisted Secret Service with security during the 2004 Presidential election and met both President George W. Bush and Senator JOHN KERRY. Petty Officer First Class Chaney had been in Iraq for two months. We are proud of Petty Officer First Class Chaney's service to our country, as well as the thousands of other brave Americans serving in Iraq.

In addition to his brother Randy, Petty Officer First Class Chaney is survived by his daughter Brianna Chaney of Omaha, his father Larry Chaney of Bloomington, MN, his mother Connie Chaney of Omaha, and brother Jim Ecker of Oakland, IA.

I ask my colleagues to join me and all Americans in honoring Petty Officer First Class Jeffrey Chaney.

SERGEANT JACOB SCHMUECKER

Mr. President, I also rise to express my sympathy over the loss of U.S. Army National Guard SGT Jacob Schmuecker of Norfolk, NE. Sergeant Schmuecker was killed on July 21 by an improvised explosive device in Balad, Iraq. He was 27 years old.

Sergeant Schmuecker graduated from West Holt High School in 1999, where he was a linebacker and defensive end on the football team. He attended Northeast Community College before he joined the Nebraska Army National Guard in 2001 as a member of the 134th Infantry Detachment in Lincoln, NE.

He was mobilized for service in Iraq in August 2006 with the Nebraska National Guard's 755th Reconnaissance and Decontamination Company based in O'Neill, NE.

Sergeant Schmuecker was a model leader. He had a strong concern for the men that he led and hoped that if anything were to happen, that it would happen to him. He inspired his brother Chris Shepperd to enlist and he would go on to serve in Iraq as well. We are proud of Sergeant Schmuecker's service to our country, as well as the thousands of other brave Americans serving in Iraq.

Sergeant Schmuecker is survived by his wife Lisa and their three children, his parents Rodney and Patricia Schmuecker, three brothers, and three sisters.

I ask my colleagues to join me and all Americans in honoring SGT Jacob Schmuecker.

REMEMBERING LADY BIRD JOHNSON

Mr. ROCKEFELLER. Mr. President, when Lady Bird Johnson passed away on the afternoon of July 11, 2007, the United States mourned the loss of a dignified and compassionate First Lady. Even though she is gone, she has left us with the legacy of her beautification of America. Through her diligent efforts, Mrs. Johnson was not only an advocate for the natural beauty of America but also of the beauty and strength of its people. Sharon and I extend our deepest sympathy to her daughters Lynda and Luci, their families, her friends, and all of those whose lives have been touched by her life's work.

As President Lyndon B. Johnson entered the White House in one of our Nation's most harrowing moments, Mrs. Johnson stood by her husband with poise and courage that helped comfort a wounded nation. Her service to our country would go even further as she became a leading voice for preserving and defending America's natural resources. Here in the Nation's Capital, people can't help but be reminded of Mrs. Johnson's vigorous work to adorn Washington, DC, with flowers, giving us an aesthetic that all Americans could take pride in and enjoy.

I have always shared Mrs. Johnson's deeply held love for the beauty of the United States, from the mountains of West Virginia to the plains of Texas. It was because of her commitment to the environment and the splendor of our country that the Beautification Act of 1965 was passed. She strove to line our highways with wildflowers and still found time to enjoy walking through the national parks that she fought to protect.

In addition to her work with the environment, I truly admire her efforts to address poverty in the United States. Under President Johnson, the VISTA program was enacted, sending out volunteers to improve the conditions of impoverished communities. I can proudly say that as a VISTA volunteer in Emmons, WV, I saw firsthand the immense benefits of this program for participants and for the communities they serve.

I will never forget her devotion to her husband, her family, and her country. I will never forget her passion fighting for civil rights and against poverty. Nor will I ever forget her determination to leave a beautiful America for future generations.

Lady Bird Johnson, again, held my sincerest respect and appreciation. To her family and the people of Texas, I offer my deepest sympathies. Mrs. Johnson was a valuable public servant, an inspiration and a friend. More than anything else, she was an irreplaceable First Lady.

MINIMUM WAGE

Mr. MENENDEZ. Mr. President, I rise today to speak on the minimum wage increase, which takes effect today.

Today, millions of hard-working Americans will finally receive the first increase of a $2.10 raise in the Federal minimum wage. Today, we are putting an end to a decade-long stagnant wage that has kept those who are working their hardest at the bottom of the ladder. Today, they are getting the chance that everyone in this country deserves—the opportunity to build a better life.

Now, $2.10 may not sound like much to most Americans. But that small increase will make a difference in the pockets and in the lives of millions of Americans. Those $2.10 add up to more than $4,400 more every year enough to help a low-income family depending on a minimum wage income to afford 2 years of child care, a year and a half in utility bills, or a year of tuition at a public college.

I am also proud that my State of New Jersey has not waited for Congress to do what is right. Instead, New Jersey has taken it upon itself to increase the State minimum wage far in advance of Congress, which now is at $7.15 per hour. New Jersey's minimum wage has given more than a quarter million workers the opportunity to build a better life for themselves and their families.

And today, all Americans earning minimum wage will have that same opportunity to build a better life. In enacting the first minimum wage increase in over a decade, Congress took a critical first step towards correcting a grave injustice. For far too long, we have let some of our hardest working employees—those who prepare our food, clean our offices, treat us at the doctor, and guard our buildings at night—see their wages erode by 10 years of inflation.

Ten years is far too long for those who work round the clock, hoping to save a little extra for groceries, for those working so they can buy school supplies or clothes for their children, or for those saving so one day they can live in a place they are proud to call home.

Today, we should also commit that never again will we let this injustice persist for 10 years. The increase going into effect today is an important improvement, but it is not the end of the battle. An increase in the minimum wage is only part of the solution.

We cannot ignore that the income gap has been widening—and now it has taken on a new twist. We no longer have inequality just between those living comfortably and those struggling to make ends meet. Income is now more concentrated at the top than it has been in the past 70 years. In fact, as the wealthiest 1 percent have seen their income grow by 20 percent or more within the past few years, everyone else has seen their income grow by less than 4 percent.

And that inequality is ever too real for women and minorities, who are more likely to be minimum wage earners.

So while increasing the minimum wage is just one step toward closing the income gap, it is an important step.

Ultimately, a wage increase is about fairness, about ensuring all Americans, not just those at the top, can share in the American dream.

Before today, 13 million minimum wage workers did not have the chance to share in that dream.

Before today, 4 million Latinos and African Americans earned less than $7.25 an hour with no expectation that their wages would rise.

Before today, nearly 7 million women, who make up well over half of minimum wage workers, would not have seen their wages increase.

And before today, a minimum wage earner with a family of three would be making $6,000 below the poverty level. Before today, that family would not have a way out of poverty and into prosperity.

We have changed the course, not just for minimum wage workers but for our country. We have finally taken steps toward providing greater equality and given our hardest workers and their families the chance to earn a wage of dignity and respect.

A wage increase is only a downpayment on our promise to all Americans—it is a preview of what is to come. Democrats pledge to continue to change the course to ensure all Americans and their families have a fair shot at achieving the American dream.

Thank you. I yield the floor

ADDITIONAL STATEMENTS

RECOGNIZING IRVIN L. TRUJILLO

• Mr. DOMENICI. Mr. President, I wish to recognize Mr. Irvin L. Trujillo for receiving the National Endowment for the Arts National Heritage Fellowship Award. He is one of only 11 artists nationally recognized with this award for his work. The chairman of the NEA, Dana Gioia, will personally deliver the award to Mr. Trujillo this Sunday in Santa Fe. Mr. Trujillo, a Chimayo native, is part of the ever-growing population of talented artists that reside in New Mexico. He is a seventh-generation Chimayo weaver.

Art is such a big part of the New Mexican way of life. Artists from all over the world dream of showcasing their art in one of the many New Mexico Art galleries. Art is a great outlet of creativity and emotion for those who experience its beauty and wonder. Art can take up many avenues; it can be a painting or a piece of pottery, a woven rug or even a photograph. New Mexico is home to many galleries featuring such pieces of art. I am proud to represent a State so full of culture and creativity.

I am proud to be from a State with such a rich artistic culture. Taos and Santa Fe are famous for their world-renowned art galleries. Other areas of the State also demonstrate creative ideas. The deep Native American culture of New Mexico's tribes brings ornate turquoise jewelry and handmade pottery. Las Vegas and Ruidoso also have a vibrant art scene. New Mexico continues to be in the forefront of ever-evolving art community.

Congratulations again, Mr. Trujillo, on your prestigious award. Thank you for your continued pledge to explore and demonstrate your artistic abilities for all of us to enjoy.●

RECOGNITION OF CHAIRMAN ALLEN FOREMAN

● Mr. SMITH. Mr. President, I wish to recognize the accomplishments of Chairman Allen Foreman, who has recently retired as chairman of the Klamath tribes in Klamath County, OR.

During Chairman Foreman's 8-year tenure leading the tribe, he was instrumental in furthering the goals and aspirations of the Klamath tribal members. His leadership and vision were critical in the development of the new tribal headquarters in Chiloquin as well as a new dental, medical clinic and pharmacy and the construction of many new homes for tribal members.

Chairman Foreman has shown his dedication to the tribe and to the people of Klamath County in many ways. His focus on rural economic development and his respect for our natural resources have earned him high respect in the community. Chairman Foreman is known as a man who can be trusted and a man who will work with anyone to accomplish a common goal for the good of the community. His devotion to the Klamath tribes is evident in the fact that while he has recently retired as chairman of the tribes, he will remain a member of the Tribal Council at large to continue his service to the tribes.

Mr. President, I am extremely proud of the successes being exhibited by the Klamath tribes and I have thoroughly enjoyed working with Chairman Foreman. The Klamath tribes have a saying that proclaims, ''The Klamath Tribes. . . . Respecting the Past. . . . Living the Present. . . . And Together we can work to build a brighter future!'' Chairman Allen Foreman has epitomized this mantra, and I am confident that his successor, Chairman Joseph Kirk, will follow in his footsteps and follow the path laid out by their Klamath tribes forefathers.●

TRIBUTE TO MORT BISHOP, JR.

● Mr. SMITH. Mr. President, as a native and resident of Pendleton, OR, I have enjoyed a lifelong affection for the Pendleton Round-Up, which is quite simply America's finest rodeo. Pendleton Woolen Mills locally based and family owned for more than 140 years has sponsored the Round-Up both financially and with merchandise for as long as I can remember. A great deal of credit for the continuing success of both the Round-Up and Woolen Mills is owed to the leadership and vision of C.M. ''Mort'' Bishop, Jr. This remarkable Oregonian passed away on July 11 at the age of 82. I wish to pay tribute to his life and legacy.

Mort was a proud member of what has been termed the ''greatest generation'' and, like so many of that generation, he wore our country's uniform into battle during World War II. As a U.S. marine, Mort served with the 5th and 14th Battalions in the Pacific theater and participated in the liberation of Guam in July 1944.

After returning home from the war, Mort joined the family business: Pendleton Woolen Mills. Mort helped guide this iconic Oregon company for nearly 50 years, eventually succeeding his father as company president. Most recently, Mort served next to his brother, 'Brot,' as co-vice chairman.

Even while managing a demanding business, Mort always found time to give back to his community and his State. From the Oregon Historical Society to the Boy Scouts of America, from Willamette University to the Oregon Wildlife Heritage Foundation and the University of Oregon Foundation, Mort generously gave his time, talent, and treasure to countless worthy causes. But let there be no doubt, the cause held closest to Mort's heart was the Pendleton Round Up. I knew that every September I could count on seeing Mort and his wonderful family enjoying the nearly 100-year-old rodeo.

Mort also held a close friendship with the Confederated Tribes of the Umatilla Indian Reservation, who have played an integral role in the annual Round-Up. Indeed, the design inspirations for Pendleton Woolen Mills blankets originate on the Umatilla reservation. In 2001, Mort was honored as the grand marshall for the Round-Up's Westward Ho! Parade. The Umatilla and Nez Perce Indian tribes have also honored him with the Indian name ''Caacaa Kuta,'' which means ''just right doer of things.'' And just 2 months ago, Mort was inducted into the Pendleton Round-Up Hall of Fame.

Mr. President, I am proud to have had Mort Bishop as a friend. I join with many other Oregonians in extending our condolences to Mort's family. Mort is survived by four children, nine grandchildren, two great-grandchildren, and his brother- and sister-in-law. As long as there is a Pendleton Round-Up and as long as there is a Pendleton Woolen Mills, Mort Bishop, Jr., will always be remembered as a ''just right doer of things.''●

HONORING BACKYARD FARMS

● Ms. SNOWE. Mr. President, I wish to celebrate an exceptional small business from my home State of Maine that is enabling New England consumers to enjoy fresh, locally grown, and healthy tomatoes on a year-round basis. Located in Madison, Backyard Farms is a large-scale tomato producer that has invested over $20 million into what is now Maine's largest building and one of the world's most technologically advanced facilities.

Backyard Farms, which operates the largest greenhouse in New England, employs 115 hard-working individuals who collectively yield an astonishing 1 million tomatoes per week—which adds up to 7,700 tons of tomatoes annually. With New Englanders consuming an average of 300 million fresh tomatoes per year, Backyard Farms has the potential to capture an extensive share of this market. Backyard Farms' tomatoes are certainly fresh, as it sells its product to stores less than 8 hours away. That means that tomatoes picked one day are on store shelves all across Maine and New England the next.

In addition to its magnificent tomatoes, Backyard Farms is striving to make its facility a green—or energy efficient—building by using the most environmentally friendly technology available. The 25-acre greenhouse uses efficient technologies including rainwater reclamation, high-efficiency boilers, and thermal blankets to produce juicy tomatoes. Furthermore, Backyard Farms utilizes natural methods to grow its wonderful produce. Bees take care of the pollination, and tomatoes are kept healthy by implementing biological controls, such as parasitic wraps and ladybugs, rather than pesticides and fungicides. The work of those at Backyard Farms proves that conservation does not necessarily have to hinder effectiveness and efficiency.

Backyard Farms prides itself on the quality of its product. On each box of tomatoes shipped to local stores, it is written, ''wicked good tomatoes from right nearby.'' This motto emphasizes Backyard Farms' local nature and its commitment to the community through its highly sustainable business practices. Backyard Farms plans to build 3 to 4 additional greenhouses on at least 17 more acres. This would allow Backyard Farms to increase its produce output to include cucumbers, peppers, eggplant, and culinary herbs. Such an expansion would have an immensely positive impact on the Maine economy by adding as many as 200 new employees. I look forward to the groundbreaking for this expansion, scheduled to occur later this month.

It is particularly inspirational that Backyard Farms has proven that a region known for its cooler temperatures and short growing season can in fact expand its agricultural production by combining advanced technologies with an innovative entrepreneurial spirit. Backyard Farms provides us with a paragon of smart economic development. I commend chief executive officer Peter Sellew, cofounder Arie van der Giessen, and all of the employees of

Backyard Farm and wish them continued success and prosperity in the future.●

RECOGNIZING ZACHARY WEBB

● Mr. THUNE. Mr. President, today I recognize Zachary Webb, an intern in my Rapid City, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Zack is currently a student at El Segundo High School in El Segundo, CA. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Zack for all of the fine work he has done and wish him continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 10:15 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 44. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At 12:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1868. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 190. Concurrent resolution authorizing printing of the brochure entitled ''How Our Laws Are Made'', the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution.

At 3:56 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3074. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

MEASURES REFERRED

The following bill was read, and referred as indicated:

H.R. 835. An act to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Banking, Housing, and Urban Affairs pursuant to the order of May 27, 1988, for a period not to exceed 60 days.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3074. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2689. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Thuringiensis Vip3Aa19 Protein in Cotton; Exemption from the Requirements of a Tolerance; Technical Amendment'' (FRL No. 8134-3) received on July 24, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2690. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–2691. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Amendment of Sections 73.62 and 73.1350 of the Commission's Rules'' ((FCC 07-97)(MB Docket No. 03-151)) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2692. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Wireless Operations in the 3650–3700 MHz Band; Rules for Wireless Broadband Services in the 3650–3700 MHz Band; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band'' ((FCC 07-99)(ET Docket No. 04-151)) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2693. A communication from the Acting Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Sunset of the Cellular Radiotelephone Service Analog Service Requirement and Related Matters'' (FCC 07-103) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2694. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Redding, Cottonwood, and Shasta Lake, California'' (MB Docket No. 05-131) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2695. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Akron, Colorado'' (MB Docket No. 05-102) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2696. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Llano, Junction and Goldthwaite, Texas'' (MB Docket No. 05-151) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2697. A communication from the Chief of the Policy Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of the Emergency Alert System'' ((FCC 07-109)(EB Docket No. 04-296)) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2698. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Harrisburg-Lebanon-Carlisle Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory'' (FRL No. 8445-7) received on July 24, 2007; to the Committee on Environment and Public Works.

EC–2699. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Agent for a Consolidated Group with Foreign Common Parent'' ((RIN1545-BF30)(TD 9343)) received on July 24, 2007; to the Committee on Finance.

EC–2700. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Hawaii Advisory Committee; to the Committee on the Judiciary.

EC–2701. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Indiana Advisory Committee; to the Committee on the Judiciary.

EC–2702. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Pennsylvania Advisory Committee; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment:

S. 1698. A bill to provide that no funds appropriated or otherwise made available by any Act for contributions for international organizations may be made available to support the United Nations Human Rights Council (Rept. No. 110–137).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Brent T. Wahlquist, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

*James L. Caswell, of Idaho, to be Director of the Bureau of Land Management.

*Lisa E. Epifani, of Texas, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

*Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

*Clarence H. Albright, of South Carolina, to be Under Secretary of Energy.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2010.

*Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts for a term expiring September 3, 2012.

*Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENSIGN:

S. 1869. A bill to amend the Help America Vote Act of 2002 to require new voting systems to provide a voter-verified permanent record, to develop better accessible voting machines for individuals with disabilities, and for other purposes; to the Committee on Rules and Administration.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, Mr. LIEBERMAN, Mrs. BOXER, Mr. MENENDEZ, Mr. SANDERS, Mr. CARDIN, Mr. DURBIN, Mr. REED, Mr. DODD, Mr. KOHL, Mr. WHITEHOUSE, Ms. STABENOW, Mr. CARPER, Mr. WYDEN, Mr. LEAHY, Mr. BROWN, and Mr. SCHUMER):

S. 1870. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. WARNER, and Ms. CANTWELL):

S. 1871. A bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. BROWN):

S. 1872. A bill to amend the Farm Security and Rural Investment Act of 2002 to make revenue counter-cyclical payments available to producers on a farm to ensure that the producers at least receive a minimum level of revenue from the production of a covered commodity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. OBAMA:

S. 1873. A bill to amend the Public Health Service Act to establish demonstration programs on regionalized systems for emergency care, to support emergency medicine research, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. GRAHAM, Mrs. LINCOLN, and Mr. WARNER):

S. 1874. A bill to provide for efficient containment and management of climate change costs; to the Committee on Environment and Public Works.

By Mr. DEMINT:

S. 1875. A bill to amend the Internal Revenue Code of 1986 to provide a refundable and advanceable credit for health insurance, to amend the Social Security Act to provide for improved private health insurance access and affordability, to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax, and for other purposes; to the Committee on Finance.

By Mr. BIDEN:

S. 1876. A bill to prohibit extraterritorial detention and rendition, except under limited circumstances, to modify the definition of ''unlawful enemy combatant'' for purposes of military commissions, to extend statutory habeas corpus to detainees, and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 1877. A bill to amend title 4, United States Code, to prescibe that members of the Armed Forces and veterans out of uniform may render the miltary salute during hoisting, lowering, or passing of flag; considered and passed.

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

S. 1878. A bill to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. CASEY, his name was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

At the request of Mr. INHOFE, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 65, supra.

S. 340

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 453

At the request of Mr. OBAMA, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 656

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 969

At the request of Mr. DODD, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1374

At the request of Mr. CASEY, the name of the Senator from Rhode Island

(Mr. WHITEHOUSE) was added as a cosponsor of S. 1374, a bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten.

S. 1406

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1682

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1682, a bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes.

S. 1716

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. TESTER), the Senator from Nebraska (Mr. HAGEL), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1716, a bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1849

At the request of Mr. SMITH, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1849, a bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes.

S. RES. 118

At the request of Mr. LEVIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 276

At the request of Mr. LUGAR, the names of the Senator from North Carolina (Mr. BURR), the Senator from Minnesota (Mr. COLEMAN), the Senator from Oregon (Mr. SMITH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 276, a resolution calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process.

At the request of Mr. BIDEN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Ohio (Mr. VOINOVICH), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 276, supra.

AMENDMENT NO. 2049

At the request of Mr. CHAMBLISS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2049 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2395

At the request of Mr. HAGEL, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2395 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2398

At the request of Mrs. CLINTON, the names of the Senator from Maine (Ms. COLLINS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2398 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENSIGN:

S. 1869. A bill to amend the Help America Vote Act of 2002 to require new voting systems to provide a voter-verified permanent record, to develop better accessible voting machines for individuals with disabilities, and for other purposes; to the Committee on Rules and Administration.

Mr. ENSIGN. Mr. President, in the November 2004 elections, Nevadans entered a new frontier for casting their votes. We became the first State in the Nation to require that voter-verified paper audit trail printers be used with touch-screen voting machines.

Despite what critics of these machines might tell you, Nevada's elections were a success. The machines worked well and were well-received by voters. During a post-election audit, Nevada compared 60,000 electronic ballots with their corresponding voter-verified paper record and found that they matched with 100 percent consistency. As a result, all Nevadans who used these machines can be confident that their votes were counted accurately.

I understand better than most the importance of the integrity of the ballot box. I was at the mercy of a paperless-machine election in my 1998 race for the U.S. Senate. When the votes were tallied with a difference of only a few hundred, I asked for a recount in Clark County, the only county at the time using electronic voting machines. The result of the recount was identical to the first count. That is because there was nothing to recount. After rerunning a computer program, the computer predictably produced the same exact tally.

I conceded that race and was elected to Nevada's other Senate seat in 2000. But that experience made me realize the importance of ensuring Americans that their votes will count, it is absolutely fundamental to our democracy.

That is why I led the fight for voter verification paper trails in the Help America Vote Act, known as HAVA, which President Bush signed into law in 2002. When Congress passed HAVA, we expressed our commitment to the principle of ''one person, one vote.'' One important component of HAVA provided States with funds to replace aging voting machines which had a tendency to malfunction. A voting machine that fails to record a vote properly affects voters in the same way as

if the voters were denied access to the voting booth. Either way their vote is not counted.

Despite these gains, HAVA falls short in one critical area. It does not require that electronic voting machines produce a paper trail of each ballot. A voter-verified paper trail would allow voters to review a physical printout of their ballot and correct any errors before leaving the voting booth. This printout would be preserved at the polling place for use in any recounts. This is exactly what Nevadans experienced when they voted in November.

This technology is important.

It increases voter confidence. With the close elections America has seen recently, it is important that each American trust the outcome of our elections. Machines that allow voters to review a separate paper record of their ballots give voters confidence that their votes have been cast and will be counted accurately.

Paper-trail technology ensures that no votes will be lost if a voting machine fails. The paper record can be used as the ballot of record if a machine malfunctions and fails to record the votes that were cast prior to a machine failing. This technology also gives State election officials a necessary backup to verify results. Nevada's post-election audit ensures that each machine operated properly. This type of audit guarantees accuracy in a way that cannot be guaranteed otherwise.

Unfortunately, the language that is contained in HAVA has not resolved this issue for most other States. Now, I am working to ensure voting integrity across the country. In introducing the Voting Integrity and Verification Act, I want to ensure that HAVA is clear—voters must be assured that their votes will be accurate and will be counted properly. My bill requires that all voting systems purchased after December 31, 2012 have an individual permanent paper record for each ballot cast.

Additionally, this bill will help to advance technology for persons with disabilities to ensure that disabled voters enjoy the same independence when exercising their right to vote as non-disabled voters enjoy.

Technology has transformed the way we do many things, including voting. But we cannot simply sit on the sidelines and assume that our democracy will withstand such changes. Our continued work to ensure that each vote counts here in the U.S. underscores the idea that we must always be vigilant in protecting democracy, whether it is brand new or more than 200 years old. The Voting Integrity and Verification Act protects democracy by protecting the sanctity of our vote.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, Mr. LIEBERMAN, Mrs. BOXER, Mr. MENENDEZ, Mr. SANDERS, Mr. CARDIN, Mr. DURBIN, Mr. REED, Mr. DODD, Mr. KOHL, Mr. WHITEHOUSE, Ms. STABENOW, Mr. CARPER, Mr. WYDEN, Mr. LEAHY, Mr. BROWN, and Mr. SCHUMER):

S. 1870. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, in light of recent U.S. Supreme Court decisions, today I am introducing legislation to affirm Federal jurisdiction over the waters of the U.S. as Congress intended when it passed the Clean Water Act in 1972. I want to thank Senators LAUTENBERG, LEVIN, KERRY, LIEBERMAN, BOXER, MENENDEZ, SANDERS, CARDIN, DURBIN, REED, DODD, KOHL, WHITEHOUSE, STABENOW, CARPER, WYDEN, LEAHY, BROWN, and SCHUMER for joining me in introducing this important legislation.

For 35 years, the American people have relied upon the Clean Water Act to protect and restore the health of the Nation's waters. The primary goal of the act, to make rivers, streams, wetlands, lakes, and coastal waters safe for fishing, swimming and other recreation, suitable for our drinking water supply, and available for wildlife and fish habitat, has broad public support not only as a worthy endeavor but also as a fundamental expectation of government providing for its citizens. It is our responsibility to ensure that our freshwater resources are able to enhance human health, contribute to the economy, and help the environment.

We have made considerable progress towards ensuring the Nation's waters are drinkable, fishable, and swimmable. However, today, the Clean Water Act, one of our Nation's bedrock environmental laws, faces new and unprecedented challenges.

Two controversial, closely divided U.S. Supreme Court rulings have reduced the jurisdictional scope of the Clean Water Act, undermining decades of clean water protections and disregarding Congress' intent when it originally passed the Clean Water Act.

At the heart of the issue is the statutory definition of ''waters of the United States.'' Though recent court decisions have focused on dredge and fill permits under section 404, this definition is integral to the Federal Government's jurisdiction under the Clean Water Act as a whole. This definition is the linchpin for state water quality standards under section 302 and section 303, national performance standards under section 306, toxic and pretreatment standards under section 307, oil and hazardous substance liability under section 311, aquaculture standards under section 318, State water quality certifications under section 401, and national pollution discharge permitting requirements under section 402.

In the 2001 case Solid Waste Agency of Northern Cook County v. Army Corps of Engineers, SWANCC, in a 5 to 4 decision, the U.S. Supreme Court limited the authority of Federal agencies to extend Clean Water Act protections to commercially nonnavigable, intrastate, ''isolated'' waters based solely on their use by migratory birds. While the Court's decision was narrow, the effect of the decision has been much broader: for example, according to the Environmental Protection Agency, 20 percent of the Nation's wetlands outside Alaska are now at risk of losing Federal protections.

Last June, the U.S. Supreme Court announced a sharply divided decision in the consolidated cases of Rapanos v. United States and Carabell v. Army Corps of Engineers that jeopardizes many more of our Nation's waters. Four justices joined an opinion that said only permanent or ''continuously flowing'' rivers and streams and by implication, the wetlands next to them are protected by the Clean Water Act, ignoring the act's text and purpose. This line of reasoning would leave more than half of our Nation's waters without Federal protections. To put these bodies of water into perspective, according to the Environmental Protection Agency, 110 million Americans get their drinking water from sources that include the very intermittent and ephemeral bodies of water that the four justices said were not protected by the Clean Water Act.

Fortunately, five Justices rejected this radical rewrite of the act. However, Justice Kennedy, who provided the fifth vote to send the cases back to the lower courts, offered an entirely different test; one requiring EPA and the corps to show a ''significant nexus'' between a stream, river, or wetland and a navigable water in order for the stream, river, or wetland to be protected. At best, this test is confusing, will be resource-intensive to implement, and is likely to result in many waters Congress always included under the Clean Water Act being left unprotected from pollution.

Fortunately, an unprecedented array of local, State, regional, and national officials, professional organizations, and public interest groups from across the country and the political spectrum have joined in the defense of the Clean Water Act. The unparalleled collection of interested parties includes the attorneys general of 33 States plus the District of Columbia; four former Administrators of the Environmental Protection Agency, Russell Train, Douglas Costle, William Reilly, and Carol Browner; 9 current and former members of the U.S. Senate and U.S. House of Representatives who were directly involved in the passage of the 1972 act and its reaffirmation in 1977; the Association of State Wetlands Managers, the Association of State Floodplain Managers, the Association of State and Interstate Water Pollution Control Administrators, and the Association of Fish and Wildlife Agencies; numerous hunting, fishing, wildlife and outdoor recreation organizations and businesses, including Ducks Unlimited, the

National Wildlife Federation, Trout Unlimited, the American Sportsfishing Association, Bass Pro Shops, the Orvis Company, and the Wildlife Management Institute, among others; and a number of local, regional, and national environmental groups. All of these interests filed briefs in the most recent Supreme Court case, expressing strong support of the Clean Water Act's core safeguard: the requirement to obtain a permit before discharging pollutants into waters of the U.S.

With such strong support for the Clean Water Act, which is grounded in the language, history, and purpose of the law itself, I hope that my colleagues will join me in reaffirming Federal protections for streams, headwaters, tributaries, and wetlands that have long been covered by the act.

The issue before us is simple: Does Congress support restoring historic clean water protections as they existed for nearly 30 years prior to the Supreme Court cases? If so, Congress must act. In 1972, Congress established protections for all ''waters of the United States'' and I am pleased to lead the charge in the Senate to reaffirm those protections.

The Clean Water Restoration Act would reestablish protection for all waters historically covered by the Clean Water Act, prior to the SWANCC and Rapanos decisions. The bill could not be more straight-forward. It makes it clear that the Clean Water Act has always covered a myriad of interstate and intrastate waters, by codifying the regulatory definition of ''waters of the United States'' that has been in use since the 1970s. In fact, 30 years ago this month, the Environmental Protection Agency finalized the act's regulations, properly establishing the scope of waters needing to be protected by the Clean Water Act in order to meet the national objective. The Clean Water Restoration Act would codify the regulations the federal agencies have used to enforce the Clean Water Act for over 30 years. This is necessary to prevent the judicial branch from redefining ''navigable waters'' as something other than the ''waters of the United States.''

The bill's ''findings'' make it clear that Congress' primary concern in 1972 was to protect the Nation's waters from pollution rather than just sustain the navigability of waterways, and it reinforces that original intent. It also asserts Congress' constitutional authority, which extends beyond the Commerce Clause to the Property Clause, Treaty Clause, and Necessary and Proper Clause, to protect the Nation's waters.

While the Clean Water Restoration Act is critical to preventing the courts from rewriting the law and thus further reducing the protections afforded to our Nation's waters under the Clean Water Act, the bill is remarkably simple and does not do many things.

The bill does not prohibit development or other activities that discharge pollutants into waters. Complying with the Clean Water Act requires following a process that seeks to evaluate proposed activities and minimize impacts by ensuring certain pollution standards or environmental criteria are met. The vast majority of permit requests are granted, and most are granted through expedited ''general'' permits rather than individual permits that require site-specific determinations.

The bill does not change the existing permitting process. Rather, the bill will provide much-needed clarity. The Supreme Court decisions have caused a lot of confusion, and the Corps of Engineers nationally has around 20,000 jurisdictional determinations pending. The regulated community, as well as state and federal agencies, will once again have a clear understanding that Clean Water Act protections extend to the same waters covered by the act for over thirty years.

The bill does not change the EPA and Corps' existing regulations or any aspect of the regulatory programs, in fact, as stated above, the bill defines waters of the U.S. based on the regulations that have been in place since the early 1970s.

The bill does not change the activities that are regulated. This means it does not change or overrule current exemptions related to farming, forestry, ranching, and infrastructure maintenance that have been in place since 1977. Activities such as plowing, seeding, cultivating, and harvesting; and constructing and maintaining farm or stock ponds, irrigation ditches, and farm or forest roads have been exempted from permitting requirements and will remain so under this bill.

The bill does not create duplicative State and Federal permitting processes. The Clean Water Act created an important Federal-State partnership, and States can choose to assume from the Corps the dredge and fill permitting program, Section 404, or the EPA's NPDES permitting program for point sources, Section 402.

The bill does not preempt state and local authority under the Clean Water Act. However, without the bill many State programs are in jeopardy because many States developed their own clean water laws so that they hinge entirely on the Federal Clean Water Act, and do not have separate state programs to fully address any voids left by the removal of Federal clean water protections. Also, some states prohibit their state laws from being any more protective than the Federal law. This means that if the Federal Clean Water Act's protections are curtailed, then the State's protections are also reduced.

Statements that this bill would ''expand the scope of the Clean Water Act'' are disingenuous at best. For over 30 years, all ''waters of the United States'' have been regulated and Congress should not stand by while the courts and certain special interests roll back the critical protections afforded by the Clean Water Act.

Congress must provide the needed leadership to clarify the intent of the Clean Water Act. Such action must ensure that all waters of the U.S., waters that are valuable for drinking, fishing, swimming, and a host of other economically vital uses, not just navigability, remain protected. After decades of progress, now is not the time to turn back the clock. I hope my colleagues will join me in reaffirming an important clean water pledge to the America people.

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. 1870

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Water Restoration Act of 2007''.

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To reaffirm the original intent of Congress in enacting the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) to restore and maintain the chemical, physical, and biological integrity of the waters of the United States.

(2) To clearly define the waters of the United States that are subject to the Federal Water Pollution Control Act (commonly known as the ''Clean Water Act'').

(3) To provide protection to the waters of the United States to the fullest extent of the legislative authority of Congress under the Constitution.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Water is a unique and precious resource that is necessary to sustain human life and the life of animals and plants.

(2) Water is used not only for human, animal, and plant consumption, but is also important for agriculture, transportation, flood control, energy production, recreation, fishing and shellfishing, and municipal and commercial uses.

(3) Through prior enactments, Congress established the national objective of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States and recognized that achieving this objective requires uniform, minimum national water quality and aquatic ecosystem protection standards to restore and maintain the natural structures and functions of the aquatic ecosystems of the United States. Since the 1970s, the definitions of ''waters of the United States'' in the U.S. Environmental Protection Agency's and the U.S. Army Corps of Engineers' regulations have properly established the scope of waters needed to be protected by the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in order to meet the national objective.

(4) Water is transported through interconnected hydrologic cycles, and the pollution, impairment, or destruction of any part of an aquatic system may affect the chemical, physical, and biological integrity of other parts of the aquatic system.

(5) Protection of intrastate waters is necessary to restore and maintain the chemical, physical, and biological integrity of all waters in the United States.

(6) The regulation of discharges of pollutants into intrastate waters is an integral part of the comprehensive clean water regulatory program of the United States.

(7) Small and intermittent streams, including ephemeral and seasonal streams, comprise the majority of all stream miles in the United States and serve critical biological and hydrological functions that affect entire watersheds. These waters reduce the introduction of pollutants to large streams and rivers, provide and purify drinking water supplies, and are especially important to the life cycles of aquatic organisms and the flow of higher order streams during floods.

(8) The pollution or other degradation of waters of the United States, individually and in the aggregate, has a substantial relation to and effect on interstate commerce.

(9) Protection of intrastate waters is necessary to prevent significant harm to interstate commerce and sustain a robust system of interstate commerce in the future.

(10) Waters, including streams and wetlands, provide protection from flooding. Draining or filling intrastate wetlands and channelizing or filling intrastate streams can cause or exacerbate flooding that causes billions of dollars of damages annually, placing a significant burden on interstate commerce.

(11) Millions of people in the United States depend on streams, wetlands, and other waters of the United States to filter water and recharge surface and subsurface drinking water supplies, protect human health, and create economic opportunity. Source water protection areas containing small or intermittent streams provide water to public drinking water supplies serving more than 110 million Americans.

(12) Millions of people in the United States enjoy recreational activities that depend on intrastate waters, such as waterfowl hunting, bird watching, fishing, and photography, and those activities and associated travel generate hundreds of billions of dollars of income each year for the travel, tourism, recreation, and sporting sectors of the economy of the United States.

(13) Activities that result in the discharge of pollutants into waters of the United States are commercial or economic in nature. More than 14,000 facilities with individual permits issued in accordance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including industrial plants and municipal sewage treatment systems, discharge into small or intermittent streams.

(14) States have the responsibility and right to prevent, reduce, and eliminate pollution of waters, and the Federal Water Pollution Control Act respects the rights and responsibilities of States by preserving for States the ability to manage permitting, grant, and research programs to prevent, reduce, and eliminate pollution, and to establish standards and programs more protective of a State's waters than is provided under Federal standards and programs.

(15) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of implementing treaties to which the United States is a party, including treaties protecting species of fish, birds, and wildlife.

(16) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of protecting Federal land, including hundreds of millions of acres of parkland, refuge land, and other land under Federal ownership and the wide array of waters encompassed by that land.

(17) Protecting the quality of and regulating activities affecting the waters of the United States is necessary to protect Federal land and waters from discharges of pollutants and other forms of degradation.

SEC. 4. DEFINITION OF WATERS OF THE UNITED STATES.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (8) through (24) as paragraphs (7) through (23), respectively; and

(3) by adding at the end the following:

''(24) WATERS OF THE UNITED STATES.—The term 'waters of the United States' means all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing, to the fullest extent that these waters, or activities affecting these waters, are subject to the legislative power of Congress under the Constitution.''.

SEC. 5. CONFORMING AMENDMENTS.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended—

(1) by striking ''navigable waters of the United States'' each place it appears and inserting ''waters of the United States'';

(2) in section 304(l)(1) by striking ''NAVIGABLE WATERS'' in the heading and inserting ''WATERS OF THE UNITED STATES''; and

(3) by striking ''navigable waters'' each place it appears and inserting ''waters of the United States''.

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act shall be construed as affecting the authority of the Administrator of the Environmental Protection Agency or the Secretary of the Army under the following provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(1) Section 402(l)(1), relating to discharges composed entirely of return flows from irrigated agriculture.

(2) Section 402(l)(2), relating to discharges of stormwater runoff from certain oil, gas, and mining operations composed entirely of flows from precipitation runoff conveyances, which are not contaminated by or in contact with specified materials.

(3) Section 404(f)(1)(A), relating to discharges of dredged or fill materials from normal farming, silviculture, and ranching activities.

(4) Section 404(f)(1)(B), relating to discharges of dredged or fill materials for the purpose of maintenance of currently serviceable structures.

(5) Section 404(f)(1)(C), relating to discharges of dredged or fill materials for the purpose of construction or maintenance of farm or stock ponds or irrigation ditches and maintenance of drainage ditches.

(6) Section 404(f)(1)(D), relating to discharges of dredged or fill materials for the purpose of construction of temporary sedimentation basins on construction sites, which do not include placement of fill material into the waters of the United States.

(7) Section 404(f)(1)(E), relating to discharges of dredged or fill materials for the purpose of construction or maintenance of farm roads or forest roads or temporary roads for moving mining equipment in accordance with best management practices.

(8) Section 404(f)(1)(F), relating to discharges of dredged or fill materials resulting from activities with respect to which a State has an approved program under section 208(b)(4) of such Act meeting the requirements of subparagraphs (B) and (C) of that section.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. WARNER, and Ms. CANTWELL):

S. 1871. A bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws; to the Committee on Finance.

Mr. KENNEDY. Mr. President, today I am pleased to join my colleagues Senators SNOWE, ROCKEFELLER, WARNER, and CANTWELL in introducing the Unemployment Insurance Modernization Act, a bipartisan proposal to reform our unemployment insurance system.

In today's troubled economy, too many working families are just one pink slip away from falling into poverty. The most recent recession hit workers particularly hard, wiping out millions of good jobs, many of which never came back. Today, almost 7 million Americans are unemployed.

Fundamental shifts in the economy, including globalization and jobs being shipped overseas have caused declines in entire industries, with the result that large numbers are losing their long-time jobs and struggling to find new opportunities for work. But their options for new jobs are limited, and nearly one in six unemployed Americans are out of work for longer than 6 months. Another 1.5 million unemployed workers aren't even counted in the official unemployment statistics, because they have become frustrated and have given up their job search.

The Federal Unemployment Insurance program was created in the Depression-era to help keep workers out of poverty between jobs. It has been a bedrock of security for working families in difficult times, providing much needed benefits to millions of workers each year. It has helped them pay the rent and put food on the table when they lose their job and face long periods of unemployment. It also has helped reduce economic fluctuations by building up a reserve of funds in good economic times that can be used as a cushion to soften the blow of job losses during recessions.

The problem is that the current unemployment insurance system has not kept pace with the changing economy and left millions of Americans without benefits. In 2006, just 35 percent of unemployed Americans received unemployment benefits. In addition, today's much more mobile workforce means that employees are now at greater risk of suffering unemployment.

These problems particularly affect low-wage workers. According to the Government Accountability Office, low-wage workers are only half as likely to receive UI benefits as other unemployed workers, even though low-wage workers are twice as likely to be unemployed.

Modernizing unemployment insurance cannot single-handedly overcome all of the economic challenges facing our Nation, but it's a critical step in dealing with the hardships so many working families are facing.

The current unemployment insurance program was designed as a partnership between states and the Federal

Government. States are given extraordinary flexibility to tailor the program's benefits to their unique situations, and many of them have been the laboratories of democracy in improving their unemployment insurance systems. Their experiments have often been successful in making the system more responsive to workers' needs.

Some have improved coverage for low-wage and part-time workers. Others have made their systems more family-friendly, or have helped dislocated workers expand their skills through training.

Our Unemployment Insurance Modernization Act builds on these successes by offering States strong financial incentives to adopt the best of the new programs.

First, the bill encourages States to cover more low-wage workers. In 30 states, many unemployed low-wage workers are not eligible for UI benefits because their most recent earnings are not counted. But failure to count these earnings may deny benefits altogether to some workers, and reduces the amount that many other workers receive. Our bill provides incentives for States to fix this unfair practice.

Changing family life has also left many workers unable to collect unemployment benefits. Today, two-wage earner families are the norm, not the exception. When a parent moves to a different city to take a new job, the spouse usually has to quit work as well to keep their family together. But spouses cannot collect unemployment benefits in most States, nor can victims of domestic violence, if they have to leave work to find safety elsewhere, out of reach of their abuser. Our legislation encourages States to provide benefits in these cases as well.

In addition to expanding the eligibility for benefits, our bill also supports state efforts to reemploy workers laid off by declining industries. Currently, the Trade Adjustment Assistance Program offers retraining benefits to some workers directly affected by trade, so that they can learn new skills and find worthwhile jobs in other industries. But employees who are only indirectly affected by trade often receive no benefits. Our bill helps close that gap by encouraging States to offer additional benefits to unemployed workers attending State-approved training programs.

Finally, our legislation provides needed funds to States to manage their unemployment insurance programs and reach out to workers. Many States are now forced to shut their unemployment offices because they can't afford to keep them open, leaving unemployed workers without any counseling to find new work or learn about the benefits available to them. These employment offices also provide a way for other programs, such as Trade Adjustment Assistance, to reach out to affected workers.

The Unemployment Insurance Modernization Act will provide greater security to countless working families who are being left in the cold today. It will help long-term unemployed workers get the training they need to find new jobs. It will give States the resources and flexibility they need to revitalize their programs and serve working families more effectively.

I commend my colleagues on both sides of the aisle who are joining to introduce this important legislation. We all agree that now is the time for these reforms. In the global economy, it is more urgent than ever for every American worker to be able to contribute to the economy. To achieve that goal, we need to make sure that all unemployed workers have the support they need to get back on their feet and rejoin the workforce. Our future prosperity depends on it.

By Mr. DURBIN (for himself and Mr. BROWN):

S. 1872. A bill to amend the Farm Security and Rural Investment Act of 2002 to make revenue counter-cyclical payments available to producers on a farm to ensure that the producers at least receive a minimum level of revenue from the production of a covered commodity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. 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. 1872

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 ''Farm Safety Net Improvement Act of 2007''.

SEC. 2. REVENUE COUNTER-CYCLICAL PROGRAM.

Section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) is amended to read as follows:

''SEC. 1104. REVENUE COUNTER-CYCLICAL PROGRAM.

''(a) IN GENERAL.—For each of the 2008 through 2012 crop years for each covered commodity, the Secretary shall make revenue counter-cyclical payments available to producers on a farm in a State for a crop year for a covered commodity if—

''(1) the actual State revenue from the crop year for the covered commodity in the State determined under subsection (b); is less than

''(2) the revenue counter-cyclical program guarantee for the crop year for the covered commodity in the State determined under subsection (c).

''(b) ACTUAL STATE REVENUE.—

''(1) IN GENERAL.—For purposes of subsection (a)(1), the amount of the actual State revenue for a crop year of a covered commodity shall equal the product obtained by multiplying—

''(A) the actual State yield for each planted acre for the crop year for the covered commodity determined under paragraph (2); and

''(B) the revenue counter-cyclical program harvest price for the crop year for the covered commodity determined under paragraph (3).

''(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A) and subsection (c)(1)(A), the actual State yield for each planted acre for a crop year for a covered commodity in a State shall equal—

''(A) the quantity of the covered commodity that is produced in the State, and reported to the Secretary, during the crop year; divided by

''(B) the number of acres that are planted or considered planted to the covered commodity in the State, and reported to the Secretary, during the crop year.

''(3) REVENUE COUNTER-CYCLICAL PROGRAM HARVEST PRICE.—For purposes of paragraph (1)(B), the revenue counter-cyclical program harvest price for a crop year for a covered commodity shall equal the harvest price that is used to calculate revenue under revenue coverage plans that are offered for the crop year for the covered commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

''(c) REVENUE COUNTER-CYCLICAL PROGRAM GUARANTEE.—

''(1) IN GENERAL.—The revenue counter-cyclical program guarantee for a crop year for a covered commodity in a State shall equal 90 percent of the product obtained by multiplying—

''(A) the expected State yield for each planted acre for the crop year for the covered commodity in a State determined under paragraph (2); and

''(B) the revenue counter-cyclical program pre-planting price for the crop year for the covered commodity determined under paragraph (3).

''(2) EXPECTED STATE YIELD.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A), subject to subparagraph (B), the expected State yield for each planted acre for a crop year for a covered commodity in a State shall equal the projected yield for the crop year for the covered commodity in the State, based on a linear regression trend of the yield per acre planted to the covered commodity in the State during the 1980 through 2006 period using National Agricultural Statistics Service data.

''(B) ASSIGNED YIELD.—If the Secretary cannot establish the expected State yield for each planted acre for a crop year for a covered commodity in a State in accordance with subparagraph (A), the Secretary shall assign an expected State yield for each planted acre for the crop year for the covered commodity in the State on the basis of expected State yields for planted acres for the crop year for the covered commodity in similar States.

''(3) REVENUE COUNTER-CYCLICAL PROGRAM PRE-PLANTING PRICE.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraph (B), the revenue counter-cyclical program pre-planting price for a crop year for a covered commodity shall equal the average price that is used to determine crop insurance guarantees for the crop year for the covered commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) during the crop year and the preceding 2 crop years.

''(B) MINIMUM AND MAXIMUM PRICE.—The revenue counter-cyclical program pre-planting price for a crop year for a covered commodity under subparagraph (A) shall not decrease or increase more than 15 percent from the pre-planting price for the preceding year.

''(d) PAYMENT AMOUNT.—If revenue counter-cyclical payments are required to be paid for any of the 2008 through 2012 crop years of a covered commodity, the amount of the revenue counter-cyclical payment to be paid to the producers on the farm for the crop year under this section shall be equal to the product obtained by multiplying—

''(1) the difference between—

''(A) the revenue counter-cyclical program guarantee for the crop year for the covered

commodity in the State determined under subsection (c); and

''(B) the actual State revenue from the crop year for the covered commodity in the State determined under subsection (b);

''(2) the acreage planted or considered planted to the covered commodity for harvest on the farm in the crop year;

''(3) the quotient obtained by dividing—

''(A) the actual production history on the farm; by

''(B) the expected State yield for the crop year, as determined under subsection (c)(2); and

''(4) 90 percent.

''(e) RECOURSE LOANS.—For each of the 2008 through 2012 crops of a covered commodity, the Secretary shall make available to producers on a farm recourse loans, as determined by the Secretary, on any production of the covered commodity.''.

SEC. 3. IMPACT ON CROP INSURANCE PROGRAMS.

(a) RATING.—

(1) IN GENERAL.—The Secretary of Agriculture, acting through the Administrator of the Risk Management Agency shall carry out a study to identify such actions as are necessary to ensure, to the maximum extent practicable, that all policies and plans of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) are properly rated to take into account a rebalancing of risk as a result of the enactment of this Act and the amendments made by this Act.

(2) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out the actions identified under paragraph (1).

(b) PREVENTION OF DUPLICATION.—The Administrator of the Risk Management Agency and Administrator of the Farm Service Agency shall work together to ensure, to the maximum extent practicable, that producers on a farm are not compensated through the revenue counter-cyclical program established under section 1104 of the Farm Security and Rural Investment Act of 2002 (as amended by section 2) and under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the same loss, including by reducing crop insurance indemnity payments by the amount of the revenue counter-cyclical payments.

SEC. 4. CONFORMING AMENDMENTS.

(a) Section 166(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286(a)) is amended by striking ''B and''.

(b) Section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901) is amended—

(1) by striking paragraphs (3), (6), (8), and (15);

(2) by redesignating paragraphs (4), (5), (7), (9), (10), (11), (12), (13), (14), and (16) as paragraphs (3), (4), (5), (6), (7), (8), (9), (11), (12), and (13), respectively;

(3) in paragraph (7) (as so redesignated), by striking ''and counter-cyclical payments'';

(4) in paragraph (8) (as so redesignated)—

(A) in subparagraph (A), by striking ''(A) IN GENERAL.—''; and

(B) by striking subparagraph (B);

(5) by inserting after paragraph (9) (as so redesignated) the following:

''(10) REVENUE COUNTER-CYCLICAL PAYMENTS.—The term 'revenue counter-cyclical payments' means a payment made to producers on a farm under section 1104.''.

(c) The subtitle heading of subtitle A of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. prec. 7911) is amended by inserting ''**Revenue**'' before ''**Counter-Cyclical**''.

(d) Section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) is amended by striking ''and counter-cyclical payments'' each place it appears in subsections (a)(1) and (e)(2).

(e) Section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) is amended—

(1) in subsection (a), by striking ''and counter-cyclical payments''; and

(2) by striking subsection (e).

(f) Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(g) Section 1105 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7915) is amended—

(1) in the section heading, by inserting ''REVENUE'' before ''COUNTER-CYCLICAL''; and

(2) by inserting ''revenue'' before ''counter-cyclical'' each place it appears.

(h) Subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) is repealed.

(i) Subtitles C through F of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7951 et seq.) are amended by striking ''2007'' each place it appears and inserting ''2012''.

(j) Section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957)(a)(6)) is amended in the first sentence by striking ''2006'' and inserting ''2011''.

(k) Section 1601(d)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991(d)(1)) is amended by striking ''and counter-cyclical payments under subtitle A and subtitle C'' and inserting ''under subtitle A''.

(l) Section 1605 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7993) is repealed.

(m) Section 1615(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7998(2)) is amended—

(1) in subparagraph (B), by striking ''Loan'' and inserting ''Covered''; and

(2) in subparagraph (C), by striking ''loan'' and inserting ''covered''.

(n) Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (c)(1), by inserting ''revenue'' before ''counter-cyclical''; and

(2) in subsection (d)—

(A) by striking paragraph (1); and

(B) in paragraph (2)—

(i) by striking ''(2) OTHER COMMODITIES.—'';

(ii) in subparagraph (A), by striking '', wool, mohair, or honey under subtitle B or'' and inserting ''under subtitle'';

(iii) in subparagraph (B), by striking '', peanuts, wool, mohair, and honey under those subtitles'' and inserting ''under that subtitle''; and

(iv) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately.

By Mr. BIDEN:

S. 1876. A bill to prohibit extraterritorial detention and rendition, except under limited circumstances, to modify the definition of ''unlawful enemy combatant'' for purposes of military commissions, to extend statutory habeas corpus to detainees, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. One of the defining challenges of our age is to effectively combat international terrorism while maintaining our national values and our commitment to the rule of law, and respecting individual rights and civil liberties. To fight terrorist organizations whose tactics include blending into our cities and communities and attacking civilian populations engaged in the activities of everyday life, we must have robust and agile intelligence capabilities. Rendition, detaining a terrorist operative in one foreign country and transfering him to the United States or to another foreign country to face justice, has proved to be one effective means of taking terrorists off the streets and collecting valuable intelligence.

Despite its effectiveness, however, the U.S. Government's use of rendition has been controversial. Foreign governments have criticized the practice as ungoverned by law and on the basis of its alleged use to transfer suspects to countries that torture or mistreat them or to secret, extraterritorial prisons. The toll the rendition program, as currently practiced, has had on relationships with some of our closest foreign partners is evident from their responses.

Italy has indicted 26 Americans for their alleged role in a rendition. Germany has issued arrest warrants for an additional 13 U.S. intelligence officers. A Canadian Government commission has censured the United States for rendering a Canadian/Syrian dual citizen to Syria. The Council of Europe and the European Union have each issued reports critical of the U.S. Government's rendition program and European countries' involvement or complicity in it. Sweden and Switzerland have each initiated investigations as well. Today, the United Kingdom issued a report predicting that the U.S. Government's rendition program would have ''serious implications'' for the intelligence relation between the U.S. and U.K., one of our most important foreign partners. Rendition, as currently practiced, is undermining our moral credibility and standing abroad and weakening the coalitions with foreign governments that we need to effectively combat international terrorism.

The controversial aspects of the U.S. Government's use of rendition have also not escaped the notice of the propagandists and recruiters who fuel and sustain international terrorist organizations with a constant stream of new recruits. Allegations of lawlessness and mistreatment by the U.S. make their job easier, adding a refrain to their recruitment pitch and increasing the receptivity of their target audience.

Our counterterrorism authorities should not only thwart attacks, take dangerous terrorists off the streets, and bring them to justice; these authorities should also strengthen international coalitions, draw Muslim populations around the world closer to us, and deprive terrorists of a recruitment narrative. In our long term effort to stem the tide of international terrorism, our commitments to the rule of law and to individual rights and civil liberties are among our most formidable weapons. They are what unite foreign governments behind us in effective counterterrorism coalitions. They

are what unite public opinion in support of our counterterrorism efforts and in condemnation of the terrorists and their tactics. They are what prevent the recruitment of the next generation of international terrorists.

This bill maintains rendition as a robust and agile tool in our fight against international terrorism, but it brings that tool within the rule of law, provides additional safeguards against error, and prohibits rendering individuals to countries that will torture or mistreat them or to secret, extra-territorial prisons.

The bill establishes a classified application and order process, presided over by the FISA court that: 1. ensures that each rendition is preceded by a searching inquiry into the identity of the individual to be rendered and his role in international terrorism and 2. prohibits rendition to countries that torture or mistreat detainees or to secret, extraterritorial prisons beyond the reach of law. It ensures that citizens of, and individuals lawfully admitted to, the U.S. receive the due process and individual rights guaranteed by the Constitution. It ensures that a terrorist suspect detained by the U.S. has the opportunity, through a writ of habeas corpus, to argue in a court of law that he is being held in error.

This bill also closes a hole intentionally left open by the President's recent Executive Order on the treatment of detainees. The President's order is notably silent on some of the more controversial techniques the CIA has allegedly used in the past, such as waterboarding, extreme sleep deprivation, extreme sensory deprivation, and extremes of heat and cold. When we countenance this treatment of detainees, we diminish our ability to argue that the same techniques should not be used against our own troops.

We cannot continue to equivocate and dissemble on this matter. We need to send a clear message that torture, inhumane, and degrading treatment of detainees is unacceptable and is not permitted by U.S. law. Period. Therefore, my bill prohibits all officers and agents of the United States from using techniques of interrogation not authorized by and listed in the U.S. Army Field Manual on Intelligence Interrogation.

As I said at the outset, this bill grapples with one of the defining issues of our age, how to effectively combat terrorism without sacrificing our national values and abandoning the rule of law. If we continue to pursue a rendition program ungoverned by law, without sufficient safeguards and oversight, we will perpetuate a short term solution that exacerbates the long term problem. We will take individual terrorists off the streets at the expense of the foreign coalitions that are essential to our efforts to combat international terrorism, at the expense of facilitating the recruitment of a new generation of terrorists who are just as dangerous and far more numerous.

This is not a trade-off we have to make. We can have a robust and agile rendition capability governed by the rule of law and subject to sufficient safeguards and oversight. That is what the National Security with Justice Act creates. I invite my colleagues on both sides of the aisle and in the other branches of Government to work with me to refine this legal framework so that we not only take today's terrorists off the streets, we strengthen our standing and credibility among foreign governments and the global community, and we prevent tomorrow's terrorists from being recruited.

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. 1876

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 ''National Security with Justice Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''aggrieved person''—

(A) means any individual subject by an officer or agent of the United States either to extraterritorial detention or rendition, except as authorized in this Act; and

(B) does not include any individual who is an international terrorist;

(2) the term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4));

(3) the term ''extraterritorial detention'' means detention of any individual by an officer or agent of the United States outside the territorial jurisdiction of the United States;

(4) the term ''Foreign Intelligence Surveillance Court'' means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(5) the term ''Geneva Conventions'' means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516);

(6) the term ''international terrorist'' means—

(A) any person, other than a United States person, who engages in international terrorism or activities in preparation therefor; and

(B) any person who knowingly aids or abets any person in the conduct of activities described in subparagraph (A) or knowingly conspires with any person to engage in activities described in subparagraph (A);

(7) the terms ''international terrorism'' and ''United States person'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(8) the term ''officer or agent of the United States'' includes any officer, employee, agent, contractor, or subcontractor acting for or on behalf of the United States; and

(9) the terms ''render'' and ''rendition'', relating to an individual, mean that an officer or agent of the United States transfers that individual from the legal jurisdiction of the United States or a foreign country to a different legal jurisdiction (including the legal jurisdiction of the United States or a foreign country) without authorization by treaty or by the courts of either such jurisdiction, except under an order of rendition issued under section 104.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—EXTRATERRITORIAL DETENTION AND RENDITION

SEC. 101. PROHIBITION ON EXTRATERRITORIAL DETENTION.

(a) IN GENERAL.—Except as provided in subsection (b), no officer or agent of the United States shall engage in the extraterritorial detention of any individual.

(b) EXCEPTIONS.—This section shall not apply to—

(1) an individual detained and timely transferred to a foreign legal jurisdiction or the legal jurisdiction of the United States under an order of rendition issued under section 104 or an emergency authorization under section 105;

(2) an individual—

(A) detained by the Armed Forces of the United States in accordance with United States Army Regulation 190-8 (1997), or any successor regulation certified by the Secretary of Defense; and

(B) detained by the Armed Forces of the United States—

(i) under circumstances governed by, and in accordance with, the Geneva Conventions;

(ii) in accordance with United Nations Security Council Resolution 1546 (2004) and

United Nations Security Council Resolution 1723 (2004);

(iii) at the Bagram, Afghanistan detention facility; or

(iv) at the Guantanamo Bay, Cuba detention center on the date of enactment of this Act;

(3) an individual detained by the Armed Forces of the United States under circumstances governed by, and in accordance with chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(4) an individual detained by the Armed Forces of the United States subject to an agreement with a foreign government and in accordance with the relevant laws of that foreign country when the Armed Forces of the United States are providing assistance to that foreign government; or

(5) an individual detained pursuant to a peacekeeping operation authorized by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations.

SEC. 102. PROHIBITION ON RENDITION.

(a) IN GENERAL.—Except as provided in subsection (b), no officer or agent of the United States shall render or participate in the rendition of any individual.

(b) EXCEPTIONS.—This section shall not apply to—

(1) an individual rendered under an order of rendition issued under section 104;

(2) an individual detained and transferred by the Armed Forces of the United States under circumstances governed by, and in accordance with, the Geneva Conventions;

(3) an individual—

(A) for whom an attorney for the United States or for any State has filed a criminal indictment, criminal information, or any similar criminal charging document in any district court of the United States or criminal court of any State; and

(B) who is timely transferred to the United States for trial;

(4) an individual—

(A) who was convicted of a crime in any State or Federal court;

(B) who—

(i) escaped from custody prior to the expiration of the sentence imposed; or

(ii) violated the terms of parole, probation, or supervised release; and

(C) who is promptly returned to the United States—

(i) to complete the term of imprisonment; or

(ii) for trial for escaping imprisonment or violating the terms of parole or supervised release; or

(5) an individual detained by the United States at the Guantanamo Bay, Cuba detention center on the date of enactment of this Act who is transferred to a foreign legal jurisdiction.

SEC. 103. APPLICATION FOR AN ORDER OF RENDITION.

(a) IN GENERAL.—A Federal officer or agent may make an application for an order of rendition in writing, upon oath or affirmation, to a judge of the Foreign Intelligence Surveillance Court, if the Attorney General of the United States or the Deputy Attorney General of the United States determines that the requirements under this title for such an application have been satisfied.

(b) CONTENTS.—Each application under subsection (a) shall include—

(1) the identity of the Federal officer or agent making the application;

(2) a certification that the Attorney General of the United States or the Deputy Attorney General of the United States has approved the application;

(3) the identity of the specific individual to be rendered;

(4) a statement of the facts and circumstances relied upon by the applicant to justify the good faith belief of the applicant that—

(A) the individual to be rendered is an international terrorist;

(B) the country to which the individual is to be rendered will not subject the individual to torture or cruel, inhuman, or degrading treatment, within the meaning of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984;

(C) the country to which the individual is to be rendered will timely initiate legal proceedings against that individual that comport with fundamental notions of due process; and

(D) rendition of that individual is important to the national security of the United States; and

(5) a full and complete statement regarding—

(A) whether ordinary legal procedures for the transfer of custody of the individual to be rendered have been tried and failed; or

(B) the facts and circumstances that justify the good faith belief of the applicant that ordinary legal procedures reasonably appear to be—

(i) unlikely to succeed if tried; or

(ii) unlikely to adequately protect intelligence sources or methods.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

''(g) The court established under subsection (a) may hear an application for and issue, and the court established under subsection (b) may review the issuing or denial of, an order of rendition under section 104 of the National Security with Justice Act of 2007.''.

SEC. 104. ISSUANCE OF AN ORDER OF RENDITION.

(a) IN GENERAL.—Upon filing of an application under section 103, a judge of the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the rendition, if the judge finds that—

(1) the Attorney General of the United States or the Deputy Attorney General of the United States has approved the application for rendition;

(2) the application has been made by a Federal officer or agent;

(3) the application establishes probable cause to believe that the individual to be rendered is an international terrorist;

(4) ordinary legal procedures for transfer of custody of the individual have been tried and failed or reasonably appear to be unlikely to succeed for any of the reasons described in section 103(b)(5)(B);

(5) the application, and such other information as is available to the judge, including reports of the Department of State and the United Nations Committee Against Torture and information concerning the specific characteristics and circumstances of the individual, establish a substantial likelihood that the country to which the individual is to be rendered will not subject the individual to torture or to cruel, inhuman, or degrading treatment, within the meaning of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984;

(6) the application, and such other information as is available to the judge, establish reason to believe that the country to which the individual is to be rendered will timely initiate legal proceedings against that individual that comport with fundamental notions of due process; and

(7) the application establishes reason to believe that rendition of the individual to be rendered is important to the national security of the United States.

(b) APPEAL.—The Government may appeal the denial of an application for an order under subsection (a) to the court of review established under section 103(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(b)), and further proceedings with respect to that application shall be conducted in a manner consistent with that section 103(b).

SEC. 105. AUTHORIZATIONS AND ORDERS FOR EMERGENCY DETENTION.

(a) IN GENERAL.—Notwithstanding any other provision of this title, and subject to subsection (b), the President or the Director of National Intelligence may authorize the Armed Forces of the United States or an element of the intelligence community, acting within the scope of existing authority, to detain an international terrorist in a foreign jurisdiction if the President or the Director of National Intelligence reasonably determines that—

(1) failure to detain that individual will result in a risk of imminent death or imminent serious bodily injury to any individual or imminent damage to or destruction of any United States facility; and

(2) the factual basis for issuance of an order of rendition under paragraphs (3) and (7) of section 104(a) exists.

(b) NOTICE AND APPLICATION.—The President or the Director of National Intelligence may authorize an individual be detained under subsection (a) if—

(1) the President or the Director of National Intelligence, or the designee of the President or the Director of National Intelligence, at the time of such authorization, immediately notifies the Foreign Intelligence Surveillance Court that the President or the Director of National Intelligence has determined to authorize that an individual be detained under subsection (a); and

(2) an application in accordance with this title is made to the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 72 hours after the President or the Director of National Intelligence authorizes that individual to be detained.

(c) EMERGENCY RENDITION PROHIBITED.—The President or the Director of National Intelligence may not authorize the rendition to a foreign jurisdiction of, and the Armed Forces of the United States or an element of the intelligence community may not render to a foreign jurisdiction, an individual detained under this section, unless an order under section 104 authorizing the rendition of that individual has been obtained.

(d) NONDELEGATION.—Except as provided in this section, the authority and duties of the President or the Director of National Intelligence under this section may not be delegated.

SEC. 106. UNIFORM STANDARDS FOR THE INTERROGATION OF INDIVIDUALS DETAINED BY THE GOVERNMENT OF THE UNITED STATES.

(a) IN GENERAL.—No individual in the custody or under the effective control of an officer or agent of the United States or detained in a facility operated by or on behalf of the Department of Defense, the Central Intelligence Agency, or any other agency of the Government of the United States shall be subject to any treatment or technique of interrogation not authorized by and listed in United States Army Field Manual 2–22.3, entitled ''Human Intelligence Collector Operations''.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any individual in

the custody or under the effective control of the Government of the United States based on—

(1) an arrest or conviction for violating Federal criminal law; or

(2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) CONSTRUCTION.—Nothing in this section may be construed to diminish the rights under the Constitution of the United States of any individual in the custody or within the physical jurisdiction of the Government of the United States.

SEC. 107. PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL ENGAGED IN AN INTERROGATION.

(a) PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL.—In a civil action or criminal prosecution against an officer or agent of the United States relating to an interrogation, it shall be a defense that such officer or agent of the United States complied with section 106.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any civil action or criminal prosecution relating to the interrogation of an individual in the custody or under the effective control of the Government of the United States based on—

(1) an arrest or conviction for violating Federal criminal law; or

(2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) PROVISION OF COUNSEL.—In any civil action or criminal prosecution arising from the alleged use of an authorized interrogation practice by an officer or agent of the United States, the Government of the United States may provide or employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to representation.

(d) CONSTRUCTION.—Nothing in this section may be construed—

(1) to limit or extinguish any defense or protection from suit, civil or criminal liability, or damages otherwise available to a person or entity; or

(2) to provide immunity from prosecution for any criminal offense by the proper authorities.

SEC. 108. MONITORING AND REPORTING REGARDING THE TREATMENT, CONDITIONS OF CONFINEMENT, AND STATUS OF LEGAL PROCEEDINGS OF INDIVIDUALS RENDERED TO FOREIGN GOVERNMENTS.

(a) IN GENERAL.—The Secretary of State shall—

(1) regularly monitor the treatment of, the conditions of confinement of, and the progress of legal proceedings against an individual rendered to a foreign legal jurisdiction under section 104; and

(2) not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report detailing the treatment of, the conditions of confinement of, and the progress of legal proceedings against any individual rendered to a foreign legal jurisdiction under section 104.

(b) APPLICABILITY.—The Secretary of State shall include in the reports required under subsection (a)(2) information relating to the treatment of, the conditions of confinement of, and the progress of legal proceedings against an individual rendered to a foreign legal jurisdiction under section 104 during the period beginning on the date that individual was rendered to a foreign legal jurisdiction under section 104 and ending on the date that individual is released from custody by that foreign legal jurisdiction.

SEC. 109. REPORT TO CONGRESS.

The Attorney General shall—

(1) submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report that contains—

(A) the total number of applications made for an order of rendition under section 104;

(B) the total number of such orders granted, modified, or denied;

(C) the total number of emergency authorizations issued under section 105; and

(D) such other information as requested by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) make available to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a copy of each application made and order issued under this title.

SEC. 110. CIVIL LIABILITY.

(a) IN GENERAL.—An aggrieved person shall have a cause of action against the head of the department or agency that subjected that aggrieved person to extraterritorial detention or a rendition in violation of this title and shall be entitled to recover—

(1) actual damages, but not less than liquidated damages of $1,000 for each day of the violation;

(2) punitive damages; and

(3) reasonable attorney's fees.

(b) JURISDICTION.—The United States District Court for the District of Columbia shall have original jurisdiction over any claim under this section.

SEC. 111. ADDITIONAL RESOURCES FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

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

(2) in paragraph (1), as so designated, by inserting ''at least'' before ''seven of the United States judicial circuits'';

(3) by striking ''If any judge so designated'' and inserting the following:

''(3) If any judge so designated''; and

(4) by inserting after paragraph (1), as so designated, the following:

''(2) In addition to the judges designated under paragraph (1), the Chief Justice of the United States may designate as judges of the court established by paragraph (1) such judges appointed under article III of the Constitution of the United States as the Chief Justice determines appropriate in order to provide for the prompt and timely consideration of applications under sections 103 of the National Security with Justice Act of 2007 for orders of rendition under section 104 of that Act. Any judge designated under this paragraph shall be designated publicly.''.

(b) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is authorized for the Foreign Intelligence Surveillance Court such additional staff personnel as may be necessary to facilitate the prompt processing and consideration by that Court of applications under section 103 for orders of rendition under section 104 approving rendition of an international terrorist. The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 112. RULE OF CONSTRUCTION.

Nothing in this title may be construed as altering or adding to existing authorities for the extraterritorial detention or rendition of any individual.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title and the amendments made by this title.

TITLE II—ENEMY COMBATANTS

SEC. 201. MODIFICATION OF DEFINITION OF "UNLAWFUL ENEMY COMBATANT" FOR PURPOSES OF MILITARY COMMISSIONS.

Section 948a(1)(A) of title 10, United States Code, is amended—

(1) in the matter preceding clause (i), by striking ''means''; and

(2) by striking clauses (i) and (ii) and inserting the following:

''(i) means a person who is not a lawful enemy combatant and who—

''(I) has engaged in hostilities against the United States; or

''(II) has purposefully and materially supported hostilities against the United States (other than hostilities engaged in as a lawful enemy combatant); and

''(ii) does not include any person who is—

''(I) a citizen of the United States or legally admitted to the United States; and

''(II) taken into custody in the United States.''.

TITLE III—HABEAS CORPUS

SEC. 301. EXTENDING STATUTORY HABEAS CORPUS TO DETAINEES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e) and inserting the following:

''(e)(1) The United States District Court for the District of Columbia shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of any person detained by the United States who has been—

''(A) determined by the United States to have been properly detained as an enemy combatant; or

''(B) detained by the United States for more than 90 days without such a determination.

''(2) The United States District Court for the District of Columbia shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of any person detained by the United States who has been tried by military commission established under chapter 47A of title 10, United States Code, and has exhausted the appellate procedure under subchapter VI of that chapter.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter VI of chapter 47A of title 10, United States Code, is amended—

(A) by striking section 950g;

(B) in section 950h—

(i) in subsection (a), by adding at the end the following: ''Appointment of appellate counsel under this subsection shall be for purposes of this chapter only, and not for any proceedings relating to an application for a writ of habeas corpus relating to any matter tried by a military commission.''; and

(ii) in subsection (c), by striking '', the United States Court of Appeals for the District of Columbia, and the Supreme Court,'';

(C) in section 950j—

(i) by striking ''(a) FINALITY.—''; and

(ii) by striking subsection (b); and

(D) in the table of sections at the beginning of that subchapter, by striking the item relating to section 950g.

(2) DETAINEE TREATMENT ACTS.—

(A) IN GENERAL.—Section 1005(e) of the Detainee Treatment Act of 2005 (Public Law 109–148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended—

(i) in subsection (e)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) in subsection (h)(2)—

(I) by striking ''Paragraphs (2) and (3)'' and inserting ''Paragraph (2)''; and

(II) by striking ''one of such paragraphs'' and inserting ''that paragraph''.

(B) OTHER AMENDMENTS.—Section 1405 of the Detainee Treatment Act of 2005 (Public Law 109-163; 119 Stat. 3475; 10 U.S.C. 801 note) is amended—

(i) in subsection (e)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) in subsection (h)(2)—

(I) by striking ''Paragraphs (2) and (3)'' and inserting ''Paragraph (2)''; and

(II) by striking ''one of such paragraphs'' and inserting ''that paragraph''.

(c) RULE OF CONSTRUCTION.—Notwithstanding subsection (a), no court, justice, or judge shall have jurisdiction to consider an action described in subparagraph (a) brought by an alien who is in the custody of the United States, in a zone of active hostility involving the United States Armed Forces, and where the United States is implementing United States Army Reg 190–8 (1997) or any successor, as certified by the Secretary of Defense.

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

S. 1878. A bill to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Homeland Security and Governmental Affairs.

Mr. WEBB. Mr. President, I rise today to introduce legislation with my colleague Senator WARNER which will authorize a one-time capital grant by the National Archives to establish a Presidential library to honor the life of Woodrow Wilson. Virginia is fortunate to have 8 native sons that went on to become President of the U.S. This is a distinction that has led our fair Commonwealth to be known as the ''Mother of Presidents.'' The bipartisan bill we introduce today honors the most recent of the eight and a native of Staunton, Virginia: Woodrow Wilson.

Woodrow Wilson was one of the most influential statesmen, scholars, and Presidents in American history. His impact on domestic and international affairs is undeniable. Only now, nearly 100 years after his presidency, are we able to fully appreciate the contributions President Wilson made to the U.S. and to the world.

As a professor and President of Princeton University, Wilson created a more accountable system for higher education. Through curriculum reform, Wilson revolutionized the roles of teachers and students and quickly made Princeton one of the most renowned universities in the world.

As a scholar, Wilson wrote numerous books and became an accomplished essayist. Highly regarded for his work in political science, Wilson's dissertation, entitled Congressional Government, is still admired today as a study of federal lawmaking. He did this notwithstanding the fact that he could not read until he was ten years old and may have suffered from a learning disability such as dyslexia.

As a statesman and President, Wilson compiled a record of domestic legislation that set the groundwork for modern America and reflected his belief in the ideal that: ''Liberty does not consist . . . in mere general declarations of the rights of man. It consists in the translation of those declarations into definite action.'' He spearheaded groundbreaking reform in finance, trade, industry and labor, including anti-trust and child labor laws and women's suffrage. During his two terms in office, he oversaw the birth of the Federal Reserve System and the Federal Trade Commission.

In spite of Wilson's significant contributions to American history and his instrumental role in shaping the framework of the modern international landscape, there exists no authorized Presidential library dedicated to his achievements.

For the last 70 years, the Woodrow Wilson Presidential Library Foundation in Staunton, Virginia has admirably served as caretaker of Wilson's papers and artifacts, dedicating itself to the preservation of Wilson's legacy. But it has done so without the resources afforded to other Presidential libraries in the Federal system. Over time, the Foundation has outgrown its current space and facilities. Now, with each day that passes, the prevailing physical infrastructure severely limits educational capabilities and opportunities to share the profound legacy of President Wilson. Indeed, the foundation has even become reluctant to take on many new major new Wilson collections because its current controlled archival system is filled to capacity and cannot protect additional collections in the absence of the new facility.

Accordingly, the Woodrow Wilson Presidential Library Authorization Act authorizes a one-time capital grant from the National Archives for the establishment of an independent Woodrow Wilson Presidential Library. This library will serve as the center for education and study of Woodrow Wilson's life and legacies, and will enable people from this country and abroad to learn more about the life and work of our Nation's 28th President. To be clear, this bill would establish the Woodrow Wilson Presidential Library as an independent, privately-run institution operating outside the existing Presidential Library System.

The Woodrow Wilson Presidential Library Foundation will use the Federal funds to offset costs associated with the construction of a 29,000 square foot Presidential library honoring President Wilson. As planned, the library would include a research library, archives, lecture hall, reception hall, orientation theater, ceremonial space, and exhibit hall. These funds authorized under this legislation represent the full Federal share of the project. Significantly, the bill does not authorize ongoing operating subsidies on any other ongoing expenses. This is a one time authorization.

The foundation's endeavor to construct the Woodrow Wilson Presidential Library will create the only site in the country dedicated to the exploration of the full life and legacies of the 28th President, at his birthplace in Staunton, VA. A new library will alleviate stress on existing foundation facilities and to allow for increased educational outreach to the benefit of students in Virginia and across the U.S. Construction of the Woodrow Wilson Presidential Library would achieve the following objectives:

Make possible collaboration with the National Archives and other presidential libraries, thereby fostering increased awareness and study of American history and the institution of the Presidency. Integrate cutting-edge digital archive development. Promote tourism to Staunton and the Commonwealth of Virginia to the benefit of all local economies.

Sensitive to the budgetary constraints faced by the National Archives, let me reiterate we have crafted this legislation to minimize and cap the financial burden on the Federal Government posed by this project. First, the bill ensures the existence of a strong public-private sponsorship by mandating that any Federal dollars are matched two-for-one by the Woodrow Wilson Presidential Library Foundation and only after the nonfederal funds are certified to be in possession of the nonprofit entity, an arrangement that Congress has used in the past.

This legislation States that the Federal Government shall have no role or responsibility for the operation of the library and guarantees that the Woodrow Wilson Presidential Library will operate outside the existing Presidential Library System. This is not an effort by the nonprofit foundation to secure annual operating subsidies along the lines of what Congress provides all Presidential Libraries in the existing system.

This legislation enjoys broad, bipartisan, bicameral support in Congress and broad support among individuals, organizations and officials across the country. This bill is identical to legislation approved by the House of Representatives by voice vote in the 109th Congress on September 28, 2006, and which the entire Virginia House delegation has reintroduced in the 110th Congress. I would note that the Governor of Virginia has written Senator WARNER and me to endorse the project. So too have other regional officials, historians, and representatives of other Presidential sites throughout the Commonwealth of Virginia, including Monticello, Poplar Forest, Montpelier, Ash-Lawn, and Mount Vernon.

This project has the potential to benefit not only the greater Staunton region, but Virginia and the Nation as a whole, both from a historical/educational sense and by strengthening an important cultural asset in Virginia's Shenandoah Valley. We are advised that a new building will be an open, welcoming forum for the hundreds of thousands of American and foreign visitors who will visit each year to learn about Woodrow Wilson and his

democratic legacies. The project sponsors believe that the country's best museum designers will work with historians to turn the story of Woodrow Wilson into an unforgettable experience that is fun, educational, and permanently memorable.

In order to increase the awareness and understanding of the life, principles and accomplishments of the 28th President of the U.S., I urge my colleagues to support this legislation to ensure that Wilson's legacy is more accessible and available for a wider audience for years to come. I am hopeful that the Committee on Homeland Security and Governmental Affairs will consider this legislation favorably and that we can enact it during the remainder of this Congressional session. With the 100th anniversary of his election just 5 years away, this is the time for Congress to accept its responsibility to help preserve President Woodrow Wilson's legacy and to improve its accessibility for generations.

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. 1878

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

SECTION 1. GRANTS FOR ESTABLISHMENT OF THE WOODROW WILSON PRESIDENTIAL LIBRARY.

(a) GRANTS AUTHORIZED.—Subject to subsections (b), (c), and (d), the Archivist of the National Archives and Records Administration may make grants to contribute funds for the establishment in Staunton, Virginia, of a library to preserve and make available materials related to the life of President Woodrow Wilson and to provide interpretive and educational services that communicate the meaning of the life of Woodrow Wilson.

(b) LIMITATION.—A grant may be made under subsection (a) only from funds appropriated to the Archivist specifically for that purpose.

(c) CONDITIONS ON GRANTS.—

(1) MATCHING REQUIREMENT.—A grant under subsection (a) may not be made until such time as the entity selected to receive the grant certifies to the Archivist that funds have been raised from non-Federal sources for use to establish the library in an amount equal to at least double the amount of the grant.

(2) RELATION TO OTHER WOODROW WILSON SITES AND MUSEUMS.—The Archivist shall further condition a grant under subsection (a) on the agreement of the grant recipient to operate the resulting library in cooperation with other Federal and non-Federal historic sites, parks, and museums that represent significant locations or events in the life of Woodrow Wilson. Cooperative efforts to promote and interpret the life of Woodrow Wilson may include the use of cooperative agreements, cross references, cross promotion, and shared exhibits.

(d) PROHIBITION OF CONTRIBUTION OF OPERATING FUNDS.—Grant amounts may not be used for the maintenance or operation of the library.

(e) NON-FEDERAL OPERATION.—The Archivist shall have no involvement in the actual operation of the library, except at the request of the non-Federal entity responsible for the operation of the library.

(f) AUTHORITY THROUGH FISCAL YEAR 2011.—The Archivist may not use the authority provided under subsection (a) after September 30, 2011.

Mr. WARNER. Mr. President, I rise today, along with Senator JIM WEBB, to introduce legislation that seeks to establish the Woodrow Wilson Presidential Library.

President Woodrow Wilson was born in Staunton, VA, in 1856. He was first elected to the Presidency in 1912 and was reelected in 1916. Throughout his lifetime, Wilson advocated engagement with other nations in the search for peace, expansion of economic opportunities to more Americans, commitment to democratic principles at home and abroad, and protection of the Nation's people and institutions. He created the Federal Reserve and was President when women were finally granted the right to vote. President Wilson's legacy and historical significance are forever linked with his profound efforts in World War I and its aftermath, particularly with his attempts to broker a lasting peace in a fractured Europe. He was a man of ideals, always maintaining a ''simple faith in the freedom of democracy.'' It is the utter strength of his faith in democracy that continues to inspire our Nation today.

During my time in the Senate, I have witnessed the growth and development of the Woodrow Wilson Presidential Library and have seen firsthand the benefits it has provided for its community, the Commonwealth, and the country. The library has done remarkable work in preserving and protecting historical documents related to Woodrow Wilson's life. Equally remarkable has been its ability to share his life with communities around the world.

As you know, Virginia is often referred to as the ''Birthplace of Presidents,'' as it has produced more Presidents than any other State in the Union, eight in total. I want to respectfully acknowledge our most recent President from the Commonwealth of Virginia through the recognition of this Presidential library. I can think of no better place to preserve his life's work than where his life began.

I thank you for the opportunity to speak on behalf of this important legislation. I urge my colleagues to honor President Wilson's legacy by joining me in support of this bill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2402. Mr. REID (for Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON, of Florida, Mr. TESTER, Mr. NELSON, of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. DURBIN, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, Mr. BIDEN, Mr. BINGAMAN, Mr. HARKIN, Mr. BOND, Mr. ISAKSON, Mr. SALAZAR, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. LOTT, Mr. DODD, Mrs. HUTCHISON, Mr. COLEMAN, Mr. INHOFE, Ms. LANDRIEU, Mr. SPECTER, Mr. MENENDEZ, Mr. HAGEL, Mr. SCHUMER, and Mr. DORGAN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1538, to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes.

SA 2403. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 2404. Mr. MARTINEZ (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2405. Mr. ALEXANDER (for himself, Ms. COLLINS, Mr. VOINOVICH, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2406. Mr. BAUCUS (for himself, Mr. SUNUNU, Mr. LEAHY, Mr. TESTER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2407. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2408. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2409. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2410. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2411. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2412. Mr. GRAHAM (for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2413. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2414. Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, Mr. CARPER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2415. Mr. GREGG proposed an amendment to amendment SA 2412 proposed by Mr. GRAHAM (for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER) to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2416. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2417. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2418. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2419. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 2400 submitted by Mr. VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) and intended to be proposed to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2420. Ms. COLLINS (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2421. Mr. DOMENICI (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2422. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2423. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2424. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2425. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2426. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2427. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2428. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2429. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2430. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2431. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2432. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2433. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2434. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2400 submitted by Mr. VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) and intended to be proposed to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2435. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2436. Mrs. FEINSTEIN (for herself and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2437. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2438. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2439. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2440. Mrs. MCCASKILL (for herself, Mr. OBAMA, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2441. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2442. Mr. COBURN (for himself, Mr. DEMINT, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2443. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2444. Mr. GRASSLEY (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2445. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2446. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2447. Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mrs. CLINTON, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2448. Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2449. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2450. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2451. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2452. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2453. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2454. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2455. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2456. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2457. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2458. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2459. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2460. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2461. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2462. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2463. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2464. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2465. Mr. DODD (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2466. Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. CORNYN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2467. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2468. Ms. LANDRIEU proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2469. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2470. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2471. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2472. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2473. Mr. OBAMA (for himself, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2474. Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, Mr. LIEBERMAN, Mr. KERRY, Ms. COLLINS, Ms. MIKULSKI, Mr. CARDIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2475. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2476. Mr. COCHRAN (for Mr. GRASSLEY) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr . COCHRAN) to the bill H.R. 2638, supra.

TEXT OF AMENDMENTS

SA 2402. Mr. REID (for Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON of Florida, Mr. TESTER, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. DURBIN, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, Mr. BIDEN, Mr. BINGAMAN, Mr. HARKIN, Mr. BOND, Mr. ISAKSON, Mr. SALAZAR, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. LOTT, Mr. DODD, Mrs. HUTCHISON, Mr. COLEMAN, Mr. INHOFE, Ms. LANDRIEU, Mr. SPECTER, Mr. MENENDEZ, Mr. HAGEL, Mr. SCHUMER, and Mr. DORGAN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1538, to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes; as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Dignified Treatment of Wounded Warriors Act''.

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

TITLE I—WOUNDED WARRIOR MATTERS

SEC. 101. GENERAL DEFINITIONS.

In this title:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and Veterans' Affairs of the Senate; and

(B) the Committees on Armed Services and Veterans' Affairs of the House of Representatives.

(2) The term ''covered member of the Armed Forces'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list for a serious injury or illness.

(3) The term ''family member'', with respect to a member of the Armed Forces or a veteran, has the meaning given that term in section 411h(b) of title 37, United States Code.

(4) The term ''medical hold or medical holdover status'' means—

(A) the status of a member of the Armed Forces, including a member of the National Guard or Reserve, assigned or attached to a military hospital for medical care; and

(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

(5) The term ''serious injury or illness'', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

(6) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

Subtitle A—Policy on Care, Management, and Transition of Servicemembers With Serious Injuries or Illnesses

SEC. 111. COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF MEMBERS OF THE ARMED FORCES WITH SERIOUS INJURIES OR ILLNESSES.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent feasible, jointly develop and implement a comprehensive policy on the care and management of members of the Armed Forces who are undergoing medical treatment, recuperation, or therapy, are otherwise in medical hold or medical holdover status, or are otherwise on the temporary disability retired list for a serious injury or illness (hereafter in this section referred to as a ''covered servicemembers'').

(2) SCOPE OF POLICY.—The policy shall cover each of the following:

(A) The care and management of covered servicemembers while in medical hold or medical holdover status or on the temporary disability retired list.

(B) The medical evaluation and disability evaluation of covered servicemembers.

(C) The return of covered servicemembers to active duty when appropriate.

(D) The transition of covered servicemembers from receipt of care and services through the Department of Defense to receipt of care and services through the Department of Veterans Affairs.

(3) CONSULTATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall develop the policy in consultation with the heads of other appropriate departments and agencies of the Federal Government and with appropriate non-governmental organizations having an expertise in matters relating to the policy.

(4) UPDATE.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly update the policy on a periodic basis, but not less often than annually, in order to incorporate in the policy, as appropriate, the results of the reviews under subsections (b) and (c) and the best practices identified through pilot programs under section 154.

(b) REVIEW OF CURRENT POLICIES AND PROCEDURES.—

(1) REVIEW REQUIRED.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent necessary, jointly and separately conduct a review of all policies and procedures of the Department of Defense and the Department of Veterans Affairs that apply to, or shall be covered by, the policy.

(2) PURPOSE.—The purpose of the review shall be to identify the most effective and patient-oriented approaches to care and management of covered servicemembers for purposes of—

(A) incorporating such approaches into the policy; and

(B) extending such approaches, where applicable, to care and management of other injured or ill members of the Armed Forces and veterans.

(3) ELEMENTS.—In conducting the review, the Secretary of Defense and the Secretary of Veterans Affairs shall—

(A) identify among the policies and procedures described in paragraph (1) best practices in approaches to the care and management described in that paragraph;

(B) identify among such policies and procedures existing and potential shortfalls in such care and management (including care and management of covered servicemembers on the temporary disability retired list), and determine means of addressing any shortfalls so identified;

(C) determine potential modifications of such policies and procedures in order to ensure consistency and uniformity among the military departments and the regions of the Department of Veterans Affairs in their application and discharge; and

(D) develop recommendations for legislative and administrative action necessary to implement the results of the review.

(4) DEADLINE FOR COMPLETION.—The review shall be completed not later than 90 days after the date of the enactment of this Act.

(c) CONSIDERATION OF FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account the following:

(1) The findings and recommendations of applicable studies, reviews, reports, and evaluations that address matters relating to the policy, including, but not limited, to the following:

(A) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center appointed by the Secretary of Defense.

(B) The Secretary of Veterans Affairs Task Force on Returning Global War on Terror Heroes appointed by the President.

(C) The President's Commission on Care for America's Returning Wounded Warriors.

(D) The Veterans' Disability Benefits Commission established by title XV of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1676; 38 U.S.C. 1101 note).

(E) The President's Commission on Veterans' Pensions, of 1956, chaired by General Omar N. Bradley.

(F) The Report of the Congressional Commission on Servicemembers and Veterans Transition Assistance, of 1999, chaired by Anthony J. Principi.

(G) The President's Task Force to Improve Health Care Delivery for Our Nation's Veterans, of March 2003.

(2) The experience and best practices of the Department of Defense and the military departments on matters relating to the policy.

(3) The experience and best practices of the Department of Veterans Affairs on matters relating to the policy.

(4) Such other matters as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(d) PARTICULAR ELEMENTS OF POLICY.—The policy required by this section shall provide, in particular, the following:

(1) RESPONSIBILITY FOR COVERED SERVICEMEMBERS IN MEDICAL HOLD OR MEDICAL HOLDOVER STATUS OR ON TEMPORARY DISABILITY RETIRED LIST.—Mechanisms to ensure responsibility for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including the following:

(A) Uniform standards for access of covered servicemembers to non-urgent health care services from the Department of Defense or other providers under the TRICARE program, with such access to be—

(i) for follow-up care, within 2 days of request of care;

(ii) for specialty care, within 3 days of request of care;

(iii) for diagnostic referrals and studies, within 5 days of request; and

(iv) for surgery based on a physician's determination of medical necessity, within 14 days of request.

(B) Requirements for the assignment of adequate numbers of personnel for the purpose of responsibility for and administration of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(C) Requirements for the assignment of adequate numbers of medical personnel and non-medical personnel to roles and responsibilities for caring for and administering covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, and a description of the roles and responsibilities of personnel so assigned.

(D) Guidelines for the location of care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, which guidelines shall address the assignment of such servicemembers to care and residential facilities closest to their duty station or home of record or the location of their designated caregiver at the earliest possible time.

(E) Criteria for work and duty assignments of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including a prohibition on the assignment of duty to a servicemember which is incompatible with the servicemember's medical condition.

(F) Guidelines for the provision of care and counseling for eligible family members of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(G) Requirements for case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including qualifications for personnel providing such case management.

(H) Requirements for uniform quality of care and administration for all covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether members of the regular components of the Armed Forces or members of the reserve components of the Armed Forces.

(I) Standards for the conditions and accessibility of residential facilities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list who are in outpatient status, and for their immediate family members.

(J) Requirements on the provision of transportation and subsistence for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether in inpatient status or outpatient status, to facilitate obtaining needed medical care and services.

(K) Requirements on the provision of educational and vocational training and rehabilitation opportunities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(L) Procedures for tracking and informing covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list about medical evaluation board and physical disability evaluation board processing.

(M) Requirements for integrated case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list during their transition from care and treatment through the Department of Defense to care and treatment through the Department of Veterans Affairs.

(N) Requirements and standards for advising and training, as appropriate, family members with respect to care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list with serious medical conditions, particularly traumatic brain injury (TBI), burns, and post-traumatic stress disorder (PTSD).

(O) Requirements for periodic reassessments of covered servicemembers, and limits on the length of time such servicemembers may be retained in medical hold or medical holdover status or on the temporary disability retired list.

(P) Requirements to inform covered servicemembers and their family members of their rights and responsibilities while in medical hold or medical holdover status or on the temporary disability retired list.

(Q) The requirement to establish a Department of Defense-wide Ombudsman Office within the Office of the Secretary of Defense to provide oversight of the ombudsman offices in the military departments and policy guidance to such offices with respect to providing assistance to, and answering questions from, covered servicemembers and their families.

(2) MEDICAL EVALUATION AND PHYSICAL DISABILITY EVALUATION FOR COVERED SERVICEMEMBERS.—

(A) MEDICAL EVALUATIONS.—Processes, procedures, and standards for medical evaluations of covered servicemembers, including the following:

(i) Processes for medical evaluations of covered servicemembers that are—

(I) applicable uniformly throughout the military departments; and

(II) applicable uniformly with respect to such servicemembers who are members of the regular components of the Armed Forces and such servicemembers who are members of the National Guard and Reserve.

(ii) Standard criteria and definitions for determining the achievement for covered servicemembers of the maximum medical benefit from treatment and rehabilitation.

(iii) Standard timelines for each of the following:

(I) Determinations of fitness for duty of covered servicemembers.

(II) Specialty consultations for covered servicemembers.

(III) Preparation of medical documents for covered servicemembers.

(IV) Appeals by covered servicemembers of medical evaluation determinations, including determinations of fitness for duty.

(iv) Uniform standards for qualifications and training of medical evaluation board personnel, including physicians, case workers, and physical disability evaluation board liaison officers, in conducting medical evaluations of covered servicemembers.

(v) Standards for the maximum number of medical evaluation cases of covered servicemembers that are pending before a medical evaluation board at any one time, and requirements for the establishment of additional medical evaluation boards in the event such number is exceeded.

(vi) Uniform standards for information for covered servicemembers, and their families, on the medical evaluation board process and the rights and responsibilities of such servicemembers under that process, including a standard handbook on such information.

(B) PHYSICAL DISABILITY EVALUATIONS.—Processes, procedures, and standards for physical disability evaluations of covered servicemembers, including the following:

(i) A non-adversarial process of the Department of Defense and the Department of Veterans Affairs for disability determinations of covered servicemembers.

(ii) To the extent feasible, procedures to eliminate unacceptable discrepancies among disability ratings assigned by the military departments and the Department of Veterans Affairs, particularly in the disability evaluation of covered servicemembers, which procedures shall be subject to the following requirements and limitations:

(I) Such procedures shall apply uniformly with respect to covered servicemembers who are members of the regular components of the Armed Forces and covered servicemembers who are members of the National Guard and Reserve.

(II) Under such procedures, each Secretary of a military department shall, to the extent feasible, utilize the standard schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of such schedule by the United States Court of Appeals for Veterans Claims, in making any determination of disability of a covered servicemember.

(iii) Standard timelines for appeals of determinations of disability of covered servicemembers, including timelines for presentation, consideration, and disposition of appeals.

(iv) Uniform standards for qualifications and training of physical disability evaluation board personnel in conducting physical disability evaluations of covered servicemembers.

(v) Standards for the maximum number of physical disability evaluation cases of covered servicemembers that are pending before a physical disability evaluation board at any one time, and requirements for the establishment of additional physical disability evaluation boards in the event such number is exceeded.

(vi) Procedures for the provision of legal counsel to covered servicemembers while undergoing evaluation by a physical disability evaluation board.

(vii) Uniform standards on the roles and responsibilities of case managers, servicemember advocates, and judge advocates assigned to covered servicemembers undergoing evaluation by a physical disability board, and uniform standards on the maximum number of cases involving such servicemembers that are to be assigned to such managers and advocates.

(C) RETURN OF COVERED SERVICEMEMBERS TO ACTIVE DUTY.—Standards for determinations by the military departments on the return of covered servicemembers to active duty in the Armed Forces.

(D) TRANSITION OF COVERED SERVICEMEMBERS FROM DOD TO VA.—Processes, procedures, and standards for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs before, during, and after separation from the Armed Forces, including the following:

(i) A uniform, patient-focused policy to ensure that the transition occurs without gaps in medical care and the quality of medical care, benefits, and services.

(ii) Procedures for the identification and tracking of covered servicemembers during the transition, and for the coordination of care and treatment of such servicemembers during the transition, including a system of cooperative case management of such servicemembers by the Department of Defense and the Department of Veterans Affairs during the transition.

(iii) Procedures for the notification of Department of Veterans Affairs liaison personnel of the commencement by covered servicemembers of the medical evaluation process and the physical disability evaluation process.

(iv) Procedures and timelines for the enrollment of covered servicemembers in applicable enrollment or application systems of the Department of Veterans with respect to health care, disability, education, vocational rehabilitation, or other benefits.

(v) Procedures to ensure the access of covered servicemembers during the transition to vocational, educational, and rehabilitation benefits available through the Department of Veterans Affairs.

(vi) Standards for the optimal location of Department of Defense and Department of Veterans Affairs liaison and case management personnel at military medical treatment facilities, medical centers, and other medical facilities of the Department of Defense.

(vii) Standards and procedures for integrated medical care and management for covered servicemembers during the transition, including procedures for the assignment of medical personnel of the Department of Veterans Affairs to Department of Defense facilities to participate in the needs assessments of such servicemembers before, during, and after their separation from military service.

(viii) Standards for the preparation of detailed plans for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs, which plans shall be based on standardized elements with respect to care and treatment requirements and other applicable requirements.

(E) OTHER MATTERS.—The following additional matters with respect to covered servicemembers:

(i) Access by the Department of Veterans Affairs to the military health records of covered servicemembers who are receiving care and treatment, or are anticipating receipt of care and treatment, in Department of Veterans Affairs health care facilities.

(ii) Requirements for utilizing, in appropriate cases, a single physical examination that meets requirements of both the Department of Defense and the Department of Veterans Affairs for covered servicemembers who are being retired, separated, or released from military service.

(iii) Surveys and other mechanisms to measure patient and family satisfaction with the provision by the Department of Defense and the Department of Veterans Affairs of care and services for covered servicemembers, and to facilitate appropriate oversight by supervisory personnel of the provision of such care and services.

(3) REPORT ON REDUCTION IN DISABILITY RATINGS BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives on the number of instances in which a disability rating assigned to a member of the Armed Forces by an informal physical evaluation board of the Department of Defense was reduced upon appeal, and the reasons for such reduction. Such report shall cover the period beginning October 7, 2001, and ending September 30, 2006, and shall be submitted to the appropriate committees of Congress by February 1, 2008.

(e) REPORTS.—

(1) REPORT ON POLICY.—Upon the development of the policy required by this section but not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the policy, including a comprehensive and detailed description of the policy and of the manner in which the policy addresses the findings and recommendations of the reviews under subsections (b) and (c).

(2) REPORTS ON UPDATE.—Upon updating the policy under subsection (a)(4), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the update of the policy, including a comprehensive and detailed description of such update and of the reasons for such update.

(f) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every year thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Secretary of Defense and the Secretary of Veterans Affairs in developing and implementing the policy required by this section.

SEC. 112. CONSIDERATION OF NEEDS OF WOMEN MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) IN GENERAL.—In developing and implementing the policy required by section 111, and in otherwise carrying out any other provision of this title or any amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account and fully address any unique specific needs of women members of the Armed Forces and women veterans under such policy or other provision.

(b) REPORTS.—In submitting any report required by this title or an amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent applicable, include a description of the manner in which the matters covered by such report address the unique specific needs of women members of the Armed Forces and women veterans.

Subtitle B—Health Care

PART I—ENHANCED AVAILABILITY OF CARE FOR SERVICEMEMBERS

SEC. 121. MEDICAL CARE AND OTHER BENEFITS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

(a) MEDICAL AND DENTAL CARE FOR MEMBERS AND FORMER MEMBERS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act and subject to regulations prescribed by the Secretary of Defense, any covered member of the Armed Forces, and any former member of the Armed Forces, with a severe injury or illness is entitled to medical and dental care in any facility of the uniformed services under section 1074(a) of title 10, United States Code, or through any civilian health care provider authorized by the Secretary to provide health and mental health services to members of the uniformed services, including traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD), as if such member or former member were a member of the uniformed services described in paragraph (2) of such section who is entitled to medical and dental care under such section.

(2) PERIOD OF AUTHORIZED CARE.—(A) Except as provided in subparagraph (B), a member or former member described in paragraph (1) is entitled to care under that paragraph—

(i) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated during the period beginning on October 7, 2001, and ending on the date of the enactment of this Act, during the three-year period beginning on the date of the enactment of this Act, except that no compensation is payable by reason of this subsection for any period before the date of the enactment of this Act; or

(ii) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated on or after the date of the enactment of this Act, during the three-year period beginning on the date on which such injury or illness is so incurred or aggravated.

(B) The period of care authorized for a member or former member under this paragraph may be extended by the Secretary concerned for an additional period of up to two years if the Secretary concerned determines that such extension is necessary to assure the maximum feasible recovery and rehabilitation of the member or former member. Any such determination shall be made on a case-by-case basis.

(3) INTEGRATED CARE MANAGEMENT.—The Secretary of Defense shall provide for a program of integrated care management in the provision of care and services under this subsection, which management shall be provided by appropriate medical and case management personnel of the Department of Defense and the Department of Veterans Affairs (as approved by the Secretary of Veterans Affairs) and with appropriate support from the Department of Defense regional health care support contractors.

(4) WAIVER OF LIMITATIONS TO MAXIMIZE CARE.—The Secretary of Defense may, in providing medical and dental care to a member or former member under this subsection during the period referred to in paragraph (2), waive any limitation otherwise applicable under chapter 55 of title 10, United States Code, to the provision of such care to the member or former member if the Secretary considers the waiver appropriate to assure the maximum feasible recovery and rehabilitation of the member or former member.

(5) CONSTRUCTION WITH ELIGIBILITY FOR VETERANS BENEFITS.—Nothing in this subsection shall be construed to reduce, alter, or otherwise affect the eligibility or entitlement of a member or former member of the Armed Forces to any health care, disability, or other benefits to which the member of former member would otherwise be eligible or entitled as a veteran under the laws administered by the Secretary of Veterans Affairs.

(6) SUNSET.—The Secretary of Defense may not provide medical or dental care to a member or former member of the Armed Forces under this subsection after December 31, 2012, if the Secretary has not provided medical or dental care to the member or former member under this subsection before that date.

(b) REHABILITATION AND VOCATIONAL BENEFITS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, a member of the Armed Forces with a severe injury or illness is entitled to such benefits (including rehabilitation and vocational benefits, but not including compensation) from the Secretary of Veterans Affairs to facilitate the recovery and rehabilitation of such member as the Secretary otherwise provides to members of the Armed Forces receiving medical care in medical facilities of the Department of Veterans Affairs facilities in order to facilitate the recovery and rehabilitation of such members.

(2) LIMITATIONS.—The provisions of paragraphs (2) through (6) of subsection (a) shall apply to the provision of benefits under this subsection as if the benefits provided under this subsection were provided under subsection (a).

(3) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for the cost of any benefits provided under this subsection in accordance

with applicable mechanisms for the reimbursement of the Secretary of Veterans Affairs for the provision of medical care to members of the Armed Forces.

(c) RECOVERY OF CERTAIN EXPENSES OF MEDICAL CARE AND RELATED TRAVEL.—

(1) IN GENERAL.—Commencing not later than 60 days after the date of the enactment of this Act, the Secretary of the military department concerned may reimburse covered members of the Armed Forces, and former members of the Armed Forces, with a severe injury or illness for covered expenses incurred by such members or former members, or their family members, in connection with the receipt by such members or former members of medical care that is required for such injury or illness.

(2) COVERED EXPENSES.—Expenses for which reimbursement may be made under paragraph (1) include the following:

(A) Expenses for health care services for which coverage would be provided under section 1074(c) of title 10, United States Code, for members of the uniformed services on active duty.

(B) Expenses of travel of a non-medical attendant who accompanies a member or former member of the Armed Forces for required medical care that is not available to such member or former member locally, if such attendant is appointed for that purpose by a competent medical authority (as determined under regulations prescribed by the Secretary of Defense for purposes of this subsection).

(C) Such other expenses for medical care as the Secretary may prescribe for purposes of this subsection.

(3) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement under paragraph (1) for expenses covered by paragraph (2) shall be determined in accordance with regulations prescribed by the Secretary of Defense for purposes of this subsection.

(d) SEVERE INJURY OR ILLNESS DEFINED.—In this section, the term ''severe injury or illness'' means any serious injury or illness that is assigned a disability rating of 30 percent or higher under the schedule for rating disabilities in use by the Department of Defense.

SEC. 122. REIMBURSEMENT OF CERTAIN FORMER MEMBERS OF THE UNIFORMED SERVICES WITH SERVICE-CONNECTED DISABILITIES FOR TRAVEL FOR FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.

(a) TRAVEL.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.—In any case in which a former member of a uniformed service who incurred a disability while on active duty in a combat zone or during performance of duty in combat related operations (as designated by the Secretary of Defense), and is entitled to retired or retainer pay, or equivalent pay, requires follow-on specialty care, services, or supplies related to such disability at a specific military treatment facility more than 100 miles from the location in which the former member resides, the Secretary shall provide reimbursement for reasonable travel expenses comparable to those provided under subsection (a) for the former member, and when accompaniment by an adult is determined by competent medical authority to be necessary, for a spouse, parent, or guardian of the former member, or another member of the former member's family who is at least 21 years of age.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect January 1, 2008, and shall apply with respect to travel that occurs on or after that date.

PART II—CARE AND SERVICES FOR DEPENDENTS

SEC. 126. MEDICAL CARE AND SERVICES AND SUPPORT SERVICES FOR FAMILIES OF MEMBERS OF THE ARMED FORCES RECOVERING FROM SERIOUS INJURIES OR ILLNESSES.

(a) MEDICAL CARE.—

(1) IN GENERAL.—A family member of a covered member of the Armed Forces who is not otherwise eligible for medical care at a military medical treatment facility or at medical facilities of the Department of Veterans Affairs shall be eligible for such care at such facilities, on a space-available basis, if the family member is—

(A) on invitational orders while caring for the covered member of the Armed Forces;

(B) a non-medical attendee caring for the covered member of the Armed Forces; or

(C) receiving per diem payments from the Department of Defense while caring for the covered member of the Armed Forces.

(2) SPECIFICATION OF FAMILY MEMBERS.—Notwithstanding section 101(3), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe in regulations the family members of covered members of the Armed Forces who shall be considered to be a family member of a covered member of the Armed Forces for purposes of paragraph (1).

(3) SPECIFICATION OF CARE.—(A) The Secretary of Defense shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at military medical treatment facilities.

(B) The Secretary of Veterans Affairs shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at medical facilities of the Department of Veterans Affairs.

(4) RECOVERY OF COSTS.—The United States may recover the costs of the provision of medical care and counseling under paragraph (1) as follows (as applicable):

(A) From third-party payers, in the same manner as the United States may collect costs of the charges of health care provided to covered beneficiaries from third-party payers under section 1095 of title 10, United States Code.

(B) As if such care and counseling was provided under the authority of section 1784 of title 38, United States Code.

(b) JOB PLACEMENT SERVICES.—A family member who is on invitational orders or is a non-medical attendee while caring for a covered member of the Armed Forces for more than 45 days during a one-year period shall be eligible for job placement services otherwise offered by the Department of Defense.

(c) REPORT ON NEED FOR ADDITIONAL SERVICES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the assessment of the Secretary of the need for additional employment services, and of the need for employment protection, of family members described in subsection (b) who are placed on leave from employment or otherwise displaced from employment while caring for a covered member of the Armed Forces as described in that subsection.

SEC. 127. EXTENDED BENEFITS UNDER TRICARE FOR PRIMARY CAREGIVERS OF MEMBERS OF THE UNIFORMED SERVICES WHO INCUR A SERIOUS INJURY OR ILLNESS ON ACTIVE DUTY.

(a) IN GENERAL.—Section 1079(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) Subject to such terms, conditions, and exceptions as the Secretary of Defense considers appropriate, the program of extended benefits for eligible dependents under this subsection shall include extended benefits for the primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.

''(B) The Secretary of Defense shall prescribe in regulations the individuals who shall be treated as the primary caregivers of a member of the uniformed services for purposes of this paragraph.

''(C) For purposes of this section, a serious injury or illness, with respect to a member of the uniformed services, is an injury or illness that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating and that renders a member of the uniformed services dependant upon a caregiver.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2008.

PART III—TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER

SEC. 131. COMPREHENSIVE PLANS ON PREVENTION, DIAGNOSIS, MITIGATION, AND TREATMENT OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER IN MEMBERS OF THE ARMED FORCES.

(a) PLANS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to the congressional defense committees one or more comprehensive plans for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, and otherwise respond to traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) in members of the Armed Forces.

(b) ELEMENTS.—Each plan submitted under subsection (a) shall include comprehensive proposals of the Department on the following:

(1) The designation by the Secretary of Defense of a lead agent or executive agent for the Department to coordinate development and implementation of the plan.

(2) The improvement of personnel protective equipment for members of the Armed Forces in order to prevent traumatic brain injury.

(3) The improvement of methods and mechanisms for the detection and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces in the field.

(4) The requirements for research on traumatic brain injury and post-traumatic stress disorder, including (in particular) research on pharmacological approaches to treatment for traumatic brain injury or post-traumatic stress disorder, as applicable, and the allocation of priorities among such research.

(5) The development, adoption, and deployment of diagnostic criteria for the detection and evaluation of the range of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, which criteria shall be employed uniformly across the military departments in all applicable circumstances, including provision of clinical care and assessment of future deployability of members of the Armed Forces.

(6) The development and deployment of effective means of assessing traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including a

system of pre-deployment and post-deployment screenings of cognitive ability in members for the detection of cognitive impairment, as required by the amendments made by section 132.

(7) The development and deployment of effective means of managing and monitoring members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder in the receipt of care for traumatic brain injury or post-traumatic stress disorder, as applicable, including the monitoring and assessment of treatment and outcomes.

(8) The development and deployment of an education and awareness training initiative designed to reduce the negative stigma associated with traumatic brain injury, post-traumatic stress disorder, and mental health treatment.

(9) The provision of education and outreach to families of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder on a range of matters relating to traumatic brain injury or post-traumatic stress disorder, as applicable, including detection, mitigation, and treatment.

(10) The assessment of the current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(11) The identification of gaps in current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(12) The identification of the resources required for the Department in fiscal years 2009 thru 2013 to address the gaps in capabilities identified under paragraph (11).

(13) The development of joint planning among the Department of Defense, the military departments, and the Department of Veterans Affairs for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including planning for the seamless transition of such members from care through the Department of Defense care through the Department of Veterans Affairs.

(14) A requirement that exposure to a blast or blasts be recorded in the records of members of the Armed Forces.

(15) The development of clinical practice guidelines for the diagnosis and treatment of blast injuries in members of the Armed Forces, including, but not limited to, traumatic brain injury.

(16) A program under which each member of the Armed Forces who incurs a traumatic brain injury or post-traumatic stress disorder during service in the Armed Forces—

(A) is enrolled in the program; and

(B) receives, under the program, treatment and rehabilitation meeting a standard of care such that each individual who is a member of the Armed Forces who qualifies for care under the program shall—

(i) be provided the highest quality of care possible based on the medical judgment of qualified medical professionals in facilities that most appropriately meet the specific needs of the individual; and

(ii) be rehabilitated to the fullest extent possible using the most up-to-date medical technology, medical rehabilitation practices, and medical expertise available.

(17) A requirement that if a member of the Armed Forces participating in a program established in accordance with paragraph (16) believes that care provided to such participant does not meet the standard of care specified in subparagraph (B) of such paragraph, the Secretary of Defense shall, upon request of the participant, provide to such participant a referral to another Department of Defense or Department of Veterans Affairs provider of medical or rehabilitative care for a second opinion regarding the care that would meet the standard of care specified in such subparagraph.

(18) The provision of information by the Secretary of Defense to members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder and their families about their rights with respect to the following:

(A) The receipt of medical and mental health care from the Department of Defense and the Department of Veterans Affairs.

(B) The options available to such members for treatment of traumatic brain injury and post-traumatic stress disorder.

(C) The options available to such members for rehabilitation.

(D) The options available to such members for a referral to a public or private provider of medical or rehabilitative care.

(E) The right to administrative review of any decision with respect to the provision of care by the Department of Defense for such members.

(c) COORDINATION IN DEVELOPMENT.—Each plan submitted under subsection (a) shall be developed in coordination with the Secretary of the Army (who was designated by the Secretary of Defense as executive agent for the prevention, mitigation, and treatment of blast injuries under section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3181; 10 U.S.C. 1071 note)).

(d) ADDITIONAL ACTIVITIES.—In carrying out programs and activities for the prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, the Secretary of Defense shall—

(1) examine the results of the recently completed Phase 2 study, funded by the National Institutes of Health, on the use of progesterone for acute traumatic brain injury;

(2) determine if Department of Defense funding for a Phase 3 clinical trial on the use of progesterone for acute traumatic brain injury, or for further research regarding the use of progesterone or its metabolites for treatment of traumatic brain injury, is warranted; and

(3) provide for the collaboration of the Department of Defense, as appropriate, in clinical trials and research on pharmacological approaches to treatment for traumatic brain injury and post-traumatic stress disorder that is conducted by other departments and agencies of the Federal Government.

SEC. 132. IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) PROTOCOL FOR ASSESSMENT OF COGNITIVE FUNCTIONING.—

(1) PROTOCOL REQUIRED.—Subsection (b) of section 1074f of title 10, United States Code, is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

''(C) An assessment of post-traumatic stress disorder.''; and

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

''(3)(A) The Secretary shall establish for purposes of subparagraphs (B) and (C) of paragraph (2) a protocol for the predeployment assessment and documentation of the cognitive (including memory) functioning of a member who is deployed outside the United States in order to facilitate the assessment of the postdeployment cognitive (including memory) functioning of the member.

''(B) The protocol under subparagraph (A) shall include appropriate mechanisms to permit the differential diagnosis of traumatic brain injury in members returning from deployment in a combat zone.''.

(2) PILOT PROJECTS.—(A) In developing the protocol required by paragraph (3) of section 1074f(b) of title 10, United States Code (as amended by paragraph (1) of this subsection), for purposes of assessments for traumatic brain injury, the Secretary of Defense shall conduct up to three pilot projects to evaluate various mechanisms for use in the protocol for such purposes. One of the mechanisms to be so evaluated shall be a computer-based assessment tool.

(B) Not later than 60 days after the completion of the pilot projects conducted under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the pilot projects. The report shall include—

(i) a description of the pilot projects so conducted;

(ii) an assessment of the results of each such pilot project; and

(iii) a description of any mechanisms evaluated under each such pilot project that will incorporated into the protocol.

(C) Not later than 180 days after completion of the pilot projects conducted under this paragraph, the Secretary shall establish a mechanism for implementing any mechanism evaluated under such a pilot project that is selected for incorporation in the protocol.

(D) There is hereby authorized to be appropriated to the Department of Defense, $3,000,000 for the pilot projects authorized by this paragraph. Of the amount so authorized to be appropriated, not more than $1,000,000 shall be available for any particular pilot project.

(b) QUALITY ASSURANCE.—Subsection (d)(2) of section 1074f of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) The diagnosis and treatment of traumatic brain injury and post-traumatic stress disorder.''.

(c) STANDARDS FOR DEPLOYMENT.—Subsection (f) of such section is amended—

(1) in the subsection heading, by striking ''MENTAL HEALTH''; and

(2) in paragraph (2)(B), by striking ''or'' and inserting '', traumatic brain injury, or''.

SEC. 133. CENTERS OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) CENTER OF EXCELLENCE ON TRAUMATIC BRAIN INJURY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

''§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury (TBI), including mild, moderate, and severe traumatic brain injury, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury'.

''(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

''(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

''(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury.

''(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of traumatic brain injury.

''(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with traumatic brain injury.

''(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of traumatic brain injury.

''(5) To facilitate advancements in the study of the short-term and long-term psychological effects of traumatic brain injury.

''(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to traumatic brain injury.

''(7) To conduct basic science and translational research on traumatic brain injury for the purposes of understanding the etiology of traumatic brain injury and developing preventive interventions and new treatments.

''(8) To develop outreach strategies and treatments for families of members of the armed forces with traumatic brain injury in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from traumatic brain injury.

''(9) To conduct research on the unique mental health needs of women members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

''(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

''(11) To conduct research on the mental health needs of families of members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

''(12) To conduct longitudinal studies (using imaging technology and other proven research methods) on members of the armed forces with traumatic brain injury to identify early signs of Alzheimer's disease, Parkinson's disease, or other manifestations of neurodegeneration in such members, which studies should be conducted in coordination with the studies authorized by section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294) and other studies of the Department of Defense and the Department of Veterans Affairs that address the connection between exposure to combat and the development of Alzheimer's disease, Parkinson's disease, and other neurodegenerative disorders.

''(13) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with traumatic brain injury until their transition to care and treatment from the Department of Veterans Affairs.

''(14) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

''(15) Such other responsibilities as the Secretary shall specify.''.

(b) CENTER OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER.—Chapter 55 of such title is further amended by inserting after section 1105a, as added by subsection (a), the following new section:

''§ 1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder (PTSD), including mild, moderate, and severe post-traumatic stress disorder, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder'.

''(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the National Center for Post-Traumatic Stress Disorder of the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

''(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

''(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder.

''(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of post-traumatic stress disorder.

''(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with post-traumatic stress disorder.

''(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of post-traumatic stress disorder.

''(5) To facilitate advancements in the study of the short-term and long-term psychological effects of post-traumatic stress disorder.

''(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to post-traumatic stress disorder.

''(7) To conduct basic science and translational research on post-traumatic stress disorder for the purposes of understanding the etiology of post-traumatic stress disorder and developing preventive interventions and new treatments.

''(8) To develop outreach strategies and treatments for families of members of the armed forces with post-traumatic stress disorder in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from post-traumatic stress disorder.

''(9) To conduct research on the unique mental health needs of women members of the armed forces, including victims of sexual assault, with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

''(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

''(11) To conduct research on the mental health needs of families of members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

''(12) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with post-traumatic stress disorder until their transition to care and treatment from the Department of Veterans Affairs.

''(13) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

''(14) Such other responsibilities as the Secretary shall specify.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new items:

''1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury.

''1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder.''.

(d) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code (as added by subsection (a)), and the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code (as added by subsection (b)). The report shall, for each such Center—

(1) describe in detail the activities and proposed activities of such Center; and

(2) assess the progress of such Center in discharging the responsibilities of such Center.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program, $10,000,000, of which—

(1) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code; and

(2) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code.

SEC. 134. REVIEW OF MENTAL HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) COMPREHENSIVE REVIEW.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive review of—

(1) the need for mental health treatment and services for female members of the Armed Forces and veterans; and

(2) the efficacy and adequacy of existing mental health treatment programs and services for female members of the Armed Forces and veterans.

(b) ELEMENTS.—The review required by subsection (a) shall include, but not be limited to, an assessment of the following:

(1) The need for mental health outreach, prevention, and treatment services specifically for female members of the Armed Forces and veterans.

(2) The access to and efficacy of existing mental health outreach, prevention, and treatment services and programs (including substance abuse programs) for female veterans who served in a combat zone.

(3) The access to and efficacy of services and treatment for female members of the Armed Forces and veterans who experience post-traumatic stress disorder (PTSD).

(4) The availability of services and treatment for female members of the Armed Forces and veterans who experienced sexual assault or abuse.

(5) The access to and need for treatment facilities focusing on the mental health care needs of female members of the Armed Forces and veterans.

(6) The need for further clinical research on the unique needs of female veterans who served in a combat zone.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the review required by subsection (a).

(d) POLICY REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a comprehensive policy to address the treatment and care needs of female members of the Armed Forces and veterans who experience mental health problems and conditions, including post-traumatic stress disorder. The policy shall take into account and reflect the results of the review required by subsection (a).

SEC. 135. FUNDING FOR IMPROVED DIAGNOSIS, TREATMENT, AND REHABILITATION OF MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY OR POST-TRAUMATIC STRESS DISORDER.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program in the amount of $50,000,000, with such amount to be available for activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by paragraph (1), $17,000,000 shall be available for the Defense and Veterans Brain Injury Center of the Department of Defense.

(b) SUPPLEMENT NOT SUPPLANT.—The amount authorized to be appropriated by subsection (a) for Defense Health Program is in addition to any other amounts authorized to be appropriated by this Act for Defense Health Program.

SEC. 136. REPORTS.

(a) REPORTS ON IMPLEMENTATION OF CERTAIN REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress in implementing the requirements as follows:

(1) The requirements of section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294), relating to a longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The requirements arising from the amendments made by section 738 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2303), relating to enhanced mental health screening and services for members of the Armed Forces.

(3) The requirements of section 741 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2304), relating to pilot projects on early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions.

(b) ANNUAL REPORTS ON EXPENDITURES FOR ACTIVITIES ON TBI AND PTSD.—

(1) REPORTS REQUIRED.—Not later than March 1, 2008, and each year thereafter through 2013, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the amounts expended by the Department of Defense during the preceding calendar year on activities described in paragraph (2), including the amount allocated during such calendar year to the Defense and Veterans Brain Injury Center of the Department.

(2) COVERED ACTIVITIES.—The activities described in this paragraph are activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(3) ELEMENTS.—Each report under paragraph (1) shall include—

(A) a description of the amounts expended as described in that paragraph, including a description of the activities for which expended;

(B) a description and assessment of the outcome of such activities;

(C) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of traumatic brain injury in members of the Armed Forces during the year in which such report is submitted and in future calendar years;

(D) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of post-traumatic stress disorder in members of the Armed Forces during the year in which such report is submitted and in future calendar years; and

(E) an assessment of the progress made toward achieving the priorities stated in subparagraphs (C) and (D) in the report under paragraph (1) in the previous year, and a description of any actions planned during the year in which such report is submitted to achieve any unfulfilled priorities during such year.

PART IV—OTHER MATTERS

SEC. 141. JOINT ELECTRONIC HEALTH RECORD FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) develop and implement a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs; and

(2) accelerate the exchange of health care information between the Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(b) DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE FOR A JOINT ELECTRONIC HEALTH RECORD.—

(1) IN GENERAL.—There is hereby established a joint element of the Department of Defense and the Department of Veterans Affairs to be known as the ''Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record'' (in this section referred to as the ''Office'').

(2) PURPOSES.—The purposes of the Office shall be as follows:

(A) To act as a single point of accountability for the Department of Defense and the Department of Veterans Affairs in the rapid development, test, and implementation of a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs.

(B) To accelerate the exchange of health care information between Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(c) LEADERSHIP.—

(1) DIRECTOR.—The Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the head of the Office.

(2) DEPUTY DIRECTOR.—The Deputy Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the deputy head of the office and shall assist the Director in carrying out the duties of the Director.

(3) APPOINTMENTS.—(A) The Director shall be appointed by the Secretary of Defense, with the concurrence of the Secretary of Veterans Affairs, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(B) The Deputy Director shall be appointed by the Secretary of Veterans Affairs, with the concurrence of the Secretary of Defense, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(4) ADDITIONAL GUIDANCE.—In addition to the direction, supervision, and control provided by the Secretary of Defense and the Secretary of Veterans Affairs, the Office shall also receive guidance from the Department of Veterans Affairs-Department of Defense Joint Executive Committee under section 320 of title 38, United States Code, in the discharge of the functions of the Office under this section.

(5) TESTIMONY.—Upon request by any of the appropriate committees of Congress, the Director and the Deputy Director shall testify

before such committee regarding the discharge of the functions of the Office under this section.

(d) FUNCTION.—The function of the Office shall be to develop and prepare for deployment, by not later than September 30, 2010, a joint electronic health record to be utilized by both the Department of Defense and the Department of Veterans Affairs in the provision of medical care and treatment to members of the Armed Forces and veterans, which health record shall comply with applicable interoperability standards, implementation specifications, and certification criteria (including for the reporting of quality measures) of the Federal Government.

(e) SCHEDULES AND BENCHMARKS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a schedule and benchmarks for the discharge by the Office of its function under this section, including each of the following:

(1) A schedule for the establishment of the Office.

(2) A schedule and deadline for the establishment of the requirements for the joint electronic health record described in subsection (d), including coordination with the Office of the National Coordinator for Health Information Technology in the development of a nationwide interoperable health information technology infrastructure.

(3) A schedule and associated deadlines for any acquisition and testing required in the development and deployment of the joint electronic health record.

(4) A schedule and associated deadlines and requirements for the deployment of the joint electronic health record.

(5) Proposed funding for the Office for each of fiscal years 2009 through 2013 for the discharge of its function.

(f) PILOT PROJECTS.—

(1) AUTHORITY.—In order to assist the Office in the discharge of its function under this section, the Secretary of Defense and the Secretary of Veterans Affairs may, acting jointly, carry out one or more pilot projects to assess the feasability and advisability of various technological approaches to the achievement of the joint electronic health record described in subsection (d).

(2) TREATMENT AS SINGLE HEALTH CARE SYSTEM.—For purposes of each pilot project carried out under this subsection, the health care system of the Department of Defense and the health care system of the Department of Veterans Affairs shall be treated as a single health care system for purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(g) STAFF AND OTHER RESOURCES.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall assign to the Office such personnel and other resources of the Department of Defense and the Department of Veterans Affairs as are required for the discharge of its function under this section.

(2) ADDITIONAL SERVICES.—Subject to the approval of the Secretary of Defense and the Secretary of Veterans Affairs, the Director may utilize the services of private individuals and entities as consultants to the Office in the discharge of its function under this section. Amounts available to the Office shall be available for payment for such services.

(h) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than January 1, 2009, and each year thereafter through 2014, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report on the activities of the Office during the preceding calendar year. Each report shall include, for the year covered by such report, the following:

(A) A detailed description of the activities of the Office, including a detailed description of the amounts expended and the purposes for which expended.

(B) An assessment of the progress made by the Department of Defense and the Department of Veterans Affairs in the development and implementation of the joint electronic health record described in subsection (d).

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall make available to the public each report submitted under paragraph (1), including by posting such report on the Internet website of the Department of Defense and the Department of Veterans Affairs, respectively, that is available to the public.

(i) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every six months thereafter until the completion of the implementation of the joint electronic health record described in subsection (d), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Department of Defense and the Department of Veterans Affairs in developing and implementing the joint electronic health record.

(j) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall each contribute equally to the costs of the Office in fiscal year 2008 and fiscal years thereafter. The amount so contributed by each Secretary in fiscal year 2008 shall be up to $10,000,000.

(2) SOURCE OF FUNDS.—(A) Amounts contributed by the Secretary of Defense under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Defense for the Defense Health Program and available for program management and technology resources.

(B) Amounts contributed by the Secretary of Veterans Affairs under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Veterans Affairs for Medical Care and available for program management and technology resources.

(k) JOINT ELECTRONIC HEALTH RECORD DEFINED.—In this section, the term ''joint electronic health record'' means a single system that includes patient information across the continuum of medical care, including inpatient care, outpatient care, pharmacy care, patient safety, and rehabilitative care.

SEC. 142. ENHANCED PERSONNEL AUTHORITIES FOR THE DEPARTMENT OF DEFENSE FOR HEALTH CARE PROFESSIONALS FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1599c of title 10, United States Code, is amended to read as follows:

''§ 1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces

''(a) IN GENERAL.—The Secretary of Defense may, in the discretion of the Secretary, exercise any authority for the appointment and pay of health care personnel under chapter 74 of title 38 for purposes of the recruitment, employment, and retention of civilian health care professionals for the Department of Defense if the Secretary determines that the exercise of such authority is necessary in order to provide or enhance the capacity of the Department to provide care and treatment for members of the armed forces who are wounded or injured on active duty in the armed forces and to support the ongoing patient care and medical readiness, education, and training requirements of the Department of Defense.

''(b) RECRUITMENT OF PERSONNEL.—(1) The Secretaries of the military departments shall each develop and implement a strategy to disseminate among appropriate personnel of the military departments authorities and best practices for the recruitment of medical and health professionals, including the authorities under subsection (a).

''(2) Each strategy under paragraph (1) shall—

''(A) assess current recruitment policies, procedures, and practices of the military department concerned to assure that such strategy facilitates the implementation of efficiencies which reduce the time required to fill vacant positions for medical and health professionals; and

''(B) clearly identify processes and actions that will be used to inform and educate military and civilian personnel responsible for the recruitment of medical and health professionals.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599c and inserting the following new item:

''1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces.''.

(c) REPORTS ON STRATEGIES ON RECRUITMENT OF MEDICAL AND HEALTH PROFESSIONALS.—Not later than six months after the date of the enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a report setting forth the strategy developed by such Secretary under section 1599c(b) of title 10, United States Code, as added by subsection (a).

SEC. 143. PERSONNEL SHORTAGES IN THE MENTAL HEALTH WORKFORCE OF THE DEPARTMENT OF DEFENSE, INCLUDING PERSONNEL IN THE MENTAL HEALTH WORKFORCE.

(a) RECOMMENDATIONS ON MEANS OF ADDRESSING SHORTAGES.—

(1) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary for such legislative or administrative actions as the Secretary considers appropriate to address shortages in health care professionals within the Department of Defense, including personnel in the mental health workforce.

(2) ELEMENTS.—The report required by paragraph (1) shall address the following:

(A) Enhancements or improvements of financial incentives for health care professionals, including personnel in the mental health workforce, of the Department of Defense in order to enhance the recruitment and retention of such personnel, including recruitment, accession, or retention bonuses and scholarship, tuition, and other financial assistance.

(B) Modifications of service obligations of health care professionals, including personnel in the mental health workforce.

(C) Such other matters as the Secretary considers appropriate.

(b) RECRUITMENT.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall

implement programs to recruit qualified individuals in health care fields (including mental health) to serve in the Armed Forces as health care and mental health personnel of the Armed Forces.

Subtitle C—Disability Matters

PART I—DISABILITY EVALUATIONS

SEC. 151. UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Clause (i) of section 1201(b)(3)(B) of title 10, United States Code, is amended to read as follows:

''(i) the member has six months or more of active military service and the disability was not noted at the time of the member's entrance on active duty (unless compelling evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty);''.

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended by striking ''and the member has at least eight years of service computed under section 1208 of this title'' and inserting '', the member has six months or more of active military service, and the disability was not noted at the time of the member's entrance on active duty (unless evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty)''.

SEC. 152. REQUIREMENTS AND LIMITATIONS ON DEPARTMENT OF DEFENSE DETERMINATIONS OF DISABILITY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1216 the following new section:

''§ 1216a. Determinations of disability: requirements and limitations on determinations

''(a) UTILIZATION OF VA SCHEDULE FOR RATING DISABILITIES IN DETERMINATIONS OF DISABILITY.—(1) In making a determination of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned—

''(A) shall, to the extent feasible, utilize the schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of the schedule by the United States Court of Appeals for Veterans Claims; and

''(B) except as provided in paragraph (2), may not deviate from the schedule or any such interpretation of the schedule.

''(2) In making a determination described in paragraph (1), the Secretary concerned may utilize in lieu of the schedule described in that paragraph such criteria as the Secretary of Defense and the Secretary of Veterans Affairs may jointly prescribe for purposes of this subsection if the utilization of such criteria will result in a determination of a greater percentage of disability than would be otherwise determined through the utilization of the schedule.

''(b) CONSIDERATION OF ALL MEDICAL CONDITIONS.—In making a determination of the rating of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned shall take into account all medical conditions, whether individually or collectively, that render the member unfit to perform the duties of the member's office, grade, rank, or rating.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1216 the following new item:

''1216a. Determinations of disability: requirements and limitations on determinations.''.

SEC. 153. REVIEW OF SEPARATION OF MEMBERS OF THE ARMED FORCES SEPARATED FROM SERVICE WITH A DISABILITY RATING OF 20 PERCENT DISABLED OR LESS.

(a) BOARD REQUIRED.—

(1) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1554 adding the following new section:

''§ 1554a. Review of separation with disability rating of 20 percent disabled or less

''(a) IN GENERAL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense a board of review to review the disability determinations of covered individuals by Physical Evaluation Boards. The board shall be known as the 'Physical Disability Board of Review'.

''(2) The Board shall consist of not less than three members appointed by the Secretary.

''(b) COVERED INDIVIDUALS.—For purposes of this section, covered individuals are members and former members of the armed forces who, during the period beginning on September 11, 2001, and ending on December 31, 2009—

''(1) are separated from the armed forces due to unfitness for duty due to a medical condition with a disability rating of 20 percent disabled or less; and

''(2) are found to be not eligible for retirement.

''(c) REVIEW.—(1) Upon its own motion, or upon the request of a covered individual, or a surviving spouse, next of kin, or legal representative of a covered individual, the Board shall review the findings and decisions of the Physical Evaluation Board with respect to such covered individual.

''(2) The review by the Board under paragraph (1) shall be based on the records of the armed force concerned and such other evidence as may be presented to the Board. A witness may present evidence to the Board by affidavit or by any other means considered acceptable by the Secretary of Defense.

''(d) AUTHORIZED RECOMMENDATIONS.—The Board may, as a result of its findings under a review under subsection (c), recommend to the Secretary concerned the following (as applicable) with respect to a covered individual:

''(1) No recharacterization of the separation of such individual or modification of the disability rating previously assigned such individual.

''(2) The recharacterization of the separation of such individual to retirement for disability.

''(3) The modification of the disability rating previously assigned such individual by the Physical Evaluation Board concerned, which modified disability rating may not be a reduction of the disability rating previously assigned such individual by that Physical Evaluation Board.

''(4) The issuance of a new disability rating for such individual.

''(e) CORRECTION OF MILITARY RECORDS.—(1) The Secretary concerned may correct the military records of a covered individual in accordance with a recommendation made by the Board under subsection (d). Any such correction may be made effective as of the effective date of the action taken on the report of the Physical Evaluation Board to which such recommendation relates.

''(2) In the case of a member previously separated pursuant to the findings and decision of a Physical Evaluation Board together with a lump-sum or other payment of back pay and allowances at separation, the amount of pay or other monetary benefits to which such member would be entitled based on the member's military record as corrected shall be reduced to take into account receipt of such lump-sum or other payment in such manner as the Secretary of Defense considers appropriate.

''(3) If the Board makes a recommendation not to correct the military records of a covered individual, the action taken on the report of the Physical Evaluation Board to which such recommendation relates shall be treated as final as of the date of such action.

''(f) REGULATIONS.—(1) This section shall be carried out in accordance with regulations prescribed by the Secretary of Defense.

''(2) The regulations under paragraph (1) shall specify reasonable deadlines for the performance of reviews required by this section.

''(3) The regulations under paragraph (1) shall specify the effect of a determination or pending determination of a Physical Evaluation Board on considerations by boards for correction of military records under section 1552 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1554 the following new item:

''1554a. Review of separation with disability rating of 20 percent disabled or less.''.

(b) IMPLEMENTATION.—The Secretary of Defense shall establish the board of review required by section 1554a of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by such section, not later than 90 days after the date of the enactment of this Act.

SEC. 154. PILOT PROGRAMS ON REVISED AND IMPROVED DISABILITY EVALUATION SYSTEM FOR MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, carry out pilot programs with respect to the disability evaluation system of the Department of Defense for the purpose set forth in subsection (d).

(2) REQUIRED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense shall carry out the pilot programs described in paragraphs (1) through (3) of subsection (c). Each such pilot program shall be implemented not later than 90 days after the date of the enactment of this Act.

(3) AUTHORIZED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense may carry out such other pilot programs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(b) DISABILITY EVALUATION SYSTEM OF THE DEPARTMENT OF DEFENSE.—For purposes of this section, the disability evaluation system of the Department of Defense is the system of the Department for the evaluation of the disabilities of members of the Armed Forces who are being separated or retired from the Armed Forces for disability under chapter 61 of title 10, United States Code.

(c) SCOPE OF PILOT PROGRAMS.—

(1) DISABILITY DETERMINATIONS BY DOD UTILIZING VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), for purposes of making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, upon a determination by the Secretary of the military department concerned that the member is unfit to

perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) the Secretary of Veterans Affairs shall—

(i) conduct an evaluation of the member for physical disability; and

(ii) assign the member a rating of disability in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) the Secretary of the military department concerned shall make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A)(ii).

(2) DISABILITY DETERMINATIONS UTILIZING JOINT DOD/VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), in making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, the Secretary of the military department concerned shall, upon determining that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) provide for the joint evaluation of the member for disability by the Secretary of the military department concerned and the Secretary of Veterans Affairs, including the assignment of a rating of disability for the member in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A).

(3) ELECTRONIC CLEARING HOUSE.—Under one of the pilot programs, the Secretary of Defense shall establish and operate a single Internet website for the disability evaluation system of the Department of Defense that enables participating members of the Armed Forces to fully utilize such system through the Internet, with such Internet website to include the following:

(A) The availability of any forms required for the utilization of the disability evaluation system by members of the Armed Forces under the system.

(B) Secure mechanisms for the submission of such forms by members of the Armed Forces under the system, and for the tracking of the acceptance and review of any forms so submitted.

(C) Secure mechanisms for advising members of the Armed Forces under the system of any additional information, forms, or other items that are required for the acceptance and review of any forms so submitted.

(D) The continuous availability of assistance to members of the Armed Forces under the system (including assistance through the caseworkers assigned to such members of the Armed Forces) in submitting and tracking such forms, including assistance in obtaining information, forms, or other items described by subparagraph (C).

(E) Secure mechanisms to request and receive personnel files or other personnel records of members of the Armed Forces under the system that are required for submission under the disability evaluation system, including the capability to track requests for such files or records and to determine the status of such requests and of responses to such requests.

(4) OTHER PILOT PROGRAMS.—Under any pilot program carried out by the Secretary of Defense under subsection (a)(3), the Secretary shall provide for the development, evaluation, and identification of such practices and procedures under the disability evaluation system of the Department of Defense as the Secretary considers appropriate for purpose set forth in subsection (d).

(d) PURPOSE.—The purpose of each pilot program under subsection (a) shall be—

(1) to provide for the development, evaluation, and identification of revised and improved practices and procedures under the disability evaluation system of the Department of Defense in order to—

(A) reduce the processing time under the disability evaluation system of members of the Armed Forces who are likely to be retired or separated for disability, and who have not requested continuation on active duty, including, in particular, members who are severely wounded;

(B) identify and implement or seek the modification of statutory or administrative policies and requirements applicable to the disability evaluation system that—

(i) are unnecessary or contrary to applicable best practices of civilian employers and civilian healthcare systems; or

(ii) otherwise result in hardship, arbitrary, or inconsistent outcomes for members of the Armed Forces, or unwarranted inefficiencies and delays;

(C) eliminate material variations in policies, interpretations, and overall performance standards among the military departments under the disability evaluation system; and

(D) determine whether it enhances the capability of the Department of Veterans Affairs to receive and determine claims from members of the Armed Forces for compensation, pension, hospitalization, or other veterans benefits; and

(2) in conjunction with the findings and recommendations of applicable Presidential and Department of Defense study groups, to provide for the eventual development of revised and improved practices and procedures for the disability evaluation system in order to achieve the objectives set forth in paragraph (1).

(e) UTILIZATION OF RESULTS IN UPDATES OF COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF COVERED SERVICEMEMBERS.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly incorporate responses to any findings and recommendations arising under the pilot programs required by subsection (a) in updating the comprehensive policy on the care and management of covered servicemembers under section 111.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out a pilot program under subsection (a)—

(A) the rules and regulations of the Department of Defense and the Department of Veterans Affairs relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces shall apply to the pilot program only to the extent provided in the report on the pilot program under subsection (h)(1); and

(B) the Secretary of Defense and the Secretary of Veterans Affairs may waive any provision of title 10, 37, or 38, United States Code, relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces if the Secretaries determine in writing that the application of such provision would be inconsistent with the purpose of the pilot program.

(2) LIMITATION.—Nothing in paragraph (1) shall be construed to authorize the waiver of any provision of section 1216a of title 10, United States Code, as added by section 152 of this Act.

(g) DURATION.—Each pilot program under subsection (a) shall be completed not later than one year after the date of the commencement of such pilot program under that subsection.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the pilot programs under subsection (a). The report shall include—

(A) a description of the scope and objectives of each pilot program;

(B) a description of the methodology to be used under such pilot program to ensure rapid identification under such pilot program of revised or improved practices under the disability evaluation system of the Department of Defense in order to achieve the objectives set forth in subsection (d)(1); and

(C) a statement of any provision described in subsection (f)(1)(B) that shall not apply to the pilot program by reason of a waiver under that subsection.

(2) INTERIM REPORT.—Not later than 150 days after the date of the submittal of the report required by paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report describing the current status of such pilot program.

(3) FINAL REPORT.—Not later than 90 days after the completion of all the pilot programs described in paragraphs (1) through (3) of subsection (c), the Secretary shall submit to the appropriate committees of Congress a report setting forth a final evaluation and assessment of such pilot programs. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such pilot programs.

SEC. 155. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IN THE ARMY PHYSICAL DISABILITY EVALUATION SYSTEM.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of corrective measures by the Department of Defense with respect to the Physical Disability Evaluation System (PDES) in response to the following:

(1) The report of the Inspector General of the Army on that system of March 6, 2007.

(2) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(3) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The total number of cases, and the number of cases involving combat disabled servicemembers, pending resolution before the Medical and Physical Disability Evaluation Boards of the Army, including information on the number of members of the Army who have been in a medical hold or holdover status for more than each of 100, 200, and 300 days.

(2) The status of the implementation of modifications to disability evaluation processes of the Department of Defense in response to the following:

(A) The report of the Inspector General on such processes dated March 6, 2007.

(B) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(C) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

PART II—OTHER DISABILITY MATTERS

SEC. 161. ENHANCEMENT OF DISABILITY SEVERANCE PAY FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1212 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''his years of service, but not more than 12, computed under section 1208 of this title'' in the matter preceding subparagraph (A) and inserting ''the member's years of service computed under section 1208 of this title (subject to the minimum and maximum years of service provided for in subsection (c))'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

''(c)(1) The minimum years of service of a member for purposes of subsection (a)(1) shall be as follows:

''(A) Six years in the case of a member separated from the armed forces for a disability incurred in line of duty in a combat zone (as designated by the Secretary of Defense for purposes of this subsection) or incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.

''(B) Three years in the case of any other member.

''(2) The maximum years of service of a member for purposes of subsection (a)(1) shall be 19 years.''.

(b) NO DEDUCTION FROM COMPENSATION OF SEVERANCE PAY FOR DISABILITIES INCURRED IN COMBAT ZONES.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is further amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking the second sentence; and

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

''(2) No deduction may be made under paragraph (1) in the case of disability severance pay received by a member for a disability incurred in line of duty in a combat zone or incurred during performance of duty in combat-related operations as designated by the Secretary of Defense.

''(3) No deduction may be made under paragraph (1) from any death compensation to which a member's dependents become entitled after the member's death.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to members of the Armed Forces separated from the Armed Forces under chapter 61 of title 10, United States Code, on or after that date.

SEC. 162. TRAUMATIC SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) DESIGNATION OF FIDUCIARY FOR MEMBERS WITH LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is medically incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

SEC. 163. ELECTRONIC TRANSFER FROM THE DEPARTMENT OF DEFENSE TO THE DEPARTMENT OF VETERANS AFFAIRS OF DOCUMENTS SUPPORTING ELIGIBILITY FOR BENEFITS.

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and implement a mechanism to provide for the electronic transfer from the Department of Defense to the Department of Veterans Affairs of any Department of Defense documents (including Department of Defense form DD–214) necessary to establish or support the eligibility of a member of the Armed Forces for benefits under the laws administered by the Secretary of Veterans Affairs at the time of the retirement, separation, or release of the member from the Armed Forces.

SEC. 164. ASSESSMENTS OF TEMPORARY DISABILITY RETIRED LIST.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Comptroller General of the United States shall each submit to the congressional defense committees a report assessing the continuing utility of the temporary disability retired list in satisfying the purposes for which the temporary disability retired list was established. Each report shall include such recommendations for the modification or improvement of the temporary disability retired list as the Secretary or the Comptroller General, as applicable, considers appropriate in light of the assessment in such report.

Subtitle D—Improvement of Facilities Housing Patients

SEC. 171. STANDARDS FOR MILITARY MEDICAL TREATMENT FACILITIES, SPECIALTY MEDICAL CARE FACILITIES, AND MILITARY QUARTERS HOUSING PATIENTS.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense shall establish for the military facilities referred to in subsection (b) standards with respect to the matters set forth in subsection (c). The standards shall, to the maximum extent practicable—

(1) be uniform and consistent across such facilities; and

(2) be uniform and consistent across the Department of Defense and the military departments.

(b) COVERED MILITARY FACILITIES.—The military facilities referred to in this subsection are the military facilities of the Department of Defense and the military departments as follows:

(1) Military medical treatment facilities.

(2) Specialty medical care facilities.

(3) Military quarters or leased housing for patients.

(c) SCOPE OF STANDARDS.—The standards required by subsection (a) shall include the following:

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

(2) To the extent not inconsistent with the standards described in paragraph (1), minimally acceptable conditions for the following:

(A) Appearance and maintenance of facilities generally, including the structure and roofs of facilities.

(B) Size, appearance, and maintenance of rooms housing or utilized by patients, including furniture and amenities in such rooms.

(C) Operation and maintenance of primary and back-up facility utility systems and other systems required for patient care, including electrical systems, plumbing systems, heating, ventilation, and air conditioning systems, communications systems, fire protection systems, energy management systems, and other systems required for patient care.

(D) Compliance with Federal Government standards for hospital facilities and operations.

(E) Compliance of facilities, rooms, and grounds, to the maximum extent practicable, with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(F) Such other matters relating to the appearance, size, operation, and maintenance of facilities and rooms as the Secretary considers appropriate.

(d) COMPLIANCE WITH STANDARDS.—

(1) DEADLINE.—In establishing standards under subsection (a), the Secretary shall specify a deadline for compliance with such standards by each facility referred to in subsection (b). The deadline shall be at the earliest date practicable after the date of the enactment of this Act, and shall, to the maximum extent practicable, be uniform across the facilities referred to in subsection (b).

(2) INVESTMENT.—In carrying out this section, the Secretary shall also establish guidelines for investment to be utilized by the Department of Defense and the military departments in determining the allocation of financial resources to facilities referred to in subsection (b) in order to meet the deadline specified under paragraph (1).

(e) REPORT.—

(1) IN GENERAL.—Not later than December 30, 2007, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out this section.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) The standards established under subsection (a).

(B) An assessment of the appearance, condition, and maintenance of each facility referred to in subsection (a), including—

(i) an assessment of the compliance of such facility with the standards established under subsection (a); and

(ii) a description of any deficiency or noncompliance in each facility with the standards.

(C) A description of the investment to be allocated to address each deficiency or noncompliance identified under subparagraph (B)(ii).

SEC. 172. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IDENTIFIED AT WALTER REED ARMY MEDICAL CENTER.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the action plan of the Army to correct deficiencies identified in the condition of facilities, and in the administration of outpatients in medical hold or medical holdover status, at Walter Reed Army Medical Center

(WRAMC) and at other applicable Army installations at which covered members of the Armed Forces are assigned.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The number of inpatients at Walter Reed Army Medical Center, and the number of outpatients on medical hold or in a medical holdover status at Walter Reed Army Medical Center, as a result of serious injuries or illnesses.

(2) A description of the lodging facilities and other forms of housing at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, including—

(A) an assessment of the conditions of such facilities and housing; and

(B) a description of any plans to correct inadequacies in such conditions.

(3) The status, estimated completion date, and estimated cost of any proposed or ongoing actions to correct any inadequacies in conditions as described under paragraph (2).

(4) The number of case managers, platoon sergeants, patient advocates, and physical evaluation board liaison officers stationed at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, and the ratio of case workers and platoon sergeants to outpatients for whom they are responsible at each such facility.

(5) The number of telephone calls received during the preceding 60 days on the Wounded Soldier and Family hotline (as established on March 19, 2007), a summary of the complaints or communications received through such calls, and a description of the actions taken in response to such calls.

(6) A summary of the activities, findings, and recommendations of the Army tiger team of medical and installation professionals who visited the major medical treatment facilities and community-based health care organizations of the Army pursuant to March 2007 orders, and a description of the status of corrective actions being taken with to address deficiencies noted by that team.

(7) The status of the ombudsman programs at Walter Reed Army Medical Center and at other major Army installations to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

SEC. 173. CONSTRUCTION OF FACILITIES REQUIRED FOR THE CLOSURE OF WALTER REED ARMY MEDICAL CENTER, DISTRICT OF COLUMBIA.

(a) ASSESSMENT OF ACCELERATION OF CONSTRUCTION OF FACILITIES.—The Secretary of Defense shall carry out an assessment of the feasibility (including the cost-effectiveness) of accelerating the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center, District of Columbia, as required as a result of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; U.S.C. 2687 note).

(b) DEVELOPMENT AND IMPLEMENTATION OF PLAN FOR CONSTRUCTION OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall develop and carry out a plan for the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center as required as described in subsection (a). If the Secretary determines as a result of the assessment under subsection (a) that accelerating the construction and completion of such facilities is feasible, the plan shall provide for the accelerated construction and completion of such facilities in a manner consistent with that determination.

(2) SUBMITTAL OF PLAN.—The Secretary shall submit to the congressional defense committees the plan required by paragraph (1) not later than September 30, 2007.

(c) CERTIFICATIONS.—Not later than September 30, 2007, the Secretary shall submit to the congressional defense committees a certification of each of the following:

(1) That a transition plan has been developed, and resources have been committed, to ensure that patient care services, medical operations, and facilities are sustained at the highest possible level at Walter Reed Army Medical Center until facilities to replace Walter Reed Army Medical Center are staffed and ready to assume at least the same level of care previously provided at Walter Reed Army Medical Center.

(2) That the closure of Walter Reed Army Medical Center will not result in a net loss of capacity in the major military medical centers in the National Capitol Region in terms of total bed capacity or staffed bed capacity.

(3) That the capacity and types of medical hold and out-patient lodging facilities currently operating at Walter Reed Army Medical Center will be available at the facilities to replace Walter Reed Army Medical Center by the date of the closure of Walter Reed Army Medical Center.

(4) That adequate funds have been provided to complete fully all facilities identified in the Base Realignment and Closure Business Plan for Walter Reed Army Medical Center submitted to the congressional defense committees as part of the budget justification materials submitted to Congress together with the budget of the President for fiscal year 2008 as contemplated in that business plan.

(d) ENVIRONMENTAL LAWS.—Nothing in this section shall require the Secretary or any designated representative to waive or ignore responsibilities and actions required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the regulations implementing such Act.

Subtitle E—Outreach and Related Information on Benefits

SEC. 181. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security, develop and maintain in handbook and electronic form a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the member's separation or retirement from the Armed Forces as a result of a serious injury or illness. The handbook shall set forth the range of such compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and such other factors affecting such compensation and benefits as the Secretary of Defense considers appropriate.

(b) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a), including the handbook and electronic form of the description, on a periodic basis, but not less often than annually.

(c) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the descriptive handbook under subsection (a) to each member of the Armed Forces described in that subsection as soon as practicable following the injury or illness qualifying the member for coverage under that subsection.

(d) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the descriptive handbook to be provided under subsection (a), the handbook shall be provided to the next of kin or a legal representative of the member (as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section).

Subtitle F—Other Matters

SEC. 191. STUDY ON PHYSICAL AND MENTAL HEALTH AND OTHER READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, enter into an agreement with the National Academy of Sciences for a study on the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(b) PHASES.—The study required under subsection (a) shall consist of two phases:

(1) A preliminary phase, to be completed not later than 180 days after the date of the enactment of this Act—

(A) to identify preliminary findings on the physical and mental health and other readjustment needs described in subsection (a) and on gaps in care for the members, former members, and families described in that subsection; and

(B) to determine the parameters of the second phase of the study under paragraph (2).

(2) A second phase, to be completed not later than three years after the date of the enactment of this Act, to carry out a comprehensive assessment, in accordance with the parameters identified under the preliminary report required by paragraph (1), of the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment, including, at a minimum—

(A) an assessment of the psychological, social, and economic impacts of such deployment on such members and former members and their families;

(B) an assessment of the particular impacts of multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom on such members and former members and their families;

(C) an assessment of the full scope of the neurological, psychiatric, and psychological effects of traumatic brain injury (TBI) on members and former members of the Armed Forces, including the effects of such effects on the family members of such members and former members, and an assessment of the efficacy of current treatment approaches for traumatic brain injury in the United States and the efficacy of screenings and treatment approaches for traumatic brain injury within the Department of Defense and the Department of Veterans Affairs;

(D) an assessment of the effects of undiagnosed injuries such as post-traumatic

stress disorder (PTSD) and traumatic brain injury, an estimate of the long-term costs associated with such injuries, and an assessment of the efficacy of screenings and treatment approaches for post-traumatic stress disorder and other mental health conditions within the Department of Defense and Department of Veterans Affairs;

(E) an assessment of the particular needs and concerns of female members of the Armed Forces and female veterans;

(F) an assessment of the particular needs and concerns of children of members of the Armed Forces, taking into account differing age groups, impacts on development and education, and the mental and emotional well being of children;

(G) an assessment of the particular needs and concerns of minority members of the Armed Forces and minority veterans;

(H) an assessment of the particular educational and vocational needs of such members and former members and their families, and an assessment of the efficacy of existing educational and vocational programs to address such needs;

(I) an assessment of the impacts on communities with high populations of military families, including military housing communities and townships with deployed members of the National Guard and Reserve, of deployments associated with Operation Iraqi Freedom and Operation Enduring Freedom, and an assessment of the efficacy of programs that address community outreach and education concerning military deployments of community residents;

(J) an assessment of the impacts of increasing numbers of older and married members of the Armed Forces on readjustment requirements;

(K) the development, based on such assessments, of recommendations for programs, treatments, or policy remedies targeted at preventing, minimizing or addressing the impacts, gaps and needs identified; and

(L) the development, based on such assessments, of recommendations for additional research on such needs.

(c) POPULATIONS TO BE STUDIED.—The study required under subsection (a) shall consider the readjustment needs of each population of individuals as follows:

(1) Members of the regular components of the Armed Forces who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Members of the National Guard and Reserve who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Veterans of Operation Iraqi Freedom or Operation Enduring Freedom.

(4) Family members of the members and veterans described in paragraphs (1) through (3).

(d) ACCESS TO INFORMATION.—The National Academy of Sciences shall have access to such personnel, information, records, and systems of the Department of Defense and the Department of Veterans Affairs as the National Academy of Sciences requires in order to carry out the study required under subsection (a).

(e) PRIVACY OF INFORMATION.—The National Academy of Sciences shall maintain any personally identifiable information accessed by the Academy in carrying out the study required under subsection (a) in accordance with all applicable laws, protections, and best practices regarding the privacy of such information, and may not permit access to such information by any persons or entities not engaged in work under the study.

(f) REPORTS BY NATIONAL ACADEMY OF SCIENCES.—Upon the completion of each phase of the study required under subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the Secretary of Veterans Affairs a report on such phase of the study.

(g) DOD AND VA RESPONSE TO NAS REPORTS.—

(1) PRELIMINARY RESPONSE.—Not later than 45 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a preliminary joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The preliminary plan shall provide preliminary proposals on the matters set forth in paragraph (3).

(2) FINAL RESPONSE.—Not later than 90 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a final joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The final plan shall provide final proposals on the matters set forth in paragraph (3).

(3) COVERED MATTERS.—The matters set forth in this paragraph with respect to a phase of the study required under subsection (a) are as follows:

(A) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address gaps in care or services as identified by the National Academy of Sciences under such phase of the study.

(B) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address recommendations made by the National Academy of Sciences under such phase of the study.

(C) An estimate of the costs of implementing the modifications set forth under subparagraphs (A) and (B), set forth by fiscal year for at least the first five fiscal years beginning after the date of the plan concerned.

(4) REPORTS ON RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth each joint plan developed under paragraphs (1) and (2).

(5) PUBLIC AVAILABILITY OF RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall each make available to the public each report submitted to Congress under paragraph (4), including by posting an electronic copy of such report on the Internet website of the Department of Defense or the Department of Veterans Affairs, as applicable, that is available to the public.

(6) GAO AUDIT.—Not later than 45 days after the submittal to Congress of the report under paragraph (4) on the final joint Department of Defense-Department of Veterans Affairs plan under paragraph (2), the Comptroller General of the United States shall submit to Congress a report assessing the contents of such report under paragraph (4). The report of the Comptroller General under this paragraph shall include—

(A) an assessment of the adequacy and sufficiency of the final joint Department of Defense-Department of Veterans Affairs plan in addressing the findings and recommendations of the National Academy of Sciences as a result of the study required under subsection (a);

(B) an assessment of the feasibility and advisability of the modifications of policy and practice proposed in the final joint Department of Defense-Department of Veterans Affairs plan;

(C) an assessment of the sufficiency and accuracy of the cost estimates in the final joint Department of Defense-Department of Veterans Affairs plan; and

(D) the comments, if any, of the National Academy of Sciences on the final joint Department of Defense-Department of Veterans Affairs plan.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense such sums as may be necessary to carry out this section.

TITLE II—VETERANS MATTERS

SEC. 201. SENSE OF CONGRESS ON DEPARTMENT OF VETERANS AFFAIRS EFFORTS IN THE REHABILITATION AND REINTEGRATION OF VETERANS WITH TRAUMATIC BRAIN INJURY.

It is the sense of Congress that—

(1) the Department of Veterans Affairs is a leader in the field of traumatic brain injury care and coordination of such care;

(2) the Department of Veterans Affairs should have the capacity and expertise to provide veterans who have a traumatic brain injury with patient-centered health care, rehabilitation, and community integration services that are comparable to or exceed similar care and services available to persons with such injuries in the academic and private sector;

(3) rehabilitation for veterans who have a traumatic brain injury should be individualized, comprehensive, and interdisciplinary with the goals of optimizing the independence of such veterans and reintegrating them into their communities;

(4) family support is integral to the rehabilitation and community reintegration of veterans who have sustained a traumatic brain injury, and the Department should provide the families of such veterans with education and support;

(5) the Department of Defense and Department of Veterans Affairs have made efforts to provide a smooth transition of medical care and rehabilitative services to individuals as they transition from the health care system of the Department of Defense to that of the Department of Veterans Affairs, but more can be done to assist veterans and their families in the continuum of the rehabilitation, recovery, and reintegration of wounded or injured veterans into their communities;

(6) in planning for rehabilitation and community reintegration of veterans who have a traumatic brain injury, it is necessary for the Department of Veterans Affairs to provide a system for life-long case management for such veterans; and

(7) in such system for life-long case management, it is necessary to conduct outreach and to tailor specialized traumatic brain injury case management and outreach for the unique needs of veterans with traumatic brain injury who reside in urban and non-urban settings.

SEC. 202. INDIVIDUAL REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR VETERANS AND OTHERS WITH TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710B the following new section:

"§ 1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community

''(a) PLAN REQUIRED.—The Secretary shall, for each veteran or member of the Armed Forces who receives inpatient or outpatient

rehabilitation care from the Department for a traumatic brain injury—

''(1) develop an individualized plan for the rehabilitation and reintegration of such individual into the community; and

''(2) provide such plan in writing to such individual before such individual is discharged from inpatient care, following transition from active duty to the Department for outpatient care, or as soon as practicable following diagnosis.

''(b) CONTENTS OF PLAN.—Each plan developed under subsection (a) shall include, for the individual covered by such plan, the following:

''(1) Rehabilitation objectives for improving the physical, cognitive, and vocational functioning of such individual with the goal of maximizing the independence and reintegration of such individual into the community.

''(2) Access, as warranted, to all appropriate rehabilitative components of the traumatic brain injury continuum of care.

''(3) A description of specific rehabilitative treatments and other services to achieve the objectives described in paragraph (1), which description shall set forth the type, frequency, duration, and location of such treatments and services.

''(4) The name of the case manager designated in accordance with subsection (d) to be responsible for the implementation of such plan.

''(5) Dates on which the effectiveness of the plan will be reviewed in accordance with subsection (f).

''(c) COMPREHENSIVE ASSESSMENT.—

''(1) IN GENERAL.—Each plan developed under subsection (a) shall be based upon a comprehensive assessment, developed in accordance with paragraph (2), of—

''(A) the physical, cognitive, vocational, and neuropsychological and social impairments of such individual; and

''(B) the family education and family support needs of such individual after discharge from inpatient care.

''(2) FORMATION.—The comprehensive assessment required under paragraph (1) with respect to an individual is a comprehensive assessment of the matters set forth in that paragraph by a team, composed by the Secretary for purposes of the assessment from among, but not limited to, individuals with expertise in traumatic brain injury, including the following:

''(A) A neurologist.

''(B) A rehabilitation physician.

''(C) A social worker.

''(D) A neuropsychologist.

''(E) A physical therapist.

''(F) A vocational rehabilitation specialist.

''(G) An occupational therapist.

''(H) A speech language pathologist.

''(I) A rehabilitation nurse.

''(J) An educational therapist.

''(K) An audiologist.

''(L) A blind rehabilitation specialist.

''(M) A recreational therapist.

''(N) A low vision optometrist.

''(O) An orthotist or prostetist.

''(P) An assistive technologist or rehabilitation engineer.

''(Q) An otolaryngology physician.

''(R) A dietician.

''(S) An opthamologist.

''(T) A psychiatrist.

''(d) CASE MANAGER.—(1) The Secretary shall designate a case manager for each individual described in subsection (a) to be responsible for the implementation of the plan, and coordination of such care, required by such subsection for such individual.

''(2) The Secretary shall ensure that such case manager has specific expertise in the care required by the individual to whom such case manager is designated, regardless of whether such case manager obtains such expertise through experience, education, or training.

''(e) PARTICIPATION AND COLLABORATION IN DEVELOPMENT OF PLANS.—(1) The Secretary shall involve each individual described in subsection (a), and the family or legal guardian of such individual, in the development of the plan for such individual under that subsection to the maximum extent practicable.

''(2) The Secretary shall collaborate in the development of a plan for an individual under subsection (a) with a State protection and advocacy system if—

''(A) the individual covered by such plan requests such collaboration; or

''(B) in the case such individual is incapacitated, the family or guardian of such individual requests such collaboration.

''(3) In the case of a plan required by subsection (a) for a member of the Armed Forces who is on active duty, the Secretary shall collaborate with the Secretary of Defense in the development of such plan.

''(4) In developing vocational rehabilitation objectives required under subsection (b)(1) and in conducting the assessment required under subsection (c), the Secretary shall act through the Under Secretary for Health in coordination with the Vocational Rehabilitation and Employment Service of the Department of Veterans Affairs.

''(f) EVALUATION.—

''(1) PERIODIC REVIEW BY SECRETARY.—The Secretary shall periodically review the effectiveness of each plan developed under subsection (a). The Secretary shall refine each such plan as the Secretary considers appropriate in light of such review.

''(2) REQUEST FOR REVIEW BY VETERANS.—In addition to the periodic review required by paragraph (1), the Secretary shall conduct a review of the plan of a veteran under paragraph (1) at the request of such veteran, or in the case that such veteran is incapacitated, at the request of the guardian or the designee of such veteran.

''(g) STATE DESIGNATED PROTECTION AND ADVOCACY SYSTEM DEFINED.—In this section, the term 'State protection and advocacy system' means a system established in a State under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) to protect and advocate for the rights of persons with development disabilities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710B the following new item:

''1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community.''.

SEC. 203. USE OF NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR IMPLEMENTATION OF REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710C, as added by section 202 of this Act, the following new section:

''§ 1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation

''(a) IN GENERAL.—Subject to section 1710(a)(4) of this title and subsection (b) of this section, the Secretary shall provide rehabilitative treatment or services to implement a plan developed under section 1710C of this title at a non-Department facility with which the Secretary has entered into an agreement for such purpose, to an individual—

''(1) who is described in section 1710C(a) of this title; and

''(2)(A) to whom the Secretary is unable to provide such treatment or services at the frequency or for the duration prescribed in such plan; or

''(B) for whom the Secretary determines that it is optimal with respect to the recovery and rehabilitation of such individual .

''(b) STANDARDS.—The Secretary may not provide treatment or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such treatment or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.

''(c) AUTHORITIES OF STATE PROTECTION AND ADVOCACY SYSTEMS.—With respect to the provision of rehabilitative treatment or services described in subsection (a) in a non-Department facility, a State designated protection and advocacy system established under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) shall have the authorities described under such subtitle.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710C, as added by section 202 of this Act, the following new item:

''1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation.''.

(c) CONFORMING AMENDMENT.—Section 1710(a)(4) of such title is amended by inserting ''the requirement in section 1710D of this title that the Secretary provide certain rehabilitative treatment or services,'' after ''extended care services,''.

SEC. 204. RESEARCH, EDUCATION, AND CLINICAL CARE PROGRAM ON SEVERE TRAUMATIC BRAIN INJURY.

(a) PROGRAM REQUIRED.—Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7330 the following new section:

''§ 7330A. Severe traumatic brain injury research, education, and clinical care program

''(a) PROGRAM REQUIRED.—The Secretary shall establish a program on research, education, and clinical care to provide intensive neuro-rehabilitation to veterans with a severe traumatic brain injury, including veterans in a minimally conscious state who would otherwise receive only long-term residential care.

''(b) COLLABORATION REQUIRED.—The Secretary shall establish the program required by subsection (a) in collaboration with the Defense and Veterans Brain Injury Center and other relevant programs of the Federal Government (including other Centers of Excellence).

''(c) EDUCATION REQUIRED.—As part of the program required by subsection (a), the Secretary shall, in collaboration with the Defense and Veterans Brain Injury Center and any other relevant programs of the Federal Government (including other Centers of Excellence), conduct educational programs on recognizing and diagnosing mild and moderate cases of traumatic brain injury.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012, $10,000,000 to carry out the program required by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330 the following new item:

''7330A. Severe traumatic brain injury research, education, and clinical care program.''.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the research to be conducted under the program required by section 7330A of title 38, United States Code, as added by subsection (a).

SEC. 205. PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in collaboration with the Defense and Veterans Brain Injury Center, carry out a pilot program to assess the effectiveness of providing assisted living services to eligible veterans to enhance the rehabilitation, quality of life, and community integration of such veterans.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the five-year period beginning on the date of the commencement of the pilot program.

(c) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at locations selected by the Secretary for purposes of the pilot program. Of the locations so selected—

(A) at least one shall be in each health care region of the Veterans Health Administration that contains a polytrauma center of the Department of Veterans Affairs; and

(B) any other locations shall be in areas that contain high concentrations of veterans with traumatic brain injury, as determined by the Secretary.

(2) SPECIAL CONSIDERATION FOR VETERANS IN RURAL AREAS.—Special consideration shall be given to provide veterans in rural areas with an opportunity to participate in the pilot program.

(d) PROVISION OF ASSISTED LIVING SERVICES.—

(1) AGREEMENTS.—In carrying out the pilot program, the Secretary may enter into agreements for the provision of assisted living services on behalf of eligible veterans with a provider participating under a State plan or waiver under title XIX of such Act (42 U.S.C. 1396 et seq.).

(2) STANDARDS.—The Secretary may not place, transfer, or admit a veteran to any facility for assisted living services under this program unless the Secretary determines that the facility meets such standards as the Secretary may prescribe for purposes of the pilot program. Such standards shall, to the extent practicable, be consistent with the standards of Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

(e) CONTINUATION OF CASE MANAGEMENT AND REHABILITATION SERVICES.—In carrying the pilot program under subsection (a), the Secretary shall continue to provide each veteran who is receiving assisted living services under the pilot program with rehabilitative services and shall designate Department health-care employees to furnish case management services for veterans participating in the pilot program.

(f) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the completion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the pilot program.

(B) An assessment of the utility of the activities under the pilot program in enhancing the rehabilitation, quality of life, and community reintegration of veterans with traumatic brain injury.

(C) Such recommendations as the Secretary considers appropriate regarding the extension or expansion of the pilot program.

(g) DEFINITIONS.—In this section:

(1) The term ''assisted living services'' means services of a facility in providing room, board, and personal care for and supervision of residents for their health, safety, and welfare.

(2) The term ''case management services'' includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(3) The term ''congressional veterans affairs committees'' means—

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

(B) the Committee on Veterans' Affairs of the House of Representatives.

(4) The term ''eligible veteran'' means a veteran who—

(A) is enrolled in the Department of Veterans Affairs health care system;

(B) has received treatment for traumatic brain injury from the Department of Veterans Affairs;

(C) is unable to manage routine activities of daily living without supervision and assistance; and

(D) could reasonably be expected to receive ongoing services after the end of the pilot program under this section under another government program or through other means.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out this section, $8,000,000 for each of fiscal years 2008 through 2013.

SEC. 206. RESEARCH ON TRAUMATIC BRAIN INJURY.

(a) INCLUSION OF RESEARCH ON TRAUMATIC BRAIN INJURY UNDER ONGOING RESEARCH PROGRAMS.—The Secretary of Veterans Affairs shall, in carrying out research programs and activities under the provisions of law referred to in subsection (b), ensure that such programs and activities include research on the sequelae of mild to severe forms of traumatic brain injury, including—

(1) research on visually-related neurological conditions;

(2) research on seizure disorders;

(3) research on means of improving the diagnosis, rehabilitative treatment, and prevention of such sequelae;

(4) research to determine the most effective cognitive and physical therapies for the sequelae of traumatic brain injury; and

(5) research on dual diagnosis of post-traumatic stress disorder and traumatic brain injury.

(b) RESEARCH AUTHORITIES.—The provisions of law referred to in this subsection are the following:

(1) Section 3119 of title 38, United States Code, relating to rehabilitation research and special projects.

(2) Section 7303 of such title, relating to research programs of the Veterans Health Administration.

(3) Section 7327 of such title, relating to research, education, and clinical activities on complex multi-trauma associated with combat injuries.

(c) COLLABORATION.—In carrying out the research required by subsection (a), the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing in comprehensive detail the research to be carried out pursuant to subsection (a).

SEC. 207. AGE-APPROPRIATE NURSING HOME CARE.

(a) FINDING.—Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.

(b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE NURSING HOME CARE.—Section 1710A of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) The Secretary shall ensure that nursing home care provided under subsection (a) is provided in an age-appropriate manner.''.

SEC. 208. EXTENSION OF PERIOD OF ELIGIBILITY FOR HEALTH CARE FOR COMBAT SERVICE IN THE PERSIAN GULF WAR OR FUTURE HOSTILITIES.

Section 1710(e)(3)(C) of title 38, United States Code, is amended by striking ''2 years'' and inserting ''5 years''.

SEC. 209. MENTAL HEALTH: SERVICE-CONNECTION STATUS AND EVALUATIONS FOR CERTAIN VETERANS.

(a) PRESUMPTION OF SERVICE-CONNECTION OF MENTAL ILLNESS FOR CERTAIN VETERANS.—Section 1702 of title 38, United States Code, is amended—

(1) by striking ''psychosis'' and inserting ''mental illness''; and

(2) in the heading, by striking ''**psychosis**'' and inserting ''**mental illness**''.

(b) PROVISION OF MENTAL HEALTH EVALUATIONS FOR CERTAIN VETERANS.—Upon the request of a veteran described in section 1710(e)(3)(C) of title 38, United States Code, the Secretary shall provide to such veteran a preliminary mental health evaluation as soon as practicable, but not later than 30 days after such request.

SEC. 210. MODIFICATION OF REQUIREMENTS FOR FURNISHING OUTPATIENT DENTAL SERVICES TO VETERANS WITH A SERVICE-CONNECTED DENTAL CONDITION OR DISABILITY.

Section 1712(a)(1)(B)(iv) of title 38, United States Code, is amended by striking ''90-day'' and inserting ''180-day''.

SEC. 211. DEMONSTRATION PROGRAM ON PREVENTING VETERANS AT-RISK OF HOMELESSNESS FROM BECOMING HOMELESS.

(a) DEMONSTRATION PROGRAM.—The Secretary of Veterans Affairs shall carry out a demonstration program for the purpose of—

(1) identifying members of the Armed Forces on active duty who are at risk of becoming homeless after they are discharged or released from active duty; and

(2) providing referral, counseling, and supportive services, as appropriate, to help prevent such members, upon becoming veterans, from becoming homeless.

(b) PROGRAM LOCATIONS.—The Secretary shall carry out the demonstration program in at least three locations.

(c) IDENTIFICATION CRITERIA.—In developing and implementing the criteria to identify members of the Armed Forces, who upon becoming veterans, are at-risk of becoming homeless, the Secretary of Veterans Affairs shall consult with the Secretary of Defense and such other officials and experts as the Secretary considers appropriate.

(d) CONTRACTS.—The Secretary of Veterans Affairs may enter into contracts to provide the referral, counseling, and supportive services required under the demonstration program with entities or organizations that

meet such requirements as the Secretary may establish.

(e) SUNSET.—The authority of the Secretary under subsection (a) shall expire on September 30, 2011.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for the purpose of carrying out the provisions of this section.

SEC. 212. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 of title 38, United States Code, is amended by inserting '', or from the National Guard or Reserve,'' after ''active military, naval, or air service''.

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

''(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;''.

TITLE III

SEC. . FISCAL YEAR 2008 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2008 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2008, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

SA 2403. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, lines 18 and 19, insert after ''executed'' the following: '': *Provided further*, That, notwithstanding any other provision of law, funds awarded through grants under subparagraph (F) and available for transit security may be available for expenditure for a period of 4 years''.

SA 2404. Mr. MARTINEZ (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US–VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

''(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 180 days after the date of enactment of this paragraph, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US–VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.

''(F) TECHNOLOGIES.—The Secretary shall coordinate with the Secretary of State to define a schedule for their respective departments for the deployment of appropriate technologies to begin capturing applicable and sufficient biometrics from visa applicants and individuals seeking admission to the United States, if such visa applicant or individual has not previously provided such information, at each consular location and port of entry. The Secretary of Homeland Security shall also coordinate with the Secretary of State regarding the feasibility of allowing visa applicants or individuals to enroll in the International Registered Traveler program at consular offices.''.

SA 2405. Mr. ALEXANDER (for himself, Ms. COLLINS, Mr. VOINOVICH, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 40, after line 24, insert the following:

REAL ID GRANTS TO STATES

SEC. ____. (a) For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302), $300,000,000 to remain available until expended.

(b) All discretionary amounts made available under this Act, other than the amount appropriated under subsection (a), shall be reduced a total of $300,000,000, on a pro rata basis.

(c) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on the accounts subject to pro rata reductions pursuant to subsection (b) and the amount to be reduced in each account.

SA 2406. Mr. BAUCUS (for himself, Mr. SUNUNU, Mr. LEAHY, Mr. TESTER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SA 2407. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 20, strike ''$3,030,500,000'' and insert ''$3,130,500,000''.

On page 39, line 21, strike the colon, insert a period and add the following:

(4) $100,000,000 for grants under the Interoperable Emergency Communications Grants Program established under title XVIII of the Homeland Security Act of 2002; Provided, That the amounts appropriated to the Department of Homeland Security for discretionary spending in this Act shall be reduced on a pro rata basis by the percentage necessary to reduce the overall amount of such spending by $100,000,000.

SA 2408. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. (a) The amount appropriated by title III for necessary expenses for the United States Fire Administration is increased by $1,000,000 of which not to exceed $1,000,000 shall be available to develop a web-based version of the National Fire Incident Reporting System that will ensure that fire-related data can be submitted and accessed by fire departments in real time.

(b) The amount appropriated by title I under the heading ''ANALYSIS AND OPERATIONS'' is increased by $250,000, of which not

to exceed $250,000 shall be used to pay salaries and expenses associated with maintaining rotating State and local fire service representation in the National Operations Center.

(c) The total amount appropriated by title II under the heading ''TRANSPORTATION SECURITY ADMINISTRATION'' to provide for civil aviation security services pursuant to the Aviation and Transportation Security Act is reduced by $1,250,000 of which $1,250,000 shall be from the amount appropriated for screening operations: *Provided*, That the total amount of such reductions shall be from the amounts available for privatized screening airports.

SA 2409. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—ASYLUM AND DETENTION SAFEGUARDS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Secure and Safe Detention and Asylum Act''.

SEC. ___02. DEFINITIONS.

In this title:

(1) CREDIBLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(2) DETAINEE.—The term ''detainee'' means an alien in the custody of the Department of Homeland Security who is held in a detention facility.

(3) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(4) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term ''reasonable fear of persecution or torture'' has the meaning given that term in section 208.31 of title 8, Code of Federal Regulations.

(5) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

SEC. ___03. RECORDING EXPEDITED REMOVAL INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures and take steps to effectively ensure that questions by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a standard manner, and that both these questions and the answers provided in response to them are recorded in a uniform fashion.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Where practicable, as determined by the Secretary, in the Secretary's discretion, any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) EXEMPTION AUTHORITY.—

(1) IN GENERAL.—Subsection (b) shall not apply to interviews that occur at facilities, locations, or areas exempted by the Secretary pursuant to this subsection.

(2) EXEMPTION.—The Secretary or the Secretary's designee may exempt any facility, location, or area from the requirements of this section based on a determination by the Secretary or the Secretary's designee that compliance with subsection (b) at that facility would impair operations or impose undue burdens or costs.

(3) REPORT.—The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(d) INTERPRETERS.—The Secretary shall ensure that a competent interpreter, not affiliated with the government of the country from which the alien may claim asylum, is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the record of proceeding and may be considered as evidence in any further proceedings involving the alien.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. ___04. OPTIONS REGARDING DETENTION DECISIONS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Attorney General'' and inserting ''Secretary''; and

(II) by striking ''or'' at the end;

(ii) in subparagraph (B), by striking ''but'' at the end; and

(iii) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in this section; but'';

(2) in subsection (b), by striking ''Attorney General'' and inserting ''Secretary'';

(3) in subsection (c)—

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,''; and

(4) in subsection (d)—

(A) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (1), in subparagraphs (A) and (B), by striking ''Service'' each place it appears and inserting ''Department of Homeland Security''; and

(C) in paragraph (3), by striking ''Service'' and inserting ''Secretary of Homeland Security''.

SEC. ___05. REPORT TO CONGRESS ON PAROLE PROCEDURES AND STANDARDIZATION OF PAROLE PROCEDURES.

(a) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall jointly conduct a review and report to the appropriate Committees of the Senate and the House of Representatives within 180 days of the date of enactment of this Act regarding the effectiveness of parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts. The report shall include the following:

(1) An analysis of the rate at which release from detention (including release on parole) is granted to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts throughout the United States, and any disparity that exists between locations or geographical areas, including explanation of the reasons for this disparity and what actions are being taken to have consistent and uniform application of the standards for granting parole.

(2) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's pursuit of their asylum claim before an immigration court.

(3) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's physical and psychological well-being.

(4) An analysis of the effectiveness of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary in securing the alien's presence at the immigration court proceedings.

(b) RECOMMENDATIONS.—The report shall include recommendations with respect to whether the existing parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts should be modified in order to ensure a more consistent application of these procedures in a way that both respects the interests of aliens pursuing valid claims of asylum and ensures the presence of the aliens at the immigration court proceedings.

SEC. ___06. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for aliens awaiting a credible fear of persecution interview or an interview related to a reasonable fear of persecution or torture determination under section 241(b)(3).

SEC. ___07. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to comply with the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to prevent detainees from being subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests, the safety of officers and other detainees, or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Essential medical care provided promptly at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(B) EXCEPTION.—A detention facility that is not operated by the Department of Homeland Security or by a private contractor on behalf of the Department of Homeland Security shall not be required to maintain current accreditation by the NCCHC or to seek accreditation by the JCAHO.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Frequent access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR SPECIFIC POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of—

(A) victims of persecution, torture, trafficking, and domestic violence;

(B) families with children;

(C) detainees who do not speak English; and

(D) detainees with special religious, cultural, or spiritual considerations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations described in paragraph (1).

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) aliens who have established credible fear of persecution;

(B) victims of torture or other trauma and victims of persecution, trafficking, and domestic violence; and

(C) families with children, detainees who do not speak English, and detainees with special religious, cultural, or spiritual considerations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. ___08. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator. At the discretion of the Secretary, the Administrator of the Office shall be appointed by, and shall report to, either the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement. The Office shall be independent of the Office of Detention and Removal Operations, but shall be subject to the supervision and direction of the Secretary or Assistant Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of the enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake regular and, where appropriate, unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a confidential written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) conduct any review or audit relating to detention as directed by the Secretary or the Assistant Secretary;

(C) report to the Secretary and the Assistant Secretary the results of all investigations, reviews, or audits; and

(D) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Assistant Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the completed investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of—

(I) each detention facility found to be in noncompliance with the standards for detention required by this title; and

(II) the actions taken by the Department to remedy any findings of noncompliance or other identified problems; and

(ii) information regarding whether such actions were successful and resulted in compliance with detention standards.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Department of Justice; or

(5) any other relevant office or agency.

SEC. ___09. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to such detention.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

(2) UTILIZATION OF ALTERNATIVES.—In facilitating the development of the secure alternatives program, the Secretary shall have discretion to utilize a continuum of alternatives to a supervision of the alien, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(c)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—In developing the secure alternatives program, the Secretary shall take into account the extent to which the program includes only those alternatives to detention that reasonably and reliably ensure—

(i) the alien's continued presence at all future immigration proceedings;

(ii) the alien's compliance with any future order or removal; and

(iii) the public safety or national security.

(C) CONTINUED EVALUATION.—The Secretary shall evaluate regularly the effectiveness of the program, including the effectiveness of the particular alternatives to detention used under the program, and make such modifications as the Secretary deems necessary to improve the program's effectiveness or to deter abuse.

(4) CONTRACTS AND OTHER CONSIDERATIONS.—The Secretary may enter into contracts with qualified nongovernmental entities to implement the secure alternatives program and, in designing such program, shall consult with relevant experts and consider programs that have proven successful in the past.

SEC. ___10. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—To the extent practicable, the Secretary shall facilitate the construction or use of secure but less restrictive detention facilities for the purpose of long-term detention where detainees are held longer than 72 hours.

(b) CRITERIA.—In pursuing the development of detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities; and

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have frequent access to programs and recreation;

(E) detainees are permitted contact visits with legal representatives and family members; and

(F) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—In any case in which release or secure alternatives programs are not a practicable option, the Secretary shall, to the extent practicable, ensure that special detention facilities for the purposes of long-term detention where detainees are held longer than 72 hours are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child's parents.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Among the factors to be considered with respect to placing a detainee in a less restrictive facility is whether the detainee is—

(1) part of a family with minor children;

(2) a victim of persecution, torture, trafficking, or domestic violence; or

(3) a nonviolent, noncriminal detainee.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. ___11. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title.

(b) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect on the date that is 180 days after the date of the enactment of this Act.

SA 2410. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IG REPORT ON RISK-BASED GRANT PROGRAM.

Not later than 180 days after the date of enactment, of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) which assesses the criteria the Department uses in its grant programs to determine the risk of an applicant to a terrorist attack and whether it is following Congressional directive related to the distribution of funds based on risk. The report shall include—

(1) an analysis of the Department's policy of ranking states, cities, and other grantees by tiered groups;

(2) an analysis of whether the grantees within those tiers are at a similar level of risk;

(3) examples of how the Department applied its risk methodologies to individual locations;

(4) recommendations to improve the Department's grant programs; and

(5) any other information the Inspector General finds relevant.

SA 2411. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, line 7, insert '', whether or not located in high-threat, high-density urban areas,'' after ''code)''.

SA 2412. Mr. GRAHAM (for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end, add the following:

DIVISION B—BORDER SECURITY

TITLE X—BORDER SECURITY REQUIREMENTS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Border Security First Act of 2007''.

SEC. 1002. BORDER SECURITY REQUIREMENTS.

(a) REQUIREMENTS.—Not later than 2 years after the date of the enactment of this Act, the President shall ensure that the following are carried out:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol shall hire, train, and report for duty 23,000 full-time agents.

(3) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol shall—

(A) install along the international land border between the United States and Mexico at least—

(i) 300 miles of vehicle barriers;

(ii) 700 linear miles of fencing as required by the Secure Fence Act of 2006 (Public Law 109–367), as amended by this Act; and

(iii) 105 ground-based radar and camera towers; and

(B) deploy for use along the international land border between the United States and Mexico 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security shall detain all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement shall have the resources to maintain this practice, including the resources necessary to detain up to 45,000 aliens per day on an annual basis.

(b) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (4) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SEC. 1003. APPROPRIATIONS FOR BORDER SECURITY.

There is hereby appropriated $3,000,000,000 to satisfy the requirements set out in section 1002(a) and, if any amount remains after satisfying such requirements, to achieve and maintain operational control over the international land and maritime borders of the United States and for employment eligibility verification improvements. These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

TITLE XI—BORDER CONTROL ENHANCEMENTS

Subtitle A—Assets for Controlling United States Borders

SEC. 1101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.—In each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty CBP officers and provide appropriate training, equipment, and support to such additional CBP officers.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''800'' and inserting ''1000''.

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(3) DEPUTY UNITED STATES MARSHALS.—In each of the fiscal years 2008 through 2012, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that assist in matters related to immigration.

(4) RECRUITMENT OF FORMER MILITARY PERSONNEL.—

(A) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out paragraph (1) of subsection (a).

(2) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a)(3).

(3) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

''SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

''(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall increase the number of positions for full-time active duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by not less than—

''(1) 2,000 in fiscal year 2007;

''(2) 2,400 in fiscal year 2008;

''(3) 2,400 in fiscal year 2009;

''(4) 2,400 in fiscal year 2010;

''(5) 2,400 in fiscal year 2011; and

''(6) 2,400 in fiscal year 2012.

''(b) NORTHERN BORDER.—In each of the fiscal years 2008 through 2012, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.''.

(c) SHADOW WOLVES APPREHENSION AND TRACKING.—

(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary, acting through the Assistant Secretary of Immigration and Customs Enforcement (referred to in this subsection as the ''Secretary''), to establish new units of Customs Patrol Officers (commonly known as ''Shadow Wolves'') during the 5-year period beginning on the date of enactment of this Act.

(2) ESTABLISHMENT OF NEW UNITS.—

(A) IN GENERAL.—During the 5-year period beginning on the date of enactment of this Act, the Secretary is authorized to establish within United States Immigration and Customs Enforcement up to 5 additional units of Customs Patrol Officers in accordance with this subsection, as appropriate.

(B) MEMBERSHIP.—Each new unit established pursuant to subparagraph (A) shall consist of up to 15 Customs Patrol Officers.

(3) DUTIES.—The additional Immigration and Customs Enforcement units established pursuant to paragraph (2)(A) shall operate on Indian reservations (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)) located on or near (as determined by the Secretary) an international border with Canada or Mexico, and such other Federal land as the Secretary determines to be appropriate, by—

(A) investigating and preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) carrying out such other duties as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2008 through 2013.

SEC. 1102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations for such purpose, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the borders of the United States.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).

SEC. 1103. INFRASTRUCTURE.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking ''Attorney General, in consultation with the Commissioner of Immigration and Naturalization,'' and inserting ''Secretary of Homeland Security''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

''(1) FENCING NEAR SAN DIEGO, CALIFORNIA.—In carrying out subsection (a), the Secretary shall provide for the construction along the 14 miles of the international land border of the United States, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to the existing reinforced fence, and for roads between the fences.''.

(C) in paragraph (2), as redesignated—

(i) in the header, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(D) in paragraph (5), as redesignated, by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

SEC. 1104. PORTS OF ENTRY.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Division C of Public Law 104–208, is amended by the addition, at the end of that section, of the following new subsection:

''(e) CONSTRUCTION AND IMPROVEMENTS.—The Secretary is authorized to—

''(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

''(2) make necessary improvements to the ports of entry.''.

SEC. 1105. INCREASED BORDER PATROL TRAINING CAPACITY.

(a) IN GENERAL.—If the Secretary of Homeland Security, in his discretion, determines that existing capacity is insufficient to meet Border Patrol training needs, Secretary of Homeland Security shall acquire sufficient training staff and training facilities to increase the capacity of the Department of Homeland Security to train 2,400 new, full-time, active duty Border Patrol agents per year for fiscal years 2008 through 2012.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.

SEC. 1106. INCREASED IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.

(a) REMOVAL PERSONNEL.—During each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall increase by not less than 1,000 each year the number of positions for full-time active duty forensic auditors, intelligence officers, and investigators in United States Immigration and Customs Enforcement to carry out the removal of aliens who are not admissible to or are subject to removal from the United States, or have overstayed their nonimmigrant visas.

(b) INVESTIGATION PERSONNEL.—During each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall increase by not less than 1,000 each year the number of positions for full-time investigators in United States Immigration and Customs Enforcement to investigate immigration fraud and enforce workplace violations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.

Subtitle B—Other Border Security Initiatives

SEC. 1107. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

''(c) The Secretary is authorized to require aliens entering and departing the United States to provide biometric data and other information relating to their immigration status.''.

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225 (d)) is amended by adding at the end the following:

''(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsections (a) and (b), immigration officers are authorized to collect biometric data from—

''(A) any applicant for admission or any alien who is paroled under section 212(d)(5), seeking to or permitted to land temporarily as an alien crewman, or seeking to or permitted transit through the United States; or

''(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).''.

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

''(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.''.

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

''(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who fails or has failed to comply with a lawful request for biometric data under section 215(c), 235(d), or 252(d) is inadmissible.''; and

(2) in subsection (d), by inserting after paragraph (1) the following:

''(2) The Secretary may waive the application of subsection (a)(7)(C) for an individual alien or class of aliens.''.

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

''(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register.''; and

(2) in subsection (l)—

(A) by striking ''There are authorized'' and inserting the following:

''(1) IN GENERAL.—There are authorized''; and

(B) by adding at the end the following:

''(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 and 2009 to implement the automated biometric entry and exit data system at all land border ports of entry.''.

SEC. 1108. UNLAWFUL FLIGHT FROM IMMIGRATION OR CUSTOMS CONTROLS.

Section 758 of title 18, United States Code, is amended to read as follows:

''SEC. 758. UNLAWFUL FLIGHT FROM IMMIGRATION OR CUSTOMS CONTROLS.

''(a) EVADING A CHECKPOINT.—Any person who, while operating a motor vehicle or vessel, knowingly flees or evades a checkpoint operated by the Department of Homeland Security or any other Federal law enforcement agency, and then knowingly or recklessly disregards or disobeys the lawful command of any law enforcement agent, shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) FAILURE TO STOP.—Any person who, while operating a motor vehicle, aircraft, or vessel, knowingly, or recklessly disregards or disobeys the lawful command of an officer of the Department of Homeland Security engaged in the enforcement of the immigration, customs, or maritime laws, or the lawful command of any law enforcement agent assisting such officer, shall be fined under this title, imprisoned not more than 2 years, or both.

''(c) ALTERNATIVE PENALTIES.—Notwithstanding the penalties provided in subsection (a) or (b), any person who violates such subsection shall—

''(1) be fined under this title, imprisoned not more than 10 years, or both, if the violation involved the operation of a motor vehicle, aircraft, or vessel—

''(A) in excess of the applicable or posted speed limit;

''(B) in excess of the rated capacity of the motor vehicle, aircraft, or vessel; or

''(C) in an otherwise dangerous or reckless manner;

''(2) be fined under this title, imprisoned not more than 20 years, or both, if the violation created a substantial and foreseeable risk of serious bodily injury or death to any person;

''(3) be fined under this title, imprisoned not more than 30 years, or both, if the violation caused serious bodily injury to any person; or

''(4) be fined under this title, imprisoned for any term of years or life, or both, if the violation resulted in the death of any person.

''(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be punished in the same manner as a person who completes the offense.

''(e) FORFEITURE.—Any property, real or personal, constituting or traceable to the gross proceeds of the offense and any property, real or personal, used or intended to be used to commit or facilitate the commission of the offense shall be subject to forfeiture.

''(f) FORFEITURE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of this title, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General. Nothing in this section shall limit the authority of the Secretary to seize and forfeit motor vehicles, aircraft, or vessels under the Customs laws or any other laws of the United States.

''(g) DEFINITIONS.—For purposes of this section—

''(1) The term 'checkpoint' includes, but is not limited to, any customs or immigration inspection at a port of entry.

''(2) The term 'lawful command' includes, but is not limited to, a command to stop, decrease speed, alter course, or land, whether communicated orally, visually, by means of lights or sirens, or by radio, telephone, or other wire communication.

''(3) The term 'law enforcement agent' means any Federal, State, local or tribal official authorized to enforce criminal law, and, when conveying a command covered under subsection (b) of this section, an air traffic controller.

''(4) The term 'motor vehicle' means any motorized or self-propelled means of terrestrial transportation.

''(5) The term 'serious bodily injury' has the meaning given in section 2119(2) of this title.''.

SEC. 1109. SEIZURE OF CONVEYANCE WITH CONCEALED COMPARTMENT: EXPANDING THE DEFINITION OF CONVEYANCES WITH HIDDEN COMPARTMENTS SUBJECT TO FORFEITURE.

(a) IN GENERAL.—Section 1703 of title 19, United States Code is amended:

(1) by amending the title of such section to read as follows:

''SEC. 1703. SEIZURE AND FORFEITURE OF VESSELS, VEHICLES, OTHER CONVEYANCES, AND INSTRUMENTS OF INTERNATIONAL TRAFFIC.'';

(2) by amending the title of subsection (a) to read as follows:

''(a) VESSELS, VEHICLES, OTHER CONVEYANCES, AND INSTRUMENTS OF INTERNATIONAL TRAFFIC SUBJECT TO SEIZURE AND FORFEITURE.—'';

(3) by amending the title of subsection (b) to read as follows:

''(b) VESSELS, VEHICLES, OTHER CONVEYANCES, AND INSTRUMENTS OF INTERNATIONAL TRAFFIC DEFINED.—'';

(4) by inserting '', vehicle, other conveyance, or instrument of international traffic'' after the word ''vessel'' everywhere it appears in the text of subsections (a) and (b); and

(5) by amending subsection (c) to read as follows:

''(c) ACTS CONSTITUTING PRIMA FACIE EVIDENCE OF VESSEL, VEHICLE, OR OTHER CONVEYANCE OR INSTRUMENT OF INTERNATIONAL TRAFFIC ENGAGED IN SMUGGLING.—For the purposes of this section, prima facie evidence that a conveyance is being, or has been, or is attempted to be employed in smuggling or to defraud the revenue of the United States shall be—

''(1) in the case of a vessel, the fact that a vessel has become subject to pursuit as provided in section 1581 of this title, or is a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display light as required by law; and

''(2) in the case of a vehicle, other conveyance, or instrument of international traffic, the fact that a vehicle, other conveyance, or instrument of international traffic has any compartment or equipment that is built or fitted out for smuggling.''.

(b) CLERICAL AMENDMENT.—The table of sections for Chapter 5 in title 19, United States Code, is amended by striking the items relating to section 1703 and inserting in lieu thereof the following:

''Sec. 1703. Seizure and forfeiture of vessels, vehicles, other conveyances and instruments of international traffic.''.

Subtitle C—Other Measures

SEC. 1110. DEATHS AT UNITED STATES-MEXICO BORDER.

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

SEC. 1111. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term ''protected land'' means land under the jurisdiction of the Secretary concerned.

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

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased United States Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for United States Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the United States Fish and Wildlife Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) ANALYSIS OF DAMAGE TO PROTECTED LANDS.—The Secretary and Secretaries concerned shall develop an analysis of damage to protected lands relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service, the United States Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than 1 year from the date of enactment, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation, and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects the homeland, including—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service; and

(4) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SEC. 1112. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations; and

(3) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 1113. UNMANNED AIRCRAFT SYSTEMS.

(a) UNMANNED AIRCRAFT AND ASSOCIATED INFRASTRUCTURE.—The Secretary shall acquire and maintain unmanned aircraft systems for use on the border, including related equipment such as—

(1) additional sensors;

(2) critical spares;

(3) satellite command and control; and

(4) other necessary equipment for operational support.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out subsection (a)—

(A) $178,400,000 for fiscal year 2008; and

(B) $276,000,000 for fiscal year 2009.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1114. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(A) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(B) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(C) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 1115. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 1116. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 1115.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not

later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 1107 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 1117. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 1118. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2008, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 1119. US–VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.–Visitor and Immigrant Status Indicator Technology (US–VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 1120. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all United States Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the United States Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all United States Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

SEC. 1121. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term ''eligible law enforcement agency'' means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term ''High Impact Area'' means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 1122. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services, in consultation with United States Customs and Border Protection, shall update the Port of Entry Infrastructure Assessment Study prepared by United States Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106–319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 3422; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 1123. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 1124. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the United States Customs and Border Protection.

SEC. 1125. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the United States Immigration and Customs Enforcement and the United States Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

SEC. 1126. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, at least 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 20,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States subject to available appropriations.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a), subject to available appropriations.

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1127. UNITED STATES-MEXICO BORDER ENFORCEMENT REVIEW COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established an independent commission to be known as the United States-Mexico Border Enforcement Review Commission (referred to in this section as the ''Commission'').

(2) PURPOSES.—The purposes of the Commission are—

(A) to study the overall enforcement strategies, programs, and policies of Federal agencies along the United States-Mexico border; and

(B) to make recommendations to the President and Congress with respect to such strategies, programs, and policies.

(3) MEMBERSHIP.—The Commission shall be composed of 17 voting members, who shall be appointed as follows:

(A) The Governors of the States of California, New Mexico, Arizona, and Texas shall each appoint 4 voting members of whom—

(i) 1 shall be a local elected official from the State's border region;

(ii) 1 shall be a local law enforcement official from the State's border region; and

(iii) 2 shall be from the State's communities of academia, religious leaders, civic leaders, or community leaders.

(B) 2 nonvoting members, of whom—

(i) 1 shall be appointed by the Secretary;

(ii) 1 shall be appointed by the Attorney General; and

(iii) 1 shall be appointed by the Secretary of State.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Commission shall be—

(i) individuals with expertise in migration, border enforcement and protection, civil and human rights, community relations, cross-border trade, and commerce or other pertinent qualifications or experience; and

(ii) representative of a broad cross section of perspectives from the region along the international border between the United States and Mexico;

(B) POLITICAL AFFILIATION.—Not more than 2 members of the Commission appointed by each Governor under paragraph (3)(A) may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed as a voting member to the Commission may not be an officer or employee of the Federal Government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 6 months after the enactment of this Act. If any member of the Commission described in paragraph (3)(A) is not appointed by such date, the Commission shall carry out its duties under this section without the participation of such member.

(6) TERM OF SERVICE.—The term of office for members shall be for life of the Commission.

(7) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(8) MEETINGS.—

(A) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(9) QUORUM.—Nine members of the Commission shall constitute a quorum.

(10) CHAIR AND VICE CHAIR.—The voting members of the Commission shall elect a Chairman and Vice Chairman from among its members. The term of office shall be for the life of the Commission.

(b) DUTIES.—The Commission shall review, examine, and make recommendations regarding border enforcement policies, strategies, and programs, including recommendations regarding—

(1) the protection of human and civil rights of community residents and migrants along the international border between the United States and Mexico;

(2) the adequacy and effectiveness of human and civil rights training of enforcement personnel on such border;

(3) the adequacy of the complaint process within the agencies and programs of the Department that are employed when an individual files a grievance;

(4) the effect of the operations, technology, and enforcement infrastructure along such border on the—

(A) environment;

(B) cross-border traffic and commerce; and

(C) the quality of life of border communities;

(5) local law enforcement involvement in the enforcement of Federal immigration law; and

(6) any other matters regarding border enforcement policies, strategies, and programs the Commission determines appropriate.

(c) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION FROM FEDERAL AGENCIES.—The Commission may seek directly from any department or agency of the United States such information, including suggestions, estimates, and statistics, as allowed by law and as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—The Administrator of General Services shall, on a reimbursable basis, provide the Commission with administrative support and other services for the performance of the Commission's functions. The departments and agencies of the United States may provide the Commission with such services, funds, facilities, staff, and other support services as they determine advisable and as authorized by law.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Commission shall be reimbursed for reasonable travel expenses and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

(e) REPORT.—Not later than 2 years after the date of the first meeting called pursuant to (a)(8)(A), the Commission shall submit a report to the President and Congress that contains—

(1) findings with respect to the duties of the Commission;

(2) recommendations regarding border enforcement policies, strategies, and programs;

(3) suggestions for the implementation of the Commission's recommendations; and

(4) a recommendation as to whether the Commission should continue to exist after the date of termination described in subsection (g), and if so, a description of the purposes and duties recommended to be carried out by the Commission after such date.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) SUNSET.—Unless the Commission is reauthorized by Congress, the Commission shall terminate on the date that is 90 days after the date the Commission submits the report described in subsection (e).

SEC. 1128. OPERATION JUMP START.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated for operation and maintenance for Defense-wide activities is hereby increased by $400,000,000, for the Department of Defense.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for operation and maintenance for Defense-wide activities, as increased by subsection (a), $400,000,000 shall be available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

TITLE XII—ENFORCEMENT ENHANCEMENTS

SEC. 1201. INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.

Subsection (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended by adding at the end the following new paragraph:

''(4) Acquiring such information, if the person seeking such information has probable cause to believe that the individual is not lawfully present in the United States.''.

SEC. 1202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) AMENDMENTS.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' the first place it appears, except for the first reference in subsection (a)(4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) by striking ''Attorney General'' any other place it appears and inserting ''Secretary'';

(3) in paragraph (1)—

(A) in subparagraph (B), by amending clause (ii) to read as follows:

''(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.'';

(B) by amending subparagraph (C) to read as follows:

''(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

''(i) make all reasonable efforts to comply with the removal order; or

''(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal.''; and

(C) by adding at the end the following:

''(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.'';

(4) in paragraph (2), by adding at the end the following: ''If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.'';

(5) in paragraph (3), by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform

affirmative acts, that the Secretary prescribes for the alien—

''(i) to prevent the alien from absconding;

''(ii) for the protection of the community; or

''(iii) for other purposes related to the enforcement of the immigration laws.'';

(6) in paragraph (6), by striking ''removal period and, if released,'' and inserting ''removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien'';

(7) by redesignating paragraph (7) as paragraph (10); and

(8) by inserting after paragraph (6) the following:

''(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

''(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

''(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

''(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

''(i) has effected an entry into the United States;

''(ii) has made all reasonable efforts to comply with the alien's removal order;

''(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

''(iv) has not conspired or acted to prevent removal.

''(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

''(i) shall consider any evidence submitted by the alien; and

''(ii) may consider any other evidence, including—

''(I) any information or assistance provided by the Department of State or other Federal agency; and

''(II) any other information available to the Secretary pertaining to the ability to remove the alien.

''(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

''(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

''(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

''(ii) certifies in writing—

''(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

''(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

''(IV) that—

''(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

''(bb) the alien—

''(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

''(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

''(V) that—

''(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

''(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

''(F) ATTORNEY GENERAL REVIEW.—If the Secretary authorizes an extension of detention under subparagraph (E), the alien may seek review of that determination before the Attorney General. If the Attorney General concludes that the alien should be released, then the Secretary shall release the alien pursuant to subparagraph (I). The Attorney General, in consultation with the Secretary, shall promulgate regulations governing review under this paragraph.

''(G) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

''(H) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (I). If the Secretary authorizes an extension of detention under paragraph (E), the alien may seek review of that determination before the Attorney General. If the Attorney General concludes that the alien should be released, then the Secretary shall release the alien pursuant to subparagraph (I).

''(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

''(I) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

''(J) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

''(i) the alien fails to comply with the conditions of release;

''(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

''(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

''(K) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

''(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

''(i) has effected an entry into the United States; and

''(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

''(aa) failed or refused to make all reasonable efforts to comply with a removal order;

''(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

''(cc) conspired or acted to prevent removal; or

''(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (H).

''(M) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

''(9) JUDICIAL REVIEW.—Judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding brought in a United States district court and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to—

(A) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act, unless —

(i) that order was issued and the alien was subsequently released or paroled before the enactment of this Act and

(ii) the alien has complied with and remains in compliance with the terms and conditions of that release or parole; and

(B) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(c) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) DETENTION OF INADMISSIBLE ARRIVING ALIENS.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON OTHER DETENTION.—The length of a detention under this section shall not affect the validity of any detention under section 241.

''(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia if the alien has exhausted all administrative remedies available to the alien as of right.''.

(2) DETENTION OF APPREHENDED ALIENS.—Section 236 of such Act (8 U.S.C. 1226) is amended—

(A) by redesignating subsection (e) as subsection (f);

(B) by inserting after subsection (d) the following:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON OTHER DETENTION.—The length of a detention under this section shall not affect the validity of any detention under section 241.''; and

(C) in subsection (f), as redesignated by subparagraph (A), by adding at the end the following: ''Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia if the alien has exhausted all administrative remedies available to the alien as of right.''.

(d) SEVERABILITY.—If any provision of this section, any amendment made by this section, or the application of any such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this section, the amendments made by this section, and the application of the provisions and amendments made by this section to any other person or circumstance shall not be affected by such holding.

SEC. 1203. DETENTION PENDING DEPORTATION OF ALIENS WHO OVERSTAY.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) DETENTION OF ALIENS WHO EXCEED THE ALIEN'S PERIOD OF AUTHORIZED ADMISSION.—

''(1) CUSTODY.—An alien shall be arrested and detained by the Secretary of Homeland Security pending a decision on whether the alien is to be removed from the United States if the alien knowingly, or with reason to know exceeded, for willfully exceeding, by 60 days or more, the period of the alien's authorized admission or parole into the United States.

''(2) REASON TO KNOW.—An alien shall be deemed to have reason to know that they exceeded the period of authorized admission if their passport is stamped with the expected departure date, or if the code section under which the visa they applied for contains a length of time for which the visa can be issued.

''(3) WAIVER.—The Secretary of Homeland Security may waive the application of paragraph (1) if the Secretary determines that the alien exceeded the alien's period of authorized admission or parole as a result of exceptional circumstances beyond the control of the alien or the Secretary determines a waiver is necessary for humanitarian purposes.''.

SEC. 1204. ILLEGAL REENTRY.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by striking subsections (a) through (c) and inserting the following:

''(a) REENTRY AFTER REMOVAL.—An alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 60 days and not more than 2 years.

''(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

''(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, and imprisoned not less than 1 year and not more than 10 years;

''(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, and imprisoned not less than 2 years and not more than 15 years;

''(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years;

''(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years; or

''(5) was convicted, before such removal or departure, for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, and imprisoned not less than 5 years and not more than 20 years.

''(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 2 years and not more than 10 years.''.

SEC. 1205. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking ''The term 'aggravated felony' means—'' and inserting ''Notwithstanding any other provision of law, the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, and to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment for the offense is based on recidivism or other enhancements, and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—'';

(2) in subparagraph (A), by striking ''murder, rape, or sexual abuse of a minor;'' and inserting ''murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;'';

(3) in subparagraph (N), by striking ''paragraph (1)(A) or (2) of'';

(4) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year'';

(5) by striking the undesignated matter following subparagraph (U);

(6) in subparagraph (E)—

(A) in clause (ii), by inserting '', (c),'' after ''924(b)'' and by striking ''or'' at the end; and

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

''(iv) section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or

''(v) section 521(d) of title 18, United States Code (relating to penalties for offenses committed by criminal street gangs);''; and

(7) by amending subparagraph (F) to read as follows:

''(F) either—

''(i) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense); or

''(ii) a third conviction for driving while intoxicated (including a third conviction for driving while under the influence or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law, for which the term of imprisonment is at least 1 year;''.

(b) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

SEC. 1206. INADMISSIBILITY AND DEPORTABILITY OF GANG MEMBERS AND OTHER CRIMINALS.

(a) DEFINITION OF CRIMINAL GANG.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by inserting after paragraph (51) the following:

''(52)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons—

''(i) that has, as 1 of its primary purposes, the commission of 1 or more of the criminal offenses described in subparagraph (B); and

''(ii) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subparagraph (B).

''(B) Offenses described in this subparagraph, whether in violation of Federal or State law or in violation of the law of a foreign country, regardless of whether charged, and regardless of whether the conduct occurred before, on, or after the date of the enactment of this paragraph, are—

''(i) a felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(ii) a felony offense involving firearms or explosives, including a violation of section 924(c), 924(h), or 931 of title 18 (relating to purchase, ownership, or possession of body armor by violent felons);

''(iii) an offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to the importation of an alien for immoral purpose);

''(iv) a felony crime of violence as defined in section 16 of title 18, United States Code;

''(v) a crime involving obstruction of justice; tampering with or retaliating against a witness, victim, or informant; or burglary;

''(vi) any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property); and

''(vii) a conspiracy to commit an offense described in clause (i) through (vi).''.

(b) INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (J); and

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

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe participated in a criminal gang, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang, is inadmissible.''.

(c) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang is deportable.''.

(d) TEMPORARY PROTECTED STATUS.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) is amended—

(1) by striking '', Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subsection (c)(2)(B)—

(A) in clause (i), by striking ''or'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''or''; and

(C) by adding at the end the following:

''(iii) the alien participates in, or at any time after admission has participated in, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang, the activities of a criminal gang.''; and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking ''Subject to paragraph (3), such'' and inserting ''Such''; and

(ii) by striking ''(under paragraph (3))'';

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by adding at the end the following: ''The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision.''.

(e) PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF SERIOUS CRIMINAL OFFENSES AND DOMESTIC VIOLENCE, STALKING, CHILD ABUSE AND VIOLATION OF PROTECTION ORDERS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2), by adding at the end the following:

''(J) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer to sale, exchange, use, own, possess, or carry, any weapon, part, or accessory, which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

''(K) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTIVE ORDERS; CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who has been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment, provided the alien served at least 1 year's imprisonment for the crime or provided the alien was convicted of or admitted to acts constituting more than 1 such crime, not arising out of a single scheme of criminal misconduct, is inadmissible. In this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that constitutes criminal contempt of the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued, is inadmissible. In this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

''(iii) APPLICABILITY.—This subparagraph shall not apply to an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship, upon a determination by the Attorney General or the Secretary of Homeland Security that—

''(I) the alien was acting in self-defense;

''(II) the alien was found to have violated a protection order intended to protect the alien; or

''(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury.

''(L) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.''.

(2) in subsection (h)—

(A) by striking ''The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ''The Attorney General or the Secretary of Homeland Security may waive the application of subparagraphs (A)(i)(I), (B), (D), (E), and (K) of subsection (a)(2)''; and

(B) by inserting ''or Secretary of Homeland Security'' after ''the Attorney General'' each place it appears.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of enactment; and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

SEC. 1207. IMMIGRATION INJUNCTION REFORM.

(a) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(iv) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days.

(iv) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with paragraph (1).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(4) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(5) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term ''consent decree''—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(C) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(2) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(3) AUTOMATIC STAY FOR PENDING MOTIONS.—

(A) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in paragraph (2) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(i) was pending for 45 days as of the date of the enactment of this Act; and

(ii) is still pending on the date which is 10 days after such date of enactment.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion under subsection (a)(2). There shall be no further postponement of the automatic stay with respect to any such pending motion under subsection (a)(2)(B). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in paragraph (2) shall be an order blocking an automatic stay subject to immediate appeal under subsection (a)(2)(B)(iv).

SEC. 1208. DEFINITION OF GOOD MORAL CHARACTER.

(a) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

''(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General, based upon any relevant information or evidence, including classified, sensitive, or national security information;'';

(2) in paragraph (8), by striking ''(as defined in subsection (a)(43))'' and inserting ''regardless of whether the crime was classified as an aggravated felony under subsection (a)(43) at the time of conviction, unless the Secretary of Homeland Security or Attorney General, in his discretion, determine that this paragraph shall not apply to a person who completed the term of imprisonment or sentence (whichever is later) more than 10 years prior to the date of application''; and

(3) in the undesignated matter following paragraph (9), by striking ''a finding that for other reasons such person is or was not a person of good moral character.'' and inserting ''a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited solely to the period during which good moral character is required.''.

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

(1) any act that occurred before, on or after such date of enactment; and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after such date of enactment.

SEC. 1209. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS TO DETAIN AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

''SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS TO DETAIN AND TRANSFER TO FEDERAL CUSTODY.

''(a) IN GENERAL.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

''(1) shall—

''(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States or is removable; and

''(B) if the individual is an alien who is removable or who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

''(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

''(I) the conclusion of the State charging process or dismissal process; or

''(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

''(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

''(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

''(b) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

''(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

''(A) the product of—

''(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

''(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

''(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

''(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

''(c) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

''(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

''(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

''(d) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

''(e) AUTHORITY FOR CONTRACTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

''(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION BY A STATE, OR A POLITICAL SUBDIVISION OF A STATE, AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS BELIEVED TO NOT BE LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2008 and each subsequent fiscal year to reimburse States, and political divisions of States, for the up to 72 hour detention and transportation to Federal custody aliens believed to not be lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

SEC. 1210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary of Homeland Security shall continue to operate the Institutional Removal Program (referred to in this section as the ''Program'') or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $300,000,000 for fiscal year 2008 to carry out the Institutional Removal Program.

SEC. 1211. AUTHORIZATION FOR DETENTION AND TRANSPORTATION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.

(a) AUTHORIZATION FOR DETENTION AND TRANSPORTATION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States;

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody; or

(3) transport the alien (including the transportation across State lines to detention centers) to a location where transfer to Federal custody can be effectuated.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000,000 per year to reimburse the expenses incurred by States, or political subdivisions of a state, in the detention or transportation of criminal aliens to Federal custody.

SEC. 1212. STRENGTHENING THE DEFINITION OF CONVICTION.

Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

''(C) Any reversal, vacatur, expungement, or modification of a conviction, sentence, or conviction record that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt, shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt.''.

SEC. 1213. PERMITTING STATE AND LOCAL GRANTS FOR 287(G) TRAINING EXPENSES AND DETENTION AND TRANSPORTATION EXPENSES.

State and local program grants provided in the amount of $294,500,000 in this Act for ''training, exercises, technical assistance, and other programs'' may be used for the initial payment of, or reimbursement of, state and local expenses related to the implementation of agreements between the Department of Homeland Security and state and local governments in accordance with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) and for the initial payment of, or reimbursement of, state and local expenses related to the costs incurred to detain and transport criminal aliens after the completion of their state and local criminal sentences for the purpose of facilitating transfer to Federal custody.''

SEC. 1214. IMPROVEMENTS TO EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) IN GENERAL.—The Secretary of Homeland Security shall improve the Basic Pilot Program (as described in section 403(a) of division C of title IV of Public Law 104-208) to—

(1) respond to inquiries made by participating employers through the Internet concerning an individual's identity and whether the individual is authorized to be employed in the United States;

(2) electronically confirm the issuance of an employment authorization or identity document to the individual who is seeking employment, and to display the photograph that the issuer placed on such document, so that an employer can compare the photograph displayed on the document presented by the individual to the photograph transmitted by the Department of Homeland Security to verify employment authorization or identity;

(3) maximize its reliability and ease of use by employers consistent with insulating and protecting the privacy and security of the underlying information;

(4) respond accurately to all inquiries made by employers on whether individuals are authorized to be employed;

(5) maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

(6) allow for auditing use of the system to detect fraud and identify theft, and to preserve the security of the information in the Program, including—

(A) the development and use of algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

(B) the development and use of algorithms to detect misuse of the system by employers and employees;

(C) the development of capabilities to detect anomalies in the use of the Program that may indicate potential fraud or misuse of the Program; and

(D) auditing documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees.

(b) COORDINATION WITH STATE GOVERNMENTS.—If use of an employer verification system is mandated by State or local law, the Secretary of the Department of Homeland Security, in consultation with appropriate State and local officials, shall—

(1) ensure that such state and local programs have sufficient access to the federal government's Employment Eligibility Verification (EEV) system and ensure that the EEV has sufficient capacity to—

(A) register employers of states with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into Memoranda of Understanding with states to ensure responses to subparagraphs (A) and (B);

(2) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the Basic Pilot Program, including appropriate privacy and security training for State employees.

(c) RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION.—For purposes of preventing identity theft, protecting employees, and reducing burden on employers, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall—

(1) review the Social Security Administration databases and information technology to identify any deficiencies and discrepancies related to name, birth date, citizenship status, or to death records of the social security accounts and social security account holders that are likely to contribute to fraudulent use of documents, or identity theft, or to affect the proper functioning of the Basic Pilot Program;

(2) work to correct any errors identified under subclause (A); and

(3) work to ensure that a system for identifying and promptly correcting such deficiencies and discrepancies is adopted to ensure the accuracy of the Social Security Administration's databases.

(d) RULEMAKING.—The Secretary is authorized, with notice to the public provided in the Federal Register, to issue regulations concerning operational and technical aspects of the Basic Pilot Program and the efficiency, accuracy, and security of that Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $60,000,000 for fiscal year 2008 to carry out this section.

SEC. 1215. IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR AND RESPONSE.

(a) IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR.—

(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false at the time that person made that report.

(b) IMMUNITY FOR RESPONSE.—

(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action to respond to such activity shall be immune from civil liability under Federal, State, and local law for such action.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available, and this subsection shall not be construed as affecting any such defense, privilege, or immunity.

(c) ATTORNEY FEES AND COSTS.—Any person or authorized official found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

(d) DEFINITIONS.—In this section:

(1) AUTHORIZED OFFICIAL.—The term ''authorized official'' means—

(A) any employee or agent of a mass transportation system;

(B) any officer, employee, or agent of the Department of Homeland Security, the Department of Transportation, or the Department of Justice;

(C) any Federal, State, or local law enforcement officer; or

(D) any transportation security officer.

(2) COVERED ACTIVITY.—The term ''covered activity'' means any suspicious transaction, activity, or occurrence that involves, or is directed against, a mass transportation system or vehicle or its passengers indicating that an individual may be engaging, or preparing to engage, in—

(A) a violent act or act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be such a violation if committed within the jurisdiction of the United States or any State; or

(B) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

(3) MASS TRANSPORTATION.—The term ''mass transportation''—

(A) has the meaning given to that term in section 5302(a)(7) of title 49, United States Code; and

(B) includes—

(i) school bus, charter, or intercity bus transportation;

(ii) intercity passenger rail transportation;

(iii) sightseeing transportation;

(iv) a passenger vessel as that term is defined in section 2101(22) of title 46, United States Code;

(v) other regularly scheduled waterborne transportation service of passengers by vessel of at least 20 gross tons; and

(vi) air transportation as that term is defined in section 40102 of title 49, United States Code.

(4) MASS TRANSPORTATION SYSTEM.—The term ''mass transportation system'' means an entity or entities organized to provide mass transportation using vehicles, including the infrastructure used to provide such transportation.

(5) VEHICLE.—The term ''vehicle'' has the meaning given to that term in section 1992(16) of title 18, United States Code.

(e) EFFECTIVE DATE.—This section shall take effect on November 20, 2006, and shall apply to all activities and claims occurring on or after such date.

SA 2413. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 20, strike ''which shall'' and all that follows through ''3714):'' on line 26 and insert the following: ''which shall be allocated based solely on an assessment of risk (as determined by the Secretary of Homeland Security) as follows:

''(1) $900,000,000 for grants to States, of which $375,000,000 shall be for law enforcement terrorism prevention grants:''.

SA 2414. Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, Mr. CARPER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. DEPUTY SECRETARY OF HOMELAND SECRETARY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''DEPUTY SECRETARY'' and inserting ''DEPUTY SECRETARIES'';

(B) by striking paragraph (6);

(C) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

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

''(1) A Deputy Secretary of Homeland Security.

''(2) A Deputy Secretary of Homeland Security for Management.''; and

(2) by adding at the end the following:

''(g) VACANCIES.—

''(1) VACANCY IN OFFICE OF SECRETARY.—

''(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

''(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

''(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

''(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.''.

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking ''**UNDER SECRETARY**'' and inserting ''**DEPUTY SECRETARY OF HOMELAND SECURITY**'';

(2) in subsection (a)—

(A) by inserting ''The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.'' before ''The Secretary'';

(B) by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management'';

(C) by striking paragraph (7) and inserting the following:

''(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.''; and

(D) by striking paragraph (9), and inserting the following:

''(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department.''; and

(3) in subsection (b)—

(A) in paragraph (1), by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''; and

(B) in paragraph (2), by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''.

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by adding at the end the following:

''(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

''(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

''(A) extensive executive level leadership and management experience in the public or private sector;

''(B) strong leadership skills;

''(C) a demonstrated ability to manage large and complex organizations; and

''(D) a proven record in achieving positive operational results;

''(2) shall—

''(A) serve for a term of 5 years; and

''(B) be subject to removal by the President if the President—

''(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

''(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal;

''(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

''(4) shall enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

''(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).''.

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

''Sec. 701. Deputy Secretary of Homeland Security for Management.''.

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

''Deputy Secretary of Homeland Security for Management.''.

SA 2415. Mr. GREGG proposed an amendment to amendment SA 2412 proposed by Mr. GRAHAM (for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER) to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the amendment, add the following:

This division shall become effective one day after the date of enactment.

SA 2416. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. INDEPENDENT PASSPORT CARD TECHNOLOGY EVALUATION.

(a) IN GENERAL.—Before issuing a final rule to implement the passport card requirements described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note), the Secretary of State and the Secretary of Homeland Security, using funds appropriated by this Act, shall jointly conduct an independent technology evaluation to test any card technologies appropriate for secure and efficient border crossing, including not fewer than 2 potential radio frequency card technologies, in a side by side trial to determine the most appropriate solution for any passport card in the land and sea border crossing environment.

(b) EVALUATION CRITERIA.—The criteria to be evaluated in the evaluation under subsection (a) shall include—

(1) the security of the technology, including its resistance to tampering and fraud;

(2) the efficiency of the use of the technology under typical conditions at land and sea ports of entry;

(3) ease of use by card holders;

(4) reliability;

(5) privacy protection for card holders; and

(6) cost.

(c) SELECTION.—The Secretary of State and the Secretary of Homeland Security shall jointly select the most appropriate technology for the passport card based on the performance observed in the evaluation under subsection (a).

SA 2417. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. ADDITIONAL ASSISTANCE FOR PREPARATION OF PLANS.

Subparagraph (L) of section 33(b)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)) is amended to read as follows:

''(L) To fund fire prevention programs, including the development and implementation of community wildfire protection plans (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)).''.

SA 2418. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. REPORT REGARDING MAJOR DISASTERS IN RURAL AND URBAN AREAS.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency;

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

(3) the term ''next appropriate Federal agency'' means the department or agency of the Federal Government that will be assisting in the recovery from the effects of a major disaster in an area after the period during which the Federal Emergency Management Agency will provide such assistance in that area; and

(4) the terms ''rural'' and ''rural area'' have the meanings given those terms in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

(b) STUDY.—The Administrator, in conjunction with State and local governments, shall conduct a study of the differences between the response to major disasters occurring in rural and urban areas, including—

(1) identifying the differences in the response mechanisms available for major disasters occurring in rural and urban areas;

(2) identifying barriers (including regulations) that limit the ability of the Administrator to respond to major disasters occurring in rural areas, as compared with major disasters occurring in urban areas;

(3) evaluating the need to designate a specific official of the Federal Emergency Management Agency to act as a coordinator between the Federal Emergency Management Agency and the next appropriate Federal agency;

(4) assessing the feasibility of providing partial reimbursement to individuals who provide assistance, without compensation, in recovering from the effects of a major disaster for costs to such individuals relating to such assistance; and

(5) evaluating ways to improve consultation with State and local governments to identify and resolve any problems in coordinating efforts to respond to major disasters occurring in rural areas.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to Congress a report regarding the study conducted under subsection (b) that—

(1) details the results of that study;

(2) provides a plan to address the differences, if any, in the response to major disasters occurring in rural and urban areas; and

(3) incorporates a description of best management practices to ensure that the Federal Emergency Management Agency incorporates necessary programmatic and other improvements identified during the response to a major disaster occurring in a rural area in responding to subsequent major disasters.

SA 2419. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 2400 submitted by Mr. VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) and intended to be proposed to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike all after ''Sec. 536.'' and insert the following:

None of the funds made available in this Act for fiscal year 2008 for U.S. Customs and Border Protection may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)));

(B) imports such drug by transporting it on their person; and

(C) while importing such drug, only transports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 2420. Ms. COLLINS (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 21, strike the period and insert the following: ": *Provided further*, That of the total, $5,000,000 shall not be available until the Director of the United States Citizenship and Immigration Services submits to Congress the fraud risk assessment related to the H-1B program that was started more than a year ago.''

SA 2421. Mr. DOMENICI (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

TITLE VI—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Border Infrastructure and Technology Modernization Act of 2007''.

SEC. 602. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of United States Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term ''maquiladora'' means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

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

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

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

SEC. 603. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.

(a) OFFICERS AND AGENTS.—

(1) INCREASE IN OFFICERS AND AGENTS.—During each of fiscal years 2008 through 2012, the Secretary shall—

(A) increase the number of full-time agents and associated support staff in United States Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees as of the end of the preceding fiscal year; and

(B) increase the number of full-time officers, agricultural specialists, and associated support staff in United States Customs and Border Protection by the equivalent of at least 200 more than the number of such employees as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—The Secretary, acting through the Assistant Secretary for United States Immigration and Customs Enforcement and the Commissioner, shall provide appropriate training for agents, officers, agricultural specialists, and associated support staff of the Department of Homeland Security on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

SEC. 604. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Commissioner, in consultation with the Administrator of General Services shall—

(1) review—

(A) the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment set forth in the joint explanatory statement on page 67 of conference report 106–319, accompanying Public Law 106–58; and

(B) the nationwide strategy to prioritize and address the infrastructure needs at the land ports of entry prepared by the Department of Homeland Security and the General Services Administration in accordance with the committee recommendations on page 22 of Senate report 108–86, accompanying Public Law 108–90;

(2) update the assessment of the infrastructure needs of all United States land ports of entry; and

(3) submit an updated assessment of land port of entry infrastructure needs to Congress.

(b) CONSULTATION.—In preparing the updated studies required under subsection (a), the Commissioner and the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and affected State and local agencies on the northern and southern borders of the United States.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 605; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project—

(A) to enhance the ability of United States Customs and Border Protection to achieve its mission and to support operations;

(B) to fulfill security requirements; and

(C) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner, as appropriate, shall—

(1) implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3); or

(2) forward the prioritized list of infrastructure and technology improvement projects to the Administrator of General Services for implementation in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, including immediate security needs, changes in infrastructure in Mexico or Canada, or similar concerns, compellingly alter the need for a project in the United States.

SEC. 605. NATIONAL LAND BORDER SECURITY PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than January 31 of each year, the Secretary, acting through the Commissioner, shall prepare a National Land Border Security Plan and submit such plan to Congress.

(b) CONSULTATION.—In preparing the plan required under subsection (a), the Commissioner shall consult with other appropriate Federal agencies, State, and local law enforcement agencies, and private entities that are involved in international trade across the northern or southern border.

(c) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required under subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary, acting through the Commissioner, may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required under subsection (a).

SEC. 606. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) COMMERCE SECURITY PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel needs, of the Customs-Trade Partnership Against Terrorism program or other voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain and security along the northern and southern border of the United States.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall establish a demonstration program along the southern border for the purpose of implementing at least 1 voluntary program involving government entities and the private sector to strengthen and improve the overall security of the international supply chain and security along the international borders of the United States. The program selected for the demonstration program shall have been successfully implemented along the northern border as of the date of the enactment of this Act.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security along the southern border.

SEC. 607. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall carry out a

technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTED.—Under the demonstration program, the Commissioner shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(2) FACILITIES DEVELOPED.—At a demonstration site selected pursuant to subsection (c)(3), the Commissioner shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including cross-training among agencies, advanced law enforcement training, and equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Commissioner shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) LOCATION.—Of the sites selected under subsection (c)—

(A) at least 1 shall be located on the northern border of the United States; and

(B) at least 1 shall be located on the southern border of the United States.

(3) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 12 months preceding the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary, acting through the Commissioner, shall permit personnel from appropriate Federal and State agencies to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report shall include an assessment by the Commissioner of the feasibility of incorporating any demonstrated technology for use throughout United States Customs and Border Protection.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) to carry out the provisions of section 603, such sums as may be necessary for the fiscal years 2008 through 2012;

(2) to carry out the provisions of section 604—

(A) to carry out subsection (a) of such section, such sums as may be necessary for the fiscal years 2008 through 2012; and

(B) to carry out subsection (d) of such section—

(i) $100,000,000 for each of the fiscal years 2008 through 2012; and

(ii) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out the provisions of section 606—

(A) to carry out subsection (a) of such section—

(i) $30,000,000 for fiscal year 2008, of which $5,000,000 shall be made available to fund the demonstration project established in paragraph (2) of such subsection; and

(ii) such sums as may be necessary for the fiscal years 2009 through 2012; and

(B) to carry out subsection (b) of such section—

(i) $5,000,000 for fiscal year 2008; and

(ii) such sums as may be necessary for the fiscal years 2009 through 2012; and

(4) to carry out the provisions of section 607, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

SA 2422. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY OF RADIO COMMUNICATIONS ALONG THE INTERNATIONAL BORDERS OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study to determine the areas along the international borders of the United States where Federal and State law enforcement officers are unable to achieve radio communication or where radio communication is inadequate.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Upon the conclusion of the study described in subsection (a), the Secretary shall develop a plan for enhancing radio communication capability along the international borders of the United States.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) an estimate of the costs required to implement the plan; and

(B) a description of the ways in which Federal, State, and local law enforcement officers could benefit from the implementation of the plan.

SA 2423. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRAVEL PRIVILEGES FOR CERTAIN TEMPORARY VISITORS FROM MEXICO.

(a) SHORT TITLE.—This section may be cited as the ''Laser Visa Extension Act of 2007''.

(b) IN GENERAL.—Except as provided under subsection (c), the Secretary of Homeland Security shall permit a national of Mexico to travel up to 100 miles from the international border between Mexico and Mexico if such national—

(1) possesses a valid machine-readable biometric border crossing identification card issued by a consular officer of the Department of State;

(2) enters New Mexico through a port of entry where such card is processed using a machine reader;

(3) has successfully completed any background check required by the Secretary for such travel; and

(4) is admitted into the United States as a nonimmigrant under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)).

(c) EXCEPTION.—On a case-by-case basis, the Secretary of Homeland Security may limit the travel of a national of Mexico who meets the requirements of paragraphs (1) through (4) of subsection (a) to a distance of less than 100 miles from the international border between Mexico and New Mexico if the Secretary determines that the national—

(1) was previously admitted into the United States as a nonimmigrant; and

(2) violated the terms and conditions of the national's nonimmigrant status.

SA 2424. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COOPERATION WITH THE GOVERNMENT OF MEXICO.

(a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to Congress describing the actions taken by the United States and Mexico pursuant to this section.

SA 2425. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. REPORTING OF WASTE, FRAUD, AND ABUSE.

Not later than 30 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security shall establish and maintain on the homepage of the website of the Department of Homeland Security, a direct link to the website of the Office of Inspector General of the Department of Homeland Security; and

(2) the Inspector General of the Department of Homeland Security shall establish and maintain on the homepage of the website of the Office of Inspector General a direct link for individuals to anonymously report waste, fraud, or abuse.

SA 2426. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 20, strike ''$3,030,500,000'' and insert ''$3,080,500,000''.

On page 36, line 22, strike ''$1,836,000,000'' and insert ''$1,886,000,000''.

On page 38, line 8, strike ''and''.

On page 38, strike lines 9 and 10 and insert the following:

(J) $15,000,000 shall be for Citizens Corps; and

(K) $50,000,000 shall be used to provide grants, after consultation with the Administrator of the Environmental Protection Agency, to any treatment works or public water system that—

(i) as of the date of enactment of this Act, uses any chemical, toxin, or other substance that, if transported, or stored in a sufficient quantity, would have a high likelihood of causing casualties and economic damage if released or otherwise targeted by terrorists (referred to in this section as an ''extremely hazardous material''), including—

(I) any substance included in table 1 or 2 contained in section 68.130 of title 40, Code of Federal Regulations (or a successor regulation), published in accordance with section 112(r)(3) of the Clean Air Act (42 U.S.C. 7412(r)(3)); and

(II) any other substances, as determined by the Secretary; and

(ii) agrees to use funds from the grant to transition to the use of a technology, product, raw material, or practice, the use of which, as compared to a currently-used technology, product, raw material, or practice, reduces or eliminates—

(I) the possibility of release of an extremely hazardous material; and

(II) the hazards to public health associated with such a release:

SA 2427. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON LANDOWNER'S LIABILITY.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:

''(i) INDEMNITY FOR ACTIONS OF LAW ENFORCEMENT OFFICERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and subject to appropriations, an owner of land located within 100 miles of the international land border of the United States may seek reimbursement from the Department of Homeland Security for any adverse final tort judgment for negligence (excluding attorneys' fees and costs) authorized under the Federal or State tort law, arising directly from such border security activity if—

''(A) such owner has been found negligent by a Federal or State court in any tort litigation;

''(B) such owner has not already been reimbursed for the final tort judgment, including outstanding attorney's fees and costs;

''(C) such owner did not have or does not have sufficient property insurance to cover the judgment and have had an insurance claim for such coverage denied; and

''(D) such tort action was brought as a direct result of activity of law enforcement officers of the Department of Homeland Security, acting in their official capacity, on the owner's land.

''(2) DEFINITIONS.—In this subsection—

''(A) the term 'land' includes roads, water, watercourses, and private ways, and buildings, structures, machinery and equipment that is attached to real property; and

''(B) the term 'owner' includes the possessor of a fee interest, a tenant, lessee, occupant, the possessor of any other interest in land, or any person having a right to grant permission to use the land.

''(3) EXCEPTIONS.—Nothing in this subsection may be construed to limit landowner liability which would otherwise exist for—

''(A) willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause harm;

''(B) maintaining an attractive nuisance;

''(C) gross negligence; or

''(D) direct interference with, or hindrance of, any agent or officer of the Federal Government who is authorized to enforce the immigration laws of the United States during—

''(i) a patrol of such landowner's land; or

''(ii) any action taken to apprehend or detain any alien attempting to enter the United States illegally or evade execution of an arrest warrant for a violation of any immigration law.

''(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect any right or remedy available pursuant to the Federal Tort Claims Act.''.

SA 2428. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYMENT-BASED VISAS.

(a) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''1994, 1996, 1997, 1998,'' after ''available in fiscal year'';

(B) by striking ''or 2004'' and inserting ''2004, or 2006''; and

(C) by striking ''be available'' and all that follows and inserting the following: ''be available only to—

''(A) employment-based immigrants under paragraphs (1), (2), and (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b));

''(B) the family members accompanying or following to join such employment-based immigrants under section 203(d) of such Act; and

''(C) those immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor.''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''1999 through 2004'' and inserting ''1994, 1996 through 1998, 2001 through 2004, and 2006''; and

(B) in subparagraph (B), by amending clause (ii) to read as follows:

''(ii) DISTRIBUTION OF VISAS.—The total number of visas made available under paragraph (1) from unused visas from fiscal years 1994, 1996 through 1998, 2001 through 2004, and 2006 shall be distributed as follows:

''(I) The total number of visas made available for immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor shall be 61,000.

''(II) The visas remaining from the total made available under subclause (I) shall be allocated to employment-based immigrants with approved petitions under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (and their family members accompanying or following to join).''.

(b) H–1B VISA AVAILABILITY.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) in clause (vi), by striking ''and'' at the end;

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

''(vii) 65,000 in each of fiscal years 2004 through 2007;

''(viii) 115,000 in fiscal year 2008; and''.

SA 2429. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PERIODS OF ADMISSION.

(a) SHORT TITLE.—This section may be cited as the ''Secure Border Crossing Card Entry Act of 2007''.

(b) PERIODS OF ADMISSION.—Section 214(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(a)(2)) is amended by adding at the end the following:

''(C)(i) Except as provided under clauses (ii) and (iii), the initial period of admission to the United States of an alien who possesses a valid machine-readable biometric border crossing identification card issued by a consular officer, has successfully completed required background checks, and is admitted to the United States as a nonimmigrant under section 101(a)(15)(B) at a port of entry at which such card is processed through a machine reader, shall not be short than the initial period of admission granted to any other alien admitted to the United States under section 101(a)(15)(B).

''(ii) The Secretary of Homeland Security may prescribe, by regulation, the length of the initial period of admission described in clause (i), which period shall be—

''(I) a minimum of 6 months; or

''(II) the length of time provided for under clause (iii)

''(iii) The Secretary may, on a case-by-case basis, provide for a period of admission that is shorter or longer than the initial period described in clause (ii)(I) if the Secretary finds good cause for such action.

''(iv) An alien who possesses a valid machine-readable biometric border crossing identification card may not be admitted to the United States for the period of admission specified under clause (i) or granted extensions of such period of admission if—

''(I) the alien previously violated the terms and conditions of the alien's nonimmigrant status;

''(II) the alien is inadmissible as a nonimmigrant; or

''(III) the alien's border crossing card has not been processed through a machine reader at the United States port of entry or land border at which the person seeks admission to the United States.''.

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendment made by subsection (b).

(2) WAIVER OF APA.—In promulgating regulations under paragraph (1), the Secretary may waive any provision of chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedures Act'') or any other law relating to rulemaking if the Secretary determines that compliance with such provision would impede the timely implementation of this Act.

SA 2430. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. PLAN FOR THE CONTROL AND MANAGEMENT OF ARUNDO DONAX.

(a) DEFINITIONS.—In this section:

(1) ARUNDO DONAX.—The term ''Arundo donax'' means a tall perennial reed commonly known as ''Carrizo cane'', ''Spanish cane'', ''wild cane'', and ''giant cane''.

(2) PLAN.—The term ''plan'' means the plan for the control and management of Arundo donax developed under subsection (b).

(3) RIVER.—The term ''River'' means the Rio Grande River.

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

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—The Secretary shall develop a plan for the control and management of Arundo donax along the portion of the River that serves as the international border between the United States and Mexico.

(2) COMPONENTS.—In developing the plan, the Secretary shall address—

(A) information derived by the Secretary of Agriculture and the Secretary of the Interior from ongoing efforts to identify the most effective biological, mechanical, and chemical means of controlling and managing Arundo donax;

(B) past and current efforts to understand—

(i) the ecological damages caused by Arundo donax; and

(ii) the dangers Arundo donax poses to Federal and local law enforcement;

(C) any international agreements and treaties that need to be completed to allow for the control and management of Arundo donax on both sides of the River;

(D) the long-term efforts that the Secretary considers to be necessary to control and manage Arundo donax, including the cost estimates for the implementation of the efforts; and

(E) whether a waiver of applicable Federal environmental laws (including regulations) is necessary.

(3) CONSULTATION.—The Secretary shall develop the plan in consultation with the Secretary of Agriculture, the Secretary of the Interior, the Secretary of State, the Chief of Engineers, and any other Federal and State agencies that have appropriate expertise regarding the control and management of Arundo donax.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit the plan to—

(1) the Committees on the Judiciary of the Senate and the House of Representatives; and

(2) the Committees on Appropriations of the Senate and the House of Representatives.

SA 2431. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending Septembr 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 5___. DHS IMPLEMENTATION PLANS FOR BORDER FENCE CONSTRUCTION.

Not later than 45 days after the date of enactment of this Act, the Department of Homeland Security (referred to in this section as the ''Department'') shall submit to Congress a report on the construction of physical barriers on the southwest border of the United States that details the type of land (such as Federal, State, tribal, or private land) in which the Department shall seek to acquire interests, via contract or purchase, to construct a fence along the border or at any other location determined by the Department to be necessary to exercise the power of eminent domain and condemn property for such construction: *Provided,* That the report shall include the actual locations of the land (as demonstrated by geological and topological maps), the identity and addresses of private landowners who may be affected by action carried out under this section, and steps the Department has taken or intends to take to consult with affected parties, and, if condemnation is required, to compensate landowners for the property: *Provided further,* That the report shall contain detailed timelines for construction of the fence (including monthly and quarterly timelines), the environmental assessment of the impact of the construction, and a description of the ways in which the Department intends to coordinate the construction with the Corps of Engineers.

SA 2432. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending Septembr 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ____. Amounts authorized to be appropriated in the Border Law Enforcement Relief Act of 2007 are increased by $50,000,000 for each of the fiscal years 2008 through 2012.

SA 2433. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending Septembr 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual from importing a prescription drug from Canada or Mexico if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)));

(B) imports such drug by transporting it on their person; and

(C) while importing such drug, only transports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 2434. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2400 proposed by Mr.

VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) and intended to be proposed to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 5, insert ''or Mexico'' after ''Canada''.

SA 2435. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. NATIONAL STRATEGY ON CLOSED CIRCUIT TELEVISION SYSTEMS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) develop a national strategy for the effective and appropriate use of closed circuit television to prevent and respond to acts of terrorism, which shall include—

(A) an assessment of how closed circuit television and other public surveillance systems can be used most effectively as part of an overall terrorism preparedness, prevention, and response program, and its appropriate role in such a program;

(B) a comprehensive examination of the advantages and limitations of closed circuit television and, as appropriate, other public surveillance technologies;

(C) best practices on camera use and data storage;

(D) plans for coordination between the Federal Government and State and local governments, and the private sector—

(i) in the development and use of closed circuit television systems; and

(ii) for Federal assistance and support for State and local utilization of such systems;

(E) plans for pilot programs or other means of determining the real-world efficacy and limitations of closed circuit televisions systems;

(F) an assessment of privacy and civil liberties concerns raised by use of closed circuit television and other public surveillance systems, and guidelines to address such concerns; and

(G) an assessment of whether and how closed circuit television systems and other public surveillance systems are effectively utilized by other democratic countries in combating terrorism; and

(2) provide to the Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate and the Committees on Homeland Security and the Judiciary of the House of Representatives a report that includes—

(A) the strategy required under paragraph (1);

(B) the status and findings of any pilot program involving closed circuit televisions or other public surveillance systems conducted by, in coordination with, or with the assistance of the Department of Homeland Security up to the time of the report; and

(C) the annual amount of funds used by the Department of Homeland Security, either directly by the Department or through grants to State, local, or tribal governments, to support closed circuit television and the public surveillance systems of the Department, since fiscal year 2004.

(b) CONSULTATION.—In preparing the strategy and report required under subsection (a), the Secretary of Homeland Security shall consult with the Attorney General, the Chief Privacy Officer of the Department of Homeland Security, and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security.

SA 2436. Mrs. FEINSTEIN (for herself and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 69, after line 24, add the following:

TITLE VI—PROTECTION OF UNACCOMPANIED ALIEN CHILDREN

SEC. 601. SHORT TITLE.

This title may be cited as the ''Unaccompanied Alien Child Protection Act of 2007''.

SEC. 602. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) COMPETENT.—The term ''competent'', in reference to counsel, means an attorney, or a representative authorized to represent unaccompanied alien children in immigration proceedings or matters, who—

(A) complies with the duties set forth in this title;

(B) is—

(i) properly qualified to handle matters involving unaccompanied alien children; or

(ii) working under the auspices of a qualified nonprofit organization that is experienced in handling such matters; and

(C) if an attorney—

(i) is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia; and

(ii) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting the attorney in the practice of law.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office.

(3) OFFICE.—The term ''Office'' means the Office of Refugee Resettlement established by section 411 of the Immigration and Nationality Act (8 U.S.C. 1521).

(4) UNACCOMPANIED ALIEN CHILD.—The term ''unaccompanied alien child'' has the meaning given the term in 101(a)(51) of the Immigration and Nationality Act, as added by subsection (b).

(5) VOLUNTARY AGENCY.—The term ''voluntary agency'' means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children, as certified by the Director.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(51) The term 'unaccompanied alien child' means a child who—

''(A) has no lawful immigration status in the United States;

''(B) has not attained 18 years of age; and

''(C) with respect to whom—

''(i) there is no parent or legal guardian in the United States; or

''(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

''(52) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

''(A) have not attained 18 years of age; and

''(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.''.

(c) RULE OF CONSTRUCTION.—

(1) STATE COURTS ACTING IN LOCO PARENTIS.—A department or agency of a State, or an individual or entity appointed by a State court or a juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this title.

(2) CLARIFICATION OF THE DEFINITION OF UNACCOMPANIED ALIEN CHILD.—For the purposes of section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) and this title, a parent or legal guardian shall not be considered to be available to provide care and physical custody of an alien child unless such parent is in the physical presence of, and able to exercise parental responsibilities over, such child at the time of such child's apprehension and during the child's detention.

Subtitle A—Custody, Release, Family Reunification, and Detention

SEC. 611. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), an immigration officer who finds an unaccompanied alien child described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(B) return such child to the child's country of nationality or country of last habitual residence.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES.—

(A) IN GENERAL.—Any child who is a national or habitual resident of a country, which is contiguous with the United States and has an agreement in writing with the United States that provides for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country, shall be treated in accordance with paragraph (1) if the Secretary determines, on a case-by-case basis, that—

(i) such child is a national or habitual resident of a country described in this subparagraph;

(ii) such child does not have a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(iii) the return of such child to the child's country of nationality or country of last habitual residence would not endanger the life or safety of such child; and

(iv) the child is able to make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right, and shall be informed of that right in the child's native language—

(i) to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation; and

(ii) to consult, telephonically, with the Office.

(3) RULE FOR APPREHENSIONS AT THE BORDER.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (b).

(b) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN FOUND IN THE INTERIOR OF THE UNITED STATES.—

(1) ESTABLISHMENT OF JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided under subparagraphs (B) and (C) and subsection (a), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Department of Justice shall retain or assume the custody and care of any unaccompanied alien who is—

(i) in the custody of the Department of Justice pending prosecution for a Federal crime other than a violation of the Immigration and Nationality Act; or

(ii) serving a sentence pursuant to a conviction for a Federal crime.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Department shall retain or assume the custody and care of an unaccompanied alien child if the Secretary has substantial evidence, based on an individualized determination, that such child could personally endanger the national security of the United States.

(2) NOTIFICATION.—

(A) IN GENERAL.—Each department or agency of the Federal Government shall promptly notify the Office upon—

(i) the apprehension of an unaccompanied alien child;

(ii) the discovery that an alien in the custody of such department or agency is an unaccompanied alien child;

(iii) any claim by an alien in the custody of such department or agency that such alien is younger than 18 years of age; or

(iv) any suspicion that an alien in the custody of such department or agency who has claimed to be at least 18 years of age is actually younger than 18 years of age.

(B) SPECIAL RULE.—The Director shall—

(i) make an age determination for an alien described in clause (iii) or (iv) of subparagraph (A) in accordance with section 615; and

(ii) take whatever other steps are necessary to determine whether such alien is eligible for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or under this title.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—

(A) TRANSFER TO THE OFFICE.—Any Federal department or agency that has an unaccompanied alien child in its custody shall transfer the custody of such child to the Office—

(i) not later than 72 hours after a determination is made that such child is an unaccompanied alien, if the child is not described in subparagraph (B) or (C) of paragraph (1);

(ii) if the custody and care of the child has been retained or assumed by the Attorney General under paragraph (1)(B) or by the Department under paragraph (1)(C), following a determination that the child no longer meets the description set forth in such subparagraphs; or

(iii) if the child was previously released to an individual or entity described in section 612(a)(1), upon a determination by the Director that such individual or entity is no longer able to care for the child.

(B) TRANSFER TO THE DEPARTMENT.—The Director shall transfer the care and custody of an unaccompanied alien child in the custody of the Office or the Department of Justice to the Department upon determining that the child is described in subparagraph (B) or (C) of paragraph (1).

(C) PROMPTNESS OF TRANSFER.—If a child needs to be transferred under this paragraph, the sending office shall make prompt arrangements to transfer such child and the receiving office shall make prompt arrangements to receive such child.

(c) AGE DETERMINATIONS.—If the age of an alien is in question and the resolution of questions about the age of such alien would affect the alien's eligibility for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this title, a determination of whether or not such alien meets such age requirements shall be made in accordance with section 615, unless otherwise specified in subsection (b)(2)(B).

(d) ACCESS TO ALIEN.—The Secretary and the Attorney General shall permit the Office to have reasonable access to aliens in the custody of the Secretary or the Attorney General to ensure a prompt determination of the age of such alien, if necessary under subsection (b)(2)(B).

SEC. 612. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.

(a) PLACEMENT OF RELEASED CHILDREN.—

(1) ORDER OF PREFERENCE.—Subject to the discretion of the Director under paragraph (4), section 613(a)(2), and section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Office shall be promptly placed with 1 of the following individuals or entities in the following order of preference:

(A) A parent who seeks to establish custody under paragraph (3)(A).

(B) A legal guardian who seeks to establish custody under paragraph (3)(A).

(C) An adult relative.

(D) An individual or entity designated by the parent or legal guardian that is capable and willing to care for the well being of the child.

(E) A State-licensed family foster home, small group home, or juvenile shelter willing to accept custody of the child.

(F) A qualified adult or entity, as determined by the Director by regulation, seeking custody of the child if the Director determines that no other likely alternative to long-term detention exists and family reunification does not appear to be a reasonable alternative.

(2) SUITABILITY ASSESSMENT.—

(A) GENERAL REQUIREMENTS.—Notwithstanding paragraph (1), and subject to the requirements of subparagraph (B), an unaccompanied alien child may not be placed with a person or entity described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director provides written certification that the proposed custodian is capable of providing for the child's physical and mental well-being, based on—

(i) with respect to an individual custodian—

(I) verification of such individual's identity and employment;

(II) a finding that such individual has not engaged in any activity that would indicate a potential risk to the child, including the people and activities described in paragraph (4)(A)(i);

(III) a finding that such individual is not the subject of an open investigation by a State or local child protective services authority due to suspected child abuse or neglect;

(IV) verification that such individual has a plan for the provision of care for the child;

(V) verification of familial relationship of such individual, if any relationship is claimed; and

(VI) verification of nature and extent of previous relationship;

(ii) with respect to a custodial entity, verification of such entity's appropriate licensure by the State, county, or other applicable unit of government; and

(iii) such other information as the Director determines appropriate.

(B) HOME STUDY.—

(i) IN GENERAL.—The Director shall place a child with any custodian described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director determines that a home study with respect to such custodian is necessary.

(ii) SPECIAL NEEDS CHILDREN.—A home study shall be conducted to determine if the custodian can properly meet the needs of—

(I) a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)); or

(II) a child who has been the object of physical or mental injury, sexual abuse, negligent treatment, or maltreatment under circumstances which indicate that the child's health or welfare has been harmed or threatened.

(iii) FOLLOW-UP SERVICES.—The Director shall conduct follow-up services for at least 90 days on custodians for whom a home study was conducted under this subparagraph.

(C) CONTRACT AUTHORITY.—The Director may, by grant or contract, arrange for some or all of the activities under this section to be carried out by—

(i) an agency of the State of the child's proposed residence;

(ii) an agency authorized by such State to conduct such activities; or

(iii) an appropriate voluntary or nonprofit agency.

(D) DATABASE ACCESS.—In conducting suitability assessments, the Director shall have access to all relevant information in the appropriate Federal, State, and local law enforcement and immigration databases.

(3) RIGHT OF PARENT OR LEGAL GUARDIAN TO CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

(A) PLACEMENT WITH PARENT OR LEGAL GUARDIAN.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, and subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall—

(i) assess the suitability of placing the child with the parent or legal guardian; and

(ii) make a written determination regarding the child's placement within 30 days.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including—

(I) the Convention on the Civil Aspects of International Child Abduction, done at The Hague, October 25, 1980 (TIAS 11670);

(II) the Vienna Declaration and Program of Action, adopted at Vienna, June 25, 1993; and

(III) the Declaration of the Rights of the Child, adopted at New York, November 20, 1959; or

(ii) limit any right or remedy under such international agreement.

(4) PROTECTION FROM SMUGGLERS AND TRAFFICKERS.—

(A) POLICIES AND PROGRAMS.—

(i) IN GENERAL.—The Director shall establish policies and programs to ensure that unaccompanied alien children are protected from smugglers, traffickers, or other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.

(ii) WITNESS PROTECTION PROGRAMS INCLUDED.—Programs established pursuant to

clause (i) may include witness protection programs.

(B) CRIMINAL INVESTIGATIONS AND PROSECUTIONS.—Any officer or employee of the Office or of the Department, and any grantee or contractor of the Office or of the Department, who suspects any individual of involvement in any activity described in subparagraph (A) shall report such individual to Federal or State prosecutors for criminal investigation and prosecution.

(C) DISCIPLINARY ACTION.—Any officer or employee of the Office or the Department, and any grantee or contractor of the Office, who believes that a competent attorney or representative has been a participant in any activity described in subparagraph (A), shall report the attorney to the State bar association of which the attorney is a member, or to other appropriate disciplinary authorities, for appropriate disciplinary action, including private or public admonition or censure, suspension, or disbarment of the attorney from the practice of law.

(5) GRANTS AND CONTRACTS.—The Director may award grants to, and enter into contracts with, voluntary agencies to carry out this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(b) CONFIDENTIALITY.—

(1) IN GENERAL.—All information obtained by the Office relating to the immigration status of a person described in subparagraphs (A), (B), and (C) of subsection (a)(1) shall remain confidential and may only be used to determine such person's qualifications under subsection (a)(1).

(2) NONDISCLOSURE OF INFORMATION.—In consideration of the needs and privacy of unaccompanied alien children in the custody of the Office or its agents, and the necessity to guarantee the confidentiality of such children's information in order to facilitate their trust and truthfulness with the Office, its agents, and clinicians, the Office shall maintain the privacy and confidentiality of all information gathered in the course of the care, custody, and placement of unaccompanied alien children, consistent with its role and responsibilities under the Homeland Security Act to act as guardian in loco parentis in the best interest of the unaccompanied alien child, by not disclosing such information to other government agencies or nonparental third parties.

(c) REQUIRED DISCLOSURE.—The Secretary or the Secretary of Health and Human Services 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 of an offense 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).

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

SEC. 613. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.

(a) STANDARDS FOR PLACEMENT.—

(1) ORDER OF PREFERENCE.—An unaccompanied alien child who is not released pursuant to section 612(a)(1) shall be placed in the least restrictive setting possible in the following order of preference:

(A) Licensed family foster home.

(B) Small group home.

(C) Juvenile shelter.

(D) Residential treatment center.

(E) Secure detention.

(2) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided under paragraph (3), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(3) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited violent or criminal behavior that endangers others may be detained in conditions appropriate to such behavior in a facility appropriate for delinquent children.

(4) STATE LICENSURE.—A child shall not be placed with an entity described in section 612(a)(1)(E), unless the entity is licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(5) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director and the Secretary shall promulgate regulations incorporating standards for conditions of detention in placements described in paragraph (1) that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma, physical and sexual violence, and abuse;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Regulations promulgated under subparagraph (A) shall provide that all children in such placements are notified of such standards orally and in writing in the child's native language.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Secretary shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as described in paragraph 23 of the Stipulated Settlement Agreement under Flores v. Reno.

SEC. 614. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party, and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—The Secretary of State shall include, in the annual Country Reports on Human Rights Practices, an assessment of the degree to which each country protects children from smugglers and traffickers.

(B) FACTORS FOR ASSESSMENT.—The Secretary shall consult the Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to repatriate unaccompanied alien children.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;

(B) a description of the type of immigration relief sought and denied to such children;

(C) a statement of the nationalities, ages, and gender of such children;

(D) a description of the procedures used to effect the removal of such children from the United States;

(E) a description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin; and

(F) any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

SEC. 615. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.

(a) PROCEDURES.—

(1) IN GENERAL.—The Director, in consultation with the Secretary, shall develop procedures to make a prompt determination of the age of an alien, which procedures shall be used—

(A) by the Secretary, with respect to aliens in the custody of the Department;

(B) by the Director, with respect to aliens in the custody of the Office; and

(C) by the Attorney General, with respect to aliens in the custody of the Department of Justice.

(2) EVIDENCE.—The procedures developed under paragraph (1) shall—

(A) permit the presentation of multiple forms of evidence, including testimony of the alien, to determine the age of the unaccompanied alien for purposes of placement, custody, parole, and detention; and

(B) allow the appeal of a determination to an immigration judge.

(b) PROHIBITION ON SOLE MEANS OF DETERMINING AGE.—Radiographs or the attestation of an alien may not be used as the sole means of determining age for the purposes of determining an alien's eligibility for treatment under this title or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to place the burden of proof in determining the age of an alien on the Government.

SEC. 616. EFFECTIVE DATE.

This subtitle shall take effect on the date which is 90 days after the date of the enactment of this Act.

Subtitle B—Access by Unaccompanied Alien Children to Child Advocates and Counsel

SEC. 621. CHILD ADVOCATES.

(a) ESTABLISHMENT OF CHILD ADVOCATE PROGRAM.—

(1) APPOINTMENT.—The Director may appoint a child advocate, who meets the qualifications described in paragraph (2), for an unaccompanied alien child. The Director is encouraged, if practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a child advocate under this paragraph.

(2) QUALIFICATIONS OF CHILD ADVOCATE.—

(A) IN GENERAL.—A person may not serve as a child advocate unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters;

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children; and

(iii) is not an employee of the Department, the Department of Justice, or the Department of Health and Human Services.

(B) INDEPENDENCE OF CHILD ADVOCATE.—

(i) INDEPENDENCE FROM AGENCIES OF GOVERNMENT.—The child advocate shall act independently of any agency of government in making and reporting findings or making recommendations with respect to the best interests of the child. No agency shall terminate, reprimand, de-fund, intimidate, or retaliate against any person or entity appointed under paragraph (1) because of the findings and recommendations made by such person relating to any child.

(ii) PROHIBITION OF CONFLICT OF INTEREST.—No person shall serve as a child advocate for a child if such person is providing legal services to such child.

(3) DUTIES.—The child advocate of a child shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to the child's presence in the United States, including facts and circumstances—

(i) arising in the country of the child's nationality or last habitual residence; and

(ii) arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel relevant information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) take reasonable steps to ensure that—

(i) the best interests of the child are promoted while the child participates in, or is subject to, proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(ii) the child understands the nature of the legal proceedings or matters and determinations made by the court, and that all information is conveyed to the child in an age-appropriate manner;

(F) report factual findings and recommendations consistent with the child's best interests relating to the custody, detention, and release of the child during the pendency of the proceedings or matters, to the Director and the child's counsel;

(G) in any proceeding involving an alien child in which a complaint has been filed with any appropriate disciplinary authority against an attorney or representative for criminal, unethical, or unprofessional conduct in connection with the representation of the alien child, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the conduct of the attorney; and

(H) in any proceeding involving an alien child in which the safety of the child upon repatriation is at issue, and after the immigration judge has considered and denied all applications for relief other than voluntary departure, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the child's safety upon repatriation.

(4) TERMINATION OF APPOINTMENT.—The child advocate shall carry out the duties described in paragraph (3) until the earliest of the date on which—

(A) those duties are completed;

(B) the child departs from the United States;

(C) the child is granted permanent resident status in the United States;

(D) the child reaches 18 years of age; or

(E) the child is placed in the custody of a parent or legal guardian.

(5) POWERS.—The child advocate—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings or interviews involving the child that are held in connection with proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and shall be given a reasonable opportunity to be present at such hearings or interviews;

(E) shall be permitted to accompany and consult with the child during any hearing or interview involving such child; and

(F) shall be provided at least 24 hours advance notice of a transfer of that child to a different placement, absent compelling and unusual circumstances warranting the transfer of such child before such notification.

(b) TRAINING.—

(1) IN GENERAL.—The Director shall provide professional training for all persons serving as child advocates under this section.

(2) TRAINING TOPICS.—The training provided under paragraph (1) shall include training in—

(A) the circumstances and conditions faced by unaccompanied alien children; and

(B) various immigration benefits for which such alien child might be eligible.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall establish and begin to carry out a pilot program to test the implementation of subsection (a). Any pilot program existing before the date of the enactment of this Act shall be deemed insufficient to satisfy the requirements of this subsection.

(2) PURPOSE.—The purpose of the pilot program established pursuant to paragraph (1) is to—

(A) study and assess the benefits of providing child advocates to assist unaccompanied alien children involved in immigration proceedings or matters;

(B) assess the most efficient and cost-effective means of implementing the child advocate provisions under this section; and

(C) assess the feasibility of implementing such provisions on a nationwide basis for all unaccompanied alien children in the care of the Office.

(3) SCOPE OF PROGRAM.—

(A) SELECTION OF SITE.—The Director shall select 3 sites at which to operate the pilot program established under paragraph (1).

(B) NUMBER OF CHILDREN.—Each site selected under subparagraph (A) should have not less than 25 children held in immigration custody at any given time, to the greatest extent possible.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first pilot program site is established under paragraph (1), the Director shall submit a report on the achievement of the purposes described in paragraph (2) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 622. COUNSEL.

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure, to the greatest extent practicable, that all unaccompanied alien children in the custody of the Office or the Department, who are not described in section 611(a)(2), have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the greatest extent practicable, the Director shall—

(A) make every effort to utilize the services of competent pro bono counsel who agree to provide representation to such children without charge; and

(B) ensure that placements made under subparagraphs (D), (E), and (F) of section 612(a)(1) are in cities in which there is a demonstrated capacity for competent pro bono representation.

(3) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—The Director shall develop the necessary mechanisms to identify and recruit entities that are available to provide legal assistance and representation under this subsection.

(4) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—The Director shall enter into contracts with, or award grants to, nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out the responsibilities of this title, including providing legal orientation, screening cases for referral, recruiting, training, and overseeing pro bono attorneys.

(B) SUBCONTRACTING.—Nonprofit agencies may enter into subcontracts with, or award grants to, private voluntary agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(C) CONSIDERATIONS REGARDING GRANTS AND CONTRACTS.—In awarding grants and entering into contracts with agencies under this paragraph, the Director shall take into consideration the capacity of the agencies in question to properly administer the services covered by such grants or contracts without an undue conflict of interest.

(5) MODEL GUIDELINES ON LEGAL REPRESENTATION OF CHILDREN.—

(A) DEVELOPMENT OF GUIDELINES.—The Director of the Executive Office for Immigration Review of the Department of Justice, in consultation with voluntary agencies and national experts, shall develop model guidelines for the legal representation of alien children in immigration proceedings. Such guidelines shall be based on the children's asylum guidelines, the American Bar Association Model Rules of Professional Conduct, and other relevant domestic or international sources.

(B) PURPOSE OF GUIDELINES.—The guidelines developed under subparagraph (A) shall be designed to help protect each child from any individual suspected of involvement in any criminal, harmful, or exploitative activity associated with the smuggling or trafficking of children, while ensuring the fairness of the removal proceeding in which the child is involved.

(C) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Director of the Executive Office for Immigration Review shall—

(i) adopt the guidelines developed under subparagraph (A); and

(ii) submit the guidelines for adoption by national, State, and local bar associations.

(b) DUTIES.—Counsel under this section shall—

(1) represent the unaccompanied alien child in all proceedings and matters relating

to the immigration status of the child or other actions involving the Department;

(2) appear in person for all individual merits hearings before the Executive Office for Immigration Review and interviews involving the Department; and

(3) owe the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due to an adult client.

(c) ACCESS TO CHILD.—

(1) IN GENERAL.—Counsel under this section shall have reasonable access to the unaccompanied alien child, including access while the child is—

(A) held in detention;

(B) in the care of a foster family; or

(C) in any other setting that has been determined by the Office.

(2) RESTRICTION ON TRANSFERS.—Absent compelling and unusual circumstances, a child who is represented by counsel may not be transferred from the child's placement to another placement unless advance notice of at least 24 hours is made to counsel of such transfer.

(d) NOTICE TO COUNSEL DURING IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(e) ACCESS TO RECOMMENDATIONS OF CHILD ADVOCATE.—Counsel shall be given an opportunity to review the recommendations of the child advocate affecting or involving a client who is an unaccompanied alien child.

(f) COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.—Nothing in this title may be construed to require the Government of the United States to pay for counsel to any unaccompanied alien child.

SEC. 623. EFFECTIVE DATE; APPLICABILITY.

(a) EFFECTIVE DATE.—This subtitle shall take effect on the date which is 180 days after the date of the enactment of this Act.

(b) APPLICABILITY.—The provisions of this subtitle shall apply to all unaccompanied alien children in Federal custody before, on, or after the effective date of this subtitle.

Subtitle C—Strengthening Policies for Permanent Protection of Alien Children

SEC. 631. SPECIAL IMMIGRANT JUVENILE CLASSIFICATION.

(a) J CLASSIFICATION.—

(1) IN GENERAL.—Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

''(J) an immigrant, who is 18 years of age or younger on the date of application for classification as a special immigrant and present in the United States—

''(i) who, by a court order supported by written findings of fact, which shall be binding on the Secretary of Homeland Security for purposes of adjudications under this subparagraph—

''(I) was declared dependent on a juvenile court located in the United States or has been legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State or juvenile court located in the United States; and

''(II) should not be reunified with his or her parents due to abuse, neglect, abandonment, or a similar basis found under State law;

''(ii) for whom it has been determined by written findings of fact in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

''(iii) with respect to a child in Federal custody, for whom the Office of Refugee Resettlement of the Department of Health and Human Services has certified to the Director of U.S. Citizenship and Immigration Services that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien.''.

(2) RULE OF CONSTRUCTION.—Nothing in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by paragraph (1), shall be construed to grant, to any natural parent or prior adoptive parent of any alien provided special immigrant status under such subparagraph, by virtue of such parentage, any right, privilege, or status under such Act.

(b) ADJUSTMENT OF STATUS.—Section 245(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows:

''(A) paragraphs (4), (5)(A), (6)(A), (7)(A), 9(B), and 9(C)(i)(I) of section 212(a) shall not apply; and''.

(c) ELIGIBILITY FOR ASSISTANCE.—

(1) IN GENERAL.—A child who has been certified under section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), and who was in the custody of the Office at the time a dependency order was granted for such child, shall be eligible for placement and services under section 412(d) of such Act (8 U.S.C. 1522(d)) until the earlier of—

(A) the date on which the child reaches the age designated in section 412(d)(2)(B) of such Act (8 U.S.C. 1522(d)(2)(B)); or

(B) the date on which the child is placed in a permanent adoptive home.

(2) STATE REIMBURSEMENT.—If foster care funds are expended on behalf of a child who is not described in paragraph (1) and has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act, the Federal Government shall reimburse the State in which the child resides for such expenditures by the State.

(d) TRANSITION RULE.—Notwithstanding any other provision of law, a child described in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), may not be denied such special immigrant juvenile classification after the date of the enactment of this Act based on age if the child—

(1) filed an application for special immigrant juvenile classification before the date of the enactment of this Act and was 21 years of age or younger on the date such application was filed; or

(2) was younger than 21 years of age on the date on which the child applied for classification as a special immigrant juvenile and can demonstrate exceptional circumstances warranting relief.

(e) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate rules to carry out this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens who were in the United States before, on, or after the date of the enactment of this Act.

SEC. 632. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.

(a) TRAINING OF STATE AND LOCAL OFFICIALS AND CERTAIN PRIVATE PARTIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide appropriate training materials, and upon request, direct training, to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children.

(2) CURRICULUM.—The training required under paragraph (1) shall include education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall establish a core curriculum that can be incorporated into education, training, or orientation modules or formats that are currently used by these professionals.

(3) VIDEO CONFERENCING.—Direct training requested under paragraph (1) may be conducted through video conferencing.

(b) TRAINING OF DEPARTMENT PERSONNEL.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Department who come into contact with unaccompanied alien children. Training for agents of the Border Patrol and immigration inspectors shall include specific training on identifying—

(1) children at the international borders of the United States or at United States ports of entry who have been victimized by smugglers or traffickers; and

(2) children for whom asylum or special immigrant relief may be appropriate, including children described in section 611(a)(2)(A).

SEC. 633. REPORT.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains, for the most recently concluded fiscal year—

(1) data related to the implementation of section 462 of the Homeland Security Act (6 U.S.C. 279);

(2) data regarding the care and placement of children under this title;

(3) data regarding the provision of child advocate and counsel services under this title; and

(4) any other information that the Director or the Secretary of Health and Human Services determines to be appropriate.

Subtitle D—Children Refugee and Asylum Seekers

SEC. 641. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.

(a) SENSE OF CONGRESS.—Congress—

(1) commends the former Immigration and Naturalization Service for its ''Guidelines for Children's Asylum Claims'', issued in December 1998;

(2) encourages and supports the Department to implement such guidelines to facilitate the handling of children's affirmative asylum claims;

(3) commends the Executive Office for Immigration Review of the Department of Justice for its ''Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children'', issued in September 2004;

(4) encourages and supports the continued implementation of such guidelines by the Executive Office for Immigration Review in its handling of children's asylum claims before immigration judges; and

(5) understands that the guidelines described in paragraph (3)—

(A) do not specifically address the issue of asylum claims; and

(B) address the broader issue of unaccompanied alien children.

(b) TRAINING.—

(1) IMMIGRATION OFFICERS.—The Secretary shall provide periodic comprehensive training under the ''Guidelines for Children's Asylum Claims'' to asylum officers and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers.

(2) IMMIGRATION JUDGES.—The Director of the Executive Office for Immigration Review shall—

(A) provide periodic comprehensive training under the ''Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children'' and the ''Guidelines for Children's Asylum Claims'' to immigration judges and members of the Board of Immigration Appeals; and

(B) redistribute the ''Guidelines for Children's Asylum Claims'' to all immigration courts as part of its training of immigration judges.

(3) USE OF VOLUNTARY AGENCIES.—Voluntary agencies shall be allowed to assist in the training described in this subsection.

(c) STATISTICS AND REPORTING.—

(1) STATISTICS.—

(A) DEPARTMENT OF JUSTICE.—The Attorney General shall compile and maintain statistics on the number of cases in immigration court involving unaccompanied alien children, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality;

(iv) representation by counsel;

(v) the relief sought; and

(vi) the outcome of such cases.

(B) DEPARTMENT OF HOMELAND SECURITY.—The Secretary shall compile and maintain statistics on the instances of unaccompanied alien children in the custody of the Department, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality; and

(iv) the length of detention.

(2) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and annually, thereafter, the Attorney General, in consultation with the Secretary, Secretary of Health and Human Services, and any other necessary government official, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary House of Representatives on the number of alien children in Federal custody during the most recently concluded fiscal year. Information contained in the report, with respect to such children, shall be categorized by—

(A) age;

(B) gender;

(C) country of nationality;

(D) length of time in custody;

(E) the department or agency with custody; and

(F) treatment as an unaccompanied alien child.

SEC. 642. UNACCOMPANIED REFUGEE CHILDREN.

(a) IDENTIFYING UNACCOMPANIED REFUGEE CHILDREN.—Section 207(e) of the Immigration and Nationality Act (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

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

''(3) An analysis of the worldwide situation faced by unaccompanied refugee children, categorized by region, which shall include an assessment of—

''(A) the number of unaccompanied refugee children;

''(B) the capacity of the Department of State to identify such refugees;

''(C) the capacity of the international community to care for and protect such refugees;

''(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

''(E) the degree to which the United States plans to resettle such refugees in the United States in the following fiscal year; and

''(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.''.

(b) TRAINING ON THE NEEDS OF UNACCOMPANIED REFUGEE CHILDREN.—Section 207(f)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(f)(2)) is amended—

(1) by striking ''and'' after ''countries,''; and

(2) by inserting '', and instruction on the needs of unaccompanied refugee children'' before the period at the end.

SEC. 643. EXCEPTIONS FOR UNACCOMPANIED ALIEN CHILDREN IN ASYLUM AND REFUGEE-LIKE CIRCUMSTANCES.

(a) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child apprehended by the Department, except for an unaccompanied alien child subject to exceptions under paragraph (1)(A) or (2) of section 611(a), shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(b) EXCEPTION FROM TIME LIMIT FOR FILING ASYLUM APPLICATION.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)(2), by adding at the end the following:

''(E) APPLICABILITY.—Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child.''; and

(2) in subsection (b)(3), by adding at the end the following:

''(C) INITIAL JURISDICTION.—United States Citizenship and Immigration Services shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child.''.

Subtitle E—Amendments to the Homeland Security Act of 2002

SEC. 651. ADDITIONAL RESPONSIBILITIES AND POWERS OF THE OFFICE OF REFUGEE RESETTLEMENT WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.

(a) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR.—Section 462(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)) is amended—

(1) in subparagraph (K), by striking ''and'' at the end;

(2) in subparagraph (L), by striking the period at the end and inserting '', including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements; and''; and

(3) by adding at the end the following:

''(M) ensuring minimum standards of care for all unaccompanied alien children—

''(i) for whom detention is necessary; and

''(ii) who reside in settings that are alternative to detention.''.

(b) ADDITIONAL AUTHORITY OF THE DIRECTOR.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended by adding at the end the following:

''(4) AUTHORITY.—In carrying out the duties under paragraph (3), the Director may—

''(A) contract with service providers to perform the services described in sections 612, 613, 621, and 622 of the Unaccompanied Alien Child Protection Act of 2007; and

''(B) compel compliance with the terms and conditions set forth in section 613 of such Act, by—

''(i) declaring providers to be in breach and seek damages for noncompliance;

''(ii) terminating the contracts of providers that are not in compliance with such conditions; or

''(iii) reassigning any unaccompanied alien child to a similar facility that is in compliance with such section.''.

SEC. 652. TECHNICAL CORRECTIONS.

Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)), as amended by section 651, is further amended—

(1) in paragraph (3), by striking ''paragraph (1)(G)'' and inserting ''paragraph (1)''; and

(2) by adding at the end the following:

''(5) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for unaccompanied alien children who are released to a qualified sponsor.''.

SEC. 653. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect as if included in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

Subtitle F—Prison Sexual Abuse Prevention

SEC. 661. SHORT TITLE.

This subtitle may be cited as the ''Prison Sexual Abuse Prevention Act of 2007''.

SEC. 662. SEXUAL ABUSE.

Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking ''the Attorney General'' each place that term appears and inserting ''the head of any Federal department or agency''.

Subtitle G—Authorization of Appropriations

SEC. 671. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department, the Department of Justice, and the Department of Health and Human Services, such sums as may be necessary to carry out—

(1) the provisions of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279); and

(2) the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SA 2437. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—VISA AND PASSPORT SECURITY

SEC. 601. SHORT TITLE.

This title may be cited as the ''Passport and Visa Security Act of 2007''.

Subtitle A—Reform of Passport Fraud Offenses

SEC. 611. TRAFFICKING IN PASSPORTS.

Section 1541 of title 18, United States Code, is amended to read as follows:

''§ 1541. Trafficking in passports

''(a) MULTIPLE PASSPORTS.—Any person who, during any period of 3 years or less, knowingly—

''(1) and without lawful authority produces, issues, or transfers 10 or more passports;

''(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

''(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

''(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport, knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make a passport, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.''.

SEC. 612. FALSE STATEMENT IN AN APPLICATION FOR A PASSPORT.

Section 1542 of title 18, United States Code, is amended to read as follows:

''§ 1542. False statement in an application for a passport

''(a) IN GENERAL.—Whoever knowingly makes any false statement or representation in an application for a United States passport, or mails, prepares, presents, or signs an application for a United States passport knowing the application to contain any false statement or representation, shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) VENUE.—

''(1) IN GENERAL.—An offense under subsection (a) may be prosecuted in any district—

''(A) in which the false statement or representation was made or the application for a United States passport was prepared or signed; or

''(B) in which or to which the application was mailed or presented.

''(2) ACTS OCCURRING OUTSIDE THE UNITED STATES.—An offense under subsection (a) involving an application for a United States passport prepared and adjudicated outside the United States may be prosecuted in the district in which the resultant passport was or would have been produced.

''(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the venue otherwise available under sections 3237 and 3238 of this title.''.

SEC. 613. FORGERY AND UNLAWFUL PRODUCTION OF A PASSPORT.

Section 1543 of title 18, United States Code, is amended to read as follows:

''§ 1543. Forgery and unlawful production of a passport

''(a) FORGERY.—Any person who knowingly—

''(1) forges, counterfeits, alters, or falsely makes any passport; or

''(2) transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

''(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

''(2) produces, issues, authorizes, or verifies a United States passport for or to any person knowing or in reckless disregard of the fact that such person is not entitled to receive a passport; or

''(3) transfers or furnishes a passport to any person for use by any person other than the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.''.

SEC. 614. MISUSE OF A PASSPORT.

Section 1544 of title 18, United States Code, is amended to read as follows:

''§ 1544. Misuse of a passport

''Any person who knowingly—

''(1) uses any passport issued or designed for the use of another;

''(2) uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

''(3) secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.''.

SEC. 615. SCHEMES TO DEFRAUD ALIENS.

Section 1545 of title 18, United States Code, is amended to read as follows:

''§ 1545. Schemes to defraud aliens

''(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws or any matter the offender claims or represents is authorized by or arises under Federal immigration laws, to—

''(1) defraud any person; or

''(2) obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, promises,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) MISREPRESENTATION.—Any person who knowingly and falsely represents that such person is an attorney or an accredited representative (as that term is defined in section 1292.1 of title 8, Code of Federal Regulations (or any successor regulation to such section)) in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.''.

SEC. 616. IMMIGRATION AND VISA FRAUD.

Section 1546 of title 18, United States Code, is amended to read as follows:

''§ 1546. Immigration and visa fraud

''(a) IN GENERAL.—Any person who knowingly—

''(1) uses any immigration document issued or designed for the use of another;

''(2) forges, counterfeits, alters, or falsely makes any immigration document;

''(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

''(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

''(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

''(6) transfers or furnishes, without lawful authority, an immigration document to another person for use by a person other than the person for whom the document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) TRAFFICKING.—Any person who, during any period of 3 years or less, knowingly—

''(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

''(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

''(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make immigration documents, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.

''(d) EMPLOYMENT DOCUMENTS.—Whoever uses—

''(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor;

''(2) an identification document knowing (or having reason to know) that the document is false; or

''(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), shall be fined under this title, imprisoned not more than 5 years, or both.''.

SEC. 617. ALTERNATIVE IMPRISONMENT MAXIMUM FOR CERTAIN OFFENSES.

Section 1547 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''(other than an offense under section 1545)'';

(2) in paragraph (1), by striking ''15'' and inserting ''20''; and

(3) in paragraph (2), by striking ''20'' and inserting ''25''.

SEC. 618. ATTEMPTS, CONSPIRACIES, JURISDICTION, AND DEFINITIONS.

Chapter 75 of title 18, United States Code, is amended by adding after section 1547 the following new sections:

''§ 1548. Attempts and conspiracies

''Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

''§ 1549. Additional jurisdiction

''(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

''(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

''(1) the offense involves a United States passport or immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

''(2) the offense is in or affects foreign commerce;

''(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

''(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

''(5) the offender is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); or

''(6) the offender is a stateless person whose habitual residence is in the United States.

''§ 1550. Authorized law enforcement activities

''Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (Public Law 91–452; 84 Stat. 933).

''§ 1551. Definitions

''As used in this chapter:

''(1) The term 'application for a United States passport' includes any document, photograph, or other piece of evidence submitted in support of an application for a United States passport.

''(2) The term 'false statement or representation' includes a personation or an omission.

''(3) The term 'immigration document'—

''(A) means any application, petition, affidavit, declaration, attestation, form, visa, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other official document, arising under or authorized by the immigration laws of the United States; and

''(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document described in subparagraph (A).

''(4) The term 'immigration laws' includes—

''(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

''(B) the laws relating to the issuance and use of passports; and

''(C) the regulations prescribed under the authority of any law described in subparagraph (A) or (B).

''(5) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

''(6) The term 'passport' means—

''(A) a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or

''(B) any instrument purporting to be a document described in subparagraph (A).

''(7) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

''(8) The term 'to present' means to offer or submit for official processing, examination, or adjudication. Any such presentation continues until the official processing, examination, or adjudication is complete.

''(9) The 'use' of a passport or an immigration document referred to in section 1541(a), 1543(b), 1544, 1546(a), and 1546(b) of this chapter includes—

''(A) any officially authorized use;

''(B) use to travel;

''(C) use to demonstrate identity, residence, nationality, citizenship, or immigration status;

''(D) use to seek or maintain employment; or

''(E) use in any matter within the jurisdiction of the Federal government or of a State government.''.

SEC. 619. CLERICAL AMENDMENT.

The table of sections for chapter 75 of title 18, United States Code, is amended to read as follows:

''Sec.
''1541. Trafficking in passports.
''1542. False statement in an application for a passport.
''1543. Forgery and unlawful production of a passport.
''1544. Misuse of a passport.
''1545. Schemes to defraud aliens.
''1546. Immigration and visa fraud.
''1547. Alternative imprisonment maximum for certain offenses.
''1548. Attempts and conspiracies.
''1549. Additional jurisdiction.
''1550. Authorized law enforcement activities.
''1551. Definitions.''.

Subtitle B—Other Reforms

SEC. 621. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to the authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate or amend the sentencing guidelines, policy statements, and official commentaries related to passport fraud offenses, including the offenses described in chapter 75 of title 18, United States Code, as amended by section 2, to reflect the serious nature of such offenses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the United States Sentencing Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this section.

SEC. 622. RELEASE AND DETENTION PRIOR TO DISPOSITION.

(a) DETENTION.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

''(e) DETENTION.—(1) If, after a hearing pursuant to the provisions of subsection (f) of this section, the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

''(2) In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

''(A) the person has been convicted of a Federal offense that is described in subsection (f)(1) of this section, or of a State or local offense that would have been an offense described in subsection (f)(1) of this section if a circumstance giving rise to Federal jurisdiction had existed;

''(B) the offense described in subparagraph (A) of this paragraph was committed while the person was on release pending trial for a Federal, State, or local offense; and

''(C) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in subparagraph (A) of this paragraph, whichever is later.

''(3) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, an offense under section 924(c), 956(a), or 2332b of this title, or an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed, or an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.

''(4) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

''(A) is an alien; and

''(B)(i) has no lawful immigration status in the United States;

''(ii) is the subject of a final order of removal; or

''(iii) has committed a felony offense under chapter 75 of this title.''.

(b) FACTORS TO BE CONSIDERED.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end; and

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

''(C) the person's immigration status; and''.

SEC. 623. PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.

(a) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for Federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the United States treaty obligations under Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

(b) NO PRIVATE RIGHT OF ACTION.—The guidelines required by subsection (a), and any internal office procedures adopted pursuant thereto, are intended solely for the guidance of attorneys for the United States. This section, such guidelines, and the process for determining such guidelines are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter

SEC. 624. DIPLOMATIC SECURITY SERVICE.

Section 37(a)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)(1)) is amended to read as follows:

''(1) conduct investigations concerning—

''(A) illegal passport or visa issuance or use;

''(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

''(C) violations of chapter 77 of title 18, United States Code; and

''(D) Federal offenses committed within the special maritime and territorial jurisdiction defined in paragraph (9) of section 7 of title 18, United States Code;''.

SEC. 625. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, PASSPORT, AND NATURALIZATION OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

''§ 3291. Immigration, passport, and naturalization offenses

''No person shall be prosecuted, tried, or punished for a violation of any section of

chapters 69 (relating to nationality and citizenship offenses) or 75 (relating to passport and visa offenses) of this title, or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information is filed within ten years after the commission of the offense.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

''3291. Immigration, passport, and naturalization offenses''.

SA 2438. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SHARED BORDER MANAGEMENT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the Department of Homeland Security's use of shared border management to secure the international borders of the United States.

(b) REPORT.—The Comptroller General shall submit a report to Congress that describes—

(1) any negotiations, plans, or designs conducted by officials of the Department of Homeland Security regarding the practice of shared border management; and

(2) the factors required to be in place for shared border management to be successful.

SA 2439. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRANSPORTATION FACILITY ACCESS CONTROL PROGRAMS.

The Secretary of Homeland Security shall work with appropriate officials of Florida and of other States to resolve the differences between the Transportation Worker Identification Credential program administered by the Transportation Security Administration and existing State transportation facility access control programs.

SA 2440. Mrs. MCCASKILL (for herself, Mr. OBAMA, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 20, before the period, insert the following: '': *Provided*, That the Inspector General shall investigate decisions made regarding, and the policy of the Federal Emergency Management Agency relating to, formaldehyde in trailers in the Gulf Coast region and make recommendations relating to that investigation, including recommendations on any disciplinary or other personnel actions and recommendations regarding any additional training necessary for employees in the Office of General Counsel of the Federal Emergency Management Agency to remedy institutionalized biases that affect disaster victims, the feasability of, and need for, developing a systematic process by which the Federal Emergency Management Agency collects, reports, and responds to occupants of housing supplied by the Federal Emergency Management Agency (including such housing supplied through a third party), and whether the Inspector General should review complaints received by the Federal Emergency Management Agency to facilitate early detection of problems and effective mitigation and responsiveness: *Provided further*, That the investigation under the previous proviso shall include any other decision where the Inspector General determines that the Office of General Counsel of the Federal Emergency Management Agency prioritized insulating the Federal Emergency Management Agency from possible legal liability over public safety''.

On page 35, line 15, before the period, insert the following: '': *Provided further*, That not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall update training practices for all customer service employees of the Federal Emergency Management Agency and establish an appropriate continuing education requirement for employees in the Office of General Counsel of the Federal Emergency Management Agency relating to addressing health concerns of disaster victims''.

On page 40, line 24, before the period, insert the following: '': *Provided further*, That not later than 15 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the actions taken as of that date, and any actions the Administrator will take, in response to the reports of possible health impacts due to formaldehyde exposure in certain trailers provided by the Federal Emergency Management Agency, which shall include a description of any disciplinary or other personnel actions taken in response to those possible health impacts and a detailed policy for responding to any reports of potential health hazards posed by any materials provided by the Federal Emergency Management Agency (including housing, food, water, or other materials): *Provided further*, That the Administrator shall provide for indoor air quality testing and root cause determination, (including such testing and determination relating to formaldehyde) of occupied and unoccupied trailers provided by the Federal Emergency Management Agency, which shall be reviewed or conducted by a third party with a proven record of scientifically based environmental and epidemiological testing: *Provided further*, That the Administrator shall work with the heads of other appropriate Federal departments and agencies (including components of the Department of Homeland Security), impacted States, and disaster victims to make available safe alternatives for living conditions based on the results of the testing and determinations under the previous proviso: *Provided further*, That the previous proviso shall not be construed to limit the authority of the Administrator to make accommodations for occupants requesting relocation assistance due to potential health hazards in that housing prior to receipt of such test results: *Provided further*, That the Administrator and the Administrator of General Services, in conjunction with the heads of other appropriate Federal departments and agencies, including components of the Department of Homeland Security, shall develop a policy for surplus trailers to mitigate the health impacts for potential occupants''.

SA 2441. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. Notwithstanding any other provision of law, the Administrator of the Transportation Security Administration shall continue to prohibit any butane lighters from being taken into an airport sterile area or onboard an aircraft until the Administrator provides to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report identifying all anticipated security benefits and any possible vulnerabilities associated with allowing butane lighters into airport sterile areas and onboard commercial aircraft, including supporting analysis justifying the conclusions reached. The Comptroller General of the United States shall report on its assessment of the report submitted by the Transportation Security Administration within 180 days of the date the report is submitted. The Administrator shall not take action to allow butane lighters into an airport sterile area or onboard commercial aircraft until at least 60 days after the Comptroller General submits the Comptroller General's assessment of the Transportation Security Administration report.

SA 2442. Mr. COBURN (for himself, Mr. DEMINT, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a)(1)(A) None of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless more than one bid is received for such contract.

(2) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures

to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3)(A) If the Secretary of Homeland Security does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the contract, grant, or cooperative agreement is essential to the mission of the Department of Homeland Security.

(b)(1) Not later than December 31, 2008, the Secretary of Homeland Security shall submit to Congress a report on congressional initiatives for which amounts were appropriated during fiscal year 2008.

(2) The report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) The report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Homeland Security.

(c) In this section:

(1) The term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) The term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 2443. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.

(1) IN GENERAL.—The Secretary of Homeland Security shall improve the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) to—

(A) respond to inquiries made by participating employers through the Internet to help confirm an individual's identity and determine whether the individual is authorized to be employed in the United States;

(B) electronically confirm the issuance of an employment authorization or identity document to the individual who is seeking employment, and to display the photograph that the issuer placed on such document to allow an employer to verify employment authorization or identity by comparing the photograph displayed on the document presented by the individual to the photograph transmitted by the Department of Homeland Security;

(C) maximize the reliability and ease of use of the basic pilot program by employers, while insulating and protecting the privacy and security of the underlying information;

(D) respond accurately to all inquiries made by employers on whether individuals are authorized to be employed in the United States;

(E) maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

(F) allow for auditing the use of the system to detect fraud and identify theft, and to preserve the security of the information collected through the basic pilot program, including—

(i) the development and use of algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

(ii) the development and use of algorithms to detect misuse of the system by employers and employees;

(iii) the development of capabilities to detect anomalies in the use of the basic pilot program that may indicate potential fraud or misuse of the program; and

(iv) auditing documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees.

(2) COORDINATION WITH STATE GOVERNMENTS.—If use of an employer verification system is mandated by State or local law, the Secretary of Homeland Security, in consultation with appropriate State and local officials, shall—

(A) ensure that State and local programs have sufficient access to the Federal Government's Employment Eligibility Verification System and ensure that such system has sufficient capacity to—

(i) register employers in States with employer verification requirements;

(ii) respond to inquiries by employers; and

(iii) enter into memoranda of understanding with States to ensure responses to clauses (i) and (ii); and

(B) permit State law enforcement authorities to access data maintained by the basic pilot program through a written or electronic inquiry to the Chief Privacy Officer of the Department of Homeland Security; and

(C) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

(3) RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION.—In order to prevent identity theft, protect employees, and reduce the burden on employers, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall—

(A) review the Social Security Administration databases and information technology to identify any deficiencies and discrepancies related to name, birth date, citizenship status, or death records of the social security accounts and social security account holders that are likely to contribute to fraudulent use of documents, identity theft, or affect the proper functioning of the basic pilot program;

(B) work to correct any errors identified under subparagraph (A); and

(C) work to ensure that a system for identifying and promptly correcting such deficiencies and discrepancies is adopted to ensure the accuracy of the Social Security Administration's databases.

(4) RULEMAKING.—The Secretary is authorized, with notice to the public provided in the Federal Register, to issue regulations concerning operational and technical aspects of the basic pilot program and the efficiency, accuracy, and security of such program.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $60,000,000 for fiscal year 2008 for the expansion and base operations of the Employment Eligibility Verification Basic Pilot Program.

SA 2444. Mr. GRASSLEY (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds made available under this Act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 537. None of the funds made available under this Act may be available to enter into a contract with a person, employer, or other entity that does not participate in the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SA 2445. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table as follows:

At the end, add the following:

SEC. 536. (a) REPORT ON INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report on the implementation and use of interagency operational centers for port security under section 70107A of title 46, United States Code.

(b) ELEMENTS.—The report required by subsection shall include the following:

(1) A detailed description of the progress made in transitioning Project Seahawk in Charleston, South Carolina, from the Department of Justice to the Coast Guard, including all projects and equipment associated with that project.

(2) A detailed description of that actions being taken to assure the integrity of Project Seahawk and ensure there is no loss in cooperation between the agencies specified in section 70107A(b)(3) of title 46, United State Code.

(3) A detailed description and explanation of any changes in Project Seahawk as of the date of the report, including any changes in Federal, State, or local staffing of that project.

SA 2446. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr.

BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 35, line 20, strike ''$3,030,500,000'' and insert ''$3,080,500,000''.

On page 36, line 22, strike ''$1,836,000,000'' and insert ''$1,886,000,000''.

On page 37, line 20, strike ''$400,000,000'' and insert ''$450,000,000''.

On page 37, line 24, insert '', of which $50,000,000 shall be available for Amtrak security upgrades, including infrastructure protection, securing tunnels and stations, hiring and training Amtrak police officers, deploying additional canine units, operating and capital costs associated with security awareness, preparedness, and response, and other activities that enhance the security of Amtrak infrastructure, employees, and passengers'' before the semicolon at the end.

SA 2447. Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mrs. CLINTON, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 49, line 22, strike the period at the end and all that follows through ''2010:'' on page 50, line 2, and insert the following: '', of which $10,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget.

''SYSTEMS ACQUISITION

''For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $182,000,000, to remain available until September 30, 2010, of which $30,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget:''.

SA 2448. Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS THROUGH THE RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.

Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''1996, 1997,'' after ''available in fiscal year''; and

(B) by inserting ''group I,'' after ''schedule A,'';

(2) in paragraph (2)(A), by inserting ''1996, 1997, and'' after ''available in fiscal years''; and

(3) by adding at the end the following:

''(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.''.

SA 2449. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 39, line 21, insert '', of which not less than $75,000,000 shall be used for training, exercises, and technical assistance consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g))'' before the semicolon at the end.

SA 2450. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. The Administrator of the United States Fire Administration may obligate and expend any unobligated funds made available in fiscal year 2006 to the United States Fire Administration to perform deferred annual maintenance at the National Emergency Training Center in Emmitsburg, Maryland.

SA 2451. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. GAO STUDY OF COST OF FENCING ON THE SOUTHERN BORDER.

(a) INQUIRY AND REPORT REQUIRED.—The Comptroller of the United States shall conduct a study examining—

(1) the total amount of money that has been expended, as of June 20, 2007, to construct 90 miles of fencing on the southern border of the United States;

(2) the average cost per mile of the 90 miles of fencing on the southern border as of June 20, 2007;

(3) the average cost per mile of the 370 miles of fencing that the Department of Homeland Security is required to have completed on the southern border by December 31, 2008, which shall include $1,187,000,000 appropriated in fiscal year 2007 for ''border security fencing, technology, and infrastructure'' and the $1,000,000,000 appropriated under this Act under the heading ''Border Security Fencing, Infrastructure, and Technology'';

(4) the total cost and average cost per mile to construct the 700 linear miles (854 topographical miles) of fencing on the southern border required to be constructed under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006 (Public Law 109–367);

(5) the total cost and average cost per mile to construct the fencing described in paragraph (4) if the double layer fencing requirement were eliminated; and

(6) the number of miles of single layer fencing, if fencing were not accompanied by additional technology and infrastructure such as cameras, sensors, and roads, which could be built with the $1,187,000,000 appropriated in fiscal year 2007 for ''border security fencing, technology, and infrastructure'' and the $1,000,000,000 appropriated under this Act under the heading ''Border Security Fencing, Infrastructure, and Technology''.

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study conducted pursuant to subsection (a) to—

(1) the Committee on Appropriations of the Senate;

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

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

SA 2452. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 26, strike ''$1,000,000,000, to remain available until expended: *Provided* ,'' and insert ''$2,480,800,000, to remain available until expended, of which $1,548,800,00 shall be designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be used for the construction of topographic mile 371 through linear mile 700 of the miles of fence required by section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006; *Provided*,''.

SA 2453. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 26, strike ''$1,000,000,000, to remain available until expended: *Provided*,'' and insert ''$2,480,800,000, to remain available until expended: *Provided*, that not less than $1,548,800,000 shall be used for the construction of topographic mile 371 through linear mile 700 of the miles of fence required by section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006 (Public Law 109–367); *Provided further*,''.

At the appropriate place, insert the following:

SEC. ___. OFFSETTING LANGUAGE.

All discretionary amounts made available under this Act, other than the amounts appropriated under the subheadings related to funding of customs and border patrol salaries and expenses, immigration and customs enforcement salaries and expenses, United States Coast Guard salaries and expenses, United States Visitor and Immigrant Status Indicator Technology project, disaster relief,

flood map modernization fund, national flood insurance fund, national flood mitigation fund, national predisaster mitigation fund, emergency food and shelter, and Federal law enforcement training center salaries and expenses, shall be reduced on a pro rata basis by $1,548,800,000.

SA 2454. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 24, insert ''*Provided further*, That grants provided under paragraph (3) may be used for State and local expenses relating to the implementation of agreements between the Department of Homeland Security and State and local governments in accordance with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).'' before the period at the end.

SA 2455. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien who is unlawfully present or removable for the purpose of assisting in the enforcement of the immigration laws of the United States, including laws related to visa overstay, in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law. This State authority to detain or arrest shall not last longer than 72 hours unless the Secretary of Homeland Security requests that the State, or political subdivision of the State, continue to detain or arrest the alien to facilitate transfer to Federal custody. This State authority shall terminate if the State, or political subdivision of the State, is directed by the Secretary of Homeland Security to release the alien.

(b) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. 537. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided under paragraph (3)(C), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice, and the head of the National Crime Information Center shall input into the National Crime Information Center Database, the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States or removable from the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is lawfully admitted to enter or lawfully permitted to remain in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(A) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien.

(B) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under subparagraph (A), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous.

(C) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in paragraph (1), the Secretary may not provide the information required under paragraph (1) until the procedures required under this paragraph have been developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

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

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

SA 2456. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 12, strike ''$6,601,058,000;'' and insert ''$7,001,058,000, of which $400,000,000 shall remain available until expended or until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367) for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border;''.

On page 69, after line 24, add the following:

SEC. 536. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367), the Governor of a State, upon the approval of the Secretary of Defense, shall order any units or personnel of the National Guard of such State—

(1) to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized under subsection (b), for the purpose of securing such border; and

(2) to perform duties under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized under this subsection are any of the following:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(12) Identification, interrogation, search, seizure, and detention of any alien entering or attempting to enter the United States in violation of any law or regulation regarding the admission, exclusion, expulsion, or removal of aliens, until the alien can be transferred into the custody of a border patrol agent or a customs and border protection officer.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty. Individual periods of training duty shall not be limited to 3 weeks per year.

(f) RULES OF ENGAGEMENT.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the rules of engagement to be followed by units and personnel of the National Guard

tasked with authorized activities described in subsection (b)(12). The rules of engagement for the National Guard shall be equivalent to the rules of engagement for Border Patrol agents.

(g) USE OF FORCE.—Nondeadly force may be used by National Guard members stationed at the southern border in the identification, interrogation, search, seizure, and detention of any alien in accordance with subsection (b)(12).

(h) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term ''Governor of a State'' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) NONDEADLY FORCE.—The term ''nondeadly force'' means physical force or restraint that could not reasonably be expected to result in, or be capable of, causing death or serious bodily injury.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(4) STATE ALONG THE SOUTHERN BOARDER OF THE UNITED STATES.—The term ''State along the southern border of the United States'' means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(i) DURATION OF AUTHORITY.—This section shall be effective until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367).

SA 2457. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 12, strike ''$6,601,058,000;'' and insert ''$7,001,058,000, of which $400,000,000 shall remain available until expended or until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367) for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border;''.

On page 69, after line 24, add the following:

SEC. 536. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367), the Governor of a State, upon the approval of the Secretary of Defense, may order any units or personnel of the National Guard of such State—

(1) to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized under subsection (b), for the purpose of securing such border; and

(2) to perform duties under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized under this subsection are any of the following:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(12) Identification, interrogation, search, seizure, and detention of any alien entering or attempting to enter the United States in violation of any law or regulation regarding the admission, exclusion, expulsion, or removal of aliens, until the alien can be transferred into the custody of a border patrol agent or a customs and border protection officer.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty. Individual periods of training duty shall not be limited to 3 weeks per year.

(f) RULES OF ENGAGEMENT.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the rules of engagement to be followed by units and personnel of the National Guard tasked with authorized activities described in subsection (b)(12). The rules of engagement for the National Guard shall be equivalent to the rules of engagement for Border Patrol agents.

(g) USE OF FORCE.—Nondeadly force may be used by National Guard members stationed at the southern border in the identification, interrogation, search, seizure, and detention of any alien in accordance with subsection (b)(12).

(h) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term ''Governor of a State'' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) NONDEADLY FORCE.—The term ''nondeadly force'' means physical force or restraint that could not reasonably be expected to result in, or be capable of, causing death or serious bodily injury.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(4) STATE ALONG THE SOUTHERN BOARDER OF THE UNITED STATES.—The term ''State along the southern border of the United States'' means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(i) DURATION OF AUTHORITY.—This section shall be effective until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367).

SA 2458. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CRIMINAL ALIEN PROGRAM PILOT PROJECT.

(a) IN GENERAL.—The Secretary shall use funds appropriated for the Criminal Alien Program of United States Immigration and Customs Enforcement to implement a pilot project to evaluate technology that can—

(1) effectively analyze information on jail and prison populations; and

(2) automatically identify incarcerated illegal aliens in a timely manner before their release from detention.

(b) MINIMUM REQUIREMENTS.—The pilot project implemented under subsection (a) shall involve not fewer than 2 States and shall provide for the daily collection of data from not fewer than 15 jails or prisons.

(c) REPORT.—Not later than July 1, 2008, the Secretary shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that describes—

(1) the status of the pilot project implemented under subsection (a);

(2) the impact of the pilot project on illegal alien management; and

(3) the Secretary's plans to integrate the technology evaluated under the pilot project into future enforcement budgets and operating procedures.

SEC. ___. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the ''Program'') or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of United States Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the

maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for fiscal year 2008 to carry out the Institutional Removal Program.

SEC. ___. STRENGTHENING DEFINITION OF CONVICTION.

Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

''(C) Any reversal, vacatur, expungement, or modification of a conviction, sentence, or conviction record that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt, shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt.''.

SA 2459. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXPANSION OF ZERO TOLERANCE POLICY TO PROSECUTE ALL ILLEGAL ALIENS WHO ILLEGALLY ENTER THE UNITED STATES ALONG THE SOUTHERN LAND BORDER IN THE TUCSON, ARIZONA OR SAN DIEGO, CALIFORNIA SECTOR.

(a) IN GENERAL.—The Secretary of the Homeland Security shall work with the United States Attorney offices assigned to the judicial district located in the Tucson, Arizona and San Diego, California sectors along the southern land border of the United States to implement a zero tolerance policy of prosecuting all undocumented aliens attempting to enter the United States along the southern land border in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325). This policy was successfully implemented in the Del Rio, Texas sector in a program known as Operation Streamline.

(b) REQUIREMENT.—Until the zero tolerance program described in subsection (a) is fully implemented, the Secretary of Homeland Security shall refer all undocumented aliens who are apprehended while attempting to enter the United States in the Tucson, Arizona or San Diego, California sector along the southern land border in violation of section 275 of such Act to the United States Attorneys offices assigned to the judicial district located in such sectors. Such offices shall provide a formal acceptance or declination for prosecution of such undocumented aliens.

SA 2460. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GAO STUDY OF EFFECT OF AFFIDAVIT OF SUPPORT ON MEANS-TESTED PUBLIC BENEFITS.

(a) INQUIRY AND REPORT REQUIRED.—The Comptroller General of the United States shall conduct a study examining—

(1) the number of immigrants with a sponsor who submitted an Affidavit of Support (I–864) on the immigrant's behalf to the Department of Homeland Security or the former Immigration and Naturalization Service;

(2) the number of immigrants described in paragraph (1) who received Federal means-tested public benefits (except those public benefits specified in section 403(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c))) when the sponsor was obligated to support the immigrant and the total dollar value of such benefits;

(3) the number of immigrants described in paragraph (1) who received State means-tested public benefits (except those public benefits specified in such section 403(c)) when the sponsor was obligated to support the immigrant and the total dollar value of such benefits;

(4) the number of immigrants described in paragraph (1) who received local means-tested public benefits (except those public benefits specified in such section 403(c)) when the sponsor was obligated to support the immigrant and the total dollar value of such benefits;

(5) the efforts taken by Federal, State, and local agencies that provided means-tested public benefits described in paragraph (2), (3), or (4) to immigrants to determine whether such immigrants were covered by a sponsor's obligation as contracted in an Affidavit of Support; and

(6) the efforts taken by the Federal, State, and local agencies described in paragraph (5) to obtain repayment from the sponsors who were obligated to reimburse such agencies for the benefits described in paragraph (2), (3), or (4) received by sponsored immigrants.

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report containing the results of the study conducted pursuant to subsection (a) to—

(1) the Committee on Appropriations of the Senate;

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

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

SA 2461. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 2, line 11, strike ''$100,000,000'' and insert ''$94,000,000''.

On page 18, line 2, strike ''$5,039,559,000'' and insert ''$5,045,559,000''.

On page 18, line 10, strike ''$964,445,000'' and insert ''$970,445,000''.

On page 18, line 20, strike ''$2,329,334,000'' and insert ''$2,335,344,000''.

SA 2462. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 16, line 1, strike ''may'' and insert ''shall''.

SA 2463. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SA 2464. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 25, insert after ''in advance'' the following: '', and the Secretary posts on the Department's website whether the grant or contract recipient has been the subject of any civil, criminal, or administrative proceedings initiated or concluded by the Federal Government or any State government during the most recent five-year period''.

SA 2465. Mr. DODD (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. (a) The amount appropriated by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 under the heading ''FIREFIGHTER ASSISTANCE GRANTS'' is hereby

increased by $5,000,000 for necessary expenses to carry out the programs authorized under section 34 of that Act (15 U.S.C. 2229a).

(b) The amount appropriated by title III under the heading ''INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY'' is hereby reduced by $2,000,000.

(c) The amount appropriated by title I under the heading ''ANALYSIS AND OPERATIONS'' is hereby reduced by $3,000,000.

SA 2466. Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. CORNYN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENT OF BARRIERS AT BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking ''Attorney General, in consultation with the Commissioner of Immigration and Naturalization,'' and inserting ''Secretary of Homeland Security''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''IN THE BORDER AREA'' and inserting ''ALONG THE BORDER'';

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(D) in paragraph (5), as redesignated, by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

SA 2467. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. DATA RELATING TO DECLARATIONS OF A MAJOR DISASTER.

(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), and not later than 30 days after the date that the President determines whether to declare a major disaster because of an event, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall include all data used to determine whether—

(1) to declare a major disaster; or

(2) a State will be eligible for assistance under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.).

(b) EXCEPTION.—The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

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

SA 2468. Ms. LANDRIEU proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end, add the following:

SEC. 536. (a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States Government that the foremost objective of the United States in the Global War on Terror and in protecting the United States Homeland is to capture or kill Osama bin Laden, Ayman al-Zawahiri, and other members of al Qaeda and to destroy the al Qaeda network.

(b) FUNDING.—

(1) ADDITIONAL AMOUNT FOR COUNTERTERRORIST OPERATIONS.—There is hereby appropriated for the Central Intelligence Agency, $25,000,000.

(2) EMERGENCY REQUIREMEN6T.—The amount appropriated by paragraph (1) is hereby designated as an emergency requirement pursuant to section 204 of S.Con.Res.21 (110th Congress).

SA 2469. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between lines 6 and 7, insert the following:

(d) Notwithstanding section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c), projects relating to Hurricanes Katrina and Rita for which the non-Federal share of assistance under that section is funded by amounts appropriated to the Community Development Fund under chapter 9 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2779) or chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 472) shall not be subject to any precertification requirements.

SA 2470. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 7, insert after ''operations;'' the following: of which $20,000,000 shall be utilized to develop and implement a Model Ports of Entry program at the 20 United States international airports with the greatest average annual number of arriving foreign visitors to provide a more efficient and welcoming international arrival process in order to facilitate and promote business and leisure travel to the United States, while also improving security;''

SA 2471. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 7, insert after ''operations;'' the following: ''of which such sums shall hire and deploy 200 additional CBP officers at domestic airports receiving significant numbers of international passengers to alleviate wait times at such airports;''

SA 2472. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr.

BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of funds made available in this or any other Act for fiscal year 2008 may be used to enforce section 4025(1) of Public Law 108–458 until the Assistant Secretary (Transportation Security Administration) submits to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report identifying all anticipated security benefits and any possible vulnerabilities associated with allowing butane lighters into airport sterile areas and onboard commercial aircraft, including analysis in support of the conclusions reached. The Comptroller General of the United States shall report on the Comptroller General's assessment of the report submitted by the Transportation Security Administration to the Committees within 180 days of its submission. The Assistant Secretary (Transportation Security Administration) shall not take any action to allow butane lighters into airport sterile areas or onboard commercial aircraft until at least 60 days after the Comptroller General submits the Comptroller General's assessment of the Transportation Security Administration report.

SA 2473. Mr. OBAMA (for himself, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $2 million or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee owes no past due Federal tax liability or that the contractor or grantee has entered into an installment agreement or other plan approved by the Internal Revenue Service to repay any outstanding past due Federal tax liability. For purposes of the preceding sentence, the certification requirement of part 52.209-5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment or other judicial determination rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

SA 2474. Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, Mr. LIEBERMAN, Mr. KERRY, Ms. COLLINS, Ms. MIKULSKI, Mr. CARDIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 6, before the period, insert the following: '': *Provided further*, the Secretary of Homeland Security shall ensure that the workforce of the Federal Protective Service includes not fewer than 1,200 Commanders, Police Officers, Inspectors, and Special Agents engaged on a daily basis in protecting Federal buildings (under this heading referred to as 'in-service'): *Provided further*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall adjust fees as necessary to ensure full funding of not fewer than 1,200 in-service Commanders, Police Officers, Inspectors, and Special Agents at the Federal Protective Service''.

SA 2475. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 7, insert after ''operations;'' the following: ''of which $20,000,000 shall be utilized to develop and implement a Model Ports of Entry program at the 20 United States international airports that have the highest number of foreign visitors arriving annually as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of enactment of this Act, to provide a more efficient and welcoming international arrival process in order to facilitate and promote business and leisure travel to the United States, while also improving security;''

SA 2476. Mr. COCHRAN (for Mr. GRASSLEY) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. CHEMICAL FACILITY ANTITERRORISM STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds in this Act may be used to enforce the interim final regulations relating to stored quantities of propane issued under section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), including the regulations relating to stored quantities of propane in an amount more than 7,500 pounds under Appendix A to part 27 of title 6, Code of Federal Regulations, until the Secretary of Homeland Security amends such regulations to provide an exemption for agricultural producers, rural homesteads, and small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) that store propane in an amount more than 7,500 pounds and not more than 100,800 pounds.

(b) EXCEPTIONS.—

(1) IMMEDIATE OR IMMINENT THREAT.—Subsection (a) shall not apply if the Secretary of Homeland Security submits a report to Congress outlining an immediate or imminent threat against such stored quantities of propane in rural locations.

(2) QUANTITY.—Subsection (a) shall not apply to any action by the Secretary of Homeland Security to enforce the interim final regulations described in that subsection relating to stored quantities of propane, if the stored quantity of propane is more than 100,800 pounds.

(c) RULE OF CONSTRUCTION.—Except with respect to stored quantities of propane, nothing in this section may be construed to limit the application of the interim final regulations issued under section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note).

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform the Members that the Committee on Small Business and Entrepreneurship will hold a staff-led public roundtable entitled ''Reauthorization of the Small Business Innovation Research Programs: National Academies' Findings and Recommendations,'' on August 1, 2007, at 10 a.m. in room 428A of the Russell Senate Office Building.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on August 1, 2007, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1054 and H.R. 122, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; S. 1472, to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; S. 1475 and H.R. 1526, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; H.R. 30, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act

to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; H.R. 609, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes; and H.R. 1175, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to: Gina Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, July 25, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of this hearing is to explore the U.S.-China trading relationship, with analysis of the current status of trade between the two nations and the impact of U.S.-China trade on U.S. manufacturers, consumers, and workers.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a business meeting during the session of the Senate on Wednesday, July 25, at 11:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building in order to hear testimony regarding the nominations of Dr. Tevi David Troy to be Deputy Secretary of Health and Human Services, Department of Health and Human Services; The Honorable David H. McCormick to be Under Secretary for International Affairs, U.S. Department of the Treasury; Mr. Kerry N. Weems to be Administrator of the Centers for Medicare and Medicaid Services; Mr. Peter B. McCarthy to be Assistant Secretary for Management and Chief Financial Officer, U.S. Department of the Treasury; and Mr. Charles E.F. Millard to be Director of the Pension Benefit Guaranty Corporation.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 9:30 a.m., to hold a hearing on the Peace Corps.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 2:30 p.m. to hold a hearing on Pakistan.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, July 25, 2007 at 10 a.m. in SD–106 and on Thursday, July 26, 2007, at 10 a.m. in SR–325. We will be considering the following:

1. S. 625, Family Smoking Prevention and Tobacco Control Act

2. S. 1183, Christopher and Dana Reeve Paralysis Act

3. S. 579, Breast Cancer and Environmental Research Act of 2007

4. S. 898, Alzheimer's Breakthrough Act of 2007

5. S. ___, Newborn Screening Saves Lives Act of 2007

6. The Following Nominations: Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education;

David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences; and

Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts.

Any nominations cleared for action.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, July 25, 2007, at 10 a.m. to consider the nomination of Dennis R. Schrader to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, U.S. Department of Homeland Security.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 10 a.m., in order to conduct a hearing to receive testimony on S. 1487, the Ballot Integrity Act of 2007.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled ''Oversight: Gulf Coast Disaster Loans and the Future of the Disaster Assistance Program,'' on Wednesday, July 25, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, in order to conduct a hearing on VA health care funding. The hearing will begin at 9:30 a.m.

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

JOINT ECONOMIC COMMITTEE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled, ''A Local Look at the National Foreclosure Crisis: Cleveland Families, Neighborhoods, Economy Under Siege from the Subprime Mortgage Fallout'', in room 216 of the Hart Senate Office Building, Wednesday, July 25, 2007, from 9:30 a.m. to 1 p.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet on Wednesday, July 25, 2007, at 3 p.m. in order to conduct a hearing entitled ''The Road Ahead II: Views from the Postal Workforce on Implementing Postal Reform,''

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

SUBCOMMITTEE ON SUPERFUND AND ENVIRONMENTAL HEALTH

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Superfund and Environmental Health be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 2 p.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Oversight of EPA's Environmental Justice Programs.''

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

HIGHER EDUCATION AMENDMENTS OF 2007

On Tuesday, July 24, 2007, the Senate passed S. 1642, as follows:

S. 1642

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 ''Higher Education Amendments of 2007''.

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

SEC. 2. REFERENCES.

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 the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this Act or the amendments made by this Act, the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—GENERAL PROVISIONS

SEC. 101. ADDITIONAL DEFINITIONS.

(a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (13) through (20); respectively;

(2) by redesignating paragraphs (4) through (8) as paragraphs (7) through (11), respectively;

(3) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(4) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

''(1) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.'';

(5) by inserting after paragraph (2) (as redesignated by paragraph (3)) the following:

''(3) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 149, 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)), except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.'';

(6) by inserting after paragraph (5) (as redesignated by paragraph (3)) the following:

''(6) DISTANCE EDUCATION.—

''(A) IN GENERAL.—Except as otherwise provided, the term 'distance education' means education that uses 1 or more of the technologies described in subparagraph (B)—

''(i) to deliver instruction to students who are separated from the instructor; and

''(ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously.

''(B) INCLUSIONS.—For the purposes of subparagraph (A), the technologies used may include—

''(i) the Internet;

''(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

''(iii) audio conferencing; or

''(iv) video cassette, DVDs, and CD–ROMs, if the cassette, DVDs, and CD–ROMs are used in a course in conjunction with the technologies listed in clauses (i) through (iii).''; and

(7) by inserting after paragraph (11) (as redesignated by paragraph (2)) the following:

''(12) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.''.

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(3) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking ''to the Committee on Appropriations'' and all that follows through ''House of Representatives'' and inserting ''to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees'';

(4) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking ''House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources'' and inserting ''authorizing committees'';

(B) in the matter following paragraph (2) of subsection (g), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(C) in subsection (n)(4), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(5) in section 428A(c) (20 U.S.C. 1078–1(c))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(B) in paragraph (3), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees''; and

(C) in paragraph (5), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(6) in section 432 (20 U.S.C. 1082)—

(A) in subsection (f)(1)(C), by striking ''the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate'' and inserting ''either of the authorizing committees''; and

(B) in the matter following subparagraph (D) of subsection (n)(3), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(8) in section 439 (20 U.S.C. 1087–2)—

(A) in subsection (d)(1)(E)(iii), by striking ''advise the Chairman'' and all that follows through ''House of Representatives'' and inserting ''advise the members of the authorizing committees'';

(B) in subsection (r)—

(i) in paragraph (3), by striking ''inform the Chairman'' and all that follows through ''House of Representatives,'' and inserting ''inform the members of the authorizing committees'';

(ii) in paragraph (5)(B), by striking ''plan, to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''plan, to the members of the authorizing committees'';

(iii) in paragraph (6)(B)—

(I) by striking ''plan, to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''plan, to the members of the authorizing committees''; and

(II) by striking ''Chairmen and ranking minority members of such Committees'' and inserting ''members of the authorizing committees'';

(iv) in paragraph (8)(C), by striking ''implemented to the Chairman'' and all that follows through ''House of Representatives, and'' and inserting ''implemented to the members of the authorizing committees, and to''; and

(v) in the matter preceding subparagraph (A) of paragraph (10), by striking ''days to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''days to the members of the authorizing committees''; and

(C) in subsection (s)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees''; and

(ii) in subparagraph (B), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees'';

(9) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(10) in section 482(d) (20 U.S.C. 1089(d)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives'' and inserting ''authorizing committees'';

(11) in section 483(c) (20 U.S.C. 1090(c)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(12) in section 485 (20 U.S.C. 1092)—

(A) in subsection (f)(5)(A), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''; and

(B) in subsection (g)(4)(B), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(13) in section 486 (20 U.S.C. 1093)—

(A) in subsection (e), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in subsection (f)(3)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(ii) in the matter preceding clause (i) of subparagraph (B), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(14) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(15) in section 498B(d) (20 U.S.C. 1099c–2(d))—

(A) in paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in paragraph (2), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''.

SEC. 102. GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.

Section 101 (20 U.S.C. 1001) is amended—

(1) in subsection (a)(3), by inserting '', or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to the review and approval by the Secretary'' after ''such a degree''; and

(2) by striking subsection (b)(2) and inserting the following:

''(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

SEC. 103. DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.

Section 102 (20 U.S.C. 1002) is amended—

(1) by striking subclause (II) of subsection (a)(2)(A)(i) and inserting the following:

''(II) the institution has or had a clinical training program that was approved by a State as of January 1, 1992, and has continuously operated a clinical training program in not less than 1 State that is approved by such State;'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by inserting ''and'' after the semicolon;

(ii) in subparagraph (E), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (F); and

(B) by striking paragraph (2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'proprietary institution of higher education' also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''; and

(3) by striking subsection (c)(2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'postsecondary vocational institution' also includes an educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

Section 112 (20 U.S.C. 1011a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''It is the sense''; and

(B) by adding at the end the following:

''(2) It is the sense of Congress that—

''(A) the diversity of institutions and educational missions is one of the key strengths of American higher education;

''(B) individual colleges and universities have different missions and each institution should design its academic program in accordance with its educational goals;

''(C) a college should facilitate the free and open exchange of ideas;

''(D) students should not be intimidated, harassed, discouraged from speaking out, or discriminated against;

''(E) students should be treated equally and fairly; and

''(F) nothing in this paragraph shall be construed to modify, change, or infringe upon any constitutionally protected religious liberty, freedom, expression, or association.''; and

(2) in subsection (b)(1), by inserting '', provided that the imposition of such sanction is done objectively and fairly'' after ''higher education''.

SEC. 105. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 114 (20 U.S.C. 1011c) is amended to read as follows:

''SEC. 114. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY COMMITTEE.

''(a) ESTABLISHMENT.—There is established in the Department an Accreditation and Institutional Quality and Integrity Advisory Committee (in this section referred to as the 'Committee') to assess the process of accreditation and the institutional eligibility and certification of such institutions under title IV.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall have 15 members, of which—

''(A) 5 members shall be appointed by the Secretary;

''(B) 5 members shall be appointed by the Speaker of the House of Representatives upon the recommendation of the majority leader and minority leader of the House of Representatives; and

''(C) 5 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and minority leader of the Senate.

''(2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee on—

''(A) the basis of the individuals' experience, integrity, impartiality, and good judgment;

''(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representatives of all sectors and types of institutions of higher education (as defined in section 102); and

''(C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

''(3) TERMS OF MEMBERS.—The term of office of each member of the Committee shall be for 6 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

''(4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurred. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a

Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.

''(5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—

''(A) 2 years for members appointed under paragraph (1)(A);

''(B) 4 years for members appointed under paragraph (1)(B); and

''(C) 6 years for members appointed under paragraph (1)(C).

''(6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.

''(c) FUNCTIONS.—The Committee shall—

''(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV;

''(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;

''(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

''(4) advise the Secretary with respect to the eligibility and certification process for institutions of higher education under title IV, together with recommendations for improvements in such process;

''(5) advise the Secretary with respect to the relationship between—

''(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and

''(B) State licensing responsibilities with respect to such institutions; and

''(6) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe in regulation.

''(d) MEETING PROCEDURES.—

''(1) SCHEDULE.—

''(A) BIANNUAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.

''(B) PUBLICATION OF DATE.—The Committee shall submit the date and location of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.

''(2) AGENDA.—

''(A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.

''(B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations.

''(3) SECRETARY'S DESIGNEE.—

''(A) ATTENDANCE AT MEETING.—The Chairperson shall invite the Secretary's designee to attend all meetings of the Committee.

''(B) ROLE OF DESIGNEE.—The Secretary's designee may be present at a Committee meeting to facilitate the exchange and free flow of information between the Secretary and the Committee. The designee shall have no authority over the agenda of the meeting, the items on that agenda, or on the resolution of any agenda item.

''(4) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

''(e) REPORT AND NOTICE.—

''(1) NOTICE.—The Secretary shall annually publish in the Federal Register—

''(A) a list containing, for each member of the Committee—

''(i) the member's name;

''(ii) the date of the expiration of the member's term of office; and

''(iii) the individual described in subsection (b)(1) who appointed the member; and

''(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.

''(2) REPORT.—Not later than September 30 of each year, the Committee shall make an annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—

''(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the preceding fiscal year;

''(B) a list of the date and location of each meeting during the preceding fiscal year;

''(C) a list of the members of the Committee and appropriate contact information; and

''(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.

''(f) TERMINATION.—The Committee shall terminate on September 30, 2012.''.

(b) TERMINATION OF NACIQI.—The National Advisory Committee on Institutional Quality and Integrity, established under section 114 of the Higher Education Act of 1965 (as such section was in effect the day before the date of enactment of this Act) shall terminate 30 days after such date.

SEC. 106. DRUG AND ALCOHOL ABUSE PREVENTION.

Section 120(a)(2) (20 U.S.C. 1011i(a)(2)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting after subparagraph (A) (as amended by paragraph (1)) the following:

''(B) determine the number of drug and alcohol-related incidents and fatalities that—

''(i) occur on the institution's property or as part of any of the institution's activities; and

''(ii) are reported to the institution;

''(C) determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's property or as part of any of the institution's activities; and''.

SEC. 107. PRIOR RIGHTS AND OBLIGATIONS.

Section 121(a) (20 U.S.C. 1011j(a)) is amended—

(1) in paragraph (1), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2008 and for each succeeding fiscal year''; and

(2) in paragraph (2), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2008 and for each succeeding fiscal year''.

SEC. 108. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following:

''SEC. 132. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

''(a) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees paid by a full-time undergraduate student at an institution of higher education, after discounts and grants from the institution, Federal Government, or a State have been applied to the full price of tuition and fees at the institution.

''(b) HIGHER EDUCATION PRICE INDEX.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Commission of the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop higher education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions listed in paragraph (2). Such indices shall be updated annually.

''(2) DEVELOPMENT.—The higher education price index under paragraph (1) shall be developed for each of the following categories:

''(A) 4-year public degree-granting institutions of higher education.

''(B) 4-year private degree-granting institutions of higher education.

''(C) 2-year public degree-granting institutions of higher education.

''(D) 2-year private degree-granting institutions of higher education.

''(E) Less than 2-year institutions of higher education.

''(F) All types of institutions described in subparagraphs (A) through (E).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(c) REPORTING.—

''(1) IN GENERAL.—The Secretary shall annually report, in a national list and in a list for each State, a ranking of institutions of higher education according to such institutions' change in tuition and fees over the preceding 2 years. The purpose of such lists is to provide consumers with general information on pricing trends among institutions of higher education nationally and in each State.

''(2) COMPILATION.—

''(A) IN GENERAL.—The lists described in paragraph (1) shall be compiled according to the following categories:

''(i) 4-year public institutions of higher education.

''(ii) 4-year private, nonprofit institutions of higher education.

''(iii) 4-year private, for-profit institutions of higher education.

''(iv) 2-year public institutions of higher education.

''(v) 2-year private, nonprofit institutions of higher education.

''(vi) 2-year private, for-profit institutions of higher education.

''(vii) Less than 2-year public institutions of higher education.

''(viii) Less than 2-year private, nonprofit institutions of higher education.

''(ix) Less than 2-year private, for-profit institutions of higher education.

''(B) PERCENTAGE AND DOLLAR CHANGE.—The lists described in paragraph (1) shall include 2 lists for each of the categories under subparagraph (A) as follows:

''(i) 1 list in which data is compiled by percentage change in tuition and fees over the preceding 2 years.

''(ii) 1 list in which data is compiled by dollar change in tuition and fees over the preceding 2 years.

''(3) HIGHER EDUCATION PRICE INCREASE WATCH LISTS.—Upon completion of the development of the higher education price indices described in paragraph (1), the Secretary shall annually report, in a national list, and in a list for each State, a ranking of each institution of higher education whose tuition and fees outpace such institution's applicable higher education price index described in subsection (b). Such lists shall—

''(A) be known as the 'Higher Education Price Increase Watch Lists';

''(B) report the full price of tuition and fees at the institution and the net price;

''(C) where applicable, report the average price of room and board for students living on campus at the institution, except that such price shall not be used in determining

whether an institution's cost outpaces such institution's applicable higher education price index; and

''(D) be compiled by the Secretary in a public document to be widely published and disseminated in paper form and through the website of the Department.

''(4) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report, in charts for each State—

''(A) a comparison of the percentage change in State appropriations per enrolled student in a public institution of higher education in the State to the percentage change in tuition and fees for each public institution of higher education in the State for each of the previous 5 years; and

''(B) the total amount of need-based and merit-based aid provided by the State to students enrolled in a public institution of higher education in the State.

''(5) SHARING OF INFORMATION.—The Secretary shall share the information under paragraphs (1) through (4) with the public, including with private sector college guidebook publishers.

''(d) NET PRICE CALCULATOR.—

''(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall, in consultation with institutions of higher education, develop and make several model net price calculators to help students, families, and consumers determine the net price of an institution of higher education, which institutions of higher education may, at their discretion, elect to use pursuant to paragraph (3).

''(2) CATEGORIES.—The model net price calculators described in paragraph (1) shall be developed for each of the following categories:

''(A) 4-year public institutions of higher education.

''(B) 4-year private, nonprofit institutions of higher education.

''(C) 4-year private, for-profit institutions of higher education.

''(D) 2-year public institutions of higher education.

''(E) 2-year private, nonprofit institutions of higher education.

''(F) 2-year private, for-profit institutions of higher education.

''(G) Less than 2-year public institutions of higher education.

''(H) Less than 2-year private, nonprofit institutions of higher education.

''(I) Less than 2-year private, for-profit institutions of higher education.

''(3) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, each institution of higher education that receives Federal funds under this Act shall adopt and use a net price calculator to help students, families, and other consumers determine the net price of such institution of higher education. Such calculator may be—

''(A) based on a model calculator developed by the Department; or

''(B) developed by the institution of higher education.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(e) NET PRICE REPORTING IN APPLICATION INFORMATION.—An institution of higher education that receives Federal funds under this Act shall include, in the materials accompanying an application for admission to the institution, the most recent information regarding the net price of the institution, calculated for each quartile of students based on the income of either the students' parents or, in the case of independent students (as such term is described in section 480), of the students, for each of the 2 academic years preceding the academic year for which the application is produced.

''(f) ENHANCED COLLEGE INFORMATION WEBSITE.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated experience in the development of consumer-friendly websites to develop improvements to the website known as the College Opportunities On-Line (COOL) so that it better meets the needs of students, families, and consumers for accurate and appropriate information on institutions of higher education.

''(B) IMPLEMENTATIONS.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under subparagraph (A) to the college information website.

''(2) UNIVERSITY AND COLLEGE ACCOUNTABILITY NETWORK.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall develop a model document for annually reporting basic information about an institution of higher education that chooses to participate, to be posted on the college information website and made available to institutions of higher education, students, families, and other consumers. Such document shall be known as the 'University and College Accountability Network' (U-CAN), and shall include, the following information about the institution of higher education for the most recent academic year for which the institution has available data, presented in a consumer-friendly manner:

''(A) A statement of the institution's mission and specialties.

''(B) The total number of undergraduate students who applied, were admitted, and enrolled at the institution.

''(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.

''(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.

''(E) Percentage of male and female undergraduate students enrolled at the institution.

''(F) Percentage of enrolled undergraduate students from the State in which the institution is located, from other States, and from other countries.

''(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.

''(H) Retention rates for full-time and part-time first-time first-year undergraduate students enrolled at the institution.

''(I) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.

''(J) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5 and 6 years (in the case of 2 and 4-year institutions).

''(K) Number of students who obtained a certificate or an associate's, bachelor's, master's, or doctoral degree at the institution.

''(L) The undergraduate major areas of study with the highest number of degrees awarded.

''(M) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty at the institution.

''(N) Percentage of faculty at the institution with the highest degree in their field.

''(O) The percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the preceding 5 academic years.

''(P) The total average yearly cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—

''(i) full-time undergraduate students living on campus;

''(ii) full-time undergraduate students living off-campus; and

''(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off-campus.

''(Q) The average yearly grant amount (including Federal, State, and institutional aid) for a student enrolled at the institution.

''(R) The average yearly amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.

''(S) The total yearly grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.

''(T) The percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.

''(U) The average net price for all undergraduate students enrolled at the institution.

''(V) The percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.

''(W) Information on the policies of the institution related to transfer of credit from other institutions.

''(X) Information on campus safety required to be collected under section 485(f).

''(Y) Links to the appropriate sections of the institution's website that provide information on student activities offered by the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

''(Z) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students during and after college, such as internship opportunities, career and placement services, and preparation for further education.

''(3) CONSULTATION.—The Secretary shall ensure that current and prospective college students, family members of such students, and institutions of higher education are consulted in carrying out paragraphs (1) and (2).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(g) GAO REPORT.—The Comptroller General of the United States shall—

''(1) conduct a study on the time and cost burdens to institutions of higher education associated with completing the Integrated Postsecondary Education Data System (IPEDS), which study shall—

''(A) report on the time and cost burden of completing the IPEDS survey for 4-year, 2-year, and less than 2-year institutions of higher education; and

''(B) present recommendations for reducing such burden;

''(2) not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a preliminary report regarding the findings of the study described in paragraph (1); and

''(3) not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a final report regarding such findings.''.

SEC. 109. DATABASES OF STUDENT INFORMATION PROHIBITED.

Part C of title I (20 U.S.C. 1015), as amended by section 108, is further amended by adding at the end the following:

''SEC. 133. DATABASE OF STUDENT INFORMATION PROHIBITED.

''(a) PROHIBITION.—Except as described in (b), nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

''(b) EXCEPTION.—The provisions of subsection (a) shall not apply to a system (or a successor system) that is necessary for the operation of programs authorized by title II, IV, or VII that were in use by the Secretary, directly or through a contractor, as of the day before the date of enactment of the Higher Education Amendments of 2007.

''(c) STATE DATABASES.—Nothing in this Act shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.''.

SEC. 110. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.

Part C of title I (as amended by sections 108 and 109) is further amended by adding at the end the following:

''SEC. 134. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.

''(a) PROMINENT DISPLAY.—The Secretary shall ensure that a link to current student financial aid information is displayed prominently on the home page of the Department website.

''(b) ENHANCED STUDENT FINANCIAL AID INFORMATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated expertise in the development of consumer-friendly websites to develop improvements to the usefulness and accessibility of the information provided by the Department on college financial planning and student financial aid.

''(2) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under paragraph (1) to the college financial planning and student financial aid website of the Department.

''(3) DISSEMINATION.—The Secretary shall make the availability of the information on the website widely known through a major media campaign and other forms of communication.''.

SEC. 110A. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

Part C of title I of the Higher Education Act of 1965 (as amended by this title) is further amended by adding at the end the following:

''SEC. 135. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist not more than 5 States to develop State-level postsecondary student data systems to—

''(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students' personally identifiable information; and

''(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

''(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State higher education system; or

''(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

''(c) COMPETITIVE GRANTS.—

''(1) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to not more than 5 eligible entities to enable the eligible entities to—

''(A) design, test, and implement systems of postsecondary student data that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

''(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

''(2) DURATION.—A grant awarded under this section shall be for a period of not more than 3 years.

''(d) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines is necessary, including a description of—

''(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g); and

''(2) how the activities funded by the grant will be supported after the 3-year grant period.

''(e) USE OF FUNDS.—A grant awarded under this section shall be used to—

''(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within States;

''(2) improve the capacity of institutions of higher education to analyze and use student data;

''(3) select and define common data elements, data quality, and other elements that will enable the data system to—

''(A) serve the needs of institutions of higher education for institutional research and improvement;

''(B) provide students and the students' families with useful information for decision-making about postsecondary education;

''(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

''(4) estimate costs and burdens at the institutional level for the reporting system for different types of institutions; and

''(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

''(f) EVALUATION; REPORTS.—Not later than 6 months after the end of the projects funded by grants awarded under this section, the Secretary shall—

''(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

''(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems to the authorizing committees.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 111. PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE.

Section 141 (20 U.S.C. 1018) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''operational'' and inserting ''administrative and oversight''; and

(B) in paragraph (2)(D), by striking ''of the operational functions'' and inserting ''and administration'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''the information systems administered by the PBO, and other functions performed by the PBO'' and inserting ''the Federal student financial assistance programs authorized under title IV''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) assist the Chief Operating Officer in identifying goals for—

''(i) the administration of the systems used to administer the Federal student financial assistance programs authorized under title IV; and

''(ii) the updating of such systems to current technology.''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''administration of the information and financial systems that support'' and inserting ''the administration of Federal'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''of the delivery system for Federal student assistance'' and inserting ''for the Federal student assistance programs authorized under title IV'';

(II) by striking clauses (i) and (ii) and inserting the following:

''(i) the collection, processing, and transmission of data to students, institutions, lenders, State agencies, and other authorized parties;

''(ii) the design and technical specifications for software development and procurement for systems supporting the student financial assistance programs authorized under title IV;'';

(III) in clause (iii), by striking ''delivery'' and inserting ''administration'';

(IV) in clause (iv)—

(aa) by inserting ''the'' after ''supporting''; and

(bb) by striking ''and'' after the semicolon;

(V) in clause (v), by striking ''systems that support those programs.'' and inserting ''the

administration of the Federal student assistance programs authorized under title IV; and''; and

(VI) by adding at the end the following:

''(vi) ensuring the integrity of the student assistance programs authorized under title IV.''; and

(iii) in subparagraph (B), by striking ''operations and services'' and inserting ''activities and functions''; and

(3) in subsection (c)—

(A) in the subsection heading, by striking ''PERFORMANCE PLAN AND REPORT'' and inserting ''PERFORMANCE PLAN, REPORT, AND BRIEFING'';

(B) in paragraph (1)(C)—

(i) in clause (iii), by striking ''information and delivery''; and

(ii) in clause (iv)—

(I) by striking ''Developing an'' and inserting ''Developing''; and

(II) by striking ''delivery and information system'' and inserting ''systems'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''the'' after ''PBO and''; and

(ii) in subparagraph (B), by striking ''Officer'' and inserting ''Officers'';

(D) in paragraph (3), by inserting ''students,'' after ''consult with''; and

(E) by adding at the end the following:

''(4) BRIEFING ON ENFORCEMENT OF STUDENT LOAN PROVISIONS.—The Chief Operating Officer shall provide an annual briefing to the members of the authorizing committees on the steps the PBO has taken and is taking to ensure that lenders are providing the information required under clauses (iii) and (iv) of section 428(c)(3)(C) and sections 428(b)(1)(Z) and 428C(b)(1)(F).'';

(4) in subsection (d)—

(A) in paragraph (1), by striking the second sentence; and

(B) in paragraph (5)—

(i) in subparagraph (B), by striking ''paragraph (2)'' and inserting ''paragraph (4)''; and

(ii) in subparagraph (C), by striking ''this'';

(5) in subsection (f)—

(A) in paragraph (2), by striking ''to borrowers'' and inserting ''to students, borrowers,''; and

(B) in paragraph (3)(A), by striking ''(1)(A)'' and inserting ''(1)'';

(6) in subsection (g)(3), by striking ''not more than 25'';

(7) in subsection (h), by striking ''organizational effectiveness'' and inserting ''effectiveness'';

(8) by striking subsection (i);

(9) by redesignating subsection (j) as subsection (i); and

(10) in subsection (i) (as redesignated by paragraph (9)), by striking '', including transition costs''.

SEC. 112. PROCUREMENT FLEXIBILITY.

Section 142 (20 U.S.C. 1018a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''for information systems supporting the programs authorized under title IV''; and

(ii) by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) through the Chief Operating Officer—

''(A) to the maximum extent practicable, utilize procurement systems that streamline operations, improve internal controls, and enhance management; and

''(B) assess the efficiency of such systems and assess such systems' ability to meet PBO requirements.'';

(2) by striking subsection (c)(2) and inserting the following:

''(2) FEE FOR SERVICE ARRANGEMENTS.—The Chief Operating Officer shall, when appropriate and consistent with the purposes of the PBO, acquire services related to the functions set forth in section 141(b)(2) from any entity that has the capability and capacity to meet the requirements set by the PBO. The Chief Operating Officer is authorized to pay fees that are equivalent to those paid by other entities to an organization that provides services that meet the requirements of the PBO, as determined by the Chief Operating Officer.'';

(3) in subsection (d)(2)(B), by striking ''on Federal Government contracts'';

(4) in subsection (g)—

(A) in paragraph (4)(A)—

(i) in the subparagraph heading, by striking ''SOLE SOURCE.—'' and inserting ''SINGLE-SOURCE BASIS.—''; and

(ii) by striking ''sole-source'' and inserting ''single-source''; and

(B) in paragraph (7), by striking ''sole-source'' and inserting ''single-source'';

(5) in subsection (h)(2)(A), by striking ''sole-source'' and inserting ''single-source''; and

(6) in subsection (l), by striking paragraph (3) and inserting the following:

''(3) SINGLE-SOURCE BASIS.—The term 'single-source basis', with respect to an award of a contract, means that the contract is awarded to a source after soliciting an offer or offers from, and negotiating with, only such source (although such source is not the only source in the marketplace capable of meeting the need) because such source is the most advantageous source for purposes of the award.''.

SEC. 113. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

''SEC. 151. DEFINITIONS.

''In this part:

''(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472.

''(2) COVERED INSTITUTION.—The term 'covered institution'—

''(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102) and receives any Federal funding or assistance; and

''(B) includes any employee or agent of the educational institution or any organization or entity affiliated with, or directly or indirectly controlled by, such institution.

''(3) EDUCATIONAL LOAN.—The term 'educational loan' means any loan made, insured, or guaranteed under title IV.

''(4) EDUCATIONAL LOAN ARRANGEMENT.—The term 'educational loan arrangement' means an arrangement or agreement between a lender and a covered institution—

''(A) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

''(B) which arrangement or agreement—

''(i) relates to the covered institution recommending, promoting, endorsing, or using educational loans of the lender; and

''(ii) involves the payment of any fee or provision of other material benefit by the lender to the institution or to groups of students who attend the institution.

''(5) LENDER.—The term 'lender'—

''(A) means—

''(i) any lender—

''(I) of a loan made, insured, or guaranteed under part B of title IV; and

''(II) that is a financial institution, as such term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

''(ii) in the case of any loan issued or provided to a student under part D of title IV, the Secretary; and

''(B) includes any individual, group, or entity acting on behalf of the lender in connection with an educational loan.

''(6) OFFICER.—The term 'officer' includes a director or trustee of an institution.

''SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

''(a) USE OF LENDER NAME.—A covered institution that enters into an educational loan arrangement shall disclose the name of the lender in documentation related to the loan.

''(b) DISCLOSURES.—

''(1) DISCLOSURES BY LENDERS.—Before a lender issues or otherwise provides an educational loan to a student, the lender shall provide the student, in writing, with the disclosures described in paragraph (2).

''(2) DISCLOSURES.—The disclosures required by this paragraph shall include a clear and prominent statement—

''(A) of the interest rates of the educational loan being offered;

''(B) showing sample educational loan costs, disaggregated by type;

''(C) that describes, with respect to each type of educational loan being offered—

''(i) the types of repayment plans that are available;

''(ii) whether, and under what conditions, early repayment may be made without penalty;

''(iii) when and how often interest on the loan will be capitalized;

''(iv) the terms and conditions of deferments or forbearance;

''(v) all available repayment benefits, the percentage of all borrowers who qualify for such benefits, and the percentage of borrowers who received such benefits in the preceding academic year, for each type of loan being offered;

''(vi) the collection practices in the case of default; and

''(vii) all fees that the borrower may be charged, including late payment penalties and associated fees; and

''(D) of such other information as the Secretary may require in regulations.

''(c) DISCLOSURES TO THE SECRETARY BY LENDER.—

''(1) IN GENERAL.—Each lender shall, on an annual basis, report to the Secretary any reasonable expenses paid or given under section 435(d)(5)(D), 487(a)(21)(A)(ii), or 487(a)(21)(A)(iv) to any employee who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution. Such reports shall include—

''(A) the amount of each specific instance in which the lender provided such reimbursement;

''(B) the name of the financial aid official or other employee to whom the reimbursement was made;

''(C) the dates of the activity for which the reimbursement was made; and

''(D) a brief description of the activity for which the reimbursement was made.

''(2) REPORT TO CONGRESS.—The Secretary shall compile the information in paragraph (1) in a report and transmit such report to the authorizing committees annually.

''SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

''(a) SECRETARY DUTIES.—

''(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of

the Higher Education Amendments of 2007, the Secretary shall—

''(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;

''(B) include in the report a model format, based on the report's findings, to be used by lenders and covered institutions in carrying out subsections (b) and (c)—

''(i) that provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loans provided to such students or parents by the lender, including—

''(I) the interest rate and terms and conditions of the loans offered by the lender for the upcoming academic year;

''(II) with respect to such loans, any benefits that are contingent on the repayment behavior of the borrower;

''(III) the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year;

''(IV) the average interest rate on such loans provided to such students for the preceding academic year; and

''(V) the amount that the borrower may repay in interest, based on the standard repayment period of a loan, on the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year; and

''(ii) which format shall be easily usable by lenders, institutions, guaranty agencies, loan servicers, parents, and students; and

''(C)(i) submit the report and model format to the authorizing committees; and

''(ii) make the report and model format available to covered institutions, lenders, and the public.

''(2) USE OF FORM.—The Secretary shall take such steps as necessary to make the model format available to covered institutions and to encourage—

''(A) lenders subject to subsection (b) to use the model format in providing the information required under subsection (b); and

''(B) covered institutions to use such format in preparing the information report under subsection (c).

''(b) LENDER DUTIES.—Each lender that has an educational loan arrangement with a covered institution shall annually, by a date determined by the Secretary, provide to the covered institution and to the Secretary the information included on the model format for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students, for the preceding academic year.

''(c) COVERED INSTITUTION DUTIES.—Each covered institution shall—

''(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has an educational loan arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—

''(A) the information included on the model format for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and

''(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and

''(2) ensure that the report required under paragraph (1) is made available to the public and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such information into account before applying for or selecting an educational loan.''.

SEC. 114. EMPLOYMENT OF POSTSECONDARY EDUCATION GRADUATES.

(a) STUDY, ASSESSMENTS, AND RECOMMENDATIONS.—The Comptroller General of the United States shall—

(1) conduct a study of—

(A) the information that States currently have on the employment of students who have completed postsecondary education programs;

(B) the feasibility of collecting information on students who complete all types of postsecondary education programs (including 2- and 4-year degree, certificate, and professional and graduate programs) at all types of institutions (including public, private nonprofit, and for–profit schools), regarding—

(i) employment, including—

(I) the type of job obtained not later than 6 months after the completion of the degree, certificate, or program;

(II) whether such job was related to the course of study;

(III) the starting salary for such job; and

(IV) the student's satisfaction with the student's preparation for such job and guidance provided with respect to securing the job; and

(ii) for recipients of Federal student aid, the type of assistance received, so that the information can be used to evaluate various education programs;

(C) the evaluation systems used by other industries to identify successful programs and challenges, set priorities, monitor performance, and make improvements;

(D) the best means of collecting information from or regarding recent postsecondary graduates, including—

(i) whether a national website would be the most effective way to collect information;

(ii) whether postsecondary graduates could be encouraged to submit voluntary information by allowing a graduate to access aggregated information about other graduates (such as graduates from the graduate's school, with the graduate's degree, or in the graduate's area) if the graduate completes an online questionnaire;

(iii) whether employers could be encouraged to submit information by allowing an employer to access aggregated information about graduates (such as institutions of higher education attended, degrees, or starting pay) if the employer completes an online questionnaire to evaluate the employer's satisfaction with the graduates the employer hires; and

(iv) whether postsecondary institutions that receive Federal funds or whose students have received Federal student financial aid could be required to submit aggregated information about the graduates of the institutions; and

(E) the best means of displaying employment information; and

(2) provide assessments and recommendations regarding—

(A) whether successful State cooperative relationships between higher education system offices and State agencies responsible for employment statistics can be encouraged and replicated in other States;

(B) whether there is value in collecting additional information from or about the employment experience of individuals who have recently completed a postsecondary educational program;

(C) what are the most promising ways of obtaining and displaying or disseminating such information;

(D) if a website is used for such information, whether the website should be run by a governmental agency or contracted out to an independent education or employment organization;

(E) whether a voluntary information system would work, both from the graduates' and employers' perspectives;

(F) the value of such information to future students, institutions, accrediting agencies or associations, policymakers, and employers, including how the information would be used and the practical applications of the information;

(G) whether the request for such information is duplicative of information that is already being collected; and

(H) whether the National Postsecondary Student Aid Survey conducted by the National Center for Education Statistics could be amended to collect such information.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a preliminary report regarding the study, assessments, and recommendations described in subsection (a).

(2) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a final report regarding such study, assessments, and recommendations.

SEC. 115. FOREIGN MEDICAL SCHOOLS.

(a) PERCENTAGE PASS RATE.—

(1) IN GENERAL.—Section 102(a)(2)(A)(i)(I)(bb) (20 U.S.C. 1002(a)(2)(A)(i)(I)(bb)) is amended by striking ''60'' and inserting ''75''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2010.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States; and

(B) submit to Congress a report setting forth the conclusions of the study.

(2) CONTENTS.—The study conducted under this subsection shall include the following:

(A) The amount of Federal student financial aid dollars that are being spent on graduate medical schools located outside of the United States every year, and the percentage of overall student aid such amount represents.

(B) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates the first time.

(C) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates after taking such examinations multiple times, disaggregated by how many times the students had to take the examinations to pass.

(D) The percentage of recent graduates of such medical schools practicing medicine in the United States, and a description of where the students are practicing and what types of medicine the students are practicing.

(E) The rate of graduates of such medical schools who lose malpractice lawsuits or have the graduates' medical licenses revoked, as compared to graduates of graduate medical schools located in the United States.

(F) Recommendations regarding the percentage passing rate of the examinations administered by the Educational Commission for Foreign Medical Graduates that the United States should require of graduate medical schools located outside of the United States for Federal financial aid purposes.

SEC. 116. DEMONSTRATION AND CERTIFICATION REGARDING THE USE OF CERTAIN FEDERAL FUNDS.

(a) PROHIBITION.—No Federal funds received by an institution of higher education or other postsecondary educational institution may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in subsection (b).

(b) APPLICABILITY.—The prohibition in subsection (a) applies with respect to the following Federal actions:

(1) The awarding of any Federal contract.

(2) The making of any Federal grant.

(3) The making of any Federal loan.

(4) The entering into of any Federal cooperative agreement.

(5) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(c) LOBBYING AND EARMARKS.—No Federal student aid funding may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

(d) DEMONSTRATION AND CERTIFICATION.—Each institution of higher education or other postsecondary educational institution receiving Federal funding, as a condition for receiving such funding, shall annually demonstrate and certify to the Secretary of Education that the requirements of subsections (a) through (c) have been met.

(e) ACTIONS TO IMPLEMENT AND ENFORCE.—The Secretary of Education shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY PARTNERSHIP GRANTS.

Part A of title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

"PART A—TEACHER QUALITY PARTNERSHIP GRANTS

"SEC. 201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

''(2) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children as described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965.

''(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means—

''(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

''(B) a State licensed or regulated child care program or school; or

''(C) a State prekindergarten program that serves children from birth through kindergarten and that addresses the children's cognitive (including language, early literacy, and pre-numeracy), social, emotional, and physical development.

''(5) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

''(6) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(7) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a high-need local educational agency;

''(ii) a high-need school or a consortium of high-need schools served by the high-need local educational agency or, as applicable, a high-need early childhood education program;

''(iii) a partner institution;

''(iv) a school, department, or program of education within such partner institution; and

''(v) a school or department of arts and sciences within such partner institution; and

''(B) may include any of the following:

''(i) The Governor of the State.

''(ii) The State educational agency.

''(iii) The State board of education.

''(iv) The State agency for higher education.

''(v) A business.

''(vi) A public or private nonprofit educational organization.

''(vii) An educational service agency.

''(viii) A teacher organization.

''(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

''(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

''(xi) A school or department within the partner institution that focuses on psychology and human development.

''(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

''(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.

''(9) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(10) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

''(11) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

''(ii) that serves not fewer than 10,000 children from low-income families; or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

''(12) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or public secondary school that—

''(A) is among the highest 25 percent of schools served by the local educational agency that serves the school, in terms of the percentage of students from families with incomes below the poverty line; or

''(B) is designated with a school locale code of 6, 7, or 8, as determined by the Secretary.

''(13) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early childhood educator, means an educator—

''(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

''(B) with—

''(i) a baccalaureate degree in an academic major in the arts and sciences; or

''(ii) an associate's degree in a related educational area; and

''(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

''(14) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

''(15) INDUCTION PROGRAM.—The term 'induction program' means a formalized program for new teachers during not less than the teachers' first 2 years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

''(A) High-quality teacher mentoring.

''(B) Periodic, structured time for collaboration with teachers in the same department or field, as well as time for information-sharing among teachers, principals, administrators, and participating faculty in the partner institution.

''(C) The application of empirically based practice and scientifically valid research on instructional practices.

''(D) Opportunities for new teachers to draw directly upon the expertise of teacher mentors, faculty, and researchers to support the integration of empirically based practice and scientifically valid research with practice.

''(E) The development of skills in instructional and behavioral interventions derived from empirically based practice and, where applicable, scientifically valid research.

''(F) Faculty who—

''(i) model the integration of research and practice in the classroom; and

''(ii) assist new teachers with the effective use and integration of technology in the classroom.

''(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

''(H) Assistance with the understanding of data, particularly student achievement data, and the data's applicability in classroom instruction.

''(I) Regular evaluation of the new teacher.

''(16) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(17) PARTNER INSTITUTION.—The term 'partner institution' means an institution of higher education, which may include a 2-year institution of higher education offering a dual program with a 4-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

''(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 205(b); and

''(II) using the State report card on teacher preparation required under section 205(b), after the first publication of such report card and for every year thereafter; or

''(B) that requires—

''(i) each student in the program to meet high academic standards and participate in intensive clinical experience;

''(ii) each student in the program preparing to become a teacher to become highly qualified; and

''(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

''(18) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term 'principles of scientific research' means research that—

''(A) applies rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

''(B) presents findings and makes claims that are appropriate to and supported by the methods that have been employed; and

''(C) includes, appropriate to the research being conducted—

''(i) use of systematic, empirical methods that draw on observation or experiment;

''(ii) use of data analyses that are adequate to support the general findings;

''(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

''(iv) claims of causal relationships only in research designs that substantially eliminate plausible competing explanations for the obtained results, which may include but shall not be limited to random-assignment experiments;

''(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

''(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

''(vii) use of research designs and methods appropriate to the research question posed.

''(19) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(20) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

''(21) TEACHER MENTORING.—The term 'teacher mentoring' means the mentoring of new or prospective teachers through a new or established program that—

''(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

''(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction;

''(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

''(D) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

''(E) promotes empirically based practice of, and scientifically valid research on, where applicable—

''(i) teaching and learning;

''(ii) assessment of student learning;

''(iii) the development of teaching skills through the use of instructional and behavioral interventions; and

''(iv) the improvement of the mentees' capacity to measurably advance student learning; and

''(F) includes—

''(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and

''(ii) joint professional development opportunities.

''(22) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

''(A) increase student learning, achievement, and the ability to apply knowledge;

''(B) effectively convey and explain academic subject matter;

''(C) employ strategies grounded in the disciplines of teaching and learning that—

''(i) are based on empirically based practice and scientifically valid research, where applicable, on teaching and learning;

''(ii) are specific to academic subject matter; and

''(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(D) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measure higher-order thinking skills, including application, analysis, synthesis, and evaluation;

''(E) effectively manage a classroom;

''(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education; and

''(G) use, in the case of an early childhood educator, age- and developmentally-appropriate strategies and practices for children in early education programs.

''(23) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for 1 academic year, teaches alongside a mentor teacher, who is the teacher of record;

''(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

''(C) acquires effective teaching skills; and

''(D) prior to completion of the program, earns a master's degree, attains full State teacher certification or licensure, and becomes highly qualified.

''SEC. 202. PARTNERSHIP GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 208, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

''(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

''(1) a needs assessment of all the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention, of general and special education teachers, principals, and, as applicable, early childhood educators;

''(2) a description of the extent to which the program prepares prospective and new teachers with strong teaching skills;

''(3) a description of the extent to which the program will prepare prospective and new teachers to understand research and data and the applicability of research and data in the classroom;

''(4) a description of how the partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including those funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

''(5) a resource assessment that describes the resources available to the partnership, including—

''(A) the integration of funds from other related sources;

''(B) the intended use of the grant funds;

''(C) the commitment of the resources of the partnership to the activities assisted under this section, including financial support, faculty participation, and time commitments, and to the continuation of the activities when the grant ends;

''(6) a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) or (e)

based on the needs identified in paragraph (1), with the goal of improving student achievement;

''(C) the partnership's evaluation plan under section 204(a);

''(D) how the partnership will align the teacher preparation program with the—

''(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

''(ii) the student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

''(E) how faculty at the partner institution will work with, during the term of the grant, highly qualified teachers in the classrooms of schools served by the high-need local educational agency in the partnership to provide high-quality professional development activities;

''(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching teaching preservice clinical program component;

''(G) the in-service professional development strategies and activities to be supported; and

''(H) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

''(7) with respect to the induction program required as part of the activities carried out under this section—

''(A) a demonstration that the schools and departments within the institution of higher education that are part of the induction program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in teaching;

''(B) a demonstration of the partnership's capability and commitment to the use of empirically based practice and scientifically valid research on teaching and learning, and the accessibility to and involvement of faculty;

''(C) a description of how the teacher preparation program will design and implement an induction program to support all new teachers through not less than the first 2 years of teaching in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers; and

''(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

''(c) REQUIRED USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part shall use grant funds to carry out a program for the pre-baccalaureate preparation of teachers under subsection (d), a teaching residency program under subsection (e), or both such programs.

''(d) PARTNERSHIP GRANTS FOR PRE-BACCALAUREATE PREPARATION OF TEACHERS.—An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:

''(1) REFORMS.—

''(A) IN GENERAL.—Implementing reforms, described in subparagraph (B), within each teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

''(i) preparing—

''(I) current or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects);

''(II) such teachers and, as applicable, early childhood educators, to understand empirically based practice and scientifically valid research on teaching and learning and its applicability, and to use technology effectively, including the use of instructional techniques to improve student achievement; and

''(III) as applicable, early childhood educators to be highly competent; and

''(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

''(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

''(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

''(ii) using empirically based practice and scientifically valid research, where applicable, about the disciplines of teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

''(I) can understand and implement research-based teaching practices in classroom-based instruction;

''(II) have knowledge of student learning methods;

''(III) possess skills to analyze student academic achievement data and other measures of student learning and use such data and measures to improve instruction in the classroom;

''(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable the teachers and early childhood educators to—

''(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

''(bb) differentiate instruction for such students; and

''(V) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

''(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that new teachers receive training in both teaching and relevant content areas in order to become highly qualified;

''(iv) developing and implementing an induction program; and

''(v) developing admissions goals and priorities with the hiring objectives of the high-need local educational agency in the eligible partnership.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality pre-service clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

''(A) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—

''(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and

''(ii) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.

''(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas.

''(C) Provide high-quality teacher mentoring.

''(D)(i) Be offered over the course of a program of teacher preparation;

''(ii) be tightly aligned with course work (and may be developed as a 5th year of a teacher preparation program); and

''(iii) where feasible, allow prospective teachers to learn to teach in the same school district in which the teachers will work, learning the instructional initiatives and curriculum of that district.

''(E) Provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1) or (2), and for those who serve as mentors for such teachers, based on each individual's experience. Such support may include—

''(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;

''(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

''(iii) with respect to a mentor, a stipend, which may include bonus, differential, incentive, or merit or performance-based pay.

''(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new teachers, or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

''(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

''(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership.

''(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—

''(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

''(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.

''(B) Modifying staffing procedures to provide greater flexibility for local educational agency and school leaders to establish effective school-level staffing in order to facilitate placement of graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

''(C) Ensuring that teaching residents that participated in the teaching residency program receive—

''(i) effective preservice preparation as described in paragraph (2);

''(ii) teacher mentoring;

''(iii) induction through the induction program as the teaching residents enter the classroom as new teachers; and

''(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

''(2) TEACHING RESIDENCY PROGRAMS.—

''(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this paragraph shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

''(i) The integration of pedagogy, classroom practice, and teacher mentoring.

''(ii) Engagement of teaching residents in rigorous graduate-level coursework to earn a master's degree while undertaking a guided teaching apprenticeship.

''(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

''(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with coursework;

''(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for novice teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

''(III) who may have full relief from teaching duties as a result of such additional responsibilities.

''(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on observations of such domains of teaching as the following:

''(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative assessments to improve student learning.

''(II) Appropriate instruction that engages students with different learning styles.

''(III) Collaboration with colleagues to improve instruction.

''(IV) Analysis of gains in student learning, based on multiple measures, that, when feasible, may include valid and reliable objective measures of the influence of teachers on the rate of student academic progress.

''(V) In the case of mentor candidates who will be mentoring current or future literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

''(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

''(vi) The development of admissions goals and priorities aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of the agency, in exchange for a commitment by the agency to hire graduates from the teaching residency program.

''(vii) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first 2 years of teaching.

''(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

''(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this paragraph, an individual shall—

''(I) be a recent graduate of a 4-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

''(II) submit an application to the teaching residency program.

''(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subparagraph shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

''(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

''(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

''(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

''(C) STIPEND AND SERVICE REQUIREMENT.—

''(i) STIPEND.—A teaching residency program under this paragraph shall provide a 1-year living stipend or salary to teaching residents during the 1-year teaching residency program.

''(ii) SERVICE REQUIREMENT.—As a condition of receiving a stipend under this subparagraph, a teaching resident shall agree to teach in a high-need school served by the high-need local educational agency in the eligible partnership for a period of 3 or more years after completing the 1-year teaching residency program.

''(iii) REPAYMENT.—If a teaching resident who received a stipend under this subparagraph does not complete the service requirement described in clause (ii), such individual shall repay to the high-need local educational agency a pro rata portion of the stipend amount for the amount of teaching time that the individual did not complete.

''(f) ALLOWABLE USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part may use grant funds provided to carry out the activities described in subsections (d) and (e) to partner with a television public broadcast station, as defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6)), for the purpose of improving the quality of pre-baccalaureate teacher preparation programs. The partnership may use such funds to enhance the quality of pre-service training for prospective teachers, including through the use of digital educational content and related services.

''(g) CONSULTATION.—

''(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities under this section.

''(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation, regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

''(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities of a grant under this section only if a written consent signed by all members of the eligible partnership is submitted to the Secretary.

''(h) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

''(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

''SEC. 203. ADMINISTRATIVE PROVISIONS.

''(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

''(1) DURATION.—A grant awarded under this part shall be awarded for a period of 5 years.

''(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than 1 grant during a 5-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the 5-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

''(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall give priority—

''(A) to applications from broad-based eligible partnerships that involve businesses and community organizations; and

''(B) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining the grant amount, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

''(c) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.

''(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership, if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible partnership that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

''SEC. 204. ACCOUNTABILITY AND EVALUATION.

''(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish and include in such application, an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for increasing—

''(1) student achievement for all students as measured by the eligible partnership;

''(2) teacher retention in the first 3 years of a teacher's career;

''(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

''(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

''(B) the percentage of such teachers who are members of under represented groups;

''(C) the percentage of such teachers who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

''(D) the percentage of such teachers who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

''(E) the percentage of such teachers in high-need schools, disaggregated by the elementary, middle, and high school levels; and

''(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent.

''(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, and faculty and leadership at institutions of higher education located in the geographic areas served by the eligible partnership under this part are provided information about the activities carried out with funds under this part, including through electronic means.

''(c) REVOCATION OF GRANT.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, of the grant by the end of the third year of a grant under this part, then the Secretary shall require such eligible partnership to submit a revised application that identifies the steps the partnership will take to make substantial progress to meet the purposes, goals, objectives, and measures, as appropriate, of this part.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the Secretary's findings regarding the activities to the authorizing committees. The Secretary shall broadly disseminate—

''(1) successful practices developed by eligible partnerships under this part; and

''(2) information regarding such practices that were found to be ineffective.

''SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

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

''(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken the assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the 2-year period preceding such year, for each of the assessments used for teacher certification or licensure by the State in which the program is located—

''(i) the percentage of students who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

''(ii) the percentage of all such students who passed each such assessment;

''(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State;

''(iv) the average scaled score for all students who took each such assessment;

''(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

''(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

''(B) PROGRAM INFORMATION.—The criteria for admission into the program, the number of students in the program (disaggregated by race and gender), the average number of hours of supervised clinical experience required for those in the program, the number of full-time equivalent faculty and students in the supervised clinical experience, and the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

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

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 207(a).

''(E) USE OF TECHNOLOGY.—A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(2) REPORT.—Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).

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

''(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(A), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

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

''(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

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

''(B) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subject areas or in particular grades within the State.

''(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and State early learning standards for early childhood education programs.

''(D) For each of the assessments used by the State for teacher certification or licensure—

''(i) for each institution of higher education located in the State and each entity located in the State that offers an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

''(ii) the percentage of all such students at all such institutions taking the assessment who pass such assessment; and

''(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State.

''(E) A description of alternative routes to State certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

''(i) the percentage of individuals participating in such routes, or who have completed such routes during the 2-year period preceding the date of the determination, who passed each such assessment; and

''(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the period preceding the date of the determination, who took each such assessment.

''(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

''(G) For each teacher preparation program in the State, the criteria for admission into the program, the number of students in the program, disaggregated by race and gender

(except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), the average number of hours of supervised clinical experience required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

''(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

''(i) area of certification or licensure;

''(ii) academic major; and

''(iii) subject area for which the teacher has been prepared to teach.

''(I) Using the data generated under subparagraphs (G) and (H), a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

''(J) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decision-making for the purpose of increasing student academic achievement.

''(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

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

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

''(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit a report to Congress that contains the following:

''(A) A comparison of States' efforts to improve the quality of the current and future teaching force.

''(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.

''(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information, and make publicly available, with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

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

''SEC. 205A. TEACHER DEVELOPMENT.

''(a) ANNUAL GOALS.—As a condition of receiving assistance under title IV, each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall set annual quantifiable goals for—

''(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary, including mathematics, science, special education, and instruction of limited English proficient students; and

''(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.

''(b) ASSURANCE.—As a condition of receiving assistance under title IV, each institution described in subsection (a) shall provide an assurance to the Secretary that—

''(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;

''(2) prospective special education teachers receive coursework in core academic subjects and receive training in providing instruction in core academic subjects;

''(3) regular education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

''(4) prospective teachers receive training on how to effectively teach in urban and rural schools.

''(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.

''SEC. 206. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation. Such State shall provide the Secretary an annual list of such low-performing teacher preparation programs that includes an identification of those programs at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part. Such assessment shall be described in the report under section 205(b).

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

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

''(2) shall not be permitted to accept or enroll any student that receives aid under title IV in the institution's teacher preparation program; and

''(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

''(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

''(d) APPLICATION OF THE REQUIREMENTS.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.

''SEC. 207. GENERAL PROVISIONS.

''(a) METHODS.—In complying with sections 205 and 206, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

''(b) SPECIAL RULE.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965 and in accordance with the State plan submitted or revised under section 1111 of such Act, and that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act,—

''(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

''(c) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

''(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency that receives funds under this Act, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

''(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

''(B) is possessed, controlled, or accessible by the State educational agency.

''(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

''(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

''(B) may include—

''(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

''(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

''SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 202. GENERAL PROVISIONS.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

''PART C—GENERAL PROVISIONS

''SEC. 231. LIMITATIONS.

''(a) FEDERAL CONTROL PROHIBITED.—Nothing in this title shall be construed to permit,

allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this title.

''(b) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this title shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

''(c) NATIONAL SYSTEM OF TEACHER CERTIFICATION OR LICENSURE PROHIBITED.—Nothing in this title shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification or licensure.''.

TITLE III—INSTITUTIONAL AID

SEC. 301. PROGRAM PURPOSE.

Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''351'' and inserting ''391''; and

(B) in paragraph (3)(F), by inserting '', including services that will assist in the education of special populations'' before the period; and

(2) in subsection (c)—

(A) in paragraph (6), by inserting '', including innovative, customized, remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period;

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;

(C) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.'';

(D) in paragraph (12) (as redesignated by subparagraph (B)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''; and

(E) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking ''subsection (c)'' and inserting ''subsection (b) and section 391''.

SEC. 302. DEFINITIONS; ELIGIBILITY.

Section 312 (20 U.S.C. 1058) is amended—

(1) in subsection (b)(1)(A), by striking ''subsection (c) of this section'' and inserting ''subsection (d)''; and

(2) in subsection (d)(2), by striking ''subdivision'' and inserting ''paragraph''.

SEC. 303. AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

Section 316 (20 U.S.C. 1059c) is amended—

(1) by striking subsection (b)(3) and inserting the following:

''(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' means an institution that—

''(A) qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a note); or

''(B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).'';

(2) in subsection (c)(2)—

(A) in subparagraph (B), by inserting before the semicolon at the end the following: ''and the acquisition of real property adjacent to the campus of the institution'';

(B) by redesignating subparagraphs (G), (H), (I), (J), (K), and (L) as subparagraphs (H), (I), (J), (K), (L), and (N), respectively;

(C) by inserting after subparagraph (F) the following:

''(G) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;'';

(D) in subparagraph (L) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(E) by inserting after subparagraph (L) (as redesignated by subparagraph (B)) the following:

''(M) developing or improving facilities for Internet use or other distance education technologies; and''; and

(F) in subparagraph (N) (as redesignated by subparagraph (B)), by striking ''subparagraphs (A) through (K)'' and inserting ''subparagraphs (A) through (M)''; and

(3) by striking subsection (d) and inserting the following:

''(d) APPLICATION, PLAN, AND ALLOCATION.—

''(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

''(2) APPLICATION.—

''(A) IN GENERAL.—A Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

''(B) STREAMLINED PROCESS.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants.

''(3) ALLOCATIONS TO INSTITUTIONS.—

''(A) CONSTRUCTION GRANTS.—

''(i) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

''(ii) PREFERENCE.—In providing grants under clause (i), the Secretary shall give preference to eligible institutions that have not yet received an award under this section.

''(B) ALLOTMENT OF REMAINING FUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall distribute the remaining funds appropriated for any fiscal year to each eligible institution as follows:

''(I) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

''(II) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.

''(ii) MINIMUM GRANT.—The amount distributed to a Tribal College or University under clause (i) shall not be less than $500,000.

''(4) SPECIAL RULES.—

''(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.''.

SEC. 304. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

Section 317(c)(2) (20 U.S.C. 1059d(c)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' after the semicolon;

(2) in subparagraph (H), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(I) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.''.

SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

(a) GRANT PROGRAM AUTHORIZED.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

''SEC. 318. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.

''(b) DEFINITIONS.—In this section:

''(1) NATIVE AMERICAN.—The term 'Native American' means an individual who is of a tribe, people, or culture that is indigenous to the United States.

''(2) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' means an institution of higher education that, at the time of application—

''(A) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

''(B) is not a Tribal College or University (as defined in section 316).

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans.

''(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

''(A) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

''(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;

''(D) curriculum development and academic instruction;

''(E) the purchase of library books, periodicals, microfilm, and other educational materials;

''(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

''(G) the joint use of facilities such as laboratories and libraries; and

''(H) academic tutoring and counseling programs and student support services.

''(d) APPLICATION PROCESS.—

''(1) INSTITUTIONAL ELIGIBILITY.—A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may by regulation require.

''(2) APPLICATIONS.—

''(A) PERMISSION TO SUBMIT APPLICATIONS.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

''(B) SIMPLIFIED AND STREAMLINED FORMAT.—The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

''(C) CONTENT.—An application submitted under subparagraph (A) shall include—

''(i) a 5-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans; and

''(ii) such other information and assurances as the Secretary may require.

''(3) SPECIAL RULES.—

''(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

''(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.''.

(b) MINIMUM GRANT AMOUNT.—Section 399 (20 U.S.C. 1068h) is amended by adding at the end the following:

''(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.''.

SEC. 306. PART B DEFINITIONS.

Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting '', in consultation with the Commissioner for Education Statistics'' before ''and the Commissioner''.

SEC. 307. GRANTS TO INSTITUTIONS.

Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''360(a)(2)'' and inserting ''399(a)(2)'';

(2) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(3) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.''.

SEC. 308. ALLOTMENTS TO INSTITUTIONS.

Section 324 (20 U.S.C. 1063) is amended by adding at the end the following:

''(h) SPECIAL RULE ON ELIGIBILITY.—Notwithstanding any other provision of this section, a part B institution shall not receive an allotment under this section unless the part B institution provides, on an annual basis, data indicating that the part B institution—

''(1) enrolled Federal Pell Grant recipients in the preceding academic year;

''(2) in the preceding academic year, has graduated students from a program of academic study that is licensed or accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part H of title IV where appropriate; and

''(3) where appropriate, has graduated students who, within the past 5 years, enrolled in graduate or professional school.''.

SEC. 309. PROFESSIONAL OR GRADUATE INSTITUTIONS.

Section 326 (20 U.S.C. 1063b) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by inserting '', and for the acquisition and development of real property that is adjacent to the campus for such construction, maintenance, renovation, or improvement'' after ''services'';

(B) by redesignating paragraphs (5) through (7) as paragraphs (7) through (9), respectively;

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

''(5) tutoring, counseling, and student service programs designed to improve academic success;

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;'';

(D) in paragraph (7) (as redesignated by subparagraph (B)), by striking ''establish or improve'' and inserting ''establishing or improving'';

(E) in paragraph (8) (as redesignated by subparagraph (B))—

(i) by striking ''assist'' and inserting ''assisting''; and

(ii) by striking ''and'' after the semicolon;

(F) in paragraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(G) by adding at the end the following:

''(10) other activities proposed in the application submitted under subsection (d) that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.'';

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting a colon after ''the following'';

(ii) in subparagraph (Q), by striking ''and'' at the end;

(iii) in subparagraph (R), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(S) Alabama State University qualified graduate program;

''(T) Coppin State University qualified graduate program;

''(U) Prairie View A & M University qualified graduate program;

''(V) Fayetteville State University qualified graduate program;

''(W) Delaware State University qualified graduate program;

''(X) Langston University qualified graduate program;

''(Y) West Virginia State University qualified graduate program;

''(Z) Kentucky State University qualified graduate program; and

''(AA) Grambling State University qualified graduate program.'';

(B) in paragraph (2)(A)—

(i) by inserting ''in law or'' after ''instruction''; and

(ii) by striking ''mathematics, or'' and inserting ''mathematics, psychometrics, or'';

(C) in paragraph (3)—

(i) by striking ''1998'' and inserting ''2007''; and

(ii) by striking ''(Q) and (R)'' and inserting ''(S), (T), (U), (V), (W), (X), (Y), (Z), and (AA)'';

(3) in subsection (f)—

(A) in paragraph (1), by striking ''(P)'' and inserting ''(R)'';

(B) in paragraph (2), by striking ''(Q) and (R)'' and inserting ''(S), (T), (U), (V), (W), (X), (Y), (Z), and (AA)''; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''(R)'' and inserting ''(AA)'';

(ii) by striking subparagraphs (A) and (B) and inserting the following:

''(A) The amount of non-Federal funds for the fiscal year for which the determination is made that the institution or program listed in subsection (e)—

''(i) allocates from institutional resources;

''(ii) secures from non-Federal sources, including amounts appropriated by the State and amounts from the private sector; and

''(iii) will utilize to match Federal funds awarded for the fiscal year for which the determination is made under this section to the institution or program.

''(B) The number of students enrolled in the qualified graduate programs of the eligible institution or program, for which the institution or program received and allocated funding under this section in the preceding year.'';

(iii) in subparagraph (C), by striking ''(or the equivalent) enrolled in the eligible professional or graduate school'' and all that follows through the period and inserting ''enrolled in the qualified programs or institutions listed in paragraph (1).'';

(iv) in subparagraph (D)—

(I) by striking ''students'' and inserting ''Black American students or minority students''; and

(II) by striking ''institution'' and inserting ''institution or program''; and

(v) by striking subparagraph (E) and inserting the following:

''(E) The percentage that the total number of Black American students and minority students who receive their first professional, master's, or doctoral degrees from the institution or program in the academic year preceding the academic year for which the determination is made, represents of the total number of Black American students and minority students in the United States who receive their first professional, master's, or doctoral degrees in the professions or disciplines related to the course of study at such institution or program, respectively, in the preceding academic year.''; and

(4) in subsection (g), by striking ''1998'' and inserting ''2007''.

SEC. 310. AUTHORITY OF THE SECRETARY.

Section 345 (20 U.S.C. 1066d) is amended—

(1) in paragraph (6), by striking ''and'' after the semicolon;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, shall submit to the authorizing committees a report on the progress of the Department in implementing the recommendations made by the Government Accountability Office in October 2006 for improving the Historically Black College and Universities Capital Financing Program.''.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 399 (20 U.S.C. 1068h) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—(A) There are authorized to be appropriated to carry out part A (other than sections 316, 317, and 318) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 316 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(C) There are authorized to be appropriated to carry out section 317 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(D) There are authorized to be appropriated to carry out section 318 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 326 such sums as

may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(3) PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 345(7) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(5) PART E.—There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 312. TECHNICAL CORRECTIONS.

Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5)(C) (20 U.S.C. 1066a(5)(C)), by striking '',,'' and inserting '','';

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting ''SALE OF QUALIFIED BONDS.—'' before ''Notwithstanding'';

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking ''support'' and inserting ''supports'';

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking ''subparagraph (E)'' and inserting ''subparagraph (D)'';

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking ''eligible institutions under part A institutions'' and inserting ''eligible institutions under part A''; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking ''360'' and inserting ''399''.

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

SEC. 401. FEDERAL PELL GRANTS.

(a) AMENDMENTS.—Section 401 (20 U.S.C. 1070a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''2004'' and inserting ''2013''; and

(ii) in the second sentence, by striking '',,'' and inserting '','; and

(B) in paragraph (3), by striking ''this subpart'' and inserting ''this section'';

(2) in subsection (b)—

(A) by striking paragraph (2)(A) and inserting the following:

''(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

''(i) $5,400 for academic year 2008–2009;

''(ii) $5,700 for academic year 2009–2010;

''(iii) $6,000 for academic year 2010–2011; and

''(iv) $6,300 for academic year 2011–2012,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.'';

(B) by striking paragraph (3);

(C) in paragraph (5), by striking ''$400, except'' and all that follows through the period and inserting ''10 percent of the maximum basic grant level specified in the appropriate Appropriation Act for such academic year, except that a student who is eligible for a Federal Pell Grant in an amount that is equal to or greater than 5 percent of such level but less than 10 percent of such level shall be awarded a Federal Pell grant in the amount of 10 percent of such level.''; and

(D) by striking paragraph (6) and inserting the following:

''(6) In the case of a student who is enrolled, on at least a half-time basis and for a period of more than 1 academic year in a single award year in a 2-year or 4-year program of instruction for which an institution of higher education awards an associate or baccalaureate degree, the Secretary shall award such student not more than 2 Federal Pell Grants during that award year to permit such student to accelerate the student's progress toward a degree. In the case of a student receiving more than 1 Federal Pell Grant in a single award year, the total amount of Federal Pell Grants awarded to such student for the award year may exceed the maximum basic grant level specified in the appropriate appropriations Act for such award year.''; and

(3) in subsection (c), by adding at the end the following:

''(5) The period of time during which a student may receive Federal Pell Grants shall not exceed 18 semesters, or an equivalent period of time as determined by the Secretary pursuant to regulations, which period shall—

''(A) be determined without regard to whether the student is enrolled on a full-time basis during any portion of the period of time; and

''(B) include any period of time for which the student received a Federal Pell Grant prior to July 1, 2008.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 402. ACADEMIC COMPETITIVENESS GRANTS.

Section 401A (20 U.S.C. 1070a–1) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ACADEMIC COMPETITIVENESS GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''academic''; and

(B) in paragraph (2), by striking ''third or fourth academic'' and inserting ''third, fourth, or fifth'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''full-time'' and all that follows through ''is made'' and inserting ''student who'';

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

''(1) is eligible for a Federal Pell Grant for the award year in which the determination of eligibility is made for a grant under this section;'';

(C) by striking paragraph (2) and inserting the following:

''(2) is enrolled or accepted for enrollment in an institution of higher education on not less than a half-time basis; and''; and

(D) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

''(A) the first year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 1 year for which the institution awards a certificate), has successfully completed, after January 1, 2006, a rigorous secondary school program of study established by a State or local educational agency and recognized as such by the Secretary;'';

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''academic'' and all that follows through ''higher education'' and inserting ''year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 2 years for which the institution awards a certificate)''; and

(II) in clause (ii)—

(aa) by striking ''academic''; and

(bb) by striking ''or'' after the semicolon at the end;

(iii) in subparagraph (C)—

(I) by striking ''academic'';

(II) by striking ''four'' and inserting ''4'';

(III) by striking clause (i)(II) and inserting the following:

''(II) a critical foreign language; and''; and

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

(iv) by adding at the end the following:

''(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)) that demonstrates, to the satisfaction of the Secretary, that the institution—

''(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and those students—

''(I) study, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; or

''(II) are required, as part of their degree program, to undertake a rigorous course of study in mathematics, biology, chemistry, and physics, which consists of at least—

''(aa) 4 years of study in mathematics; and

''(bb) 3 years of study in the sciences, with a laboratory component in each of those years; and

''(ii) offered such curriculum prior to February 8, 2006; or

''(E) the fifth year of a program of undergraduate education that requires 5 full years of coursework for which a baccalaureate degree is awarded by a degree-granting institution of higher education, as certified by the appropriate official of such institution—

''(i) is pursuing a major in—

''(I) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

''(II) a critical foreign language; and

''(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent, as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''The'' and inserting ''IN GENERAL.—The'';

(II) in clause (ii), by striking ''or'' after the semicolon at the end;

(III) in clause (iii), by striking ''subsection (c)(3)(C).'' and inserting ''subparagraph (C) or (D) of subsection (c)(3), for each of the 2 years described in such subparagraphs; or''; and

(IV) by adding at the end the following:

''(iv) $4,000 for an eligible student under subsection (c)(3)(E).''; and

(ii) in subparagraph (B)—

(I) by striking ''Notwithstanding'' and inserting ''LIMITATION; RATABLE REDUCTION.—Notwithstanding'';

(II) by redesignating clauses (i), (ii), and (iii), as clauses (ii), (iii), and (iv), respectively; and

(III) by inserting before clause (ii), as redesignated under subclause (II), the following:

''(i) in any case in which a student attends an institution of higher education on less than a full-time basis, the amount of the

grant that such student may receive shall be reduced in the same manner as a Federal Pell Grant is reduced under section 401(b)(2)(B);'';

(B) by striking paragraph (2) and inserting the following:

''(2) LIMITATIONS.—

''(A) NO GRANTS FOR PREVIOUS CREDIT.—The Secretary may not award a grant under this section to any student for any year of a program of undergraduate education for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005.

''(B) NUMBER OF GRANTS.—

''(i) FIRST YEAR.—In the case of a student described in subsection (c)(3)(A), the Secretary may not award more than 1 grant to such student for such first year of study.

''(ii) SECOND YEAR.—In the case of a student described in subsection (c)(3)(B), the Secretary may not award more than 1 grant to such student for such second year of study.

''(iii) THIRD AND FOURTH YEARS.—In the case of a student described in subparagraph (C) or (D) of subsection (c)(3), the Secretary may not award more than 1 grant to such student for each of the third and fourth years of study.

''(iv) FIFTH YEAR.—In the case of a student described in subsection (c)(3)(E), the Secretary may not award more than 1 grant to such student for such fifth year of study.''; and

(C) by adding at the end the following:

''(3) CALCULATION OF GRANT PAYMENTS.—An institution of higher education shall make payments of a grant awarded under this section in the same manner, using the same payment periods, as such institution makes payments for Federal Pell Grants under section 401.'';

(5) by striking subsection (e)(2) and inserting the following:

''(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) for a fiscal year shall remain available for the succeeding fiscal year.'';

(6) in subsection (f)—

(A) by striking ''at least one'' and inserting ''not less than 1''; and

(B) by striking ''subsection (c)(3)(A) and (B)'' and inserting ''subparagraphs (A) and (B) of subsection (c)(3)''; and

(7) in subsection (g), by striking ''academic'' and inserting ''award''.

SEC. 403. FEDERAL TRIO PROGRAMS.

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''4'' and inserting ''5'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

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

''(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.'';

(2) in subsection (c)—

(A) in paragraph (2), by striking ''service delivery'' and inserting ''high quality service delivery, as determined under subsection (f),'';

(B) in paragraph (3)(B), by striking ''is not required to'' and inserting ''shall not''; and

(C) in paragraph (5), by striking ''campuses'' and inserting ''different campuses'';

(3) in subsection (e), by striking ''(g)(2)'' each place the term occurs and inserting ''(h)(4)'';

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

''(f) OUTCOME CRITERIA.—

''(1) USE FOR PRIOR EXPERIENCE DETERMINATION.—The Secretary shall use the outcome criteria described in paragraphs (2) and (3) to evaluate the programs provided by a recipient of a grant under this chapter, and the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria.

''(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

''(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

''(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

''(i) the delivery of service to a total number of students served by the program;

''(ii) the continued secondary school enrollment of such students;

''(iii) the graduation of such students from secondary school;

''(iv) the enrollment of such students in an institution of higher education; and

''(v) to the extent practicable, the postsecondary education completion of such students.

''(B) For programs authorized under section 402C, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

''(ii) such students' school performance, as measured by the grade point average, or its equivalent;

''(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

''(iv) the retention in, and graduation from, secondary school of such students; and

''(v) the enrollment of such students in an institution of higher education.

''(C) For programs authorized under section 402D—

''(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

''(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding such students' completion of the degree programs in which such students were enrolled; or

''(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding—

''(aa) the completion of a degree or certificate by such students; and

''(bb) the transfer of such students to institutions of higher education that offer baccalaureate degrees;

''(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the extent to which the entity met or exceeded the entity's objectives regarding such students remaining in good academic standing.

''(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period;

''(ii) the provision of appropriate scholarly and research activities for the students served by the program;

''(iii) the acceptance and enrollment of such students in graduate programs; and

''(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

''(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

''(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

''(iii) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

''(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which an outcome criterion described in paragraphs (2) or (3) is met or exceeded, an eligible entity receiving assistance under this chapter shall compare the eligible entity's target for the criterion, as established in the eligible entity's application, with the results for the criterion, measured as of the last day of the applicable time period for the determination.'';

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking ''$700,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

''(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

''(A) is geographically apart from the main campus of the institution;

''(B) is permanent in nature; and

''(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

''(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals, with respect to whom an eligible entity desires to serve through an application for a grant under this chapter, that—

''(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

''(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.'';

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A), by striking ''or'' after the semicolon;

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

(iii) by adding at the end the following:

''(C) was a member of a reserve component of the Armed Forces called to active duty for a period of more than 180 days.''; and

(D) in paragraph (6), by striking ''subparagraph (A) or (B) of paragraph (3)'' and inserting ''subparagraph (A), (B), or (C) of paragraph (5)''.

(b) TALENT SEARCH.—Section 402B (20 U.S.C. 1070a–12) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''to identify qualified youths with potential for education at the postsecondary level and to encourage such youths'' and inserting ''to encourage eligible youths'';

(B) in paragraph (2), by inserting '', and facilitate the application for,'' after ''the availability of''; and

(C) in paragraph (3), by striking '', but who have the ability to complete such programs, to reenter'' and inserting ''to enter or reenter, and complete'';

(2) by redesignating subsection (c) as subsection (d);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

''(1) academic tutoring, or connections to high quality academic tutoring services, to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in secondary course selection and, if applicable, initial postsecondary course selection;

''(3) assistance in preparing for college entrance examinations and completing college admission applications;

''(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(5) guidance on and assistance in—

''(A) secondary school reentry;

''(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

''(C) entry into general educational development (GED) programs; or

''(D) postsecondary education; and

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.

''(c) PERMISSIBLE SERVICES.—Any project assisted under this section may provide services such as—

''(1) personal and career counseling or activities;

''(2) information and activities designed to acquaint youths with the range of career options available to the youths;

''(3) exposure to the campuses of institutions of higher education, as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth;

''(4) workshops and counseling for families of students served;

''(5) mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons; and

''(6) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.''; and

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking ''talent search projects under this chapter'' and inserting ''projects under this section''.

(c) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

''(1) academic tutoring to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in secondary and postsecondary course selection;

''(3) assistance in preparing for college entrance examinations and completing college admission applications;

''(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(5) guidance on and assistance in—

''(A) secondary school reentry;

''(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

''(C) entry into general educational development (GED) programs; or

''(D) postsecondary education; and

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.'';

(2) in subsection (c)—

(A) in the subsection heading, by striking ''REQUIRED SERVICES'' and inserting ''ADDITIONAL REQUIRED SERVICES FOR MULTIPLE-YEAR GRANT RECIPIENTS''; and

(B) by striking ''upward bound project assisted under this chapter'' and inserting ''project assisted under this section'';

(3) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

''(d) PERMISSIBLE SERVICES.—Any project assisted under this section may provide such services as—

''(1) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth;

''(2) information, activities and instruction designed to acquaint youths participating in the project with the range of career options available to the youths;

''(3) on-campus residential programs;

''(4) mentoring programs involving elementary school or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons;

''(5) work-study positions where youth participating in the project are exposed to careers requiring a postsecondary degree;

''(6) special services to enable veterans to make the transition to postsecondary education; and

''(7) programs and activities as described in subsection (b), subsection (c), or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.

''(e) PRIORITY.—In providing assistance under this section the Secretary—

''(1) shall give priority to projects assisted under this section that select not less than 30 percent of all first-time participants in the projects from students who have a high academic risk for failure; and

''(2) shall not deny participation in a project assisted under this section to a student because the student will enter the project after the 9th grade.'';

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (3)), by striking ''upward bound projects under this chapter'' and inserting ''projects under this section''; and

(6) in subsection (g) (as redesignated by paragraph (3))—

(A) by striking ''during June, July, and August'' each place the term occurs and inserting ''during the summer school recess, for a period not to exceed 3 months''; and

(B) by striking ''(b)(10)'' and inserting ''(d)(5)''.

(7) by adding at the end the following:

''(h) ADDITIONAL FUNDS.—

''(1) AUTHORIZATION.—There are authorized to be appropriated for the upward bound program under this chapter, in addition to any amounts appropriated under section 402A(g), $57,000,000 for each of the fiscal years 2008 through 2011 for the Secretary to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the upward bound program under this chapter.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—The amounts made available by paragraph (1) for a fiscal year shall be available to provide assistance to applicants for an upward bound project under this chapter for such fiscal year that—

''(i) did not apply for assistance, or applied but did not receive assistance, under this section in fiscal year 2007; and

''(ii) receive a grant score above 70 on the applicant's application.

''(B) 4-YEAR GRANTS.—The assistance described in subparagraph (A) shall be made available in the form of 4-year grants.''.

(d) STUDENT SUPPORT SERVICES.—Section 402D (20 U.S.C. 1070a–14) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

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

''(3) to foster an institutional climate supportive of the success of low-income and first generation college students, students with disabilities, students who are limited English proficient, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), and students who are in foster care or are aging out of the foster care system.''; and

(C) by adding at the end the following:

''(4) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—A project assisted under this section shall provide—

''(1) academic tutoring to enable students to complete postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in postsecondary course selection;

''(3)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(4) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(5) activities designed to assist students participating in the project in securing college admission and financial assistance for enrollment in graduate and professional programs; and

''(6) activities designed to assist students enrolled in 2-year institutions of higher education in securing admission and financial assistance for enrollment in a 4-year program of postsecondary education.

''(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

''(1) consistent, individualized personal, career, and academic counseling, provided by assigned counselors;

''(2) information, activities, and instruction designed to acquaint youths participating in the project with the range of career options available to the students;

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students;

''(4) activities designed to acquaint students participating in the project with the range of career options available to the students;

''(5) mentoring programs involving faculty or upper class students, or a combination thereof;

''(6) securing temporary housing during breaks in the academic year for students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths and students who are in foster care or are aging out of the foster care system; and

''(7) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths, or students who are in foster care or are aging out of the foster care system.'';

(4) in subsection (d)(1) (as redesignated by paragraph (2)), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in the matter preceding paragraph (1) of subsection (e) (as redesignated by paragraph (2)), by striking ''student support services projects under this chapter'' and inserting ''projects under this section''.

(e) POSTBACCALAUREATE ACHIEVEMENT PROGRAM AUTHORITY.—Section 402E (20 U.S.C. 1070a–15) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''REQUIRED'' before ''SERVICES'';

(B) in the matter preceding paragraph (1), by striking ''A postbaccalaureate achievement project assisted under this section may provide services such as—'' and inserting ''A project assisted under this section shall provide—'';

(C) in paragraph (5), by inserting ''and'' after the semicolon;

(D) in paragraph (6), by striking the semicolon and inserting a period; and

(E) by striking paragraphs (7) and (8);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

''(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

''(1) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(2) mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students.'';

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement'';

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement project'' and inserting ''project under this section''; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) by striking ''402A(f)'' and inserting ''402A(g)''; and

(B) by striking ''1993 through 1997'' and inserting ''2007 through 2012''.

(f) EDUCATIONAL OPPORTUNITY CENTERS.—Section 402F (20 U.S.C. 1070a–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

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

''(5) education or counseling services designed to improve the financial literacy and economic literacy of students;'';

(C) by striking paragraph (7) (as redesignated by subparagraph (A)) and inserting the following:

''(7) individualized personal, career, and academic counseling;''; and

(D) by striking paragraph (11) (as redesignated by subparagraph (A)) and inserting the following:

''(11) programs and activities as described in paragraphs (1) through (10) that are specially designed for students who are limited English proficient, students with disabilities, or students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or programs and activities for students who are in foster care or are aging out of the foster care system.''.

(g) STAFF DEVELOPMENT ACTIVITIES.—Section 402G(b)(3) (20 U.S.C. 1070a–17(b)(3)) is amended by inserting '', including strategies for recruiting and serving students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) and students who are in foster care or are aging out of the foster care system'' before the period at the end.

(h) REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.—Section 402H (20 U.S.C. 1070a–18) is amended—

(1) by striking the section heading and inserting ''**REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.**'';

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) REPORTS TO THE AUTHORIZING COMMITTEES.—The Secretary shall submit annually, to the authorizing committees, a report that documents the performance of all programs funded under this chapter. The report shall—

''(1) be submitted not later than 24 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

''(2) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

''(3) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

''(4) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

''(5) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities.''; and

(4) in subsection (b) (as redesignated by paragraph (2)), by striking paragraph (2) and inserting the following:

''(2) PRACTICES.—

''(A) IN GENERAL.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in—

''(i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

''(ii) the preparation of the individuals and students for postsecondary education; and

''(iii) fostering the success of the individuals and students in postsecondary education.

''(B) PRIMARY PURPOSE.—Any evaluation conducted under this chapter shall have as its primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

''(C) DISSEMINATION AND USE OF EVALUATION FINDINGS.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). The practices may be used by

eligible entities that receive assistance under this chapter after the dissemination.

''(3) RECRUITMENT.—The Secretary shall not require an eligible entity desiring to receive assistance under this chapter to recruit students to serve as a control group for purposes of evaluating any program or project assisted under this chapter.''.

(i) ADDITIONAL AMENDMENT TO POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E(d)(2) (as redesignated by subsection (e)(2)) (20 U.S.C. 1070a–15(d)(2)) is further amended by inserting '', including Native Hawaiians, as defined in section 7207 of the Elementary and Secondary Education Act of 1965, and Pacific Islanders'' after ''graduate education''.

SEC. 404. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

(a) EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.—Section 404A (20 U.S.C. 1070a–21) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized, in accordance with the requirements of this chapter, to establish a program that encourages eligible entities to provide support to eligible low-income students to assist the students in obtaining a secondary school diploma (or its recognized equivalent) and to prepare for and succeed in postsecondary education, by providing—

''(1) financial assistance, academic support, additional counseling, mentoring, outreach, and supportive services to middle school and secondary school students to reduce—

''(A) the risk of such students dropping out of school; or

''(B) the need for remedial education for such students at the postsecondary level; and

''(2) information to students and their parents about the advantages of obtaining a postsecondary education and the college financing options for the students and their parents.'';

(2) by striking subsection (b)(2)(A) and inserting the following:

''(A) give priority to eligible entities that have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies;''; and

(3) in subsection (b), by adding at the end the following:

''(3) CARRY OVER.—An eligible entity that receives a grant under this chapter may carry over any unspent grant funds from the final year of the grant period into the following year.'';

(4) by striking subsection (c)(2) and inserting the following:

''(2) a partnership—

''(A) consisting of—

''(i) 1 or more local educational agencies; and

''(ii) 1 or more degree granting institutions of higher education; and

''(B) which may include not less than 2 other community organizations or entities, such as businesses, professional organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.''.

(b) REQUIREMENTS.—Section 404B (20 U.S.C. 1070a–22) is amended—

(1) by striking subsection (a) and inserting the following: —

''(a) FUNDING RULES.—

''(1) DISTRIBUTION.—In awarding grants from the amount appropriated under section 404G for a fiscal year, the Secretary shall take into consideration—

''(A) the geographic distribution of such awards; and

''(B) the distribution of such awards between urban and rural applicants.

''(2) SPECIAL RULE.—The Secretary shall annually reevaluate the distribution of funds described in paragraph (1) based on number, quality, and promise of the applications.'';

(2) by striking subsections (b), (e), and (f);

(3) by redesignating subsections (c), (d), and (g) as subsections (b), (c), and (d), respectively; and

(4) by adding at the end the following:

''(e) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this chapter shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this chapter.''.

(c) APPLICATION.—Section 404C (20 U.S.C. 1070a–23) is amended—

(1) in the section heading, by striking ''**ELIGIBLE ENTITY PLANS**'' and inserting ''**APPLICATIONS**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''PLAN'' and inserting ''APPLICATION'';

(B) in paragraph (1)—

(i) by striking ''a plan'' and inserting ''an application''; and

(ii) by striking the second sentence; and

(C) by striking paragraph (2) and inserting the following:

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may require. Each such application shall, at a minimum—

''(A) describe the activities for which assistance under this chapter is sought, including how the eligible entity will carry out the required activities described in section 404D(a);

''(B) describe how the eligible agency will meet the requirements of section 404E;

''(C) provide assurances that adequate administrative and support staff will be responsible for coordinating the activities described in section 404D;

''(D) ensure that activities assisted under this chapter will not displace an employee or eliminate a position at a school assisted under this chapter, including a partial displacement such as a reduction in hours, wages or employment benefits;

''(E) describe, in the case of an eligible entity described in section 404A(c)(2), how the eligible entity will define the cohorts of the students served by the eligible entity pursuant to section 404B(d), and how the eligible entity will serve the cohorts through grade 12, including—

''(i) how vacancies in the program under this chapter will be filled; and

''(ii) how the eligible entity will serve students attending different secondary schools;

''(F) describe how the eligible entity will coordinate programs with other existing Federal, State, or local programs to avoid duplication and maximize the number of students served;

''(G) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this chapter; and

''(H) provide information about the activities that will be carried out by the eligible entity to support systemic changes from which future cohorts of students will benefit.'';

(3) in the matter preceding subparagraph (A) of subsection (b)(1)—

(A) by striking ''a plan'' and inserting ''an application''; and

(B) by striking ''such plan'' and inserting ''such application''; and

(4) in subsection (c)(1), by striking ''paid to students from State, local, institutional, or private funds under this chapter'' and inserting ''obligated to students from State, local, institutional, or private funds under this chapter, including pre-existing non-Federal financial assistance programs,'';

(5) in subsection (c)(1), by striking the semicolon at the end and inserting ''including—

''(A) the amount contributed to a student scholarship fund established under section 404E; and

''(B) the amount of the costs of administering the scholarship program under section 404E;''.

(6) in subsection (c)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) other resources recognized by the Secretary, including equipment and supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.''.

(d) ACTIVITIES.—Section 404D (20 U.S.C. 1070a–24) is amended to read as follows:

''SEC. 404D. ACTIVITIES.

''(a) REQUIRED ACTIVITIES.—Each eligible entity receiving a grant under this chapter shall carry out the following:

''(1) Provide information regarding financial aid for postsecondary education to participating students in the cohort described in subsection 404B(d)(1)(A).

''(2) Encourage student enrollment in rigorous and challenging curricula and coursework, in order to reduce the need for remedial coursework at the postsecondary level.

''(3) Support activities designed to improve the number of participating students who—

''(A) obtain a secondary school diploma; and

''(B) complete applications for and enroll in a program of postsecondary education.

''(4) In the case of an eligible entity described in section 404A(c)(1), provide for the scholarships described in section 404E.

''(b) OPTIONAL ACTIVITIES FOR STATES AND PARTNERSHIPS.—An eligible entity that receives a grant under this chapter may use grant funds to carry out 1 or more of the following activities:

''(1) Providing tutoring and supporting mentors, including adults or former participants of a program under this chapter, for eligible students.

''(2) Conducting outreach activities to recruit priority students described in subsection (d) to participate in program activities.

''(3) Providing supportive services to eligible students.

''(4) Supporting the development or implementation of rigorous academic curricula, which may include college preparatory, Advanced Placement, or International Baccalaureate programs, and providing participating students access to rigorous core courses that reflect challenging State academic standards.

''(5) Supporting dual or concurrent enrollment programs between the secondary school and institution of higher education partners of an eligible entity described in section 404A(c)(2), and other activities that support participating students in—

''(A) meeting challenging academic standards;

''(B) successfully applying for postsecondary education;

''(C) successfully applying for student financial aid; and

''(D) developing graduation and career plans.

''(6) Providing support for scholarships described in section 404E.

''(7) Introducing eligible students to institutions of higher education, through trips and school-based sessions.

''(8) Providing an intensive extended school day, school year, or summer program that offers—

''(A) additional academic classes; or

''(B) assistance with college admission applications.

''(9) Providing other activities designed to ensure secondary school completion and postsecondary education enrollment of at-risk children, such as—

''(A) the identification of at-risk children;

''(B) after-school and summer tutoring;

''(C) assistance to at-risk children in obtaining summer jobs;

''(D) academic counseling;

''(E) volunteer and parent involvement;

''(F) encouraging former or current participants of a program under this chapter to serve as peer counselors;

''(G) skills assessments;

''(H) personal counseling;

''(I) family counseling and home visits;

''(J) staff development; and

''(K) programs and activities described in this subsection that are specially designed for students who are limited English proficient.

''(10) Enabling eligible students to enroll in Advanced Placement or International Baccalaureate courses, or college entrance examination preparation courses.

''(11) Providing services to eligible students in the participating cohort described in section 404B(d)(1)(A), through the first year of attendance at an institution of higher education.

''(12) Fostering and improving parent and family involvement in elementary and secondary education by promoting the advantages of a college education, and emphasizing academic admission requirements and the need to take college preparation courses, through parent engagement and leadership activities.

''(13) Disseminating information that promotes the importance of higher education, explains college preparation and admissions requirements, and raises awareness of the resources and services provided by the eligible entities to eligible students, their families, and communities.

''(c) ADDITIONAL OPTIONAL ACTIVITIES FOR STATES.—In addition to the required activities described in subsection (a) and the optional activities described in subsection (b), an eligible entity described in section 404A(c)(1) receiving funds under this chapter may use grant funds to carry out 1 or more of the following activities:

''(1) Providing technical assistance to—

''(A) middle schools or secondary schools that are located within the State; or

''(B) partnerships described in section 404A(c)(2) that are located within the State.

''(2) Providing professional development opportunities to individuals working with eligible cohorts of students described in section 404B(d)(1)(A).

''(3) Providing strategies and activities that align efforts in the State to prepare eligible students for attending and succeeding in postsecondary education, which may include the development of graduation and career plans.

''(4) Disseminating information on the use of scientifically based research and best practices to improve services for eligible students.

''(5)(A) Disseminating information on effective coursework and support services that assist students in obtaining the goals described in subparagraph (B)(ii).

''(B) Identifying and disseminating information on best practices with respect to—

''(i) increasing parental involvement; and

''(ii) preparing students, including students with disabilities and students who are limited English proficient, to succeed academically in, and prepare financially for, postsecondary education.

''(6) Working to align State academic standards and curricula with the expectations of postsecondary institutions and employers.

''(7) Developing alternatives to traditional secondary school that give students a head start on attaining a recognized postsecondary credential (including an industry certificate, an apprenticeship, or an associate's or a bachelor's degree), including school designs that give students early exposure to college-level courses and experiences and allow students to earn transferable college credits or an associate's degree at the same time as a secondary school diploma.

''(8) Creating community college programs for drop-outs that are personalized drop-out recovery programs that allow drop-outs to complete a regular secondary school diploma and begin college-level work.

''(d) PRIORITY STUDENTS.—For eligible entities not using a cohort approach, the eligible entity shall treat as priority students any student in middle or secondary school who is eligible—

''(1) to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965;

''(2) for free or reduced price meals under the Richard B. Russell National School Lunch Act;

''(3) for assistance under a State program funded under part A or E of title IV of the Social Security Act (42 U.S.C. 601 et seq., 670 et seq.); or

''(4) for assistance under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

''(e) ALLOWABLE PROVIDERS.—In the case of eligible entities described in section 404A(c)(1), the activities required by this section may be provided by service providers such as community-based organizations, schools, institutions of higher education, public and private agencies, nonprofit and philanthropic organizations, businesses, institutions and agencies sponsoring programs authorized under subpart 4, and other organizations the State determines appropriate.''.

(e) SCHOLARSHIP COMPONENT.—Section 404E (20 U.S.C. 1070a–25) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (f), and (g), respectively;

(3) by inserting after subsection (a) the following:

''(b) LIMITATION.—

''(1) IN GENERAL.—Subject to paragraph (2), each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall use not less than 25 percent and not more than 50 percent of the grant funds for activities described in section 404D (except for the activity described in subsection (a)(4) of such section), with the remainder of such funds to be used for a scholarship program under this section in accordance with such subsection.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may allow an eligible entity to use more than 50 percent of grant funds received under this chapter for such activities, if the eligible entity demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section and describes such means in the application submitted under section 404C.

''(c) NOTIFICATION OF ELIGIBILITY.—Each eligible entity providing scholarships under this section shall provide information on the eligibility requirements for the scholarships to all participating students upon the students' entry into the programs assisted under this chapter.'';

(4) in subsection (d) (as redesignated by paragraph (2)), by striking ''the lesser of'' and all that follows through the period at the end of paragraph (2) and inserting ''the minimum Federal Pell Grant award under section 401 for such award year.'';

(5) by inserting after subsection (d) (as redesignated by paragraph (2) and amended by paragraph (4)) the following:

''(e) PORTABILITY OF ASSISTANCE.—

''(1) IN GENERAL.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall create or organize a trust for each cohort described in section 404B(d)(1)(A) for which the grant is sought in the application submitted by the entity, which trust shall be an amount that is not less than the minimum scholarship amount described in subsection (d), multiplied by the number of students participating in the cohort.

''(2) REQUIREMENT FOR PORTABILITY.—Funds contributed to the trust for a cohort shall be available to a student in the cohort when the student has—

''(A) completed a secondary school diploma, its recognized equivalent, or other recognized alternative standard for individuals with disabilities; and

''(B) enrolled in an institution of higher education.

''(3) QUALIFIED EDUCATIONAL EXPENSES.—Funds available to an eligible student from a trust may be used for—

''(A) tuition, fees, books, supplies, and equipment required for the enrollment or attendance of the eligible student at an institution of higher education; and

''(B) in the case of an eligible student with special needs, expenses for special needs services which are incurred in connection with such enrollment or attendance.

''(4) RETURN OF FUNDS.—

''(A) REDISTRIBUTION.—

''(i) IN GENERAL.—Trust funds that are not used by an eligible student within 6 years of the student's scheduled completion of secondary school may be redistributed by the eligible entity to other eligible students.

''(ii) RETURN OF EXCESS TO THE SECRETARY.—If, after meeting the requirements of paragraph (1) and, if applicable, redistributing excess funds in accordance with clause (i), an eligible entity has funds remaining, the eligible entity shall return excess funds to the Secretary for distribution to other grantees under this chapter.

''(B) NONPARTICIPATING ENTITY.—Notwithstanding subparagraph (A), in the case of an eligible entity described in section 404A(c)(1)(A) that does not receive assistance under this subpart for 6 fiscal years, the eligible entity shall return any trust funds not awarded or obligated to eligible students to the Secretary for distribution to other grantees under this chapter.''; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) in paragraph (2), by striking ''1993'' and inserting ''2001''; and

(B) in paragraph (4), by striking ''early intervention component required under section 404D'' and inserting ''activities required under section 404D(a)''.

(f) REPEAL OF 21ST CENTURY SCHOLAR CERTIFICATES.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) by striking section 404F; and

(2) by redesignating sections 404G and 404H as sections 404F and 404G, respectively.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 404G (as redesignated by subsection (f)) (20 U.S.C. 1070a–28) is amended by striking ''$200,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(h) CONFORMING AMENDMENTS.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) in section 404A(b)(1), by striking ''404H'' and inserting ''404G'';

(2) in section 404B(a)(1), by striking ''404H'' and inserting ''404G''; and

(3) in section 404F(c) (as redesignated by subsection (f)(2)), by striking ''404H'' and inserting ''404G''.

SEC. 405. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.

Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

SEC. 406. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) APPROPRIATIONS AUTHORIZED.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking ''$675,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) ALLOCATION OF FUNDS.—

(1) ALLOCATION OF FUNDS.—Section 413D (20 U.S.C. 1070b–3) is amended—

(A) by striking subsection (a)(4); and

(B) in subsection (c)(3)(D), by striking ''$450'' and inserting ''$600''.

(2) TECHNICAL CORRECTION.—Section 413D(a)(1) (20 U.S.C. 1070b–3(a)(1)) is amended by striking ''such institution'' and all that follows through the period and inserting ''such institution received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year).''.

SEC. 407. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) APPROPRIATIONS AUTHORIZED.—Section 415A(b)(1) (20 U.S.C. 1070c(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) APPLICATIONS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (2), by striking ''not in excess of $5,000 per academic year'' and inserting ''not to exceed the lesser of $12,500 or the student's cost of attendance per academic year''; and

(2) by striking paragraph (10) and inserting the following:

''(10) provides notification to eligible students that such grants are—

''(A) Leveraging Educational Assistance Partnership grants; and

''(B) funded by the Federal Government, the State, and other contributing partners.''.

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

''SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

''(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

''(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties in order to—

''(A) carry out activities under this section; and

''(B) provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend an institution of higher education;

''(2) provide need-based grants for access and persistence to eligible low-income students;

''(3) provide early notification to low-income students of the students' eligibility for financial aid; and

''(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

''(b) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share, as described in paragraph (2), of the cost of carrying out the activities under subsection (d).

''(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

''(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in such State's application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

''(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements described in paragraph (2)(A)(ii).

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share under this section shall be determined in accordance with the following:

''(i) If a State applies for an allotment under this section in partnership with—

''(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State; and

''(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

''(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 50 percent.

''(ii) If a State applies for an allotment under this section in partnership with—

''(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State; and

''(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

''(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent.

''(B) NON-FEDERAL SHARE.—

''(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fully evaluated and in accordance with this subparagraph.

''(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this section, an in kind contribution is a non-cash award that has monetary value, such as provision of room and board and transportation passes, and that helps a student meet the cost of attendance.

''(iii) EFFECT ON NEED ANALYSIS.—For the purpose of calculating a student's need in accordance with part F of this title, an in-kind contribution described in clause (ii) shall not be considered an asset or income.

''(c) APPLICATION FOR ALLOTMENT.—

''(1) IN GENERAL.—

''(A) SUBMISSION.—A State that desires to receive an allotment under this section on behalf of a partnership described in paragraph (3) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

''(i) A description of the State's plan for using the allotted funds.

''(ii) Assurances that the State will provide the non-Federal share from State, institutional, philanthropic, or private funds, of not less than the required share of the cost of carrying out the activities under subsection (d), as determined under subsection (b), in accordance with the following:

''(I) The State shall specify the methods by which non-Federal share funds will be paid, and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities under this title.

''(II) A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's non-Federal share obligation under this clause.

''(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

''(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d), including a description of the system the State will use to track the participation of students who receive grants under this section to degree completion.

''(v) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479, to identify eligible low-income students and award State grant aid to such students.

''(vi) Assurances that the State will provide notification to eligible low-income students that grants under this section are—

''(I) Leveraging Educational Assistance Partnership Grants; and

''(II) funded by the Federal Government, the State, and other contributing partners.

''(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

''(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—

''(A) not less than 1 public and 1 private degree granting institution of higher education that are located in the State, if applicable;

''(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and

''(C) not less than 1—

''(i) philanthropic organization located in, or that provides funding in, the State; or

''(ii) private corporation located in, or that does business in, the State.

''(4) ROLES OF PARTNERS.—

''(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) serve as the primary administrative unit for the partnership;

''(II) provide or coordinate non-Federal share funds, and coordinate activities among partners;

''(III) encourage each institution of higher education in the State to participate in the partnership;

''(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

''(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

''(ii) may provide early information and intervention, mentoring, or outreach programs.

''(B) DEGREE GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree granting institution of higher education that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

''(II) provide support services to students who receive grants for access and persistence under this section and are enrolled at such institution; and

''(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and

''(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

''(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

''(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for grants for access and persistence for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award grants for access and persistence to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

''(B) AMOUNT OF GRANTS.—

''(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

''(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(i), the amount of a grant for access and persistence awarded to a student by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the student), and such grant for access and persistence shall be used toward the cost of attendance at an institution of higher education located in the State.

''(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of grants for access and persistence awarded to students by such State up to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the student).

''(ii) PARTNERSHIPS WITH INSTITUTIONS SERVING THE MAJORITY OF STUDENTS IN THE STATE.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(ii), the amount of a grant for access and persistence awarded to a student by such State shall be not more than an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the student), and such grant for access and persistence shall be used by the student to attend an institution of higher education located in the State.

''(C) SPECIAL RULES.—

''(i) PARTNERSHIP INSTITUTIONS.—A State receiving an allotment under this section may restrict the use of grants for access and persistence under this section by awarding the grants only to students attending institutions of higher education that are participating in the partnership.

''(ii) OUT-OF-STATE INSTITUTIONS.—If a State provides grants through another program under this subpart to students attending institutions of higher education located in another State, such agreement may also apply to grants awarded under this section.

''(2) EARLY NOTIFICATION.—

''(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students, such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act, in grade 7 through grade 12 in the State, of the students' potential eligibility for student financial assistance, including a grant for access and persistence, to attend an institution of higher education.

''(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—

''(i) shall include—

''(I) information about early information and intervention, mentoring, or outreach programs available to the student;

''(II) information that a student's eligibility for a grant for access and persistence is enhanced through participation in an early information and intervention, mentoring, or outreach program;

''(III) an explanation that student and family eligibility for, and participation in, other Federal means-tested programs may indicate eligibility for a grant for access and persistence and other student aid programs;

''(IV) a nonbinding estimate of the total amount of financial aid that a low-income student with a similar income level may expect to receive, including an estimate of the amount of a grant for access and persistence and an estimate of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;

''(V) an explanation that in order to be eligible for a grant for access and persistence, at a minimum, a student shall—

''(aa) meet the requirement under paragraph (3);

''(bb) graduate from secondary school; and

''(cc) enroll at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

''(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of a grant for access and persistence under this section; and

''(VII) instructions on how to apply for a grant for access and persistence and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

''(ii) may include a disclaimer that grant awards for access and persistence are contingent upon—

''(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

''(II) annual Federal and State appropriations; and

''(III) other aid received by the student at the time of the student's enrollment at such institution of higher education.

''(3) ELIGIBILITY.—In determining which students are eligible to receive grants for access and persistence, the State shall ensure that each such student meets not less than 1 of the following:

''(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:

''(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

''(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

''(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

''(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

''(B) Is receiving, or has received, a grant for access and persistence under this section, in accordance with paragraph (5).

''(4) GRANT AWARD.—Once a student, including those students who have received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related existing State form, and is determined eligible by the State under paragraph (3), the State shall—

''(A) issue the student a preliminary award certificate for a grant for access and persistence with tentative award amounts; and

''(B) inform the student that payment of the grant for access and persistence award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

''(5) DURATION OF AWARD.—An eligible student that receives a grant for access and persistence under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State

may impose reasonable time limits to degree completion.

''(e) USE OF FUNDS FOR ADMINISTRATIVE COSTS PROHIBITED.—A State that receives an allotment under this section shall not use any of the allotted funds to pay administrative costs associated with any of the authorized activities described in subsection (d).

''(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(A)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.

''(g) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

''(h) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary with an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.

''(i) SPECIAL RULE.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed the State's total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

''(j) CONTINUATION AND TRANSITION.—For the 2-year period that begins on the date of enactment of the Higher Education Amendments of 2007, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 as such section existed on the day before the date of enactment of such Act to States that choose to apply for grants under such predecessor section.

''(k) REPORTS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007 and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the authorizing committees.''.

SEC. 408. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A (20 U.S.C. 1070d–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)(i), by striking ''parents'' and inserting ''immediate family'';

(B) in paragraph (3)(B), by inserting ''(including preparation for college entrance examinations)'' after ''college program'';

(C) in paragraph (5), by striking ''weekly'';

(D) in paragraph (7), by striking ''and'' after the semicolon;

(E) in paragraph (8)—

(i) by inserting ''(such as transportation and child care)'' after ''services''; and

(ii) by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(9) other activities to improve persistence and retention in postsecondary education.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''parents'' and inserting ''immediate family''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''to improve placement, persistence, and retention in postsecondary education,'' after ''services''; and

(II) in clause (i), by striking ''and career'' and inserting ''career, and economic education or personal finance'';

(iii) in subparagraph (E), by striking ''and'' after the semicolon;

(iv) by redesignating subparagraph (F) as subparagraph (G);

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

''(F) internships; and''; and

(vi) in subparagraph (G) (as redesignated by clause (iv)), by striking ''support services'' and inserting ''essential supportive services (such as transportation and child care)'' ; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting '', and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and''; and

(iii) by adding at the end the following:

''(C) for students attending 2-year institutions of higher education, encouraging the students to transfer to 4-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.'';

(3) in subsection (e), by striking ''section 402A(c)(1)'' and inserting ''section 402A(c)(2)'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''$150,000'' and inserting ''$180,000''; and

(B) in paragraph (2), by striking ''$150,000'' and inserting ''$180,000'';

(5) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(6) by inserting after subsection (f) the following:

''(g) RESERVATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a).'';

(7) by striking subsection (h) (as redesignated by paragraph (5)) and inserting the following:

''(h) DATA COLLECTION.—The Commissioner for Education Statistics shall—

''(1) annually collect data on persons receiving services authorized under this subpart regarding such persons' rates of secondary school graduation, entrance into postsecondary education, and completion of postsecondary education;

''(2) not less often than once every 2 years, prepare and submit a report based on the most recently available data under paragraph (1) to the authorizing committees; and

''(3) make such report available to the public.''; and

(8) in subsection (i) (as redesignated by paragraph (5))—

(A) in paragraph (1), by striking ''$15,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''; and

(B) in paragraph (2), by striking ''$5,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 409. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

(a) ELIGIBILITY OF SCHOLARS.—Section 419F(a) (20 U.S.C. 1070d–36(a)) is amended by inserting ''(or a home school, whether treated as a home school or a private school under State law)'' after ''public or private secondary school''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 419K (20 U.S.C. 1070d–41) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 410. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.

(a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended—

(1) by striking ''A grant'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), a grant''; and

(2) by adding at the end the following:

''(ii) INCREASE TRIGGER.—For any fiscal year for which the amount appropriated under the authority of subsection (g) is equal to or greater than $20,000,000, a grant under this section shall be awarded in an amount that is not less than $30,000.''.

(b) DEFINITION OF LOW-INCOME STUDENT.—Paragraph (7) of section 419N(b) (20 U.S.C. 1070e(b)) is amended to read as follows:

''(7) DEFINITION OF LOW-INCOME STUDENT.—For the purpose of this section, the term 'low-income student' means a student who—

''(A) is eligible to receive a Federal Pell Grant for the award year for which the determination is made; or

''(B) would otherwise be eligible to receive a Federal Pell Grant for the award year for which the determination is made, except that the student fails to meet the requirements of—

''(i) section 401(c)(1) because the student is enrolled in a graduate or first professional course of study; or

''(ii) section 484(a)(5) because the student is in the United States for a temporary purpose.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 411. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 421. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

Section 428 (as amended by this Act) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (X), by striking ''and'' after the semicolon;

(ii) in subparagraph (Y)—

(I) by striking clause (i) and inserting the following:

''(i) the lender shall determine the eligibility of a borrower for a deferment described in subparagraph (M)(i) based on—

''(I) receipt of a request for deferment from the borrower and documentation of the borrower's eligibility for the deferment;

''(II) receipt of a newly completed loan application that documents the borrower's eligibility for a deferment;

''(III) receipt of student status information received by the lender that the borrower is enrolled on at least a half-time basis; or

''(IV) the lender's confirmation of the borrower's half-time enrollment status through use of the National Student Loan Data System, if the confirmation is requested by the institution of higher education.''; and

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(Z) provides that the lender shall, at the time the lender grants a deferment to a borrower who received a loan under section 428H and is eligible for a deferment under section 428(b)(1)(M), provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan.'';

(B) in paragraph (2)(F)—

(i) in clause (i)—

(I) in subclause (III), by striking ''and'' after the semicolon;

(II) in subclause (IV), by striking ''and'' after the semicolon; and

(III) by adding at the end the following:

''(V) the effective date of the transfer;

''(VI) the date the current servicer will stop accepting payments; and

''(VII) the date at which the new servicer will begin accepting payments.''; and

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

''(3) RESTRICTIONS ON INDUCEMENTS, PAYMENTS, MAILINGS, AND ADVERTISING.—A guaranty agency shall not—

''(A) offer, directly or indirectly, premiums, payments, stock or other securities, prizes, travel, entertainment expenses, tuition repayment, or other inducements to—

''(i) any institution of higher education or the employees of an institution of higher education in order to secure applicants for loans made under this part; or

''(ii) any lender, or any agent, employee, or independent contractor of any lender or guaranty agency, in order to administer or market loans made under this part (other than a loan made under section 428H or a loan made as part of the guaranty agency's lender-of-last-resort program pursuant to section 439(q)) for the purpose of securing the designation of the guaranty agency as the insurer of such loans;

''(B) conduct unsolicited mailings, by postal or electronic means, of educational loan application forms to students enrolled in secondary school or postsecondary educational institutions, or to the parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans guaranteed under this part by the guaranty agency;

''(C) perform, for an institution of higher education participating in a program under this title, any function that the institution is required to perform under part B, D, or G;

''(D) pay, on behalf of the institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G; or

''(E) conduct fraudulent or misleading advertising concerning loan availability, terms, or conditions.

It shall not be a violation of this paragraph for a guaranty agency to provide technical assistance to institutions of higher education comparable to the technical assistance provided to institutions of higher education by the Department.''; and

(2) in subsection (c)—

(A) in paragraph (2)(H)(i), by striking ''preclaims'' and inserting ''default aversion''; and

(B) in paragraph (3)(D)—

(i) in clause (i), by striking ''and'' after the comma at the end;

(ii) in clause (ii), by striking the period and inserting a semicolon; and

(iii) by inserting after clause (ii) the following:

''(iii) the lender shall, at the time of granting a borrower forbearance, provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan; and

''(iv) the lender shall contact the borrower not less often than once every 180 days during the period of forbearance to inform the borrower of—

''(I) the amount of unpaid principal and the amount of interest that has accrued since the last statement of such amounts provided to the borrower by the lender;

''(II) the fact that interest will accrue on the loan for the period of forbearance;

''(III) the amount of interest that will be capitalized, and the date on which capitalization will occur;

''(IV) the ability of the borrower to pay the interest that has accrued before the interest is capitalized; and

''(V) the borrower's option to discontinue the forbearance at any time.''.

SEC. 422. FEDERAL CONSOLIDATION LOANS.

(a) AMENDMENTS.—Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (H); and

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

''(F) that the lender will disclose, in a clear and conspicuous manner, to borrowers who consolidate loans made under part E of this title—

''(i) that once the borrower adds the borrower's Federal Perkins Loan to a Federal Consolidation Loan, the borrower will lose all interest-free periods that would have been available, such as those periods when no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, during the grace period, and during periods when the borrower's student loan repayments are deferred;

''(ii) that the borrower will no longer be eligible for loan cancellation of Federal Perkins Loans under any provision of section 465; and

''(iii) the occupations described in section 465(a)(2), individually and in detail, for which the borrower will lose eligibility for Federal Perkins Loan cancellation; and

''(G) that the lender shall, upon application for a consolidation loan, provide the borrower with information about the possible impact of loan consolidation, including—

''(i) the total interest to be paid and fees to be paid on the consolidation loan, and the length of repayment for the loan;

''(ii) whether consolidation would result in a loss of loan benefits under this part or part D, including loan forgiveness, cancellation, and deferment;

''(iii) in the case of a borrower that plans to include a Federal Perkins Loan under part E in the consolidation loan, that once the borrower adds the borrower's Federal Perkins Loan to a consolidation loan—

''(I) the borrower will lose all interest–free periods that would have been available for such loan under part E, such as the periods during which no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, the grace period, and the periods during which the borrower's student loan repayments are deferred under section 464(c)(2); and

''(II) the borrower will no longer be eligible for cancellation of part or all of a Federal Perkins loan under section 465(a);

''(iv) the ability of the borrower to prepay the consolidation loan, pay such loan on a shorter schedule, and to change repayment plans;

''(v) that borrower benefit programs for a consolidation loan may vary among different lenders;

''(vi) the consequences of default on the consolidation loan; and

''(vii) that by applying for a consolidation loan, the borrower is not obligated to agree to take the consolidation loan; and''.

(b) CONFORMING AMENDMENT.—Section 455(g) (20 U.S.C. 1087e(g)) is amended by striking ''428C(b)(1)(F)'' and inserting ''428C(b)(1)(H)''.

SEC. 423. DEFAULT REDUCTION PROGRAM.

Section 428F (20 U.S.C. 1078–6) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by adding at the end the following: ''Upon the sale of the loan to an eligible lender, the guaranty agency, and any prior holder of the loan, shall request any consumer reporting agency to which the guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of default from the borrower's credit history.''; and

(B) by adding at the end the following:

''(5) LIMITATION.—A borrower may obtain the benefits available under this subsection with respect to rehabilitating a loan only one time per loan.''; and

(2) by adding at the end the following:

''(c) FINANCIAL AND ECONOMIC LITERACY.—Where appropriate as determined by the institution of higher education in which a borrower is enrolled, each program described in subsection (b) shall include making available financial and economic education materials for the borrower, including making the materials available before, during, or after rehabilitation of a loan.''.

SEC. 424. REPORTS TO CONSUMER REPORTING AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION.

Section 430A (20 U.S.C. 1080a) is amended—

(1) in the section heading, by striking ''**CREDIT BUREAUS**'' and inserting ''**CONSUMER REPORTING AGENCIES**''; and

(2) in subsection (a)—

(A) in the first sentence, by striking ''with credit bureau organizations'' and inserting ''with each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p))'';

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)), the following:

''(1) the type of loan made, insured, or guaranteed under this title;'';

(D) by inserting after paragraph (2) (as redesignated by subparagraph (B)), the following:

''(3) information concerning the repayment status of the loan, which information shall be included in the file of the borrower, except that nothing in this subsection shall be construed to affect any otherwise applicable provision of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)'';

(E) in paragraph (4) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(F) in paragraph (5) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(G) by adding at the end the following:

''(6) any other information required to be reported by Federal law.''.

SEC. 425. COMMON FORMS AND FORMATS.

Section 432(m)(1)(D)(i) (20 U.S.C. 1082(m)(1)(D)(i)) is amended by adding at the end the following: ''Unless otherwise notified by the Secretary, each institution of higher education that participates in the program under this part or part D may use a master promissory note for loans under this part and part D.''.

SEC. 426. STUDENT LOAN INFORMATION BY ELIGIBLE LENDERS.

Section 433 (20 U.S.C. 1083) is amended by adding at the end the following:

''(f) BORROWER INFORMATION AND PRIVACY.—Each entity participating in a program under this part that is subject to subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) shall only use, release, disclose, sell, transfer, or give student information, including the name, address, social security number, or amount borrowed by a borrower or a borrower's parent, in accordance with the provisions of such subtitle.

''(g) LOAN BENEFIT DISCLOSURES.—

''(1) IN GENERAL.—Each eligible lender, holder, or servicer of a loan made, insured, or guaranteed under this part shall provide the borrower with information on the loan benefit repayment options the lender, holder, or servicer offer, including information on reductions in interest rates—

''(A) by repaying the loan by automatic payroll or checking account deduction;

''(B) by completing a program of on-time repayment; and

''(C) under any other interest rate reduction program.

''(2) INFORMATION.—Such borrower information shall include—

''(A) any limitations on such options;

''(B) explicit information on the reasons a borrower may lose eligibility for such an option;

''(C) examples of the impact the interest rate reductions will have on a borrower's time for repayment and amount of repayment;

''(D) upon the request of the borrower, the effect the reductions in interest rates will have with respect to the borrower's payoff amount and time for repayment; and

''(E) information on borrower recertification requirements.''.

SEC. 427. CONSUMER EDUCATION INFORMATION.

Part B (20 U.S.C. 1071 et seq.) is amended by inserting after section 433 (20 U.S.C. 1083) the following:

''SEC. 433A. CONSUMER EDUCATION INFORMATION.

''Each guaranty agency participating in a program under this part, working with the institutions of higher education served by such guaranty agency (or in the case of an institution of higher education that provides loans exclusively through part D, the institution working with a guaranty agency or with the Secretary), shall develop and make available a high-quality educational program and materials to provide training for students in budgeting and financial management, including debt management and other aspects of financial literacy, such as the cost of using very high interest loans to pay for postsecondary education, particularly as budgeting and financial management relates to student loan programs authorized by this title. Nothing in this section shall be construed to prohibit a guaranty agency from using an existing program or existing materials to meet the requirement of this section. The activities described in this section shall be considered default reduction activities for the purposes of section 422.''.

SEC. 428. DEFINITION OF ELIGIBLE LENDER.

Section 435(d) (20 U.S.C. 1085(d)) is amended—

(1) in paragraph (5)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (H) and (I), respectively; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

''(A) offered, directly or indirectly, points, premiums, payments (including payments for referrals and for processing or finder fees), prizes, stock or other securities, travel, entertainment expenses, tuition repayment, the provision of information technology equipment at below-market value, additional financial aid funds, or other inducements to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part;

''(B) conducted unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary school or postsecondary institutions, or to parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans under this part from such lender;

''(C) entered into any type of consulting arrangement, or other contract to provide services to a lender, with an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution;

''(D) compensated an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, and who is serving on an advisory board, commission, or group established by a lender or group of lenders for providing such service, except that the eligible lender may reimburse such employee for reasonable expenses incurred in providing such service;

''(E) performed for an institution of higher education any function that the institution of higher education is required to carry out under part B, D, or G;

''(F) paid, on behalf of an institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G;

''(G) provided payments or other benefits to a student at an institution of higher education to act as the lender's representative to secure applications under this title from individual prospective borrowers, unless such student—

''(i) is also employed by the lender for other purposes; and

''(ii) made all appropriate disclosures regarding such employment;''; and

(2) by adding at the end the following:

''(8) SUNSET OF AUTHORITY FOR SCHOOL AS LENDER PROGRAM.—

''(A) SUNSET.—The authority provided under subsection (d)(1)(E) for an institution to serve as an eligible lender, and under paragraph (7) for an eligible lender to serve as a trustee for an institution of higher education or an organization affiliated with an institution of higher education, shall expire on June 30, 2012.

''(B) APPLICATION TO EXISTING INSTITUTIONAL LENDERS.—An institution that was an eligible lender under this subsection, or an eligible lender that served as a trustee for an institution of higher education or an organization affiliated with an institution of higher education under paragraph (7), before June 30, 2012, shall—

''(i) not issue any new loans in such a capacity under part B after June 30, 2012; and

''(ii) continue to carry out the institution's responsibilities for any loans issued by the institution under part B on or before June 30, 2012, except that, beginning on June 30, 2011, the eligible institution or trustee may, notwithstanding any other provision of this Act, sell or otherwise dispose of such loans if all profits from the divestiture are used for need-based grant programs at the institution.

''(C) AUDIT REQUIREMENT.—All institutions serving as an eligible lender under subsection (d)(1)(E) and all eligible lenders serving as a trustee for an institution of higher education or an organization affiliated with an institution of higher education shall annually complete and submit to the Secretary a compliance audit to determine whether—

''(i) the institution or lender is using all proceeds from special allowance payments and interest payments from borrowers, interest subsidies received from the Department, and any proceeds from the sale or other disposition of loans, for need-based aid programs, in accordance with section 435(d)(2)(A)(viii);

''(ii) the institution or lender is using no more than a reasonable portion of the proceeds described in section 435(d)(2)(A)(viii) for direct administrative expenses; and

''(iii) the institution or lender is ensuring that the proceeds described in section 435(d)(2)(A)(viii) are being used to supplement, and not to supplant, non-Federal funds that would otherwise be used for need-based grant programs.''.

SEC. 429. DISCHARGE AND CANCELLATION RIGHTS IN CASES OF DISABILITY.

(a) FFEL AND DIRECT LOANS.—Section 437(a) (20 U.S.C. 1087) is amended—

(1) by inserting '', or if a student borrower who has received such a loan is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months'' after ''of the Secretary),''; and

(2) by adding at the end the following: ''The Secretary may develop such safeguards as the Secretary determines necessary to prevent fraud and abuse in the discharge of liability under this subsection. Notwithstanding any other provision of this subsection, the Secretary may promulgate regulations to resume collection on loans discharged under this subsection in any case in which—

''(1) a borrower received a discharge of liability under this subsection and after the discharge the borrower—

''(A) receives a loan made, insured or guaranteed under this title; or

''(B) has earned income in excess of the poverty line; or

''(2) the Secretary determines necessary.''.

(b) PERKINS.—Section 464(c) (20 U.S.C. 1087dd(c)) is amended—

(1) in paragraph (1)(F)—

(A) by striking ''or if he'' and inserting ''if the borrower''; and

(B) by inserting '', or if the borrower is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months'' after ''the Secretary''; and

(2) by adding at the end the following:

''(8) The Secretary may develop such additional safeguards as the Secretary determines necessary to prevent fraud and abuse in the cancellation of liability under paragraph (1)(F). Notwithstanding paragraph (1)(F), the Secretary may promulgate regulations to resume collection on loans cancelled under paragraph (1)(F) in any case in which—

''(A) a borrower received a cancellation of liability under paragraph (1)(F) and after the cancellation the borrower—

''(i) receives a loan made, insured or guaranteed under this title; or

''(ii) has earned income in excess of the poverty line; or

''(B) the Secretary determines necessary.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2008.

PART C—FEDERAL WORK-STUDY PROGRAMS

SEC. 441. AUTHORIZATION OF APPROPRIATIONS.

Section 441(b) (42 U.S.C. 2751(b)) is amended by striking ''$1,000,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 442. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 443. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.

Section 443(b)(2) (42 U.S.C. 2753(b)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(3) in subparagraph (A) (as redesignated by paragraph (2)), by striking ''this subparagraph if'' and all that follows through ''institution;'' and inserting ''this subparagraph if—

''(i) the Secretary determines that enforcing this subparagraph would cause hardship for students at the institution; or

''(ii) the institution certifies to the Secretary that 15 percent or more of its total full-time enrollment participates in community service activities described in section 441(c) or tutoring and literacy activities described in subsection (d) of this section;''.

SEC. 444. JOB LOCATION AND DEVELOPMENT PROGRAMS.

Section 446(a)(1) (42 U.S.C. 2756(a)(1)) is amended by striking ''$50,000'' and inserting ''$75,000''.

SEC. 445. WORK COLLEGES.

Section 448 (42 U.S.C. 2756b) is amended—

(1) in subsection (a), by striking ''work-learning'' and inserting ''work-learning-service'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''under subsection (f)'' and inserting ''for this section under section 441(b)''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''pursuant to subsection (f)'' and inserting ''for this section under section 441(b)'';

(ii) in subparagraph (A), by striking ''work-learning program'' and inserting ''comprehensive work-learning-service program'';

(iii) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively;

(iv) by inserting after subparagraph (B) the following:

''(C) support existing and new model student volunteer community service projects associated with local institutions of higher education, such as operating drop-in resource centers that are staffed by students and that link people in need with the resources and opportunities necessary to become self-sufficient; and'';

(v) in subparagraph (E) (as redesignated by clause (iii)), by striking ''work-learning'' each place the term occurs and inserting ''work-learning-service''; and

(vi) in subparagraph (F) (as redesignated by clause (iii)), by striking ''work service learning'' and inserting ''work-learning-service'';

(3) in subsection (c), by striking ''by subsection (f) to use funds under subsection (b)(1)'' and inserting ''for this section under section 441(b) or to use funds under subsection (b)(1),'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''4-year, degree-granting'' after ''nonprofit'';

(ii) in subparagraph (B), by striking ''work-learning'' and inserting ''work-learning-service'';

(iii) by striking subparagraph (C) and inserting the following:

''(C) requires all resident students, including at least ½ of all resident students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for not less than 5 hours each week, or not less than 80 hours during each period of enrollment except summer school, unless the student is engaged in a study abroad or externship program that is organized or approved by the institution; and''; and

(iv) in subparagraph (D), by striking ''work-learning'' and inserting ''work-learning-service''; and

(B) by striking paragraph (2) and inserting the following:

''(2) the term 'comprehensive work-learning-service program' means a student work-learning-service program that—

''(A) is an integral and stated part of the institution's educational philosophy and program;

''(B) requires participation of all resident students for enrollment and graduation;

''(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;

''(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

''(E) recognizes the educational role of work-learning-service supervisors; and

''(F) includes consequences for nonperformance or failure in the work-learning-service program similar to the consequences for failure in the regular academic program.''; and

(5) by striking subsection (f).

PART D—FEDERAL PERKINS LOANS

SEC. 451. PROGRAM AUTHORITY.

Section 461(b)(1) (20 U.S.C. 1087aa(b)(1)) is amended by striking ''$250,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 2008 through 2012.''.

SEC. 451A. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 451B. PERKINS LOAN FORBEARANCE.

Section 464 (20 U.S.C. 1087dd) is amended—

(1) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking '', upon written request,'' and inserting '', as documented in accordance with paragraph (2),'';

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(C) by inserting ''(1)'' after ''FORBEARANCE.—''; and

(D) by adding at the end the following:

''(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—

''(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and

''(B) recording the terms in the borrower's file.''; and

(2) in subsection (j), by striking ''(e)(3)'' and inserting ''(e)(1)(C)''.

SEC. 452. CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE.

Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''Head Start Act which'' and inserting ''Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that'';

(B) in subparagraph (H), by striking ''or'' after the semicolon;

(C) in subparagraph (I), by striking the period and inserting a semicolon; and

(D) by inserting before the matter following subparagraph (I) (as amended by subparagraph (C)) the following:

''(J) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;

''(K) as a librarian, if the librarian has a master's degree in library science and is employed in—

''(i) an elementary school or secondary school that is eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(L) as a full-time speech language therapist, if the therapist has a master's degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965.''; and

(2) in paragraph (3)(A)—

(A) in clause (i)—

(i) by inserting ''(D),'' after ''(C),''; and

(ii) by striking ''or (I)'' and inserting ''(I), (J), (K), or (L)'';

(B) in clause (ii), by inserting ''or'' after the semicolon;

(C) by striking clause (iii); and

(D) by redesignating clause (iv) as clause (iii).

PART E—NEED ANALYSIS

SEC. 461. COST OF ATTENDANCE.

(a) AMENDMENTS.—Section 472(3) (20 U.S.C. 1087kk(3)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B), as amended by paragraph (1), the following:

''(C) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 462. DEFINITIONS.

(a) AMENDMENT.—Section 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by inserting '', except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student, shall be excluded'' before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

SEC. 471. DEFINITIONS.

Section 481(a)(2)(B) (20 U.S.C. 1088(a)(2)(B)) is amended by inserting ''and that measures program length in credit hours or clock hours'' after ''baccalaureate degree''.

SEC. 472. COMPLIANCE CALENDAR.

Section 482 (20 U.S.C. 1089) is amended by adding at the end the following:

''(e) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this Act. The list shall include—

''(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

''(2) the required recipients of each report or disclosure;

''(3) any required method for transmittal or dissemination of each report or disclosure;

''(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

''(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

''(6) any other information which is pertinent to the content or distribution of the report or disclosure.''.

SEC. 473. FORMS AND REGULATIONS.

Section 483 (20 U.S.C. 1090) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—

''(1) IN GENERAL.—

''(A) COMMON FORMS.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used to determine the need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A). The forms shall be made available to applicants in both paper and electronic formats.

''(B) FAFSA.—The common financial reporting forms described in this subsection (excluding the form described in paragraph (2)(B)), shall be referred to collectively as the 'Free Application for Federal Student Aid', or 'FAFSA'.

''(2) PAPER FORMAT.—

''(A) IN GENERAL.—The Secretary shall encourage applicants to file the electronic versions of the forms described in paragraph (3), but shall develop, make available, and process—

''(i) a paper version of EZ FAFSA, as described in subparagraph (B); and

''(ii) a paper version of the other forms described in this subsection, in accordance with subparagraph (C), for any applicant who does not meet the requirements of or does not wish to use the process described in subparagraph (B).

''(B) EZ FAFSA.—

''(i) IN GENERAL.—The Secretary shall develop and use, after appropriate field testing, a simplified paper application form for applicants meeting the requirements of section 479(c), which form shall be referred to as the 'EZ FAFSA'.

''(ii) REQUIRED FEDERAL DATA ELEMENTS.—The Secretary shall include on the EZ FAFSA only the data elements required to determine student eligibility and whether the applicant meets the requirements of section 479(c).

''(iii) REQUIRED STATE DATA ELEMENTS.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (5), except the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the EZ FAFSA.

''(iv) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the EZ FAFSA.

''(C) PHASE-OUT OF FULL PAPER FAFSA.—

''(i) PHASE-OUT OF PRINTING OF FULL PAPER FAFSA.—At such time as the Secretary determines that it is not cost-effective to print the full paper version of FAFSA, the Secretary shall—

''(I) phase out the printing of the full paper version of FAFSA;

''(II) maintain on the Internet easily accessible, downloadable formats of the full paper version of FAFSA; and

''(III) provide a printed copy of the full paper version of FAFSA upon request.

''(ii) USE OF SAVINGS.—The Secretary shall utilize any savings realized by phasing out the printing of the full paper version of FAFSA and moving applicants to the electronic versions of FAFSA, to improve access to the electronic versions for applicants meeting the requirements of section 479(c).

''(3) ELECTRONIC VERSIONS.—

''(A) IN GENERAL.—The Secretary shall produce, make available through a broadly available website, and process electronic versions of the FAFSA and the EZ FAFSA.

''(B) MINIMUM QUESTIONS.—The Secretary shall use all available technology to ensure that a student using an electronic version of the FAFSA under this paragraph answers only the minimum number of questions necessary.

''(C) REDUCED REQUIREMENTS.—The Secretary shall enable applicants who meet the requirements of subsection (b) or (c) of section 479 to provide information on the electronic version of the FAFSA only for the data elements required to determine student eligibility and whether the applicant meets the requirements of subsection (b) or (c) of section 479.

''(D) STATE DATA.—The Secretary shall include on the electronic version of the FAFSA the questions needed to determine whether the applicant is eligible for State financial assistance, as provided under paragraph (5), except that the Secretary shall not—

''(i) require applicants to complete data required by any State other than the applicant's State of residence; and

''(ii) include a State's data if such State does not permit its applicants for State assistance to use the electronic version of the FAFSA described in this paragraph.

''(E) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the electronic version of the FAFSA.

''(F) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the electronic versions of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, a guaranty agency, a State grant agency, a private computer software provider, a consortium of such entities, or such other entity as the Secretary may designate. Data collected by the electronic versions of such forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic versions of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

''(G) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using an electronic version of a form developed by the Secretary under this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the form.

''(H) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic version of a form developed under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (I).

''(I) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary is authorized to assign to an applicant a personal identification number—

''(i) to enable the applicant to use such number as a signature for purposes of completing an electronic version of a form developed under this paragraph; and

''(ii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

''(J) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement a real-time data match between the Social Security Administration and the Department to minimize the time required for an applicant to obtain a personal identification number when applying for aid under this title through an electronic version of a form developed under this paragraph.

''(4) STREAMLINED REAPPLICATION PROCESS.—

''(A) IN GENERAL.—The Secretary shall develop streamlined paper and electronic reapplication forms and processes for an applicant who applies for financial assistance under this title in the next succeeding academic year subsequent to an academic year for which such applicant applied for financial assistance under this title.

''(B) UPDATING OF DATA ELEMENTS.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that may be transferred from the previous academic year's application and those data elements that shall be updated.

''(C) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

''(D) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except data that are necessary to determine eligibility under such section.

''(5) STATE REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in paragraphs (2)(B)(iii), (3)(D), and (4)(B), the Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for need-based State aid. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the

terms of this subsection. The number of such data items shall not be less than the number included on the common financial reporting form for the 2005–2006 award year unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.

''(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review to determine—

''(i) which data items each State requires to award need-based State aid; and

''(ii) if the State will permit an applicant to file a form described in paragraph (2)(B) or (3)(C).

''(C) USE OF SIMPLIFIED APPLICATION FORMS ENCOURAGED.—The Secretary shall encourage States to take such steps as are necessary to encourage the use of simplified forms under this subsection, including those forms described in paragraphs (2)(B) and (3)(C), for applicants who meet the requirements of subsection (b) or (c) of section 479.

''(D) CONSEQUENCES IF STATE DOES NOT ACCEPT SIMPLIFIED FORMS.—If a State does not permit an applicant to file a form described in paragraph (2)(B) or (3)(C) for purposes of determining eligibility for State need-based financial aid, the Secretary may determine that State-specific questions for such State will not be included on a form described in paragraph (2)(B) or (3)(B). If the Secretary makes such determination, the Secretary shall advise the State of the Secretary's determination.

''(E) LACK OF STATE RESPONSE TO REQUEST FOR INFORMATION.—If a State does not respond to the Secretary's request for information under subparagraph (B), the Secretary shall—

''(i) permit residents of that State to complete simplified forms under paragraphs (2)(B) and (3)(B); and

''(ii) not require any resident of such State to complete any data items previously required by that State under this section.

''(F) RESTRICTION.—The Secretary shall not require applicants to complete any financial or non-financial data items that are not required—

''(i) by the applicant's State; or

''(ii) by the Secretary.

''(6) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—The need and eligibility of a student for financial assistance under parts A through E (other than under subpart 4 of part A) may be determined only by using a form developed by the Secretary under this subsection. Such forms shall be produced, distributed, and processed by the Secretary, and no parent or student shall be charged a fee by the Secretary, a contractor, a third-party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of financial aid through the use of such forms. No data collected on a paper or electronic version of a form developed under this subsection, or other document that was created to replace, or used to complete, such a form, and for which a fee was paid, shall be used.

''(7) RESTRICTIONS ON USE OF PIN.—No person, commercial entity, or other entity shall request, obtain, or utilize an applicant's personal identification number assigned under paragraph (3)(I) for purposes of submitting a form developed under this subsection on an applicant's behalf.

''(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit forms developed under this subsection and initiate the processing of such forms under this subsection, as early as practicable prior to January 1 of the student's planned year of enrollment.

''(9) EARLY ESTIMATES OF EXPECTED FAMILY CONTRIBUTIONS.—The Secretary shall permit an applicant to complete a form described in this subsection in the years prior to enrollment in order to obtain from the Secretary a nonbinding estimate of the applicant's expected family contribution, computed in accordance with part F. Such applicant shall be permitted to update information submitted on a form described in this subsection using the process required under paragraph (4).

''(10) DISTRIBUTION OF DATA.—Institutions of higher education, guaranty agencies, and States shall receive, without charge, the data collected by the Secretary using a form developed under this subsection for the purposes of processing loan applications and determining need and eligibility for institutional and State financial aid awards. Entities designated by institutions of higher education, guaranty agencies, or States to receive such data shall be subject to all the requirements of this section, unless such requirements are waived by the Secretary.

''(11) THIRD PARTY SERVICERS AND PRIVATE SOFTWARE PROVIDERS.—To the extent practicable and in a timely manner, the Secretary shall provide, to private organizations and consortia that develop software used by institutions of higher education for the administration of funds under this title, all the necessary specifications that the organizations and consortia must meet for the software the organizations and consortia develop, produce, and distribute (including any diskette, modem, or network communications) which are so used. The specifications shall contain record layouts for required data. The Secretary shall develop in advance of each processing cycle an annual schedule for providing such specifications. The Secretary, to the extent practicable, shall use multiple means of providing such specifications, including conferences and other meetings, outreach, and technical support mechanisms (such as training and printed reference materials). The Secretary shall, from time to time, solicit from such organizations and consortia means of improving the support provided by the Secretary.

''(12) PARENT'S SOCIAL SECURITY NUMBER AND BIRTH DATE.—The Secretary is authorized to include space on the forms developed under this subsection for the social security number and birth date of parents of dependent students seeking financial assistance under this title.'';

(2) by redesignating subsections (c) through (e) (as amended by section 101(b)(11)) as subsections (b) through (d), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking ''that is authorized'' and all that follows through the period at the end and inserting ''or other appropriate provider of technical assistance and information on postsecondary educational services that is authorized under section 663(a) of the Individuals with Disabilities Education Act. Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall test and implement, to the extent practicable, a toll-free telephone based system to permit applicants who meet the requirements of 479(c) to submit an application over such system.'';

(4) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

''(d) ASSISTANCE IN PREPARATION OF FINANCIAL AID APPLICATION.—

''(1) PREPARATION AUTHORIZED.—Notwithstanding any provision of this Act, an applicant may use a preparer for consultative or preparation services for the completion of a form developed under subsection (a) if the preparer satisfies the requirements of this subsection.

''(2) PREPARER IDENTIFICATION REQUIRED.—If an applicant uses a preparer for consultative or preparation services for the completion of a form developed under subsection (a), the preparer shall include the name, signature, address or employer's address, social security number or employer identification number, and organizational affiliation of the preparer on the applicant's form.

''(3) ADDITIONAL REQUIREMENTS.—A preparer that provides consultative or preparation services pursuant to this subsection shall—

''(A) clearly inform each individual upon initial contact, including contact through the Internet or by telephone, that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

''(B) include in any advertising clear and conspicuous information that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

''(C) if advertising or providing any information on a website, or if providing services through a website, include on the website a link to the website described in subsection (a)(3) that provides the electronic versions of the forms developed under subsection (a);

''(D) refrain from producing or disseminating any form other than the forms developed by the Secretary under subsection (a); and

''(E) not charge any fee to any individual seeking services who meets the requirements of subsection (b) or (c) of section 479.

''(4) SPECIAL RULE.—Nothing in this Act shall be construed to limit preparers of the financial reporting forms required to be made under this title that meet the requirements of this subsection from collecting source information from a student or parent, including Internal Revenue Service tax forms, in providing consultative and preparation services in completing the forms.''; and

(5) by adding at the end the following:

''(e) EARLY APPLICATION AND AWARD DEMONSTRATION PROGRAM.—

''(1) PURPOSE.—The purpose of the demonstration program implemented under this subsection is to determine the feasibility of implementing a comprehensive early application and notification system for all dependent students and to measure the benefits and costs of such a system.

''(2) PROGRAM AUTHORIZED.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement an early application demonstration program enabling dependent students who wish to participate in the program—

''(A) to complete an application under this subsection during the academic year that is 2 years prior to the year such students plan to enroll in an institution of higher education; and

''(B) based on the application described in subparagraph (A), to obtain, not later than 1 year prior to the year of the students' planned enrollment, information on eligibility for Federal Pell Grants, Federal student loans under this title, and State and institutional financial aid for the student's first year of enrollment in an the institution of higher education.

''(3) EARLY APPLICATION AND AWARD.—For all dependent students selected for participation in the demonstration program who submit a completed FAFSA, or, as appropriate, an EZ FAFSA, 2 years prior to the year such students plan to enroll in an institution of higher education, the Secretary shall, not later than 1 year prior to the year of such planned enrollment—

''(A) provide each student who meets the requirements under section 479(c) with a determination of such student's—

''(i) expected family contribution for the first year of the student's enrollment in an institution of higher education; and

''(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application;

''(B) provide each student who does not meet the requirements under section 479(c) with an estimate of such student's—

''(i) expected family contribution for the first year of the student's planned enrollment; and

''(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application; and

''(C) remind the students of the need to update the students' information during the calendar year of enrollment using the expedited reapplication process provided for in subsection (a)(4).

''(4) PARTICIPANTS.—The Secretary shall include, as participants in the demonstration program—

''(A) States selected through the application process described in paragraph (5);

''(B) institutions of higher education within the selected States that are interested in participating in the demonstration program, and that can make estimates or commitments of institutional student financial aid, as appropriate, to students the year before the students' planned enrollment date; and

''(C) secondary schools within the selected States that are interested in participating in the demonstration program, and can commit resources to—

''(i) advertising the availability of the program;

''(ii) identifying students who might be interested in participating in the program;

''(iii) encouraging such students to apply; and

''(iv) participating in the evaluation of the program.

''(5) APPLICATIONS.—States that are interested in participating in the demonstration program shall submit an application, to the Secretary at such time, in such form, and containing such information as the Secretary shall require. The application shall include—

''(A) information on the amount of the State's need-based student financial assistance available, and the eligibility criteria for receiving such assistance;

''(B) a commitment to make, not later than the year before the dependent students participating in the demonstration program plan to enroll in an institution of higher education—

''(i) determinations of State financial aid awards to dependent students participating in the program who meet the requirements of section 479(c); and

''(ii) estimates of State financial aid awards to other dependent students participating in the program;

''(C) a plan for recruiting institutions of higher education and secondary schools with different demographic characteristics to participate in the program;

''(D) a plan for selecting institutions of higher education and secondary schools to participate in the program that—

''(i) demonstrate a commitment to encouraging students to submit a FAFSA, or, as appropriate, an EZ FAFSA, 2 years before the students' planned date of enrollment in an institution of higher education;

''(ii) serve different populations of students;

''(iii) in the case of institutions of higher education—

''(I) to the extent possible, are of varying types and control; and

''(II) commit to making, not later than the year prior to the year that dependent students participating in the demonstration program plan to enroll in the institution—

''(aa) institutional awards to participating dependent students who meet the requirements of section 479(c);

''(bb) estimates of institutional awards to other participating dependent students; and

''(cc) expected or tentative awards of grants or other financial aid available under this title (including supplemental grants under subpart 3 of part A), for all participating dependent students, along with information on State awards, as provided to the institution by the State;

''(E) a commitment to participate in the evaluation conducted by the Secretary; and

''(F) such other information as the Secretary may require.

''(6) SPECIAL PROVISIONS.—

''(A) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—A financial aid administrator at an institution of higher education participating in a demonstration program under this subsection may use the discretion provided under section 479A as necessary in awarding financial aid to students participating in the demonstration program.

''(B) WAIVERS.—The Secretary is authorized to waive, for an institution participating in the demonstration program, any requirements under the title, or regulations prescribed under this title, that would make the demonstration program unworkable, except that the Secretary shall not waive any provisions with respect to the maximum award amounts for grants and loans under this title.

''(7) OUTREACH.—The Secretary shall make appropriate efforts in order to notify States, institutions of higher education, and secondary schools of the demonstration program.

''(8) EVALUATION.—The Secretary shall conduct a rigorous evaluation of the demonstration program to measure the program's benefits and adverse effects, as the benefits and effects relate to the purpose of the program described in paragraph (1). In conducting the evaluation, the Secretary shall—

''(A) identify whether receiving financial aid awards or estimates, as applicable, 1 year prior to the year in which the student plans to enroll in an institution of higher education, has a positive impact on the higher education aspirations and plans of such student;

''(B) measure the extent to which using a student's income information from the year that is 2 years prior to the student's planned enrollment date had an impact on the ability of States and institutions to make financial aid awards and commitments;

''(C) determine what operational changes would be required to implement the program on a larger scale;

''(D) identify any changes to Federal law that would be necessary to implement the program on a permanent basis; and

''(E) identify the benefits and adverse effects of providing early awards or estimates on program costs, program operations, program integrity, award amounts, distribution, and delivery of aid.

''(9) CONSULTATION.—The Secretary shall consult, as appropriate, with the Advisory Committee on Student Financial Assistance established under section 491 on the design, implementation, and evaluation of the demonstration program.

''(f) USE OF IRS DATA AND REDUCED INCOME AND ASSET INFORMATION TO DETERMINE ELIGIBILITY FOR STUDENT FINANCIAL AID.—

''(1) FORMATION OF STUDY GROUP.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General of the United States and the Secretary of Education shall convene a study group whose membership shall include the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, representatives of institutions of higher education with expertise in Federal and State financial aid assistance, State chief executive officers of higher education with a demonstrated commitment to simplifying the FAFSA, and such other individuals as the Comptroller General and the Secretary of Education may designate.

''(2) STUDY REQUIRED.—The Comptroller General and the Secretary, in consultation with the study group convened under paragraph (1), shall design and conduct a study to identify and evaluate the means of simplifying the process of applying for Federal financial aid available under this title. The study shall focus on developing alternative approaches for calculating the expected family contribution that use substantially less income and asset data than the methodology currently used, as of the time of the study, for determining the expected family contribution.

''(3) OBJECTIVES OF STUDY.—The objectives of the study required under paragraph (2) are—

''(A) to shorten the FAFSA and make it easier and less time-consuming to complete, thereby increasing higher education access for low-income students;

''(B) to examine the feasibility, and evaluate the costs and benefits, of using income data from the Internal Revenue Service to pre-populate the electronic version of the FAFSA;

''(C) to determine ways in which to provide reliable information on the amount of Federal grant aid and financial assistance a student can expect to receive, assuming constant income, 2 to 3 years before the student's enrollment; and

''(D) to simplify the process for determining eligibility for student financial aid without causing significant redistribution of Federal grants and subsidized loans under this title.

''(4) REQUIRED SUBJECTS OF STUDY.—The study required under paragraph (2) shall consider—

''(A) how the expected family contribution of a student could be calculated using substantially less income and asset information than the approach currently used, as of the time of the study, to calculate the expected family contribution without causing significant redistribution of Federal grants and subsidized loans under this title, State aid, or institutional aid, or change in the composition of the group of recipients of such aid, which alternative approaches for calculating the expected family contribution shall, to the extent practicable—

''(i) rely mainly, in the case of students and parents who file income tax returns, on information available on the 1040, 1040EZ, and 1040A; and

''(ii) include formulas for adjusting income or asset information to produce similar results to the existing approach with less data;

''(B) how the Internal Revenue Service can provide income and other data needed to compute an expected family contribution for taxpayers and dependents of taxpayers to the Secretary of Education, and when in the application cycle the data can be made available;

''(C) whether data provided by the Internal Revenue could be used to—

''(i) prepopulate the electronic version of the FAFSA with student and parent taxpayer data; or

''(ii) generate an expected family contribution without additional action on the part of the student and taxpayer;

''(D) the extent to which the use of income data from 2 years prior to a student's

planned enrollment date would change the expected family contribution computed in accordance with part F, and potential adjustments to the need analysis formula that would minimize the change;

''(E) the extent to which States and institutions would accept the data provided by the Internal Revenue Service to prepopulate the electronic version of the FAFSA in determining the distribution of State and institutional student financial aid funds;

''(F) the changes to the electronic version of the FAFSA and verification processes that would be needed or could be made if Internal Revenue Service data were used to prepopulate such electronic version;

''(G) the data elements currently collected, as of the time of the study, on the FAFSA that are needed to determine eligibility for student aid, or to administer Federal student financial aid programs, but are not needed to compute an expected family contribution, such as whether information regarding the student's citizenship or permanent residency status, registration for selective service, or driver's license number could be reduced without adverse effects;

''(H) additional steps that can be taken to simplify the financial aid application process for students who (or, in the case of dependent students, whose parents) are not required to file an income tax return for the prior taxable year;

''(I) information on the State need for and usage of the full array of income, asset, and other information currently collected, as of the time of the study, on the FAFSA, including analyses of—

''(i) what data are currently used by States to determine eligibility for State student financial aid, and whether the data are used for merit or need-based aid;

''(ii) the extent to which the full array of income and asset information currently collected on the FAFSA play an important role in the awarding of need-based State financial aid, and whether the State could use income and asset information that was more limited to support determinations of eligibility for such State aid programs;

''(iii) whether data are required by State law, State regulations, or policy directives;

''(iv) what State official has the authority to advise the Department on what the State requires to calculate need-based State student financial aid;

''(v) the extent to which any State-specific information requirements could be met by completion of a State application linked to the electronic version of the FAFSA; and

''(vi) whether the State can use, as of the time of the study, or could use, a student's expected family contribution based on data from 2 years prior to the student's planned enrollment date and a calculation with reduced data elements and, if not, what additional information would be needed or what changes would be required; and

''(J) information on institutional needs, including the extent to which institutions of higher education are already using supplemental forms to collect additional data from students and their families to determine eligibility for institutional funds.

''(5) USE OF DATA FROM THE INTERNAL REVENUE SERVICE TO PREPOPULATE FAFSA FORMS.—After the study required under this subsection has been completed, the Secretary may use Internal Revenue Service data to prepopulate the electronic version of the FAFSA if the Secretary, in a joint decision with the Secretary of Treasury, determines that such use will not significantly negatively impact students, institutions of higher education, States, or the Federal Government based on each of the following criteria:

''(A) Program costs.

''(B) Redistributive effects on students.

''(C) Accuracy of aid determinations.

''(D) Reduction of burden to the FAFSA filers.

''(E) Whether all States and institutions that currently accept the Federal aid formula accept the use of data from 2 years prior to the date of a student's planned enrollment in an institution of higher education to award Federal, State, and institutional aid, and as a result will not require students to complete any additional forms to receive this aid.

''(6) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance established under section 491 as appropriate in carrying out this subsection.

''(7) REPORT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General and the Secretary shall prepare and submit a report on the results of the study required under this subsection to the authorizing committees.''.

SEC. 474. STUDENT ELIGIBILITY.

(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (d), by adding at the end the following:

''(4) The student shall be determined by the institution of higher education as having the ability to benefit from the education or training offered by the institution of higher education, upon satisfactory completion of 6 credit hours or the equivalent coursework that are applicable toward a degree or certificate offered by the institution of higher education.'';

(2) by striking subsection (l) and inserting the following:

''(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

''(1) RELATION TO CORRESPONDENCE COURSES.—

''(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

''(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

''(2) RESTRICTION OR REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

''(3) SPECIAL RULE.—For award years prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.''; and

(3) by adding at the end the following:

''(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—Notwithstanding subsection (a), in order to receive any grant or work assistance under subparts 1 and 3 of part A and part C of this title, a student with an intellectual disability shall—

''(1) be an individual with an intellectual disability whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning;

''(2)(A) be a student eligible for assistance under the Individuals with Disabilities Education Act who has completed secondary school; or

''(B) be an individual who is no longer eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State provides a free appropriate public education;

''(3) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program that—

''(A) is designed for students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at the institution in order to prepare for gainful employment and independent living;

''(B) includes an advising and curriculum structure;

''(C) requires students to participate on at least a half-time basis, as determined by the institution; or

''(D) includes—

''(i) regular enrollment in courses offered by the institution;

''(ii) auditing or participating in courses offered by the institution for which the student does not receive regular academic credit;

''(iii) enrollment in noncredit, nondegree courses;

''(iv) participation in internships; or

''(v) a combination of 2 or more of the activities described in clauses (i) through (iv);

''(4) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

''(5) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take affect on July 1, 2008.

SEC. 475. STATUTE OF LIMITATIONS AND STATE COURT JUDGMENTS.

Section 484A (20 U.S.C. 1091a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) in collecting any obligation arising from a loan made under part E of this title, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy.''; and

(2) by adding at the end the following:

''(d) SPECIAL RULE.—This section shall not apply in the case of a student who is deceased or to a deceased student's estate or the estate of such student's family. If a student is deceased, then the student's estate or the estate of the student's family shall not be required to repay any financial assistance under this title, including interest paid on the student's behalf, collection costs, or other charges specified in this title.''.

SEC. 476. INSTITUTIONAL REFUNDS.

(a) AMENDMENT.—Section 484B(c)(2) (20 U.S.C. 1091B(c)(2)) is amended by striking ''may determine the appropriate withdrawal date.'' and inserting ''may determine—

''(A) the appropriate withdrawal date; and

''(B) that the requirements of subsection (b)(2) do not apply to the student.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

SEC. 477. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

Section 485 (20 U.S.C. 1092) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (G)—

(I) by striking ''program, and'' and inserting ''program,''; and

(II) by inserting '', and (iv) any plans by the institution for improving the academic program of the institution'' after ''instructional personnel''; and

(ii) by striking subparagraph (M) and inserting the following:

''(M) the terms and conditions of the loans that students receive under parts B, D, and E;'';

(iii) in subparagraph (N), by striking ''and'' after the semicolon;

(iv) in subparagraph (O), by striking the period and inserting a semicolon; and

(v) by adding at the end the following:

''(P) institutional policies and sanctions related to copyright infringement, including—

''(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

''(ii) a summary of the penalties for violation of Federal copyright laws;

''(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system; and

''(iv) a description of actions that the institution takes to prevent and detect unauthorized distribution of copyrighted material on the institution's information technology system;

''(Q) student body diversity at the institution, including information on the percentage of enrolled, full-time students who are—

''(i) male;

''(ii) female;

''(iii) from a low-income background; and

''(iv) a self-identified member of a major racial or ethnic group;

''(R) the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources;

''(S) the types of graduate and professional education in which graduates of the institution's 4-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, State data systems, or other relevant sources;

''(T) the fire safety report prepared by the institution pursuant to subsection (i); and

''(U) the retention rate of certificate- or degree-seeking, full-time, undergraduate students entering such institution.'';

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

''(4) For purposes of this section, institutions may—

''(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.''; and

(C) by adding at the end the following:

''(7) The information disclosed under subparagraph (L) of paragraph (1), or reported under subsection (e), shall include information disaggregated by gender, by each major racial and ethnic subgroup, by recipients of a Federal Pell Grant, by recipients of a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant, and by recipients of neither a Federal Pell Grant nor a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan), if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking the subparagraph designation and all that follows through ''465.'' and inserting the following:

''(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 428C or loans made to parents pursuant to section 428B), or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made to parents) or E, prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

''(i) information on the repayment plans available, including a discussion of the different features of each plan and sample information showing the difference in interest paid and total payments under each plan;

''(ii) the average anticipated monthly repayments under the standard repayment plan and, at the borrower's request, the other repayment plans for which the borrower is eligible;

''(iii) such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness;

''(iv) an explanation that the borrower has the ability to prepay each such loan, pay the loan on a shorter schedule, and change repayment plans;

''(v) the terms and conditions under which the student may obtain full or partial forgiveness or cancellation of principal or interest under sections 428J, 460, and 465 (to the extent that such sections are applicable to the student's loans);

''(vi) the terms and conditions under which the student may defer repayment of principal or interest or be granted forbearance under subsections (b)(1)(M) and (o) of section 428, 428H(e)(7), subsections (f) and (l) of section 455, and section 464(c)(2), and the potential impact of such deferment or forbearance;

''(vii) the consequences of default on such loans;

''(viii) information on the effects of using a consolidation loan to discharge the borrower's loans under parts B, D, and E, including, at a minimum—

''(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

''(II) the effects of consolidation on a borrower's underlying loan benefits, including all grace periods, loan forgiveness, cancellation, and deferment opportunities;

''(III) the ability of the borrower to prepay the loan or change repayment plans; and

''(IV) that borrower benefit programs may vary among different loan holders; and

''(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower's loans.''; and

(B) by adding at the end the following:

''(3) Each eligible institution shall, during the exit interview required by this subsection, provide to a borrower of a loan made under part B, D, or E a clear and conspicuous notice describing the general effects of using a consolidation loan to discharge the borrower's student loans, including—

''(A) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

''(B) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, and deferment;

''(C) the ability for the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans, and that borrower benefit programs may vary among different loan holders;

''(D) a general description of the types of tax benefits which may be available to borrowers of student loans; and

''(E) the consequences of default.'';

(3) in subsection (d)(2)—

(A) by inserting ''grant assistance, as well as State'' after ''describing State''; and

(B) by inserting ''and other means, including through the Internet'' before the period at the end;

(4) in subsection (e), by striking paragraph (3) and inserting the following:

''(3) For purposes of this subsection, institutions may—

''(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.'';

(5) in subsection (f)—

(A) in paragraph (1)—

(i) the matter preceding subparagraph (A), by inserting '', other than a foreign institution of higher education,'' after ''under this title''; and

(ii) by adding at the end the following:

''(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures—

''(i) to notify the campus community in a reasonable and timely manner in the event

of a significant emergency or dangerous situation, involving an immediate threat to the health or safety of students or staff, occurring on the campus;

''(ii) to publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

''(iii) to test emergency response and evacuation procedures on an annual basis.'';

(B) by redesignating paragraph (15) as paragraph (17); and

(C) by inserting after paragraph (14) the following:

''(15) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(16) BEST PRACTICES.—The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.''; and

(6) by adding at the end the following:

''(h) TRANSFER OF CREDIT POLICIES.—

''(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose in a readable and comprehensible manner the transfer of credit policies established by the institution which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

''(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

''(B) a list of institutions of higher education with which the institution has established an articulation agreement.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary or the Accreditation and Institutional Quality and Integrity Advisory Committee to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

''(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

''(C) limit the application of the General Education Provisions Act; or

''(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

''(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

''(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

''(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available—

''(i) the number of fires and the cause of each fire;

''(ii) the number of injuries related to a fire that result in treatment at a medical facility;

''(iii) the number of deaths related to a fire; and

''(iv) the value of property damage caused by a fire;

''(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

''(C) the number of regular mandatory supervised fire drills;

''(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

''(E) plans for future improvements in fire safety, if determined necessary by such institution.

''(2) REPORT TO THE SECRETARY.—Each eligible institution participating in any program under this title shall, on an annual basis submit to the Secretary a copy of the statistics required to be made available under subparagraph (A).

''(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall—

''(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

''(B) make annual reports to the campus community on such fires.

''(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

''(A) make such statistics submitted to the Secretary available to the public; and

''(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

''(i) identify exemplary fire safety policies, procedures, programs, and practices;

''(ii) disseminate information to the Administrator of the United States Fire Administration;

''(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

''(iv) develop a protocol for institutions to review the status of their fire safety systems.

''(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

''(B) affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

''(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; and

''(D) establish any standard of care.

''(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.''.

SEC. 478. ENTRANCE COUNSELING REQUIRED.

Section 485 (as amended by section 477) is further amended—

(1) by redesignating subsections (b) through (i) as subsections (c) through (j), respectively; and

(2) by inserting after subsection (a) the following:

''(b) ENTRANCE COUNSELING FOR BORROWERS.—

''(1) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

''(A) IN GENERAL.—Each eligible institution shall, at or prior to the time of a disbursement to a first-time student borrower of a loan made, insured, or guaranteed under part B or D, ensure that the borrower receives comprehensive information on the terms and conditions of the loan and the responsibilities the borrower has with respect to such loan. Such information shall be provided in simple and understandable terms and may be provided—

''(i) during an entrance counseling session conducted in person;

''(ii) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or

''(iii) online, with the borrower acknowledging receipt and understanding of the information.

''(B) USE OF INTERACTIVE PROGRAMS.—The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrowers' understanding of the terms and conditions of the borrowers' loans under part B or D, using comprehensible language and displays with clear formatting.

''(2) INFORMATION TO BE PROVIDED.—The information provided to the borrower under paragraph (1)(A) shall include—

''(A) an explanation of the use of the Master Promissory Note;

''(B) in the case of a loan made under section 428B or 428H, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan—

''(i) the ability of the borrower to pay the interest while the borrower is in school; and

''(ii) how often interest is capitalized;

''(C) the definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment;

''(D) an explanation of the importance of contacting the appropriate institutional offices if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation;

''(E) the obligation of the borrower to repay the full amount of the loan even if the borrower does not complete the program in which the borrower is enrolled;

''(F) information on the National Student Loan Data System and how the borrower can access the borrower's records; and

''(G) the name of an individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.''.

SEC. 479. NATIONAL STUDENT LOAN DATA SYSTEM.

Section 485B (20 U.S.C. 1092b) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(B) in paragraph (5) (as added by Public Law 101–610), by striking ''effectiveness.'' and inserting ''effectiveness;''; and

(C) by redesignating paragraph (5) (as added by Public Law 101–234) as paragraph (6);

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(3) by inserting after subsection (c) the following:

''(d) PRINCIPLES FOR ADMINISTERING THE DATA SYSTEM.—In managing the National Student Loan Data System, the Secretary shall take actions necessary to maintain confidence in the data system, including, at a minimum—

''(1) ensuring that the primary purpose of access to the data system by guaranty agencies, eligible lenders, and eligible institutions of higher education is for legitimate program operations, such as the need to verify the eligibility of a student, potential student, or parent for loans under part B, D, or E;

''(2) prohibiting nongovernmental researchers and policy analysts from accessing personally identifiable information;

''(3) creating a disclosure form for students and potential students that is distributed when such students complete the common financial reporting form under section 483, and as a part of the exit counseling process under section 485(b), that—

''(A) informs the students that any title IV grant or loan the students receive will be included in the National Student Loan Data System, and instructs the students on how to access that information;

''(B) describes the categories of individuals or entities that may access the data relating to such grant or loan through the data system, and for what purposes access is allowed;

''(C) defines and explains the categories of information included in the data system;

''(D) provides a summary of the provisions of the Family Educational Rights and Privacy Act of 1974 and other applicable Federal privacy statutes, and a statement of the students' rights and responsibilities with respect to such statutes;

''(E) explains the measures taken by the Department to safeguard the students' data; and

''(F) includes other information as determined appropriate by the Secretary;

''(4) requiring guaranty agencies, eligible lenders, and eligible institutions of higher education that enter into an agreement with a potential student, student, or parent of such student regarding a loan under part B, D, or E, to inform the student or parent that such loan shall be—

''(A) submitted to the data system; and

''(B) accessible to guaranty agencies, eligible lenders, and eligible institutions of higher education determined by the Secretary to be authorized users of the data system;

''(5) regularly reviewing the data system to—

''(A) delete inactive users from the data system;

''(B) ensure that the data in the data system are not being used for marketing purposes; and

''(C) monitor the use of the data system by guaranty agencies and eligible lenders to determine whether an agency or lender is accessing the records of students in which the agency or lender has no existing financial interest; and

''(6) developing standardized protocols for limiting access to the data system that include—

''(A) collecting data on the usage of the data system to monitor whether access has been or is being used contrary to the purposes of the data system;

''(B) defining the steps necessary for determining whether, and how, to deny or restrict access to the data system; and

''(C) determining the steps necessary to reopen access to the data system following a denial or restriction of access.''; and

(4) by striking subsection (e) (as redesignated by paragraph (1)) and inserting the following:

''(e) REPORTS TO CONGRESS.—

''(1) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing—

''(A) the results obtained by the establishment and operation of the National Student Loan Data System authorized by this section;

''(B) the effectiveness of existing privacy safeguards in protecting student and parent information in the data system;

''(C) the success of any new authorization protocols in more effectively preventing abuse of the data system;

''(D) the ability of the Secretary to monitor how the system is being used, relative to the intended purposes of the data system; and

''(E) any protocols developed under subsection (d)(6) during the preceding fiscal year.

''(2) STUDY.—

''(A) IN GENERAL.—The Secretary shall conduct a study regarding—

''(i) available mechanisms for providing students and parents with the ability to opt in or opt out of allowing eligible lenders to access their records in the National Student Loan Data System; and

''(ii) appropriate protocols for limiting access to the data system, based on the risk assessment required under subchapter III of chapter 35 of title 44, United States Code.

''(B) SUBMISSION OF STUDY.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and submit a report on the findings of the study to the appropriate committees of Congress.''.

SEC. 480. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by inserting after section 485D (20 U.S.C. 1092c) the following:

''SEC. 485E. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

''(a) IN GENERAL.—The Secretary shall implement, in cooperation with States, institutions of higher education, secondary schools, middle schools, early intervention and outreach programs under this title, other agencies and organizations involved in student financial assistance and college access, public libraries, community centers, employers, and businesses, a comprehensive system of early financial aid information in order to provide students and families with early information about financial aid and early estimates of such students' eligibility for financial aid from multiple sources. Such system shall include the activities described in subsections (b) and (c).

''(b) COMMUNICATION OF AVAILABILITY OF AID AND AID ELIGIBILITY.—

''(1) STUDENTS WHO RECEIVE BENEFITS.—The Secretary shall—

''(A) make special efforts to notify students, who receive or are eligible to receive benefits under a Federal means-tested benefit program (including the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)) or another such benefit program as determined by the Secretary, of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A; and

''(B) disseminate such informational materials as the Secretary determines necessary.

''(2) MIDDLE SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, middle schools, and programs under this title that serve middle school students, shall make special efforts to notify students and their parents of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in middle school.

''(3) SECONDARY SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, secondary schools, and programs under this title that serve secondary school students, shall make special efforts to notify students in secondary school and their parents, as early as possible but not later than such students' junior year of secondary school, of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in secondary school.

''(4) ADULT LEARNERS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, employers, workforce investment boards and public libraries, shall make special efforts to provide individuals who would qualify as independent students, as defined in section 480(d), with information regarding the availability of financial aid under this title and, in accordance with subsection (c), with nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information—

''(A) is as accurate as possible;

''(B) includes specific information regarding the availability of financial aid for students qualified as independent students, as defined in section 480(d); and

''(C) uses dissemination mechanisms suitable for adult learners.

''(5) PUBLIC AWARENESS CAMPAIGN.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary, in coordination with States, institutions of higher education, early intervention and outreach programs under this title, other agencies and organizations involved in student financial aid, local educational agencies, public libraries, community centers, businesses, employers, employment services, workforce investment boards, and movie theaters, shall implement a public awareness campaign in order to increase national awareness regarding the availability of financial aid under this title. The public awareness campaign shall disseminate accurate information regarding the availability of financial aid under this title and shall be implemented, to the extent practicable, using a variety of media, including print, television, radio and the Internet. The Secretary shall design and implement the public awareness campaign based upon relevant independent research and the information and dissemination strategies found most effective in implementing paragraphs (1) through (4).

''(c) AVAILABILITY OF NONBINDING ESTIMATES OF FEDERAL FINANCIAL AID ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall provide, via a printed form and the Internet or other electronic means, the capability for individuals to determine easily, by entering relevant data, nonbinding estimates of amounts of grant and loan aid an individual may be eligible for under this title upon completion and processing of an application and enrollment in an institution of higher education.

''(2) DATA ELEMENTS.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall determine the data elements that are necessary to create a simplified form that individuals can use to obtain easily nonbinding estimates of the amounts of grant and loan aid an individual may be eligible for under this title.

''(3) QUALIFICATION TO USE SIMPLIFIED APPLICATION.—The capability provided under this paragraph shall include the capability to determine whether the individual is eligible to submit a simplified application form under paragraph (2)(B) or (3)(B) of section 483(a).''.

SEC. 481. PROGRAM PARTICIPATION AGREEMENTS.

Section 487 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (21), (22), and (23) as paragraphs (22), (23), and (24), respectively;

(B) by inserting after paragraph (20) the following:

''(21) CODE OF CONDUCT.—

''(A) IN GENERAL.—The institution will establish, follow, and enforce a code of conduct regarding student loans that includes not less than the following:

''(i) REVENUE SHARING PROHIBITION.—The institution is prohibited from receiving anything of value from any lender in exchange for any advantage sought by the lender to make educational loans to a student enrolled, or who is expected to be enrolled, at the institution, except that an institution shall not be prohibited from receiving a philanthropic contribution from a lender if the contribution is not made in exchange for any such advantage.

''(ii) GIFT AND TRIP PROHIBITION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, is prohibited from taking from any lender any gift or trip worth more than nominal value, except for reasonable expenses for professional development that will improve the efficiency and effectiveness of programs under this title and for domestic travel to such professional development.

''(iii) CONTRACTING ARRANGEMENTS.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, shall be prohibited from entering into any type of consulting arrangement or other contract to provide services to a lender.

''(iv) ADVISORY BOARD COMPENSATION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender or group of lenders shall be prohibited from receiving anything of value from the lender or group of lenders, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission or group.

''(v) INTERACTION WITH BORROWERS.—The institution will not—

''(I) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; and

''(II) refuse to certify, or, delay certification of, any loan in accordance with paragraph (6) based on the borrower's selection of a particular lender or guaranty agency.

''(B) DESIGNATION.—The institution will designate an individual who shall be responsible for signing an annual attestation on behalf of the institution that the institution agrees to, and is in compliance with, the requirements of the code of conduct described in this paragraph. Such individual shall be the chief executive officer, chief operating officer, chief financial officer, or comparable official, of the institution, and shall annually submit the signed attestation to the Secretary.

''(C) AVAILABILITY.—The institution will make the code of conduct widely available to the institution's faculty members, students, and parents through a variety of means, including the institution's website.'';

(C) in paragraph (24) (as redesignated by subparagraph (A)), by adding at the end the following:

''(D) In the case of a proprietary institution of higher education as defined in section 102(b), the institution shall be considered in compliance with the requirements of subparagraph (A) for any student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted solely to voter registration.''; and

(D) by adding at the end the following:

''(25) In the case of a proprietary institution of higher education as defined in section 102(b), the institution will, as calculated in accordance with subsection (h)(1), have not less than 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (h)(2).

''(26) PREFERRED LENDER LISTS.—

''(A) IN GENERAL.—In the case of an institution (including an employee or agent of an institution) that maintains a preferred lender list, in print or any other medium, through which the institution recommends one or more specific lenders for loans made under part B to the students attending the institution (or the parents of such students), the institution will—

''(i) clearly and fully disclose on the preferred lender list—

''(I) why the institution has included each lender as a preferred lender, especially with respect to terms and conditions favorable to the borrower; and

''(II) that the students attending the institution (or the parents of such students) do not have to borrow from a lender on the preferred lender list;

''(ii) ensure, through the use of the list provided by the Secretary under subparagraph (C), that—

''(I) there are not less than 3 lenders named on the preferred lending list that are not affiliates of each other; and

''(II) the preferred lender list—

''(aa) specifically indicates, for each lender on the list, whether the lender is or is not an affiliate of each other lender on the list; and

''(bb) if the lender is an affiliate of another lender on the list, describes the specifics of such affiliation; and

''(iii) establish a process to ensure that lenders are placed upon the preferred lender list on the basis of the benefits provided to borrowers, including —

''(I) highly competitive interest rates, terms, or conditions for loans made under part B;

''(II) high-quality customer service for such loans; or

''(III) additional benefits beyond the standard terms and conditions for such loans.

''(B) DEFINITION OF AFFILIATE; CONTROL.—

''(i) DEFINITION OF AFFILIATE.—For the purposes of subparagraph (A)(ii) the term 'affiliate' means a person that controls, is controlled by, or is under common control with, another person.

''(ii) CONTROL.—For purposes of subparagraph (A)(ii), a person has control over another person if—

''(I) the person directly or indirectly, or acting through 1 or more others, owns, controls, or has the power to vote 5 percent or more of any class of voting securities of such other person;

''(II) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

''(III) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person.

''(C) LIST OF LENDER AFFILIATES.—The Secretary, in consultation with the Director of the Federal Deposit Insurance Corporation, shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the eligible institutions for use in carrying out subparagraph (A).'';

(2) in subsection (c)(1)(A)(i), by inserting '', except that the Secretary may modify the requirements of this clause with regard to an institution outside the United States'' before the semicolon at the end;

(3) by redesignating subsections (d) and (e) as subsection (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

''(d) INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS.—

''(1) IN GENERAL.—In the event the Secretary initiates the limitation, suspension, or termination of the participation of an institution of higher education in any program under this title under the authority of subsection (c)(1)(F) or initiates an emergency action under the authority of subsection (c)(1)(G) and its prescribed regulations, the Secretary shall require that institution to prepare a teach-out plan for submission to the institution's accrediting agency or association in compliance with section 496(c)(4), the Secretary's regulations on teach-out plans, and the standards of the institution's accrediting agency or association.

''(2) TEACH-OUT PLAN DEFINED.—In this subsection, the term 'teach-out plan' means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency or association, an agreement between institutions for such a teach-out plan.

''(e) VIOLATION OF CODE OF CONDUCT REGARDING STUDENT LOANS.—

''(1) IN GENERAL.—Upon a finding by the Secretary, after reasonable notice and an opportunity for a hearing, that an institution of higher education that has entered into a program participation agreement with the Secretary under subsection (a) willfully contravened the institution's attestation of compliance with the provisions of subsection (a)(21), the Secretary may impose a penalty described in paragraph (2).

''(2) PENALTIES.—A violation of paragraph (1) shall result in the limitation, suspension, or termination of the eligibility of the institution for the loan programs under this title.''; and

(5) by adding at the end the following:

''(h) IMPLEMENTATION OF NONTITLE IV REVENUE REQUIREMENT.—

''(1) CALCULATION.—In carrying out subsection (a)(27), a proprietary institution of higher education (as defined in section 102(b)) shall use the cash basis of accounting and count the following funds as from sources of funds other than funds provided under this title:

''(A) Funds used by students from sources other than funds received under this title to pay tuition, fees, and other institutional charges to the institution, provided the institution can reasonably demonstrate that such funds were used for such purposes.

''(B) Funds used by the institution to satisfy matching-fund requirements for programs under this title.

''(C) Funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986.

''(D) Funds paid by a student, or on behalf of a student by a party other than the institution, to the institution for an education or training program that is not eligible for funds under this title, provided that the program is approved or licensed by the appropriate State agency or an accrediting agency recognized by the Secretary.

''(E) Funds generated by the institution from institutional activities that are necessary for the education and training of the institution's students, if such activities are—

''(i) conducted on campus or at a facility under the control of the institution;

''(ii) performed under the supervision of a member of the institution's faculty; and

''(iii) required to be performed by all students in a specific educational program at the institution.

''(F) Institutional aid, as follows:

''(i) In the case of loans made by the institution, only the amount of loan repayments received by the institution during the fiscal year for which the determination is made.

''(ii) In the case of scholarships provided by the institution, only those scholarship funds provided by the institution that are—

''(I) in the form of monetary aid based upon the academic achievements or financial need of students; and

''(II) disbursed during the fiscal year for which the determination is made from an established restricted account and only to the extent that the funds in that account represent designated funds from an outside source or income earned on those funds.

''(iii) In the case of tuition discounts, only those tuition discounts based upon the academic achievement or financial need of students.

''(2) SANCTIONS.—

''(A) FAILURE TO MEET REQUIREMENT FOR 1 YEAR.—In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if an institution fails to meet the requirements of subsection (a)(27) in any year, the Secretary may impose 1 or both of the following sanctions on the institution:

''(i) Place the institution on provisional certification in accordance with section 498(h) until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(ii) Require such other increased monitoring and reporting requirements as the Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(B) FAILURE TO MEET REQUIREMENT FOR 2 YEARS.—An institution that fails to meet the requirements of subsection (a)(27) for 2 consecutive years shall be ineligible to participate in the programs authorized under this title until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary shall make publicly available, through the means described in subsection (b) of section 131, any institution that fails to meet the requirements of subsection (a)(27) in any year as an institution that is failing to meet the minimum non-Federal source of revenue requirements of such subsection (a)(27).''.

SEC. 482. REGULATORY RELIEF AND IMPROVEMENT.

Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''1998'' and inserting ''2007'' ; and

(B) by striking ''1999'' and inserting ''2008''; and

(2) by striking the matter preceding paragraph (2)(A) and inserting the following:

''(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''Upon the submission of the report required by paragraph (2), the'' and inserting ''The''; and

(ii) by inserting ''periodically'' after ''authorized to'';

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as redesignated by subparagraph (C))—

(i) by inserting '', including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492'' after ''requirements in this title'';

(ii) by inserting ''(other than an award rule related to an experiment in modular or compressed schedules)'' after ''award rules''; and

(iii) by inserting ''unless the waiver of such provisions is authorized by another provision under this title'' before the period at the end.

SEC. 483. TRANSFER OF ALLOTMENTS.

Section 488 (20 U.S.C. 1095) is amended in the first sentence—

(1) in paragraph (1), by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking ''413D.'' and inserting ''413D; and''; and

(3) by adding at the end ''(3) transfer 25 percent of the institution's allotment under section 413D to the institution's allotment under section 442.''.

SEC. 484. PURPOSE OF ADMINISTRATIVE PAYMENTS.

Section 489(b) (20 U.S.C. 1096(b)) is amended by striking ''offsetting the administrative costs of'' and inserting ''administering''.

SEC. 485. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(D) to provide knowledge and understanding of early intervention programs, and to make recommendations that will result in early awareness by low- and moderate-income students and families—

''(i) of their eligibility for assistance under this title; and

''(ii) to the extent practicable, of their eligibility for other forms of State and institutional need-based student assistance; and

''(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions of higher education, and private entities to increase the awareness and the total amount of need-based student assistance available to low- and moderate-income students.'';

(2) in subsection (c), by adding at the end the following:

''(3) The appointment of a member under subparagraph (A) or (B) of paragraph (1) shall be effective upon confirmation of the member by the Senate and publication of such appointment in the Congressional Record.'';

(3) in subsection (d)(6), by striking '', but nothing'' and all that follows through ''or analyses'';

(4) in subsection (j)—

(A) in paragraph (1)—

(i) by inserting ''and simplification'' after ''modernization'' each place the term appears; and

(ii) by striking ''including'' and all that follows through ''Department,''; and

(B) by striking paragraphs (4) and (5) and inserting the following:

''(4) conduct a review and analysis of regulations in accordance with subsection (l); and

''(5) conduct a study in accordance with subsection (m).'';

(5) in subsection (k), by striking ''2004'' and inserting ''2013''; and

(6) by adding at the end the following:

''(l) REVIEW AND ANALYSIS OF REGULATIONS.—

''(1) RECOMMENDATIONS.—The Advisory Committee shall make recommendations to the Secretary and Congress for consideration of future legislative action regarding redundant or outdated regulations under this title, consistent with the Secretary's requirements under section 498B.

''(2) REVIEW AND ANALYSIS OF REGULATIONS.—The Advisory Committee shall conduct a review and analysis of the regulations issued under this title that are in effect at the time of the review and that apply to the operations or activities of participants in the programs assisted under this title. The review and analysis may include a determination of whether the regulation is duplicative, is no longer necessary, is inconsistent with other Federal requirements, or is overly burdensome. In conducting the review, the Advisory Committee shall pay specific attention to evaluating ways in which regulations under this title affecting institutions of higher education (other than institutions described in section 102(a)(1)(C)), that have received in each of the 2 most recent award years prior to the date of enactment of the Higher Education Amendments of 2007 less than $200,000 in funds through this title, may be improved, streamlined, or eliminated.

''(3) CONSULTATION.—

''(A) IN GENERAL.—In carrying out the review and analysis under paragraph (2), the Advisory Committee shall consult with the Secretary, relevant representatives of institutions of higher education, and individuals who have expertise and experience with the regulations issued under this title, in accordance with subparagraph (B).

''(B) REVIEW PANELS.—The Advisory Committee shall convene not less than 2 review panels of representatives of the groups involved in student financial assistance programs under this title who have experience and expertise in the regulations issued under this title to review the regulations under this title, and to provide recommendations to the Advisory Committee with respect to the review and analysis under paragraph (2). The panels shall be made up of experts in areas such as the operations of the financial assistance programs, the institutional eligibility requirements for the financial assistance programs, regulations not directly related to the operations or the institutional eligibility requirements of the financial assistance programs, and regulations for dissemination of information to students about the financial assistance programs.

''(4) REPORTS TO CONGRESS.—The Advisory Committee shall submit, not later than 2 years after the completion of the negotiated rulemaking process required under section 492 resulting from the amendments to this Act made by the Higher Education Amendments of 2007, a report to the authorizing committees and the Secretary detailing the expert panels' findings and recommendations with respect to the review and analysis under paragraph (2).

''(5) ADDITIONAL SUPPORT.—The Secretary and the Inspector General of the Department shall provide such assistance and resources to the Advisory Committee as the Secretary and Inspector General determine are necessary to conduct the review required by this subsection.

''(m) STUDY OF INNOVATIVE PATHWAYS TO BACCALAUREATE DEGREE ATTAINMENT.—

''(1) STUDY REQUIRED.—The Advisory Committee shall conduct a study of the feasibility of increasing baccalaureate degree attainment rates by reducing the costs and financial barriers to attaining a baccalaureate degree through innovative programs.

''(2) SCOPE OF STUDY.—The Advisory Committee shall examine new and existing programs that promote baccalaureate degree attainment through innovative ways, such as dual or concurrent enrollment programs, changes made to the Federal Pell Grant program, simplification of the needs analysis process, compressed or modular scheduling, articulation agreements, and programs that allow 2-year institutions of higher education to offer baccalaureate degrees.

''(3) REQUIRED ASPECTS OF THE STUDY.—In performing the study described in this subsection, the Advisory Committee shall examine the following aspects of such innovative programs:

''(A) The impact of such programs on baccalaureate attainment rates.

''(B) The degree to which a student's total cost of attaining a baccalaureate degree can be reduced by such programs.

''(C) The ways in which low- and moderate-income students can be specifically targeted by such programs.

''(D) The ways in which nontraditional students can be specifically targeted by such programs.

''(E) The cost-effectiveness for the Federal Government, States, and institutions of higher education to implement such programs.

''(4) CONSULTATION.—

''(A) IN GENERAL.—In performing the study described in this subsection the Advisory Committee shall consult with a broad range of interested parties in higher education, including parents, students, appropriate representatives of secondary schools and institutions of higher education, appropriate State administrators, administrators of dual or concurrent enrollment programs, and appropriate Department officials.

''(B) CONGRESSIONAL CONSULTATION.—The Advisory Committee shall consult on a regular basis with the authorizing committees in carrying out the study required by this section.

''(5) REPORTS TO CONGRESS.—

''(A) INTERIM REPORT.—The Advisory Committee shall prepare and submit to the authorizing committees and the Secretary an interim report, not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, describing the progress that has been made in conducting the study required by this subsection and any preliminary findings on the topics identified under paragraph (2).

''(B) FINAL REPORT.—The Advisory Committee shall, not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, prepare and submit to the authorizing committees and the Secretary a final report on the study, including recommendations for legislative, regulatory, and administrative changes based on findings related to the topics identified under paragraph (2).''.

SEC. 486. REGIONAL MEETINGS.

Section 492(a)(1) (20 U.S.C. 1098a(a)(1)) is amended by inserting ''State student grant agencies,'' after ''institutions of higher education,''.

SEC. 487. YEAR 2000 REQUIREMENTS AT THE DEPARTMENT.

(a) REPEAL.—Section 493A (20 U.S.C. 1098c) is repealed.

(b) REDESIGNATION.—Section 493B (20 U.S.C. 1098d) is redesignated as section 493A.

PART G—PROGRAM INTEGRITY

SEC. 491. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

Section 496 (20 U.S.C. 1099b) is amended—

(1) in subsection (a)—

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

''(4)(A) such agency or association consistently applies and enforces standards that respect the stated mission of the institution of higher education, including religious missions, and that ensure that the courses or programs of instruction, training, or study offered by the institution of higher education, including distance education courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered; and

''(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

''(i) the agency or association's standards effectively address the quality of an institution's distance education in the areas identified in section 496(a)(5), except that the agency or association shall not be required to have separate standards, procedures or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph; and

''(ii) the agency or association requires an institution that offers distance education to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates in and completes the program and receives the academic credit;'';

(B) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations and job placement rates;'';

(C) by striking paragraph (6) and inserting the following:

''(6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with due process procedures that provide for—

''(A) adequate specification of requirements and deficiencies at the institution of higher education or program examined;

''(B) an opportunity for a written response by any such institution to be included, prior to final action, in the evaluation and withdrawal proceedings;

''(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action, including denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, at a hearing prior to such action becoming final, before an appeals panel that—

''(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

''(ii) is subject to a conflict of interest policy; and

''(D) the right to representation by counsel for such an institution during an appeal of the adverse action;''; and

(D) by striking paragraph (8) and inserting the following:

''(8) such agency or association shall make available to the public and the State licensing or authorizing agency, and submit to the Secretary, a summary of agency or association actions, including—

''(A) the award of accreditation or reaccreditation of an institution;

''(B) final denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

''(C) any other adverse action taken with respect to an institution.'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', including those regarding distance education'' after ''their responsibilities'';

(B) by redesignating paragraphs (2) through (6) as paragraphs (5) through (9);

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

''(2) ensures that the agency or association's on-site evaluation for accreditation or reaccreditation includes review of the Federally required information the institution or program provides its current and prospective students;

''(3) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

''(4) requires an institution to submit a teach-out plan for approval to the accrediting agency upon the occurrence of any of the following events:

''(A) The Department notifies the accrediting agency of an action against the institution pursuant to section 487(d).

''(B) The accrediting agency acts to withdraw, terminate, or suspend the accreditation of an institution.

''(C) The institution notifies the accrediting agency that the institution intends to cease operations.'';

(D) in paragraph (8) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(E) in subparagraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(F) by adding at the end the following:

''(10) confirms, as a part of the agency or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

''(A) that are publicly disclosed; and

''(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.'';

(3) in subsection (g), by adding at the end the following: ''Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement.''; and

(4) in subsection (o), by adding at the end the following: ''Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to subsection (a)(5).''.

SEC. 492. ADMINISTRATIVE CAPACITY STANDARD.

Section 498 (20 U.S.C. 1099c) is amended—

(1) in subsection (d)(1)(B), by inserting ''and'' after the semicolon; and

(2) by adding at the end the following:

''(k) TREATMENT OF TEACH-OUTS AT ADDITIONAL LOCATIONS.—

''(1) IN GENERAL.—A location of a closed institution of higher education shall be eligible as an additional location of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, for the purposes of a teach-out, if such teach-out has been approved by the institution's accrediting agency.

''(2) SPECIAL RULE.—An institution of higher education that conducts a teach-out through the establishment of an additional location described in paragraph (1) shall be permitted to establish a permanent additional location at a closed institution and shall not be required—

''(A) to meet the requirements of sections 102(b)(1)(E) and 102(c)(1)(C) for such additional location; or

''(B) to assume the liabilities of the closed institution.''.

SEC. 493. PROGRAM REVIEW AND DATA.

Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(6) provide to an institution of higher education an adequate opportunity to review and respond to any program review report and relevant materials related to the report before any final program review report is issued;

''(7) review and take into consideration an institution of higher education's response in any final program review report or audit determination, and include in the report or determination—

''(A) a written statement addressing the institution of higher education's response;

''(B) a written statement of the basis for such report or determination; and

''(C) a copy of the institution's response; and

''(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review is issued, other than to the extent required to comply with paragraph (5), except that the Secretary shall promptly disclose any and all program review reports to the institution of higher education under review.''.

SEC. 494. TIMELY INFORMATION ABOUT LOANS.

(a) IN GENERAL.—Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

''SEC. 499A. ACCESS TO TIMELY INFORMATION ABOUT LOANS.

''(a) REGULAR BILL PROVIDING PERTINENT INFORMATION ABOUT A LOAN.—A lender of a loan made, insured, or guaranteed under this title shall provide the borrower of such loan a bill each month or, in the case of a loan payable less frequently than monthly, a bill that corresponds to each payment installment time period, including a clear and conspicuous notice of—

''(1) the borrower's principal borrowed;

''(2) the borrower's current balance;

''(3) the interest rate on such loan;

''(4) the amount the borrower has paid in interest;

''(5) the amount of additional interest payments the borrower is expected to pay over the life of the loan;

''(6) the total amount the borrower has paid for the loan, including the amount the borrower has paid in interest, the amount the borrower has paid in fees, and the amount the borrower has paid against the balance, in a brief, borrower-friendly manner;

''(7) a description of each fee the borrower has been charged for the current payment period;

''(8) the date by which the borrower needs to make a payment in order to avoid additional fees;

''(9) the amount of such payment that will be applied to the interest, the balance, and any fees on the loan; and

''(10) the lender's address and toll-free phone number for payment and billing error purposes.

''(b) INFORMATION PROVIDED BEFORE COMMENCEMENT OF REPAYMENT.—A lender of a loan made, insured, or guaranteed under this title shall provide to the borrower of such loan, at least one month before the loan enters repayment, a clear and conspicuous notice of not less than the following information:

''(1) The borrower's options, including repayment plans, deferments, forbearances, and discharge options to which the borrower may be entitled.

''(2) The conditions under which a borrower may be charged any fee, and the amount of such fee.

''(3) The conditions under which a loan may default, and the consequences of default.

''(4) Resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

''(c) INFORMATION PROVIDED DURING DELINQUENCY.—In addition to any other information required under law, a lender of a loan made, insured, or guaranteed under this title shall provide a borrower in delinquency with a clear and conspicuous notice of the date on which the loan will default if no payment is made, the minimum payment that must be made to avoid default, discharge options to which the borrower may be entitled, resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

''(d) INFORMATION PROVIDED DURING DEFAULT.—A lender of a loan made, insured, or guaranteed under this title shall provide a borrower in default, on not less than 2 separate occasions, with a clear and conspicuous notice of not less than the following information:

''(1) The options available to the borrower to be removed from default.

''(2) The relevant fees and conditions associated with each option.''.

SEC. 495. AUCTION EVALUATION AND REPORT.

(a) EVALUATION.—If Congress enacts an Act that authorizes the Secretary of Education to carry out a pilot program under which the Secretary establishes a mechanism for an auction of Federal PLUS Loans, then the Comptroller General shall evaluate such pilot program. The evaluation shall determine—

(1) the extent of the savings to the Federal Government that are generated through the pilot program, compared to the cost the Federal Government would have incurred in operating the parent loan program under section 428B of the Higher Education Act of 1965 in the absence of the pilot program;

(2) the number of lenders that participated in the pilot program, and the extent to which the pilot program generated competition among lenders to participate in the auctions under the pilot program;

(3) the effect of the transition to and operation of the pilot program on the ability of—

(A) lenders participating in the pilot program to originate loans made through the pilot program smoothly and efficiently;

(B) institutions of higher education participating in the pilot program to disburse loans made through the pilot program smoothly and efficiently; and

(C) the ability of parents to obtain loans made through the pilot program in a timely and efficient manner;

(4) the differential impact, if any, of the auction among the States, including between rural and non-rural States; and

(5) the feasibility of using the mechanism piloted to operate the other loan programs under part B of title IV of the Higher Education Act of 1965.

(b) REPORTS.—The Comptroller General shall—

(1) not later than September 1, 2010, submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a preliminary report regarding the findings of the evaluation described in subsection (a);

(2) not later than September 1, 2012, submit to the authorizing committees an interim report regarding such findings; and

(3) not later than September 1, 2014, submit to the authorizing committees a final report regarding such findings.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. AUTHORIZED ACTIVITIES.

Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraphs (6) through (14) as paragraphs (8) through (16), respectively;

(2) in paragraph (5), by inserting '', including innovative, customized remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period at the end;

(3) by inserting after paragraph (5) the following:

''(6) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.

''(7) Articulation agreements and student support programs designed to facilitate the transfer from 2-year to 4-year institutions.''; and

(4) in paragraph (12) (as redesignated by paragraph (1)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''.

SEC. 502. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

''PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

''SEC. 511. PROGRAM AUTHORITY AND ELIGIBILITY.

''(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the authorized activities described in section 512.

''(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

''(1) is a Hispanic-serving institution (as defined in section 502); and

''(2) offers a postbaccalaureate certificate or degree granting program.

''SEC. 512. AUTHORIZED ACTIVITIES.

''Grants awarded under this part shall be used for 1 or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for needy postbaccalaureate students, including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance, to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

''(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

''(8) Other activities proposed in the application submitted pursuant to section 513 that are approved by the Secretary as part of the review and acceptance of such application.

''SEC. 513. APPLICATION AND DURATION.

''(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students and will lead to such students' greater financial independence.

''(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

''(c) LIMITATION.—The Secretary may not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.''.

SEC. 503. APPLICATIONS.

Section 521(b)(1)(A) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103(b)(1)(A)) is amended by striking ''subsection (b)'' and inserting ''subsection (c)''.

SEC. 504. COOPERATIVE ARRANGEMENTS.

Section 524(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103c(a)) is amended by striking ''section 503'' and inserting ''sections 503 and 512''.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 528(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103g(a)) is amended—

(1) by inserting ''part A of'' after ''carry out'';

(2) by striking ''$62,500,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.'';

(3) by striking ''(a) AUTHORIZATIONS.—There are'' and inserting the following:

''(a) AUTHORIZATIONS.—

''(1) PART A.—There are''; and

(4) by adding at the end the following:

''(2) PART B.—There are authorized to be appropriated to carry out part B of this title such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. FINDINGS.

Section 601 (20 U.S.C. 1121) is amended—

(1) in the section heading, by striking ''**AND PURPOSES**'' and inserting ''**; PURPOSES; CONSULTATION; SURVEY**'';

(2) in subsection (a)(3), by striking ''post-Cold War'';

(3) in subsection (b)(1)(D), by inserting '', including through linkages with overseas institutions'' before the semicolon; and

(4) by adding at the end the following:

''(c) CONSULTATION.—The Secretary shall, prior to requesting applications for funding under this title during each grant cycle, consult with and receive recommendations regarding national need for expertise in foreign languages and world regions from the head officials of a wide range of Federal agencies. Such agencies shall provide information to the Secretary regarding how the agencies utilize expertise and resources provided by grantees under this title. The Secretary shall take into account such recommendations and information when requesting applications for funding under this title, and shall make available to applicants a list of areas identified as areas of national need.

''(d) SURVEY.—The Secretary shall assist grantees in developing a survey to administer to students who have participated in programs under this title to determine postgraduation placement. All grantees, where applicable, shall administer such survey not less often than annually and report such data to the Secretary.''.

SEC. 602. GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.

Section 602 (20 U.S.C. 1122) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (G), by striking ''and'' after the semicolon;

(ii) in subparagraph (H), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) support for instructors of the less commonly taught languages.''; and

(B) in paragraph (4)—

(i) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(ii) by inserting after subparagraph (B) the following:

''(C) Programs of linkage or outreach between or among—

''(i) foreign language, area studies, or other international fields; and

''(ii) State educational agencies or local educational agencies.'';

(iii) in subparagraph (D) (as redesignated by clause (i)) by inserting '', including Federal or State scholarship programs for students in related areas'' before the period at the end; and

(iv) in subparagraph (F) (as redesignated by clause (i)), by striking ''and (D)'' and inserting ''(D), and (E)'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''GRADUATE''; and

(B) by striking paragraph (2) and inserting the following:

''(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged—

''(A) in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program; and

''(B)(i) in the case of an undergraduate student, in the intermediate or advanced study of a less commonly taught language; or

''(ii) in the case of a graduate student, in graduate study in connection with a program described in subparagraph (A), including—

''(I) predissertation level study;

''(II) preparation for dissertation research;

''(III) dissertation research abroad; or

''(IV) dissertation writing.'';

(3) by striking subsection (d) and inserting the following:

''(d) ALLOWANCES.—

''(1) GRADUATE LEVEL RECIPIENTS.—A stipend awarded to a graduate level recipient may include allowances for dependents and for travel for research and study in the United States and abroad.

''(2) UNDERGRADUATE LEVEL RECIPIENTS.—A stipend awarded to an undergraduate level recipient may include an allowance for educational programs in the United States or educational programs abroad that—

''(A) are closely linked to the overall goals of the recipient's course of study; and

''(B) have the purpose of promoting foreign language fluency and knowledge of foreign cultures.''; and

(4) by adding at the end the following:

''(e) APPLICATION.—Each institution or combination of institutions desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require. Each application shall include an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs. Each application shall also describe how the applicant will address disputes regarding whether activities funded under the application reflect diverse perspectives and a wide range of views. Each application shall also include a description of how the applicant will encourage government service in areas of national need, as identified by the Secretary, as well as in needs in the education, business, and nonprofit sectors.''.

SEC. 603. UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.

Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively; and

(ii) by inserting after subparagraph (H) the following:

''(I) providing subgrants to undergraduate students for educational programs abroad that—

''(i) are closely linked to the overall goals of the program for which the grant is awarded; and

''(ii) have the purpose of promoting foreign language fluency and knowledge of foreign cultures;''; and

(B) in paragraph (7)—

(i) in subparagraph (C), by striking ''and'' after the semicolon;

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

(iii) by adding at the end the following:

''(E) a description of how the applicant will provide information to students regarding federally funded scholarship programs in related areas;

''(F) an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable;

''(G) a description of how the applicant will address disputes regarding whether the activities funded under the application reflect diverse perspectives and a wide range of views; and

''(H) a description of how the applicant will encourage service in areas of national need as identified by the Secretary.''; and

(2) in subsection (c)—

(A) by striking ''FUNDING SUPPORT.—The Secretary'' and inserting ''FUNDING SUPPORT.—

''(1) THE SECRETARY.—The Secretary'';

(B) by striking ''10'' and inserting ''20''; and

(C) by adding at the end the following:

''(2) GRANTEES.—Of the total amount of grant funds awarded to a grantee under this section, the grantee may use not more than 10 percent of such funds for the activity described in subsection (a)(2)(I).''.

SEC. 604. RESEARCH; STUDIES.

Section 605(a) (20 U.S.C. 1125(a)) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(10) evaluation of the extent to which programs assisted under this title reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs;

''(11) the systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of this part; and

''(12) support for programs or activities to make data collected, analyzed, or disseminated under this section publicly available and easy to understand.''.

SEC. 605. TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.

Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking ''new electronic technologies'' and inserting ''electronic technologies'';

(B) by inserting ''from foreign sources'' after ''disseminate information'';

(C) in the subsection heading, by striking ''AUTHORITY.—The Secretary'' and inserting ''AUTHORITY.—

''(1) IN GENERAL.—The Secretary''; and

(D) by adding at the end the following:

''(2) PARTNERSHIPS WITH NOT-FOR-PROFIT EDUCATIONAL ORGANIZATIONS.—The Secretary may award grants under this section to carry out the activities authorized under this section to the following:

''(A) An institution of higher education.

''(B) A public or nonprofit private library.

''(C) A consortium of an institution of higher education and 1 or more of the following:

''(i) Another institution of higher education.

''(ii) A library.

''(iii) A not-for-profit educational organization.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''to facilitate access to'' and inserting ''to acquire, facilitate access to,'';

(B) in paragraph (2), by inserting ''or standards for'' after ''means of'';

(C) in paragraph (6), by striking ''and'' after the semicolon;

(D) in paragraph (7), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(8) to establish linkages to facilitate carrying out the activities described in this subsection between—

''(A) the institutions of higher education, libraries, and consortia receiving grants under this section; and

''(B) institutions of higher education, not-for-profit educational organizations, and libraries overseas; and

''(9) to carry out other activities that the Secretary determines are consistent with the purpose of the grants or contracts awarded under this section.''; and

(3) in subsection (c), by striking ''institution or consortium'' and inserting ''institution of higher education, library, or consortium''.

SEC. 606. SELECTION OF CERTAIN GRANT RECIPIENTS.

Section 607 (20 U.S.C. 1127) is amended—

(1) in subsection (a), by striking ''evaluates the applications for comprehensive and undergraduate language and area centers and programs.'' and inserting ''evaluates—

''(1) the applications for comprehensive foreign language and area or international studies centers and programs; and

''(2) the applications for undergraduate foreign language and area or international studies centers and programs.''; and

(2) in subsection (b), by adding at the end the following: ''The Secretary shall also consider an applicant's record of placing students into service in areas of national need and an applicant's stated efforts to increase the number of such students that go into such service.''.

SEC. 607. AMERICAN OVERSEAS RESEARCH CENTERS.

Section 609 (20 U.S.C. 1128a) is amended by adding at the end the following:

''(e) APPLICATION.—Each center desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require.''.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

Section 610 (20 U.S.C. 1128b) is amended by striking ''$80,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 609. CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.

Section 612(f)(3) (20 U.S.C. 1130–1(f)(3)) is amended by inserting '', and that diverse perspectives will be made available to students in programs under this section'' before the semicolon.

SEC. 610. EDUCATION AND TRAINING PROGRAMS.

Section 613(c) (20 U.S.C. 1130a(c)) is amended by adding at the end the following: ''Each such application shall include an assurance that, where applicable, the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs.''.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS FOR BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

Section 614 (20 U.S.C. 1130b) is amended—

(1) in subsection (a), by striking ''$11,000,000 for fiscal year 1999'' and all that follows through ''fiscal years'' and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years''; and

(2) in subsection (b), by striking ''$7,000,000 for fiscal year 1999'' and all that follows through ''fiscal years,'' and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years''.

SEC. 612. MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM.

Section 621 (20 U.S.C. 1131) is amended—

(1) in subsection (c), by adding at the end the following: ''Each application shall include a description of how the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs, where applicable.''; and

(2) in subsection (e)—

(A) by striking ''MATCH REQUIRED.—The eligible'' and inserting ''MATCHING FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), the eligible''; and

(B) by adding at the end the following:

''(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for an eligible recipient if the Secretary determines such waiver is appropriate.''.

SEC. 613. INSTITUTIONAL DEVELOPMENT.

Section 622 (20 U.S.C. 1131–1) is amended—

(1) in subsection (a)—

(A) by striking ''Tribally Controlled Colleges or Universities'' and inserting ''tribally controlled colleges or universities''; and

(B) by striking ''international affairs programs.'' and inserting ''international affairs, international business, and foreign language study programs, including the teaching of foreign languages, at such colleges, universities, and institutions, respectively, which may include collaboration with institutions of higher education that receive funding under this title.''; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated by subparagraph (B)), by inserting ''and'' after the semicolon.

SEC. 614. STUDY ABROAD PROGRAM.

Section 623(a) (20 U.S.C. 1131a(a)) is amended—

(1) by striking ''as defined in section 322 of this Act''; and

(2) by striking ''tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''tribally controlled colleges or universities''.

SEC. 615. ADVANCED DEGREE IN INTERNATIONAL RELATIONS.

Section 624 (20 U.S.C. 1131b) is amended—

(1) in the section heading, by striking ''masters'' and inserting ''advanced'';

(2) in the first sentence, by inserting '', and in exceptional circumstances, a doctoral degree,'' after ''masters degree'';

(3) in the second sentence, by striking ''masters degree'' and inserting ''advanced degree''; and

(4) in the fourth sentence, by striking ''United States'' and inserting ''United States.''.

SEC. 616. INTERNSHIPS.

Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a)—

(A) by striking ''as defined in section 322 of this Act'';

(B) by striking ''tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''tribally controlled colleges or universities'';

(C) by striking ''an international'' and inserting ''international,''; and

(D) by striking ''the United States Information Agency'' and inserting ''the Department of State''; and

(2) in subsection (c)(1)—

(A) in subparagraph (E), by inserting ''and'' after the semicolon;

(B) in subparagraph (F), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (G).

SEC. 617. FINANCIAL ASSISTANCE.

Part C of title VI (20 U.S.C. 1131 et seq.) is further amended—

(1) by redesignating sections 626, 627, and 628 as sections 627, 628, and 629, respectively; and

(2) by inserting after section 625 the following:

''SEC. 626. FINANCIAL ASSISTANCE.

''(a) AUTHORITY.—The Institute may provide financial assistance, in the form of summer stipends described in subsection (b) and Ralph Bunche scholarship assistance described in subsection (c), to needy students to facilitate the participation of the students in the Institute's programs under this part.

''(b) SUMMER STIPENDS.—

''(1) REQUIREMENTS.—A student receiving a summer stipend under this section shall use such stipend to defray the student's cost of participation in a summer institute program funded under this part, including the costs of travel, living, and educational expenses necessary for the student's participation in such program.

''(2) AMOUNT.—A summer stipend awarded to a student under this section shall not exceed $3,000 per summer.

''(c) RALPH BUNCHE SCHOLARSHIP.—

''(1) REQUIREMENTS.—A student receiving a Ralph Bunche scholarship under this section—

''(A) shall be a full-time student at an institution of higher education who is accepted into a program funded under this part; and

''(B) shall use such scholarship to pay costs related to the cost of attendance, as defined in section 472, at the institution of higher education in which the student is enrolled.

''(2) AMOUNT AND DURATION.—A Ralph Bunche scholarship awarded to a student under this section shall not exceed $5,000 per academic year.''.

SEC. 618. REPORT.

Section 627 (as redesignated by section 617(1)) (20 U.S.C. 1131d) is amended by striking ''annually'' and inserting ''biennially''.

SEC. 619. GIFTS AND DONATIONS.

Section 628 (as redesignated by section 617(1)) (20 U.S.C. 1131e) is amended by striking ''annual report described in section 626'' and inserting ''biennial report described in section 627''.

SEC. 620. AUTHORIZATION OF APPROPRIATIONS FOR THE INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

Section 629 (as redesignated by section 617(1)) (20 U.S.C. 1131f) is amended by striking ''$10,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 621. DEFINITIONS.

Section 631 (20 U.S.C. 1132) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), (8), and (9), as paragraphs (7), (4), (8), (2), (10), (6), and (3), respectively;

(3) in paragraph (2), as redesignated by paragraph (2), by striking ''comprehensive language and area center'' and inserting ''comprehensive foreign language and area or international studies center'';

(4) in paragraph (3), as redesignated by paragraph (2), by striking the period at the end and inserting a semicolon;

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

''(5) the term 'historically Black college and university' has the meaning given the term 'part B institution' in section 322;'';

(6) in paragraph (6), as redesignated by paragraph (2), by striking ''and'' after the semicolon;

(7) by inserting after paragraph (8), as redesignated by paragraph (2), the following:

''(9) the term 'tribally controlled college or university' has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801); and''; and

(8) in paragraph (10), as redesignated by paragraph (2), by striking ''undergraduate language and area center'' and inserting ''undergraduate foreign language and area or international studies center''.

SEC. 622. ASSESSMENT AND ENFORCEMENT.

Part D of title VI (20 U.S.C. 1132) is amended by adding at the end the following:

''SEC. 632. ASSESSMENT; ENFORCEMENT; RULE OF CONSTRUCTION.

''(a) IN GENERAL.—The Secretary is authorized to assess and ensure compliance with all the conditions and terms of grants provided under this title. If a complaint regarding activities funded under this title is not resolved under the process outlined in the relevant grantee's application, such complaint shall be filed with the Department and reviewed by the Secretary. The Secretary shall take the review of such complaints into account when determining the renewal of grants.

''(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize the Secretary to mandate, direct, or control an institution of higher education's specific instructional content, curriculum, or program of instruction.

''SEC. 633. EVALUATION, OUTREACH, AND INFORMATION.

''The Secretary may use not more than 1 percent of the funds made available under this title to carry out program evaluation, national outreach, and information dissemination activities relating to the programs authorized under this title.

''SEC. 634. BIENNIAL REPORT.

''The Secretary shall, in consultation and collaboration with the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies, submit a biennial report that identifies areas of national need in foreign language, area, and international studies as such studies relate to government, education, business, and nonprofit needs, and a plan to address those needs. The report shall be provided to the authorizing committees and made available to the public.''.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

SEC. 701. PURPOSE.

Section 700(1)(B)(i) (20 U.S.C. 1133(1)(B)(i)) is amended by inserting '', including those areas critical to United States national and homeland security needs such as mathematics, science, and engineering'' before the semicolon at the end.

SEC. 702. ALLOCATION OF JACOB K. JAVITS FELLOWSHIPS.

Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended to read as follows:

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the 'Board') consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

''(B) QUALIFICATIONS.—In making appointments under subparagraph (A), the Secretary shall—

''(i) give due consideration to the appointment of individuals who are highly respected in the academic community;

''(ii) assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences;

''(iii) appoint members to represent the various geographic regions of the United States; and

''(iv) include representatives from minority institutions, as defined in section 365.''.

SEC. 703. STIPENDS.

Section 703(a) (20 U.S.C. 1134b(a)) is amended by striking ''graduate fellowships'' and inserting ''Graduate Research Fellowship Program''.

SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR THE JACOB K. JAVITS FELLOWSHIP PROGRAM.

Section 705 (20 U.S.C. 1134d) is amended by striking ''$30,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.''.

SEC. 705. INSTITUTIONAL ELIGIBILITY UNDER THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 712(b) (20 U.S.C. 1135a(b)) is amended to read as follows:

''(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

''(1) the extent to which the interest in the area is compelling;

''(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

''(3) an assessment of how the program may achieve the most significant impact with available resources; and

''(4) an assessment of current and future professional workforce needs of the United States.''.

SEC. 706. AWARDS TO GRADUATE STUDENTS.

Section 714 (20 U.S.C. 1135c) is amended—

(1) in subsection (b)—

(A) by striking ''1999–2000'' and inserting ''2008–2009''; and

(B) by striking ''graduate fellowships'' and inserting ''Graduate Research Fellowship Program''; and

(2) in subsection (c)—

(A) by striking ''716(a)'' and inserting ''715(a)''; and

(B) by striking ''714(b)(2)'' and inserting ''713(b)(2)''.

SEC. 707. ADDITIONAL ASSISTANCE FOR COST OF EDUCATION.

Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking ''1999–2000'' and inserting ''2008–2009''; and

(2) by striking ''1998–1999'' and inserting ''2007–2008''.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS FOR THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 716 (20 U.S.C. 1135e) is amended by striking ''$35,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.''.

SEC. 709. LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

Section 721 (20 U.S.C. 1136) is amended—

(1) in subsection (a)—

(A) by inserting ''secondary school and'' after ''disadvantaged''; and

(B) by inserting ''and admission to law practice'' before the period at the end;

(2) in the matter preceding paragraph (1) of subsection (b), by inserting ''secondary school student or'' before ''college student'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''secondary school and'' before ''college students'';

(B) by striking paragraph (2) and inserting the following:

''(2) to prepare such students for successful completion of a baccalaureate degree and for study at accredited law schools, and to assist them with the development of analytical skills, writing skills, and study methods to enhance the students' success and promote the students' admission to and completion of law school;'';

(C) in paragraph (4), by striking ''and'' after the semicolon;

(D) by striking paragraph (5) and inserting the following:

''(4) to motivate and prepare such students—

''(A) with respect to law school studies and practice in low-income communities; and

''(B) to provide legal services to low-income individuals and families; and;''; and

(E) by adding at the end the following:

''(6) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes under subsection (d)(6) and who are enrolled in an accredited law school; or

''(B) who have successfully completed summer institute programs comparable to the summer institutes under subsection (d) that are certified by the Council on Legal Education Opportunity.'';

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting ''pre-college programs, undergraduate'' before ''pre-law'';

(B) in paragraph (1)—

(i) in subparagraph (B), by inserting ''law school'' before ''graduation''; and

(ii) by striking subparagraph (D) and inserting the following:

''(D) pre-college and undergraduate preparatory courses in analytical and writing skills, study methods, and curriculum selection;'';

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(D) by inserting after paragraph (1) the following:

''(2) summer academic programs for secondary school students who have expressed interest in a career in the law;''; and

(E) in paragraph (7) (as redesignated by subparagraph (C)), by inserting ''and Associates'' after ''Thurgood Marshall Fellows'';

(5) in subsection (e)(1), by inserting '', including before and during undergraduate study'' before the semicolon;

(6) in subsection (f)—

(A) by inserting ''national and State bar associations,'' after ''agencies and organizations,''; and

(B) by striking ''and organizations.'' and inserting ''organizations, and associations.'';

(7) by striking subsection (g) and inserting the following:

''(g) FELLOWSHIPS AND STIPENDS.—The Secretary shall annually establish the maximum fellowship to be awarded, and stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant), to Thurgood Marshall Fellows or Associates for the period of participation in summer institutes, midyear seminars, and bar preparation seminars. A Fellow or Associate may be eligible for such a fellowship or stipend only if the Thurgood Marshall Fellow or Associate maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions (except with respect to a law school graduate enrolled in a bar preparation course).''; and

(8) in subsection (h), by striking ''$5,000,000 for fiscal year 1999'' and all that follows through the period at the end and inserting ''such sums as may be necessary for fiscal year 2008 and for each of the 5 succeeding fiscal years''.

SEC. 710. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 741 (20 U.S.C. 1138) is amended—

(1) in subsection (a)—

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

''(3) the establishment and continuation of institutions, programs, consortia, collaborations, and other joint efforts based on the technology of communications, including those efforts that utilize distance education and technological advancements to educate and train postsecondary students (including health professionals serving medically underserved populations);'';

(B) in paragraph (7), by striking ''and'' after the semicolon;

(C) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(9) the introduction of reforms in remedial education, including English language instruction, to customize remedial courses to student goals and help students progress rapidly from remedial courses into core courses and through program completion; and

''(10) the creation of consortia that join diverse institutions of higher education to design and offer curricular and co-curricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

''(A) focus on poverty and human capability; and

''(B) include—

''(i) a service-learning component; and

''(ii) the delivery of educational services through informational resource centers, summer institutes, midyear seminars, and other educational activities that stress the effects of poverty and how poverty can be alleviated through different career paths.''; and

(2) by adding at the end the following:

''(c) PROJECT GRAD.—

''(1) PURPOSES.—The purposes of this subsection are—

''(A) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

''(B) to promote the establishment of new programs to implement such integrated education reform services.

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

''(A) AT-RISK.—The term 'at-risk' has the same meaning given such term in section 1432 of the Elementary and Secondary Education Act of 1965.

''(B) FEEDER PATTERN.—The term 'feeder pattern' means a secondary school and the elementary schools and middle schools that channel students into that secondary school.

''(3) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to Project GRAD USA (referred to in this subsection as the 'grantee'), a nonprofit educational organization that has as its primary purpose the improvement of secondary school graduation, college attendance, and college completion rates for at-risk students, to implement and sustain the integrated education reform program at existing Project GRAD sites, and to promote the expansion of the Project GRAD program to new sites.

''(4) REQUIREMENTS OF GRANT AGREEMENT.—The Secretary shall enter into an agreement with the grantee that requires that the grantee shall—

''(A) enter into subcontracts with nonprofit educational organizations that serve a substantial number or percentage of at-risk students (referred to in this subsection as 'subcontractors'), under which the subcontractors agree to implement the Project GRAD program and provide matching funds for such programs; and

''(B) directly carry out—

''(i) activities to implement and sustain the literacy, mathematics, classroom management, social service, and college access components of the Project GRAD program;

''(ii) activities for the purpose of implementing new Project GRAD program sites;

''(iii) activities to support, evaluate, and consistently improve the Project GRAD program;

''(iv) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

''(v) other activities directly related to improving secondary school graduation, college attendance, and college completion rates for at-risk students.

''(5) GRANTEE CONTRIBUTION AND MATCHING REQUIREMENT.—

''(A) IN GENERAL.—The grantee shall provide funds to each subcontractor based on the number of students served by the subcontractor in the Project GRAD program, adjusted to take into consideration—

''(i) the resources available in the area where the subcontractor will implement the Project GRAD program; and

''(ii) the need for the Project GRAD program in such area to improve student outcomes, including reading and mathematics achievement and, where applicable, secondary school graduation, college attendance, and college completion rates.

''(B) MATCHING REQUIREMENT.—Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to or greater than the amount received by the subcontractor from the grantee. Such matching funds may be provided in cash or in-kind, fairly evaluated.

''(6) EVALUATION.—The Secretary shall select an independent entity to evaluate, every 3 years, the performance of students who participate in a Project GRAD program under this subsection.

''(d) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—

''(1) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

''(2) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to a 4-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

''(3) CENTER ACTIVITIES.—The center funded under this section shall—

''(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

''(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

''(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

''(D) develop and disseminate best practices for such programs.

''(e) UNDERSTANDING THE FEDERAL REGULATORY IMPACT ON HIGHER EDUCATION.—

''(1) PURPOSE.—The purpose of this subsection is to help institutions of higher education understand the regulatory impact of the Federal Government on such institutions, in order to raise awareness of institutional legal obligations and provide information to improve compliance with, and to reduce the duplication and inefficiency of, Federal regulations.

''(2) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable the institution to carry out the activities described in the agreement under paragraph (4).

''(3) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to an institution of higher education that has demonstrated expertise in—

''(A) reviewing Federal higher education regulations;

''(B) maintaining a clearinghouse of compliance training materials; and

''(C) explaining the impact of such regulations to institutions of higher education through a comprehensive and freely accessible website.

''(4) REQUIREMENTS OF AGREEMENT.—As a condition of receiving a grant or contract under this subsection, the institution of higher education shall enter into an agreement with the Secretary that shall require the institution to—

''(A) monitor Federal regulations, including notices of proposed rulemaking, for their impact or potential impact on higher education;

''(B) provide a succinct description of each regulation or proposed regulation that is relevant to higher education; and

''(C) maintain a website providing information on Federal regulations that is easy to use, searchable, and updated regularly.

''(f) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—

''(1) AUTHORIZATION.—The Secretary shall contract with a nonprofit organization with demonstrated experience in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

''(2) ELIGIBLE STUDENTS.—In this subsection, the term 'eligible student' means an individual who is—

''(A)(i) a dependent student who is a child of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; or

''(ii) an independent student who is a spouse of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; and

''(B) enrolled as a full-time or part-time student at an institution of higher education (as defined in section 102).

''(3) AWARDING OF SCHOLARSHIPS.—Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV.

''(4) MAXIMUM SCHOLARSHIP AMOUNT.—The maximum scholarship amount awarded to an eligible student under this subsection for an academic year shall be the lesser of—

''(A) the difference between the eligible student's cost of attendance (as defined in section 472) and any non-loan based aid such student receives; or

''(B) $5,000.

''(5) AMOUNTS FOR SCHOLARSHIPS.—All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that a nonprofit organization receiving a contract under this subsection may use not more than 1 percent of such amounts for the administrative costs of the contract.''.

SEC. 711. SPECIAL PROJECTS.

Section 744(c) (20 U.S.C. 1138c) is amended to read as follows:

''(c) AREAS OF NATIONAL NEED.—Areas of national need shall include, at a minimum, the following:

''(1) Institutional restructuring to improve learning and promote productivity, efficiency, quality improvement, and cost and price control.

''(2) Improvements in academic instruction and student learning, including efforts designed to assess the learning gains made by postsecondary students.

''(3) Articulation between 2- and 4-year institutions of higher education, including developing innovative methods for ensuring the successful transfer of students from 2- to 4-year institutions of higher education.

''(4) Development, evaluation and dissemination of model programs, including model core curricula that—

''(A) provide students with a broad and integrated knowledge base;

''(B) include, at a minimum, broad survey courses in English literature, American and world history, American political institutions, economics, philosophy, college-level mathematics, and the natural sciences; and

''(C) include sufficient study of a foreign language to lead to reading and writing competency in the foreign language.

''(5) International cooperation and student exchanges among postsecondary educational institutions.''.

SEC. 712. AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 745 (20 U.S.C. 1138d) is amended by striking ''$30,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 713. REPEAL OF THE URBAN COMMUNITY SERVICE PROGRAM.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 714. GRANTS FOR STUDENTS WITH DISABILITIES.

(a) GRANTS AUTHORIZED FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.—Section 762 (20 U.S.C. 1140a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''to teach students with disabilities'' and inserting ''to teach and meet the academic and programmatic needs of students with disabilities in order to improve retention and completion of postsecondary education'';

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(iii) by inserting after subparagraph (A) the following:

''(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative and effective teaching methods and strategies to ensure the successful transition of students with disabilities from secondary school to postsecondary education.'';

(iv) in subparagraph (C), as redesignated by clause (ii), by striking the period at the end and inserting '', including data on the postsecondary education of and impact on subsequent employment of students with disabilities. Such research, information, and data shall be made publicly available and accessible.'';

(v) by inserting after subparagraph (C), as redesignated by clause (ii), the following:

''(D) DISTANCE LEARNING.—The development of innovative and effective teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of accessible curriculum and electronic communication for instruction and advisement.

''(E) DISABILITY CAREER PATHWAYS.—

''(i) IN GENERAL.—Training and providing support to secondary and postsecondary staff with respect to disability-related fields to—

''(I) encourage interest and participation in such fields, among students with disabilities and other students;

''(II) enhance awareness and understanding of such fields among such students;

''(III) provide educational opportunities in such fields among such students;

''(IV) teach practical skills related to such fields among such students; and

''(V) offer work-based opportunities in such fields among such students.

''(ii) DEVELOPMENT.—The training and support described in clause (i) may include developing means to offer students credit-bearing, college-level coursework, and career and educational counseling.''; and

(vi) by adding at the end the following:

''(G) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through curriculum development.''; and

(B) in paragraph (3), by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) through (G)''; and

(2) by adding at the end the following:

''(d) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the demonstration projects authorized under this subpart and providing guidance and recommendations on how successful projects can be replicated.''.

(b) TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES INTO HIGHER EDUCATION; COORDINATING CENTER.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in the part heading, by striking ''**DEMONSTRATION**'';

(2) by inserting after the part heading the following:

''Subpart 1—Quality Higher Education'';

and

(3) by adding at the end the following:

''Subpart 2—Transition Programs for Students With Intellectual Disabilities Into Higher Education; Coordinating Center

''SEC. 771. PURPOSE.

''It is the purpose of this subpart to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.

''SEC. 772. DEFINITIONS.

''In this subpart:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program offered by an institution of higher education that—

''(A) is designed for students with intellectual disabilities who seek to continue academic, vocational, or independent living instruction at the institution in order to prepare for gainful employment;

''(B) includes an advising and curriculum structure; and

''(C) requires the enrollment of the student (through enrollment in credit-bearing courses, auditing or participating in courses, participating in internships, or enrollment in noncredit, nondegree courses) in the equivalent of not less than a half-time course of study, as determined by the institution.

''(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student whose mental retardation or other significant cognitive impairment substantially impacts the student's intellectual and cognitive functioning.

''SEC. 773. MODEL COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to create or expand high-quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) NUMBER AND DURATION OF GRANTS.—The Secretary shall award not less than 10 grants per year under this section, and each grant awarded under this subsection shall be for a period of 5 years.

''(b) APPLICATION.—An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to institutions of higher education (or consortia) that—

''(1) will carry out a model program under the grant in a State that does not already have a comprehensive transition and postsecondary program for students with intellectual disabilities; or

''(2) in the application submitted under subsection (b), agree to incorporate 1 or more the following elements into the model programs carried out under the grant:

''(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

''(B) In the case of an institution of higher education that provides institutionally-owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into such housing.

''(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program carried out under the grant.

''(d) USE OF FUNDS.—An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

''(1) serves students with intellectual disabilities, including students with intellectual disabilities who are no longer eligible for special education and related services under the Individuals with Disabilities Education Act;

''(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

''(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

''(A) academic enrichment;

''(B) socialization;

''(C) independent living, including self-advocacy skills; and

''(D) integrated work experiences and career skills that lead to gainful employment;

''(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

''(5) participates with the coordinating center established under section 774 in the evaluation of the model program;

''(6) partners with 1 or more local educational agencies to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under such Act, including regarding the utilization of funds available under part B of the Individuals with Disabilities Education Act for such students;

''(7) plans for the sustainability of the model program after the end of the grant period; and

''(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

''(e) MATCHING REQUIREMENT.—An institution of higher education that receives a grant under this section shall provide toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant, matching funds, which may be provided in cash or in-kind, in an amount not less than 25 percent of the amount of such grant funds.

''(f) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities authorized under this subpart and providing guidance and recommendations on how successful programs can be replicated.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''SEC. 774. COORDINATING CENTER FOR TECHNICAL ASSISTANCE, EVALUATION, AND DEVELOPMENT OF ACCREDITATION STANDARDS.

''(a) IN GENERAL.—

''(1) AWARD.—The Secretary shall, on a competitive basis, enter into a cooperative agreement with an eligible entity, for the purpose of establishing a coordinating center for technical assistance, evaluation, and development of accreditation standards for institutions of higher education that offer inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) DURATION.—The cooperative agreement under this section shall be for a period of 5 years.

''(b) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this section shall establish and maintain a center that shall—

''(1) serve as the technical assistance entity for all model comprehensive transition and postsecondary programs for students with intellectual disabilities assisted under section 773;

''(2) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

''(3) develop an evaluation protocol for such programs that includes qualitative and quantitative methodology measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;

''(4) assist recipients of grants under section 773 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential takes into consideration unique State factors;

''(5) develop model criteria, standards, and procedures to be used in accrediting such programs that—

''(A) include, in the development of the model criteria, standards, and procedures for such programs, the participation of—

''(i) an expert in higher education;

''(ii) an expert in special education;

''(iii) a disability organization that represents students with intellectual disabilities; and

''(iv) a State, regional, or national accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV; and

''(B) define the necessary components of such programs, such as—

''(i) academic, vocational, social, and independent living skills;

''(ii) evaluation of student progress;

''(iii) program administration and evaluation;

''(iv) student eligibility; and

''(v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock

hours at an institution of higher education, as the case may be;

''(6) analyze possible funding streams for such programs and provide recommendations regarding the funding streams;

''(7) develop model memoranda of agreement between institutions of higher education and agencies providing funding for such programs;

''(8) develop mechanisms for regular communication between the recipients of grants under section 773 regarding such programs; and

''(9) host a meeting of all recipients of grants under section 773 not less often than once a year.

''(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of higher education, students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, and evaluation.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.''.

(c) CONFORMING AMENDMENTS.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in section 761, by striking ''part'' and inserting ''subpart'';

(2) in section 762 (as amended by subsection (a)), by striking ''part'' each place the term appears and inserting ''subpart'';

(3) in section 763, by striking ''part'' both places the term appears and inserting ''subpart'';

(4) in section 764, by striking ''part'' and inserting ''subpart''; and

(5) in section 765, by striking ''part'' and inserting ''subpart''.

SEC. 715. APPLICATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 763 (as amended in section 714(c)(3)) (20 U.S.C. 1140b) is further amended—

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

''(1) a description of how such institution plans to address the activities allowed under this subpart;'';

(2) in paragraph (2), by striking ''and'' after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) a description of the extent to which the institution will work to replicate the research based and best practices of institutions of higher education with demonstrated success in serving students with disabilities.''.

SEC. 716. AUTHORIZATION OF APPROPRIATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 765 (20 U.S.C. 1140d) is amended by striking ''$10,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 717. RESEARCH GRANTS.

Title VII (20 U.S.C. 1133 et seq.) is further amended by adding at the end the following:

''PART E—RESEARCH GRANTS

''SEC. 781. RESEARCH GRANTS.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop or improve valid and reliable measures of student achievement for use by institutions of higher education to measure and evaluate learning in higher education.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an institution of higher education;

''(B) a State agency responsible for higher education;

''(C) a recognized higher education accrediting agency or an organization of higher education accreditors;

''(D) an eligible applicant described in section 174(c) of the Education Sciences Reform Act of 2002; and

''(E) a consortium of any combination of entities described in subparagraphs (A) through (D).

''(c) APPLICATION.—

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

''(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of how the eligible entity—

''(A) will work with relevant experts, including psychometricians, research experts, institutions, associations, and other qualified individuals as determined appropriate by the eligible entity;

''(B) will reach a broad and diverse range of audiences;

''(C) has participated in work in improving postsecondary education;

''(D) has participated in work in developing or improving assessments to measure student achievement;

''(E) includes faculty, to the extent practicable, in the development of any assessments or measures of student achievement; and

''(F) will focus on program specific measures of student achievement generally applicable to an entire—

''(i) institution of higher education; or

''(ii) State system of higher education.

''(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall take into consideration—

''(1) the quality of an application for a grant under this section;

''(2) the distribution of the grants to different—

''(A) geographic regions;

''(B) types of institutions of higher education; and

''(C) higher education accreditors.

''(e) USE OF FUNDS.—Each eligible entity receiving a grant under this section may use the grant funds—

''(1) to enable the eligible entity to improve the quality, validity, and reliability of existing assessments used by institutions of higher education;

''(2) to develop measures of student achievement using multiple measures of student achievement from multiple sources;

''(3) to measure improvement in student achievement over time;

''(4) to evaluate student achievement;

''(5) to develop models of effective practices; and

''(6) for a pilot or demonstration project of measures of student achievement.

''(f) MATCHING REQUIREMENT.—An eligible entity described in subparagraph (A), (B), or (C) of subsection (b)(1) that receives a grant under this section shall provide for each fiscal year, from non-Federal sources, an amount (which may be provided in cash or in kind), to carry out the activities supported by the grant, equal to 50 percent of the amount received for the fiscal year under the grant.

''(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal or State funds.

''(h) REPORT.—

''(1) REPORT.—The Secretary shall provide an annual report to Congress on the implementation of the grant program assisted under this section.

''(2) CONTENT.—The report shall include—

''(A) information regarding the development or improvement of scientifically valid and reliable measures of student achievement;

''(B) a description of the assessments or other measures developed by eligible entities;

''(C) the results of any pilot or demonstration projects assisted under this section; and

''(D) such other information as the Secretary may require.''.

TITLE VIII—MISCELLANEOUS

SEC. 801. MISCELLANEOUS.

The Act (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''TITLE VIII—MISCELLANEOUS

''PART A—MATHEMATICS AND SCIENCE SCHOLARS PROGRAM

''SEC. 811. MATHEMATICS AND SCIENCE SCHOLARS PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to States, on a competitive basis, to enable the States to award eligible students, who complete a rigorous secondary school curriculum in mathematics and science, scholarships for undergraduate study.

''(b) ELIGIBLE STUDENTS.—A student is eligible for a scholarship under this section if the student is a full-time undergraduate student in the student's first and second year of study who has completed a rigorous secondary school curriculum in mathematics and science.

''(c) RIGOROUS CURRICULUM.—Each participating State shall determine the requirements for a rigorous secondary school curriculum in mathematics and science described in subsection (b).

''(d) PRIORITY FOR SCHOLARSHIPS.—The Governor of a State may set a priority for awarding scholarships under this section for particular eligible students, such as students attending schools in high-need areas, students who are from groups underrepresented in the fields of mathematics, science, and engineering, students served by local educational agencies that do not meet or exceed State standards in mathematics and science, or students with regional or geographic needs as determined appropriate by the Governor.

''(e) AMOUNT AND DURATION OF SCHOLARSHIP.—The Secretary shall award a grant under this section—

''(1) in an amount that does not exceed $1,000; and

''(2) for not more than 2 years of undergraduate study.

''(f) MATCHING REQUIREMENT.—In order to receive a grant under this section, a State shall provide matching funds for the scholarships awarded under this section in an amount equal to 50 percent of the Federal funds received.

''(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART B—POSTSECONDARY EDUCATION ASSESSMENT

''SEC. 816. POSTSECONDARY EDUCATION ASSESSMENT.

''(a) CONTRACT FOR ASSESSMENT.—The Secretary shall enter into a contract, with an independent, bipartisan organization with specific expertise in public administration

and financial management, to carry out an independent assessment of the cost factors associated with the cost of tuition at institutions of higher education.

''(b) TIMEFRAME.—The Secretary shall enter into the contract described in subsection (a) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007.

''(c) MATTERS ASSESSED.—The assessment described in subsection (a) shall—

''(1) examine the key elements driving the cost factors associated with the cost of tuition at institutions of higher education during the 2001–2002 academic year and succeeding academic years;

''(2) identify and evaluate measures being used to control postsecondary education costs;

''(3) identify and evaluate effective measures that may be utilized to control postsecondary education costs in the future; and

''(4) identify systemic approaches to monitor future postsecondary education cost trends and postsecondary education cost control mechanisms.

''PART C—JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES

''SEC. 821. JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide relevant job skill training in high-growth industries or occupations.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership—

''(A) between an institution of higher education and a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998); or

''(B) if an institution of higher education is located within a State that does not operate local boards, between the institution of higher education and a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998).

''(2) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means a student who—

''(A) is independent, as defined in section 480(d);

''(B) attends an institution of higher education—

''(i) on less than a full-time basis;

''(ii) via evening, weekend, modular, or compressed courses; or

''(iii) via distance education methods; or

''(C) has delayed enrollment at an institution of higher education.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education, as defined in section 101(b), that offers a 1- or 2-year program of study leading to a degree or certificate.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of—

''(A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth occupations or industries;

''(B) local high-growth occupations or industries; and

''(C) the need for qualified workers to meet the local demand of high-growth occupations or industries.

''(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall—

''(1) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and

''(2) take into consideration the capability of the institution of higher education—

''(A) to offer relevant, high quality instruction and job skill training for students entering a high-growth occupation or industry;

''(B) to involve the local business community and to place graduates in the community in employment in high-growth occupations or industries;

''(C) to provide secondary students with dual-enrollment or concurrent enrollment options;

''(D) to serve nontraditional or low-income students, or adult or displaced workers; and

''(E) to serve students from rural or remote communities.

''(e) USE OF FUNDS.—Grant funds provided under this section may be used—

''(1) to expand or create academic programs or programs of training that provide relevant job skill training for high-growth occupations or industries;

''(2) to purchase equipment which will facilitate the development of academic programs or programs of training that provide training for high-growth occupations or industries;

''(3) to support outreach efforts that enable students to attend institutions of higher education with academic programs or programs of training focused on high-growth occupations or industries;

''(4) to expand or create programs for distance, evening, weekend, modular, or compressed learning opportunities that provide relevant job skill training in high-growth occupations or industries;

''(5) to build partnerships with local businesses in high-growth occupations or industries;

''(6) to support curriculum development related to entrepreneurial training; and

''(7) for other uses that the Secretary determines to be consistent with the intent of this section.

''(f) REQUIREMENTS.—

''(1) FISCAL AGENT.—For the purpose of this section, the institution of higher education in an eligible partnership shall serve as the fiscal agent and grant recipient for the eligible partnership.

''(2) DURATION.—The Secretary shall award grants under this section for periods that may not exceed 5 years.

''(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (e).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART D—ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS

''SEC. 826. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS.

''(a) AUTHORIZATION.—The Secretary shall award grants to institutions of higher education that offer—

''(1) a R.N. nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional R.N. nursing program students; or

''(2) a graduate-level nursing program to accommodate advanced practice degrees for R.N.s or to accommodate students enrolled in a graduate-level nursing program to provide teachers of nursing students.

''(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

''(1) determine for the 4 academic years preceding the academic year for which the determination is made the average number of matriculated nursing program students at such institution for such academic years; and

''(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number determined under paragraph (1).

''(c) GRANT AMOUNT; AWARD BASIS.—

''(1) GRANT AMOUNT.—For each academic year after academic year 2006–2007, the Secretary shall provide to each institution of higher education awarded a grant under this section an amount that is equal to $3,000 multiplied by the number of matriculated nursing program students at such institution for such academic year that is more than the average number determined with respect to such institution under subsection (b)(1). Such amount shall be used for the purposes described in subsection (a).

''(2) DISTRIBUTION OF GRANTS AMONG DIFFERENT DEGREE PROGRAMS.—

''(A) IN GENERAL.—Subject to subparagraph (B), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

''(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in graduate-level nursing programs;

''(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the baccalaureate degree level; and

''(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the associate degree level.

''(B) DISTRIBUTION OF EXCESS FUNDS.—If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain after the Secretary awards grants under this section to all applicants for the particular category of nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants for the remaining categories of nursing programs.

''(C) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure—

''(i) an equitable geographic distribution of the grants among the States; and

''(ii) an equitable distribution of the grants among different types of institutions of higher education.

''(d) PROHIBITION.—

''(1) IN GENERAL.—Funds provided under this section may not be used for the construction of new facilities.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''PART E—AMERICAN HISTORY FOR FREEDOM

''SEC. 831. AMERICAN HISTORY FOR FREEDOM.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award 3-year grants, on a

competitive basis, to eligible institutions to establish or strengthen postsecondary academic programs or centers that promote and impart knowledge of—

''(1) traditional American history;

''(2) the history and nature of, and threats to, free institutions; or

''(3) the history and achievements of Western civilization.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education as defined in section 101.

''(2) FREE INSTITUTION.—The term 'free institution' means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and religious tolerance, and freedom of thought and inquiry.

''(3) TRADITIONAL AMERICAN HISTORY.—The term 'traditional American history' means—

''(A) the significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and

''(B) the key episodes, turning points, and leading figures involved in the constitutional, political, intellectual, diplomatic, and economic history of the United States.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible institution that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of —

''(A) how funds made available under this part will be used for the activities set forth under subsection (e), including how such activities will increase knowledge with respect to traditional American history, free institutions, or Western civilization;

''(B) how the eligible institution will ensure that information about the activities funded under this part is widely disseminated pursuant to subsection (e)(1)(B);

''(C) any activities to be undertaken pursuant to subsection (e)(2)(A), including identification of entities intended to participate;

''(D) how funds made available under this part shall be used to supplement and not supplant non-Federal funds available for the activities described in subsection (e); and

''(E) such fiscal controls and accounting procedures as may be necessary to ensure proper disbursement of and accounting for funding made available to the eligible institution under this part.

''(d) AWARD BASIS.—In awarding grants under this part, the Secretary shall take into consideration the capability of the eligible institution to—

''(1) increase access to quality programming that expands knowledge of traditional American history, free institutions, or Western civilization;

''(2) involve personnel with strong expertise in traditional American history, free institutions, or Western civilization; and

''(3) sustain the activities funded under this part after the grant has expired.

''(e) USE OF FUNDS.—

''(1) REQUIRED USE OF FUNDS.—Funds provided under this part shall be used to—

''(A) establish or strengthen academic programs or centers focused on traditional American history, free institutions, or Western civilization, which may include—

''(i) design and implementation of programs of study, courses, lecture series, seminars, and symposia;

''(ii) development, publication, and dissemination of instructional materials;

''(iii) research;

''(iv) support for faculty teaching in undergraduate and, if applicable, graduate programs;

''(v) support for graduate and postgraduate fellowships, if applicable; or

''(vi) teacher preparation initiatives that stress content mastery regarding traditional American history, free institutions, or Western civilization; and

''(B) conduct outreach activities to ensure that information about the activities funded under this part is widely disseminated—

''(i) to undergraduate students (including students enrolled in teacher education programs, if applicable);

''(ii) to graduate students (including students enrolled in teacher education programs), if applicable;

''(iii) to faculty;

''(iv) to local educational agencies; and

''(v) within the local community.

''(2) ALLOWABLE USES OF FUNDS.—Funds provided under this part may be used to support—

''(A) collaboration with entities such as—

''(i) local educational agencies, for the purpose of providing elementary, middle and secondary school teachers an opportunity to enhance their knowledge of traditional American history, free institutions, or Western civilization; and

''(ii) nonprofit organizations whose mission is consistent with the purpose of this part, such as academic organizations, museums, and libraries, for assistance in carrying out activities described under subsection (a); and

''(B) other activities that meet the purposes of this part.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART F—TEACH FOR AMERICA

''SEC. 836. TEACH FOR AMERICA.

''(a) DEFINITIONS.—

''(1) IN GENERAL.—The terms 'highly qualified', 'local educational agency', and 'Secretary' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) GRANTEE.—The term 'grantee' means Teach For America, Inc.

''(3) HIGH NEED.—The term 'high need', when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers.

''(b) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for 2 years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

''(c) REQUIREMENTS.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this section—

''(1) to provide highly qualified teachers to high need local educational agencies in urban and rural communities;

''(2) to pay the cost of recruiting, selecting, training, and supporting new teachers; and

''(3) to serve a substantial number and percentage of underserved students.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds provided under this section shall be used by the grantee to carry out each of the following activities:

''(A) Recruiting and selecting teachers through a highly selective national process.

''(B) Providing preservice training to the teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education coursework and theory.

''(C) Placing the teachers in schools and positions designated by partner local educational agencies as high need placements serving underserved students.

''(D) Providing ongoing professional development activities for the teachers' first 2 years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

''(2) LIMITATION.—The grantee shall use all grant funds received under this section to support activities related directly to the recruitment, selection, training, and support of teachers as described in subsection (a).

''(e) REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

''(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this section;

''(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

''(C) comprehensive data on the background of the teachers chosen, the training the teachers received, the placement sites of the teachers, the professional development of the teachers, and the retention of the teachers.

''(2) STUDY.—

''(A) IN GENERAL.—From funds appropriated under subsection (f), the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this section.

''(B) ACHIEVEMENT GAINS COMPARED.—The study shall compare, within the same schools, the achievement gains made by students taught by teachers who are assisted under this section with the achievement gains made by students taught by teachers who are not assisted under this section.

''(3) REQUIREMENTS.—The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple placement sites and multiple schools within placement sites.

''(4) PEER REVIEW STANDARDS.—Each such study shall meet the peer review standards of the education research community.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(2) LIMITATION.—The grantee shall not use more than 25 percent of Federal funds from any source for administrative costs.

''PART G—PATSY T. MINK FELLOWSHIP PROGRAM

''SEC. 841. PATSY T. MINK FELLOWSHIP PROGRAM.

''(a) PURPOSE.—

''(1) IN GENERAL.—It is the purpose of this section to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

''(2) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this section shall be known as a 'Patsy T. Mink Graduate Fellow'.

''(b) DEFINITIONS.—In this section, the term 'eligible institution' means an institution of

higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

''(c) PROGRAM AUTHORIZED.—

''(1) GRANTS BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this section.

''(B) PRIORITY CONSIDERATION.—In awarding grants under this section, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this section to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

''(2) APPLICATIONS.—

''(A) IN GENERAL.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) APPLICATIONS MADE ON BEHALF.—

''(i) IN GENERAL.—The following entities may submit an application on behalf of an eligible institution:

''(I) A graduate school or department of such institution.

''(II) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

''(III) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

''(IV) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

''(ii) NONPROFIT ORGANIZATIONS.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this section to an entity other than an eligible institution.

''(3) SELECTION OF APPLICATIONS.—In awarding grants under subsection (a), the Secretary shall—

''(A) take into account—

''(i) the number and distribution of minority and female faculty nationally;

''(ii) the current and projected need for highly trained individuals in all areas of the higher education professoriate; and

''(iii) the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

''(B) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculty.

''(4) DISTRIBUTION AND AMOUNTS OF GRANTS.—

''(A) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and independent eligible institutions that apply for grants under this section and that demonstrate an ability to achieve the purpose of this section.

''(B) SPECIAL RULE.—To the maximum extent practicable, the Secretary shall use not less than 30 percent of the amount appropriated pursuant to subsection (f) to award grants to eligible institutions that—

''(i) are eligible for assistance under title III or title V; or

''(ii) have formed a consortium that includes both non-minority serving institutions and minority serving institutions.

''(C) ALLOCATION.—In awarding grants under this section, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this section.

''(D) NUMBER OF FELLOWSHIP AWARDS.—An eligible institution that receives a grant under this section shall make not less than 15 fellowship awards.

''(E) REALLOTMENT.—If the Secretary determines that an eligible institution awarded a grant under this section is unable to use all of the grant funds awarded to the institution, the Secretary shall reallot, on such date during each fiscal year as the Secretary may fix, the unused funds to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this section.

''(5) INSTITUTIONAL ALLOWANCE.—

''(A) IN GENERAL.—

''(i) NUMBER OF ALLOWANCES.—In awarding grants under this section, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this section, an institutional allowance.

''(ii) AMOUNT.—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2007–2008 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715 for such academic year.

''(B) USE OF FUNDS.—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

''(C) REDUCTION.—The institutional allowance paid under paragraph (1) shall be reduced by the amount the eligible institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

''(D) USE FOR OVERHEAD PROHIBITED.—Funds made available under this section may not be used for general operational overhead of the academic department or institution receiving funds under this section.

''(d) FELLOWSHIP RECIPIENTS.—

''(1) AUTHORIZATION.—An eligible institution that receives a grant under this section shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

''(A) intend to pursue a career in instruction at—

''(i) an institution of higher education (as the term is defined in section 101);

''(ii) an institution of higher education (as the term is defined in section 102(a)(1));

''(iii) an institution of higher education outside the United States (as the term is described in section 102(a)(2)); or

''(iv) a proprietary institution of higher education (as the term is defined in section 102(b)); and

''(B) sign an agreement with the Secretary agreeing—

''(i) to begin employment at an institution described in paragraph (1) not later than 3 years after receiving the doctoral degree or highest possible degree available, which 3-year period may be extended by the Secretary for extraordinary circumstances; and

''(ii) to be employed by such institution for 1 year for each year of fellowship assistance received under this section.

''(2) FAILURE TO COMPLY.—If an individual who receives a fellowship award under this section fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

''(A) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

''(B) Impose a fine or penalty in an amount to be determined by the Secretary.

''(3) WAIVER AND MODIFICATION.—

''(A) REGULATIONS.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a)(2).

''(B) CONTENT.—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

''(i) inequitable and represent an extraordinary hardship; or

''(ii) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

''(4) AMOUNT OF FELLOWSHIP AWARDS.—Fellowship awards under this section shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

''(5) ACADEMIC PROGRESS REQUIRED.—An individual student shall not be eligible to receive a fellowship award—

''(A) except during periods in which such student is enrolled, and such student is maintaining satisfactory academic progress in, and devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

''(B) if the student is engaged in gainful employment, other than part-time employment in teaching, research, or similar activity determined by the eligible institution to be consistent with and supportive of the student's progress toward the appropriate degree.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an eligible institution that receives a grant under this section—

''(1) to grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this section; or

''(2) to hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 for each of the 5 succeeding fiscal years.

''PART H—IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS

''SEC. 846. IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.

''(a) IN GENERAL.—The Secretary shall contract with 1 nonprofit organization described in subsection (b) to enable the nonprofit organization—

''(1) to make publicly available the year-to-year higher education enrollment rate trends of secondary school students,

disaggregated by secondary school, in full compliance with the Family Education Rights and Privacy Act of 1974;

''(2) to identify not less than 50 urban local educational agencies and 5 States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive needs assessment in the agencies and States of the factors known to contribute to improved higher education enrollment rates, which factors shall include—

''(A) an evaluation of the local educational agency's and State's leadership strategies;

''(B) the secondary school curriculum and class offerings of the local educational agency and State;

''(C) the professional development used by the local educational agency and the State to assist teachers, higher education counselors, and administrators in supporting the transition of secondary students into higher education;

''(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into higher education;

''(E) the data systems used by the local educational agency and the State to measure college enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and school-wide outcomes; and

''(F) strategies to mobilize student leaders to build a college-bound culture; and

''(3) to provide comprehensive services to improve the school-wide higher education enrollment rates of each of not less than 10 local educational agencies and States, with the federally funded portion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—

''(A) participated in the needs assessment described in paragraph (2); and

''(B) demonstrated a willingness and commitment to improving the higher education enrollment rates of the local educational agency or State, respectively.

''(b) GRANT RECIPIENT CRITERIA.—The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—

''(1) in increasing school-wide higher education enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and

''(2) in a college transition data management system.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART I—PREDOMINANTLY BLACK INSTITUTIONS

''SEC. 850. PREDOMINANTLY BLACK INSTITUTIONS.

''(a) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

''(b) DEFINITIONS.—In this section:

''(1) EDUCATIONAL AND GENERAL EXPENDITURES.—The term 'educational and general expenditures' has the meaning given the term in section 312.

''(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education that—

''(A) has an enrollment of needy undergraduate students;

''(B) has an average educational and general expenditure which is low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction, except that the Secretary may apply the waiver requirements described in section 392(b) to this subparagraph in the same manner as the Secretary applies the waiver requirements to section 312(b)(1)(B);

''(C) has an enrollment of undergraduate students that is not less than 40 percent Black American students;

''(D) is legally authorized to provide, and provides within the State, an educational program for which the institution of higher education awards a baccalaureate degree, or in the case of a junior or community college, an associate's degree; and

''(E) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation.

''(3) ENDOWMENT FUND.—The term 'endowment fund' has the meaning given the term in section 312.

''(4) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which not less than 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

''(A) in the second fiscal year preceding the fiscal year for which the determination is made, were Federal Pell Grant recipients for such year;

''(B) come from families that receive benefits under a means-tested Federal benefit program;

''(C) attended a public or nonprofit private secondary school—

''(i) that is in the school district of a local educational agency that was eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for any year during which the student attended such secondary school; and

''(ii) which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of such Act exceeds 30 percent of the total enrollment of such school; or

''(D) are first-generation college students and a majority of such first-generation college students are low-income individuals.

''(5) FIRST GENERATION COLLEGE STUDENT.—The term 'first generation college student' has the meaning given the term in section 402A(g).

''(6) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

''(7) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the program's benefits, or the amount of such benefits, are determined on the basis of income or resources of the individual or family seeking the benefit.

''(8) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education, as defined in section 101(a)—

''(A) that is an eligible institution with not less than 1,000 undergraduate students;

''(B) at which not less than 50 percent of the undergraduate students enrolled at the eligible institution are low-income individuals or first generation college students; and

''(C) at which not less than 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the eligible institution is licensed to award by the State in which the eligible institution is located.

''(9) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

''(c) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, from allotments under subsection (e), to Predominantly Black Institutions to enable the Predominantly Black Institutions to carry out the authorized activities described in subsection (d).

''(2) PRIORITY.—In awarding grants under this section the Secretary shall give priority to Predominantly Black Institutions with large numbers or percentages of students described in subsections (b)(2)(A) or (b)(2)(C). The level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(A) shall be twice the level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(C).

''(d) AUTHORIZED ACTIVITIES.—

''(1) REQUIRED ACTIVITIES.—Grant funds provided under this section shall be used—

''(A) to assist the Predominantly Black Institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

''(B) to expand higher education opportunities for students eligible to participate in programs under title IV by encouraging college preparation and student persistence in secondary school and postsecondary education; and

''(C) to strengthen the financial ability of the Predominantly Black Institution to serve the academic needs of the students described in subparagraphs (A) and (B).

''(2) ADDITIONAL ACTIVITIES.—Grant funds provided under this section shall be used for 1 or more of the following activities:

''(A) The activities described in paragraphs (1) through (11) of section 311(c).

''(B) Academic instruction in disciplines in which Black Americans are underrepresented.

''(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary school or secondary school in the State that shall include, as part of such program, preparation for teacher certification or licensure.

''(D) Establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

''(E) Other activities proposed in the application submitted pursuant to subsection (f) that—

''(i) contribute to carrying out the purpose of this section; and

''(ii) are approved by the Secretary as part of the review and approval of an application submitted under subsection (f).

''(3) ENDOWMENT FUND.—

''(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

''(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), a Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

''(C) COMPARABILITY.—The provisions of part C of title III, regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

''(4) LIMITATION.—Not more than 50 percent of the grant funds provided to a Predominantly Black Institution under this section may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

''(e) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

''(1) FEDERAL PELL GRANT BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-half of that amount as the number of Federal Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year, bears to the total number of Federal Pell Grant recipients at all such institutions at the end of such academic year.

''(2) GRADUATES BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the number of graduates for such academic year at such institution, bears to the total number of graduates for such academic year at all such institutions.

''(3) GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the percentage of graduates from such institution who are admitted to and in attendance at, not later than 2 years after graduation with an associate's degree or a baccalaureate degree, a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates for all such institutions.

''(4) MINIMUM ALLOTMENT.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1), (2), and (3), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.

''(B) INSUFFICIENT AMOUNT.—If the amount appropriated pursuant to subsection (i) for a fiscal year is not sufficient to pay the minimum allotment provided under subparagraph (A) for the fiscal year, then the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allotment shall be increased on the same basis as the allotment was reduced until the amount allotted equals the minimum allotment required under subparagraph (A).

''(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year that the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary determines appropriate.

''(f) APPLICATIONS.—Each Predominantly Black Institution desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under part A or part B of title III.

''(h) DURATION AND CARRYOVER.—Any grant funds paid to a Predominantly Black Institution under this section that are not expended or used for the purposes for which the funds were paid within 10 years following the date on which the grant was awarded, shall be repaid to the Treasury.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of 5 succeeding fiscal years.

''PART J—EARLY CHILDHOOD EDUCATION PROFESSIONAL DEVELOPMENT AND CAREER TASK FORCE

''SEC. 851. SHORT TITLE.

''This part may be cited as the 'Early Childhood Education Professional Development and Career Task Force Act'.

''SEC. 852. PURPOSE.

''It is the purpose of this part—

''(1) to improve the quality of the early childhood education workforce by creating a statewide early childhood education professional development and career task force for early childhood education program staff, directors, and administrators; and

''(2) to create—

''(A) a coherent system of core competencies, pathways to qualifications, credentials, degrees, quality assurances, access, and outreach, for early childhood education program staff, directors, and administrators, that is linked to compensation commensurate with experience and qualifications;

''(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

''(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals' credentials, degrees, and experience.

''SEC. 853. DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.

''In this part, the term 'early childhood education program' means—

''(1) a family child care program, center-based child care program, State prekindergarten program, or school-based program, that—

''(A) provides early childhood education;

''(B) uses developmentally appropriate practices;

''(C) is licensed or regulated by the State; and

''(D) serves children from birth through age 5;

''(2) a Head Start Program carried out under the Head Start Act; or

''(3) an Early Head Start Program carried out under section 645A of the Head Start Act.

''SEC. 854. GRANTS AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to award grants to States in accordance with the provisions of this part to enable such States—

''(1) to establish a State Task Force described in section 855; and

''(2) to support activities of the State Task Force described in section 856.

''(b) COMPETITIVE BASIS.—Grants under this part shall be awarded on a competitive basis.

''(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall take into consideration providing an equitable geographic distribution of such grants.

''(d) DURATION.—Grants under this part shall be awarded for a period of 5 years.

''SEC. 855. STATE TASK FORCE ESTABLISHMENT.

''(a) STATE TASK FORCE ESTABLISHED.—The Governor of a State receiving a grant under this part shall establish, or designate an existing entity to serve as, the State Early Childhood Education Professional Development and Career Task Force (hereafter in this part referred to as the 'State Task Force').

''(b) MEMBERSHIP.—The State Task Force shall include a representative of a State agency, an institution of higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, and any other entity or individual the Governor determines appropriate.

''SEC. 856. STATE TASK FORCE ACTIVITIES.

''(a) ACTIVITIES.—The State Task Force shall—

''(1) coordinate and communicate regularly with the State Advisory Council on Early Care and Education (hereafter in this part referred to as 'State Advisory Council') or a similar State entity charged with creating a comprehensive system of early care and education in the State, for the purposes of—

''(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and

''(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);

''(2) conduct a review of opportunities for and barriers to high quality professional development, training, and higher education degree programs, in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—

''(A) race, gender, and ethnicity;

''(B) compensation levels;

''(C) type of early childhood education program setting;

''(D) specialized knowledge of child development;

''(E) years of experience in an early childhood education program; and

''(F) attainment of—

''(i) academic credit for coursework;

''(ii) an academic degree;

''(iii) a credential;

''(iv) licensure; or

''(v) certification in early childhood education; and

''(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan shall include—

''(A) methods of providing outreach to early childhood education program staff, directors, and administrators, including methods for how outreach is provided to non-English speaking providers, in order to enable the providers to be aware of opportunities and resources under the statewide plan;

''(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;

''(C) increasing the participation of early childhood educators in high quality training and professional development by assisting in paying the costs of enrollment in and completion of such training and professional development courses;

''(D) increasing the participation of early childhood educators in postsecondary education programs leading to degrees in early childhood education by providing assistance to pay the costs of enrollment in and completion of such postsecondary education programs, which assistance—

''(i) shall only be provided to an individual who—

''(I) enters into an agreement under which the individual agrees to work, for a reasonable number of years after receiving such a degree, in an early childhood education program that is located in a low-income area; and

''(II) has a family income equal to or less than the annually adjusted national median family income as determined by the Bureau of the Census; and

''(ii) shall be provided in an amount that does not exceed $17,500;

''(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;

''(F) supporting articulation agreements between 2- and 4-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;

''(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;

''(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—

''(i) entry into and continuing education requirements for professional roles in the field;

''(ii) available financial assistance; and

''(iii) professional development and career advancement in the field;

''(I) enhancing the quality of faculty and coursework in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;

''(J) consideration of the availability of online graduate level professional development offered by institutions of higher education with experience and demonstrated expertise in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and

''(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.

''(b) PUBLIC HEARINGS.—The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).

''(c) PERIODIC REVIEW.—The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.

''SEC. 857. STATE APPLICATION AND REPORT.

''(a) IN GENERAL.—Each State desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—

''(1) the membership of the State Task Force;

''(2) the activities for which the grant assistance will be used;

''(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 856;

''(4) the availability within the State of training, early childhood educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and

''(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.

''(b) REPORT TO THE SECRETARY.—Not later than 2 years after receiving a grant under this part, a State shall submit a report to the Secretary that shall describe—

''(1) other Federal, State, local, and private resources that will be used in combination with a grant under this section to develop or expand the State's early childhood education professional development and career activities;

''(2) the ways in which the State Advisory Council (or similar State entity) will coordinate the various State and local activities that support the early childhood education professional development and career system; and

''(3) the ways in which the State Task Force will use funds provided under this part and carry out the activities described in section 856.

''SEC. 858. EVALUATIONS.

''(a) STATE EVALUATION.—Each State receiving a grant under this part shall—

''(1) evaluate the activities that are assisted under this part in order to determine—

''(A) the effectiveness of the activities in achieving State goals;

''(B) the impact of a career lattice for individuals working in early childhood education programs;

''(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;

''(D) the impact of the activities, and the impact of the statewide plan described in section 856(a)(3), on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;

''(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and

''(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and

''(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).

''(b) SECRETARY'S EVALUATION.—Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).

''SEC. 859. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART K—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS

''SEC. 861. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS.

''(a) PURPOSE.—The purpose of this section is—

''(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and

''(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.

''(b) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Natives Claims Settlement Act (43 U.S.C. 1602(b)).

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a).

''(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

''(A) 1 or more colleges or schools of engineering;

''(B) 1 or more colleges of science, engineering, or mathematics;

''(C) 1 or more institutions of higher education that offer 2-year degrees; and

''(D) 1 or more private entities that—

''(i) conduct career awareness activities showcasing local technology professionals;

''(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through college, and careers in those fields, with the assistance of local technology professionals;

''(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and

''(iv) assist with placement of interns and apprentices.

''(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965.

''(c) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand programs for the development of science, technology, engineering, or mathematics professionals, from elementary school through college, including existing programs for Alaska Native and Native Hawaiian students.

''(d) USES OF FUNDS.—Grant funds under this section shall be used for 1 or more of the following:

''(1) Development or implementation of cultural, social, or educational transition programs to assist students to transition into college life and academics in order to increase such students' retention rates in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native or Native Hawaiian students.

''(2) Development or implementation of academic support or supplemental educational programs to increase the graduation rates of students in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native and Native Hawaiian students.

''(3) Development or implementation of internship programs, carried out in coordination with educational institutions and private entities, to prepare students for careers

in the fields of science, technology, engineering, or mathematics, with a focus on programs that serve Alaska Native or Native Hawaiian students.

''(4) Such other activities that are consistent with the purposes of this section.

''(e) APPLICATION.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible partnership that provides 1 or more programs in which 30 percent or more of the program participants are Alaska Native or Native Hawaiian.

''(g) PERIOD OF GRANT.—A grant under this section shall be awarded for a period of 5 years.

''(h) EVALUATION AND REPORT.—Each eligible partnership that receives a grant under this section shall conduct an evaluation to determine the effectiveness of the programs funded under the grant and shall provide a report regarding the evaluation to the Secretary not later than 6 months after the end of the grant period.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART L—PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES

''SEC. 865. PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES.

''(a) DEFINITIONS.—In this section:

''(1) INSTITUTION OF HIGHER EDUCATION.—Except as otherwise provided in this section, the term 'institution of higher education' means an institution of higher education, as defined in section 101, that provides a 1- or 2-year program of study leading to a degree or certificate.

''(2) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

''(A) meets the requirements of section 484(a);

''(B) is enrolled at least half time;

''(C) is not younger than age 19 and not older than age 33;

''(D) is the parent of at least 1 dependent child, which dependent child is age 18 or younger;

''(E) has a family income below 200 percent of the poverty line;

''(F) has a secondary school diploma or its recognized equivalent, and earned a passing score on a college entrance examination; and

''(G) does not have a degree or occupational certificate from an institution of higher education, as defined in section 101 or 102(a).

''(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education to enable the institutions of higher education to provide additional monetary and nonmonetary support to eligible students to enable the eligible students to maintain enrollment and complete degree or certificate programs.

''(c) USES OF FUNDS.—

''(1) REQUIRED USES.—Each institution of higher education receiving a grant under this section shall use the grant funds—

''(A) to provide scholarships in accordance with subsection (d); and

''(B) to provide counseling services in accordance with subsection (e).

''(2) ALLOWABLE USES OF FUNDS.—Grant funds provided under this section may be used—

''(A) to conduct outreach to make students aware of the scholarships and counseling services available under this section and to encourage the students to participate in the program assisted under this section;

''(B) to provide gifts of $20 or less, such as a store gift card, to applicants who complete the process of applying for assistance under this section, as an incentive and as compensation for the student's time; and

''(C) to evaluate the success of the program.

''(d) SCHOLARSHIP REQUIREMENTS.—

''(1) IN GENERAL.—Each scholarship awarded under this section shall—

''(A) be awarded for 1 academic year;

''(B) be awarded in the amount of $1,000 for each of 2 semesters (prorated for quarters), or $2,000 for an academic year;

''(C) require the student to maintain during the scholarship period at least half-time enrollment and a 2.0 or C grade point average; and

''(D) be paid in increments of—

''(i) $250 upon enrollment (prorated for quarters);

''(ii) $250 upon passing midterm examinations (prorated for quarters); and

''(iii) $500 upon passing courses (prorated for quarters).

''(2) NUMBER.—An institution may award an eligible student not more than 2 scholarships under this section.

''(e) COUNSELING SERVICES.—

''(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall use the grant funds to provide students at the institution with a counseling staff dedicated to students participating in the program under this section. Each such counselor shall—

''(A) have a caseload of less than 125 students;

''(B) use a proactive, team-oriented approach to counseling;

''(C) hold a minimum of 2 meetings with students each semester; and

''(D) provide referrals to and follow-up with other student services staff, including financial and career services.

''(2) COUNSELING SERVICES AVAILABILITY.—The counseling services provided under this section shall be available to participating students during the daytime and evening hours.

''(f) APPLICATION.—An institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) the number of students to be served under this section;

''(2) a description of the scholarships and counseling services that will be provided under this section; and

''(3) a description of how the program under this section will be evaluated.

''(g) PERIOD OF GRANT.—The Secretary may award a grant under this section for a period of 5 years.

''(h) EVALUATION.—

''(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall conduct an annual evaluation of the impact of the grant and shall provide the evaluation to the Secretary. The Secretary shall disseminate to the public the findings, information on best practices, and lessons learned, with respect to the evaluations.

''(2) RANDOM ASSIGNMENT RESEARCH DESIGN.—The evaluation shall be conducted using a random assignment research design with the following requirements:

''(A) When students are recruited for the program, all students will be told about the program and the evaluation.

''(B) Baseline data will be collected from all applicants for assistance under this section.

''(C) Students will be assigned randomly to 2 groups, which will consist of—

''(i) a program group that will receive the scholarship and the additional counseling services; and

''(ii) a control group that will receive whatever regular financial aid and counseling services are available to all students at the institution of higher education.

''(3) PREVIOUS COHORTS.—In conducting the evaluation for the second and third years of the program, each institution of higher education shall include information on previous cohorts of students as well as students in the current program year.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART M—STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT

''SEC. 871. STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).

''(2) CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY OF HOMELAND SECURITY.—Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General of the United States and the Secretary of Homeland Security.

''(3) DURATION.—The Secretary shall award each grant under this section for a period of 2 years.

''(4) LIMITATION ON INSTITUTIONS AND CONSORTIA.—An institution of higher education or consortium shall be eligible for only 1 grant under this section.

''(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share shall be 50 percent.

''(2) NON-FEDERAL SHARE.—The institution of higher education or consortium shall provide the non-Federal share, which may be provided from other Federal, State, and local resources dedicated to emergency preparedness and response.

''(c) AUTHORIZED ACTIVITIES.—Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out 1 or more of the following:

''(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

''(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

''(B) develop procedures the institution of higher education or consortium shall follow to inform, within a reasonable and timely manner, students, employees, and others on

a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

''(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

''(A) security assessments;

''(B) security training of personnel and students at the institution of higher education or consortium;

''(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities; and

''(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others.

''(3) Coordinating with appropriate local entities the provision of, mental health services for students enrolled in the institution of higher education or consortium, including mental health crisis response and intervention services, to individuals affected by a campus or community emergency.

''(d) APPLICATION.—Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) TECHNICAL ASSISTANCE.—The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to provide a private right of action to any person to enforce any provision of this section;

''(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

''(3) to affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''SEC. 872. MODEL EMERGENCY RESPONSE POLICIES, PROCEDURES, AND PRACTICES.

''The Secretary of Education, the Attorney General of the United States, and the Secretary of Homeland Security shall jointly have the authority—

''(1) to advise institutions of higher education on model emergency response policies, procedures, and practices; and

''(2) to disseminate information concerning those policies, procedures, and practices.''.

SEC. 802. ADDITIONAL PROGRAMS.

Title VIII (as added by section 801) is further amended by adding at the end the following:

''PART N—SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM

''SEC. 876. SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM.

''(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the 'Secretary') shall award competitive grants to eligible entities for the purpose of improving public health preparedness through increasing the number of veterinarians in the workforce.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be—

''(A) a public or other nonprofit school of veterinary medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV;

''(B) a public or nonprofit, department of comparative medicine, department of veterinary science, school of public health, or school of medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV and that offers graduate training for veterinarians in a public health practice area as determined by the Secretary; or

''(C) a public or nonprofit entity that—

''(i) conducts recognized residency training programs for veterinarians that are approved by a veterinary specialty organization that is recognized by the American Veterinary Medical Association; and

''(ii) offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary; and

''(2) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

''(c) CONSIDERATION OF APPLICATIONS.—The Secretary shall establish procedures to ensure that applications under subsection (b)(2) are rigorously reviewed and that grants are competitively awarded based on—

''(1) the ability of the applicant to increase the number of veterinarians who are trained in specified public health practice areas as determined by the Secretary;

''(2) the ability of the applicant to increase capacity in research on high priority disease agents; or

''(3) any other consideration the Secretary determines necessary.

''(d) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that demonstrate a comprehensive approach by involving more than one school of veterinary medicine, department of comparative medicine, department of veterinary science, school of public health, school of medicine, or residency training program that offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary.

''(e) USE OF FUNDS.—Amounts received under a grant under this section shall be used by a grantee to increase the number of veterinarians in the workforce through paying costs associated with the expansion of academic programs at schools of veterinary medicine, departments of comparative medicine, departments of veterinary science, or entities offering residency training programs, or academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization, which costs may include minor renovation and improvement in classrooms, libraries, and laboratories.

''(f) DEFINITION OF PUBLIC HEALTH PRACTICE.—In this section, the term 'public health practice' includes bioterrorism and emergency preparedness, environmental health, food safety and food security, regulatory medicine, diagnostic laboratory medicine, and biomedical research.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years. Amounts appropriated under this subsection shall remain available until expended.

''PART O—EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM

''SEC. 881. EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM.

''(a) DEMONSTRATION PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Demonstration Program under which—

''(A) the Secretary awards grants to 4 State educational agencies, in accordance with paragraph (2), to pay the administrative expenses incurred in participating in the demonstration program under this section; and

''(B) the Secretary awards Federal Pell Grants to participating students in accordance with this section.

''(2) GRANTS.—

''(A) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary is authorized to award grants to 4 State educational agencies to enable the State educational agencies to pay the administrative expenses incurred in participating in a demonstration program under which 8th grade students who are eligible for a free or reduced price meal described in subsection (b)(1)(B) receive a commitment to receive a Federal Pell Grant early in their academic careers.

''(B) EQUAL AMOUNTS.—The Secretary shall award grants under this section in equal amounts to each of the 4 participating State educational agencies.

''(b) DEMONSTRATION PROJECT REQUIREMENTS.—Each of the 4 demonstration projects assisted under this section shall meet the following requirements:

''(1) PARTICIPANTS.—

''(A) IN GENERAL.—The State educational agency shall make participation in the demonstration project available to 2 cohorts of students, which shall consist of—

''(i) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

''(ii) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

''(B) STUDENTS IN EACH COHORT.—Each cohort of students shall consist of not more than 10,000 8th grade students who qualify for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966.

''(2) STUDENT DATA.—The State educational agency shall ensure that student data from local educational agencies serving students who participate in the demonstration project, as well as student data from local educational agencies serving a comparable group of students who do not participate in the demonstration project, are available for evaluation of the demonstration project, except that in no case shall such data be provided in a manner that would reveal personally identifiable information about an individual student.

''(3) FEDERAL PELL GRANT COMMITMENT.—Each student who participates in the demonstration project receives a commitment from the Secretary to receive a Federal Pell Grant during the first academic year that the student is in attendance at an institution of higher education as an undergraduate, if the student applies for Federal financial aid (via the FAFSA or EZ FAFSA) during the student's senior year of secondary school and during succeeding years.

''(4) APPLICATION PROCESS.—The Secretary shall establish an application process to select State educational agencies to participate in the demonstration program and State educational agencies shall establish an application process to select local educational agencies within the State to participate in the demonstration project.

''(5) LOCAL EDUCATIONAL AGENCY PARTICIPATION.—Subject to the 10,000 statewide student limitation described in paragraph (1), a local educational agency serving students, not less than 50 percent of whom are eligible for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, shall be eligible to participate in the demonstration project.

''(c) STATE EDUCATIONAL AGENCY APPLICATIONS.—

''(1) IN GENERAL.—Each State educational agency desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(2) CONTENTS.—Each application shall include—

''(A) a description of the proposed targeted information campaign for the demonstration project and a copy of the plan described in subsection (f)(2);

''(B) a description of the student population that will receive an early commitment to receive a Federal Pell Grant under this section;

''(C) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the demonstration project; and

''(D) such other information as the Secretary may require.

''(d) SELECTION CONSIDERATIONS.—

''(1) SELECTION OF STATE EDUCATIONAL AGENCIES.—In selecting State educational agencies to participate in the demonstration program under this section, the Secretary shall consider—

''(A) the number and quality of State educational agency applications received;

''(B) the Department's capacity to oversee and monitor each State educational agency's participation in the demonstration program;

''(C) a State educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing State resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

''(iv) ability and plans to run an effective and thorough targeted information campaign for students served by local educational agencies eligible to participate in the demonstration project; and

''(v) ability to ensure the participation in the demonstration program of a diverse group of students, including with respect to ethnicity and gender.

''(2) LOCAL EDUCATIONAL AGENCY.—In selecting local educational agencies to participate in a demonstration project under this section, the State educational agency shall consider—

''(A) the number and quality of local educational agency applications received;

''(B) the State educational agency's capacity to oversee and monitor each local educational agency's participation in the demonstration project;

''(C) a local educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing local resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

''(iv) ability and plans to run an effective and thorough targeted information campaign for students served by the local educational agency; and

''(v) ability to ensure the participation in the demonstration project of a diverse group of students with respect to ethnicity and gender.

''(e) EVALUATION.—

''(1) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary shall reserve not more than $1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the demonstration program assisted under this section.

''(2) COMPETITIVE BASIS.—The grant or contract shall be awarded on a competitive basis.

''(3) MATTERS EVALUATED.—The evaluation described in this subsection shall—

''(A) determine the number of individuals who were encouraged by the demonstration program to pursue higher education;

''(B) identify the barriers to the effectiveness of the demonstration program;

''(C) assess the cost-effectiveness of the demonstration program in improving access to higher education;

''(D) identify the reasons why participants in the demonstration program either received or did not receive a Federal Pell Grant;

''(E) identify intermediate outcomes related to postsecondary education attendance, such as whether participants—

''(i) were more likely to take a college-prep curriculum while in secondary school;

''(ii) submitted any college applications; and

''(iii) took the PSAT, SAT, or ACT;

''(F) identify the number of individuals participating in the demonstration program who pursued an associate's degree or a bachelor's degree, or other postsecondary education;

''(G) compare the findings of the demonstration program with respect to participants to comparison groups (of similar size and demographics) that did not participate in the demonstration program; and

''(H) identify the impact on the parents of students eligible to participate in the demonstration program.

''(4) DISSEMINATION.—The findings of the evaluation shall be reported to the Secretary, who shall widely disseminate the findings to the public.

''(f) TARGETED INFORMATION CAMPAIGN.—

''(1) IN GENERAL.—Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the demonstration program assisted under this section.

''(2) PLAN.—Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for their proposed targeted information campaign. The plan shall include the following:

''(A) OUTREACH.—A description of the outreach to students and their families at the beginning and end of each academic year of the demonstration project, at a minimum.

''(B) DISTRIBUTION.—How the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

''(C) INFORMATION.—The annual provision by the State educational agency to all students and families participating in the demonstration program of information regarding—

''(i) the estimated statewide average cost of attendance for an institution of higher education for each academic year, which cost data shall be disaggregated by—

''(I) type of institution, including—

''(aa) 2-year public degree-granting institutions of higher education;

''(bb) 4-year public degree-granting institutions of higher education; and

''(cc) 4-year private degree-granting institutions of higher education;

''(II) component, including—

''(aa) tuition and fees; and

''(bb) room and board;

''(ii) Federal Pell Grants, including—

''(I) the maximum Federal Pell Grant for each award year;

''(II) when and how to apply for a Federal Pell Grant; and

''(III) what the application process for a Federal Pell Grant requires;

''(iii) State-specific college savings programs;

''(iv) State merit-based financial aid;

''(v) State need-based financial aid; and

''(vi) Federal financial aid available to students, including eligibility criteria for such aid and an explanation of the Federal financial aid programs, such as the Student Guide published by the Department of Education (or any successor to such document).

''(3) COHORTS.—The information described in paragraph (2)(C) shall be provided to 2 cohorts of students annually for the duration of the students' participation in the demonstration program. The 2 cohorts shall consist of—

''(A) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

''(B) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

''(4) RESERVATION.—Each State educational agency receiving a grant under this section shall reserve not more than 15 percent of the grant funds received each fiscal year to carry out the targeted information campaign described in this subsection.

''(g) SUPPLEMENT, NOT SUPPLANT.—A State educational agency shall use grant funds received under this section only to supplement the funds that would, in the absence of such funds, be made available from non-Federal sources for students participating in the demonstration program under this section, and not to supplant such funds.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART P—HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES

''SEC. 886. HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

''(b) USE OF FUNDS.—The Henry Kuualoha Giugni Kupuna Memorial Archives shall use the grant funds received under this section—

''(1) to facilitate the acquisition of a secure web accessible repository of Native Hawaiian historical data rich in ethnic and cultural significance to the United States for preservation and access by future generations;

''(2) to award scholarships to facilitate access to a postsecondary education for students who cannot afford such education;

''(3) to support programmatic efforts associated with the web-based media projects of the archives;

''(4) to create educational materials, from the contents of the archives, that are applicable to a broad range of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians;

''(5) to develop outreach initiatives that introduce the archival collections to elementary schools and secondary schools;

''(6) to develop supplemental web-based resources that define terms and cultural practices innate to Native Hawaiians;

''(7) to rent, lease, purchase, maintain, or repair educational facilities to house the archival collections;

''(8) to rent, lease, purchase, maintain, or repair computer equipment for use by elementary schools and secondary schools in accessing the archival collections;

''(9) to provide pre-service and in-service teacher training to develop a core group of kindergarten through grade 12 teachers who are able to provide instruction in a way that is relevant to the unique background of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians, in order to—

''(A) facilitate greater understanding by teachers of the unique background of indigenous students; and

''(B) improve student achievement; and

''(10) to increase the economic and financial literacy of postsecondary education students through the dissemination of best practices used at other institutions of higher education regarding debt and credit management and economic decision-making.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 803. STUDENT LOAN CLEARINGHOUSE.

(a) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall establish 1 or more clearinghouses of information on student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) and private loans, for both undergraduate and graduate students) for use by prospective borrowers or any person desiring information regarding available interest rates and other terms from lenders. Such a clearinghouse shall—

(1) have no affiliation with any institution of higher education or any lender;

(2) accept nothing of value from any lender, guaranty agency, or any entity affiliated with a lender or guaranty agency, except that the clearinghouse may establish a flat fee to be charged to each listed lender, based on the costs necessary to establish and maintain the clearinghouse;

(3) provide information regarding the interest rates, fees, borrower benefits, and any other matter that the Department of Education determines relevant to enable prospective borrowers to select a lender;

(4) provide interest rate information that complies with the Federal Trade Commission guidelines for consumer credit term disclosures; and

(5) be a nonprofit entity.

(b) PUBLICATION OF LIST.—The Secretary of Education shall publish a list of clearinghouses described in subsection (a) on the website of the Department of Education and such list shall be updated not less often than every 90 days.

(c) DISCLOSURE.—Beginning on the date the first clearinghouse described in subsection (a) is established, each institution of higher education that receives Federal assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and that designates 1 or more lenders as preferred, suggested, or otherwise recommended shall include a standard disclosure developed by the Secretary of Education on all materials that reference such lenders to inform students that the students might find a more attractive loan, with a lower interest rate, by visiting a clearinghouse described in subsection (a).

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on whether students are using a clearinghouse described in subsection (a) to find and secure a student loan. The report shall assess whether students could have received a more attractive loan, one with a lower interest rate or better benefits, by using a clearinghouse described in subsection (a) instead of a preferred lender list.

SEC. 804. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

At the end of title VIII (as added by section 801), add the following:

''PART Q—MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION

''SEC. 890. PURPOSES.

''The purposes of the program under this part are to—

''(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies; and

''(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

''SEC. 891. DEFINITION OF ELIGIBLE INSTITUTION.

''In this part, the term 'eligible institution' means an institution that is—

''(1) a historically Black college or university that is a part B institution, as defined in section 322;

''(2) a Hispanic-serving institution, as defined in section 502(a);

''(3) a Tribal College or University, as defined in section 316(b);

''(4) an Alaska Native-serving institution, as defined in section 317(b);

''(5) a Native Hawaiian-serving institution, as defined in section 317(b); or

''(6) an institution determined by the Secretary to have enrolled a substantial number of minority, low-income students during the previous academic year who received a Federal Pell Grant for that year.

''SEC. 892. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the activities described in subsection (d).

''(2) GRANT PERIOD.—The Secretary may award a grant to an eligible institution under this part for a period of not more than 5 years.

''(b) APPLICATION AND REVIEW PROCEDURE.—

''(1) IN GENERAL.—To be eligible to receive a grant under this part, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

''(A) a program of activities for carrying out 1 or more of the purposes described in section 890; and

''(B) such other policies, procedures, and assurances as the Secretary may require by regulation.

''(2) REGULATIONS.—After consultation with appropriate individuals with expertise in technology and education, the Secretary shall establish a procedure by which to accept and review such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

''(3) APPLICATION REVIEW CRITERIA.—The application review criteria used by the Secretary for grants under this part shall include consideration of—

''(A) demonstrated need for assistance under this part; and

''(B) diversity among the types of eligible institutions receiving assistance under this part.

''(c) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—An eligible institution that receives a grant under this part shall agree that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant is awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded by the Secretary, or $500,000, whichever is the lesser amount.

''(2) WAIVER.—The Secretary shall waive the matching requirement for any eligible institution with no endowment, or an endowment that has a current dollar value as of the time of the application of less than $50,000,000.

''(d) USES OF FUNDS.—An eligible institution shall use a grant awarded under this part—

''(1) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

''(2) to develop and provide educational services, including faculty development, related to science, technology, engineering, and mathematics;

''(3) to provide teacher preparation and professional development, library and media specialist training, and early childhood educator and teacher aide certification or licensure to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process to improve student achievement;

''(4) to form consortia or collaborative projects with a State, State educational agency, local educational agency, community-based organization, national nonprofit organization, or business, including a minority business, to provide education regarding technology in the classroom;

''(5) to provide professional development in science, technology, engineering, or mathematics to administrators and faculty of eligible institutions with institutional responsibility for technology education;

''(6) to provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications; and

''(7) to foster the use of information communications technology to increase scientific, technological, engineering, and mathematical instruction and research.

''(e) DATA COLLECTION.—An eligible institution that receives a grant under this part shall provide the Secretary with any relevant institutional statistical or demographic data requested by the Secretary.

''(f) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of

eligible institutions receiving grants under this part for the purposes of—

''(1) fostering collaboration and capacity-building activities among eligible institutions; and

''(2) disseminating information and ideas generated by such meetings.

''(g) LIMITATION.—An eligible institution that receives a grant under this part that exceeds $2,500,000 shall not be eligible to receive another grant under this part until every other eligible institution that has applied for a grant under this part has received such a grant.

''SEC. 893. ANNUAL REPORT AND EVALUATION.

''(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each eligible institution that receives a grant under this part shall provide an annual report to the Secretary on the eligible institution's use of the grant.

''(b) EVALUATION BY SECRETARY.—The Secretary shall—

''(1) review the reports provided under subsection (a) each year; and

''(2) evaluate the program authorized under this part on the basis of those reports every 2 years.

''(c) CONTENTS OF EVALUATION.—The Secretary, in the evaluation under subsection (b), shall—

''(1) describe the activities undertaken by the eligible institutions that receive grants under this part; and

''(2) assess the short-range and long-range impact of activities carried out under the grant on the students, faculty, and staff of the institutions.

''(d) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall submit a report on the program supported under this part to the authorizing committees that shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

''SEC. 894. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

(1) by striking the section heading and inserting **LAURENT CLERC NATIONAL DEAF EDUCATION CENTER**'';

(2) in subsection (a)(1)(A), by inserting ''the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out'' after ''maintain and operate''; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center'';

(B) in paragraph (2), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center''; and

(C) by adding at the end the following:

''(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

''(A)(i) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; and

''(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year;

''(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and

''(C) publicly report the results of the academic assessments implemented under subparagraph (A) and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).''.

SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(2) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking ''an institution of higher education'' and inserting ''the Rochester Institute of Technology, Rochester, New York''; and

(II) by striking ''of a'' and inserting ''of the''; and

(ii) by striking the second sentence;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) If, pursuant to the agreement established under paragraph (1), either the Secretary or the Rochester Institute of Technology terminates the agreement, the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with one of those institutions for the establishment and operation of a National Technical Institution for the Deaf.''; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''; and

(B) in paragraph (5)—

(i) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(ii) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 904. CULTURAL EXPERIENCES GRANTS.

(a) CULTURAL EXPERIENCES GRANTS.—Title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end the following:

''PART C—OTHER PROGRAMS

''SEC. 121. CULTURAL EXPERIENCES GRANTS.

''(a) IN GENERAL.—The Secretary shall, on a competitive basis, make grants to, and enter into contracts and cooperative agreements with, eligible entities to support the activities described in subsection (b).

''(b) ACTIVITIES.—In carrying out this section, the Secretary shall support activities providing cultural experiences, through appropriate nonprofit organizations with a demonstrated proficiency in providing such activities, that—

''(1) enrich the lives of deaf and hard-of-hearing children and adults;

''(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or

''(3) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences.

''(c) APPLICATIONS.—An eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) CONFORMING AMENDMENT.—The title heading of title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end ''; OTHER PROGRAMS''.

SEC. 905. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''sections'' and all that follows through the period and inserting ''sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209.''; and

(B) in paragraph (3), by inserting ''and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate'' after ''Secretary''; and

(2) in subsection (c)(2)(A), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 906. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate'';

(2) in paragraph (1), by striking ''preparatory,'';

(3) in paragraph (2)(C), by striking ''upon graduation/completion'' and inserting ''on the date that is 1 year after the date of graduation or completion''; and

(4) in paragraph (3)(B), by striking ''of the institution of higher education'' and all that follows through the period and inserting ''of NTID programs and activities.''.

SEC. 907. MONITORING, EVALUATION, AND REPORTING.

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in subsection (b), by striking ''The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of'' and inserting ''The Secretary shall annually transmit information to Congress on''; and

(2) in subsection (c), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

SEC. 908. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking ''Not later than 30 days after the date of enactment of this Act, the'' and inserting ''The''.

SEC. 909. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking ''fiscal years 1998 through 2003'' each place it appears and inserting ''fiscal years 2008 through 2013''.

SEC. 910. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 911. INTERNATIONAL STUDENTS.

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—

(1) in subsection (a)—

(A) by striking ''preparatory, undergraduate,'' and inserting ''undergraduate'';

(B) by striking ''Effective with'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), effective with''; and

(C) by adding at the end the following:

''(2) DISTANCE LEARNING.—International students who participate in distance learning courses that are at NTID or the University and who are residing outside of the United States shall—

''(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and

''(B) not be charged a tuition surcharge, as described in subsection (b).''; and

(2) by striking subsections (b), (c), and (d), and inserting the following:

''(b) TUITION SURCHARGE.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including undergraduate and graduate students) or NTID shall include, for academic year 2008–2009 and any succeeding academic year, a surcharge of—

''(1) 100 percent for a postsecondary international student from a non-developing country; and

''(2) 50 percent for a postsecondary international student from a developing country.

''(c) REDUCTION OF SURCHARGE.—

''(1) IN GENERAL.—Beginning with the academic year 2008–2009, the University or NTID may reduce the surcharge—

''(A) under subsection (b)(1) from 100 percent to not less than 50 percent if—

''(i) a student described under subsection (b)(1) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources; and

''(B) under subsection (b)(2) from 50 percent to not less than 25 percent if—

''(i) a student described under subsection (b)(2) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources.

''(2) DEVELOPMENT OF SLIDING SCALE.—The University and NTID shall develop a sliding scale model that—

''(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and

''(B) shall be approved by the Secretary.

''(d) DEFINITION.—In this section, the term 'developing country' means a country with a per-capita income of not more than $4,825, measured in 1999 United States dollars, as adjusted by the Secretary to reflect inflation since 1999.''.

SEC. 912. RESEARCH PRIORITIES.

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking ''Committee on Education and the Workforce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 913. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''; and

(2) in subsection (b), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

PART B—UNITED STATES INSTITUTE OF PEACE ACT

SEC. 921. UNITED STATES INSTITUTE OF PEACE ACT.

(a) POWERS AND DUTIES.—Section 1705(b)(3) of the United States Institute of Peace Act (22 U.S.C. 4604(b)(3)) is amended by striking ''the Arms Control and Disarmament Agency,''.

(b) BOARD OF DIRECTORS.—Section 1706 of the United States Institute of Peace Act (22 U.S.C. 4605) is amended—

(1) by striking ''(b)(5)'' each place the term appears and inserting ''(b)(4)''; and

(2) in subsection (e), by adding at the end the following:

''(5) The term of a member of the Board shall not commence until the member is confirmed by the Senate and sworn in as a member of the Board.''.

(c) FUNDING.—Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended—

(1) by striking ''to be appropriated'' and all that follows through the period at the end and inserting ''to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.''; and

(2) by adding at the end the following:

''(d) EXTENSION.—Any authorization of appropriations made for the purposes of carrying out this title shall be extended in the same manner as applicable programs are extended under section 422 of the General Education Provisions Act.''.

PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998

SEC. 931. REPEALS.

The following provisions of title VIII of the Higher Education Amendments of 1998 (Public Law 105–244) are repealed:

(1) Part A.
(2) Part C (20 U.S.C. 1070 note).
(3) Part F (20 U.S.C. 1862 note).
(4) Part J.
(5) Section 861.
(6) Section 863.

SEC. 932. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

''SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

''(a) DEFINITION.—In this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

''(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

''(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

''(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

''(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and vocational training;

''(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

''(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

''(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives; and

''(2) provide to each State for each student eligible under subsection (e) not more than—

''(A) $3,000 annually for tuition, books, and essential materials; and

''(B) $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

''(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time);

''(2) is 35 years of age or younger; and

''(3) has not been convicted of—

''(A) a 'criminal offense against a victim who is a minor' or a 'sexually violent offense', as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.); or

''(B) murder, as described in section 1111 of title 18, United States Code.

''(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

''(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2008 through 2013.''.

SEC. 933. UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.

Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by striking ''this section'' and all that follows through the period at the end and inserting ''this section such sums as may be necessary for fiscal years 2008 through 2013.''.

SEC. 934. OLYMPIC SCHOLARSHIPS UNDER THE HIGHER EDUCATION AMENDMENTS OF 1992.

Section 1543(d) of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by striking ''to be appropriated'' and all that follows through the period at the end and inserting ''to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.''.

PART D—INDIAN EDUCATION

Subpart 1—Tribal Colleges and Universities

SEC. 941. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking ''in the field of Indian education'' and inserting ''in the fields of tribally controlled colleges and universities and Indian higher education''.

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) 'Indian student' means a student who is—

''(A) a member of an Indian tribe; or

''(B) a biological child of a member of an Indian tribe, living or deceased;''.

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (7) of subsection (a)'' and inserting ''subsection (a)(8)'';

(2) by striking paragraph (5) and inserting the following:

''(5) DETERMINATION OF CREDITS.—Eligible credits earned in a continuing education program—

''(A) shall be determined as 1 credit for every 10 contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

''(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university.''; and

(3) by striking paragraph (6).

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

''(B) according to such an agency or association, is making reasonable progress toward accreditation.''.

(e) TECHNICAL ASSISTANCE CONTRACTS.—Section 105 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1805) is amended—

(1) by striking the section designation and heading and all that follows through ''The Secretary shall'' and inserting the following:

''SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.

''(a) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall'';

(2) in the second sentence, by striking ''In the awarding of contracts for technical assistance, preference shall be given'' and inserting the following:

''(2) DESIGNATED ORGANIZATION.—The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded''; and

(3) in the third sentence, by striking ''No authority'' and inserting the following:

''(b) EFFECT OF SECTION.—No authority''.

(f) AMOUNT OF GRANTS.—Section 108(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''(a) Except as provided in section 111,'' and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and section 111,'';

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1))—

(i) by striking ''him'' and inserting ''the Secretary''; and

(ii) by striking ''product of'' and inserting ''product obtained by multiplying'';

(B) in subparagraph (A) (as redesignated by paragraph (1)), by striking ''section 2(a)(7)'' and inserting ''section 2(a)(8)''; and

(C) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''$6,000,'' and inserting ''$8,000, as adjusted annually for inflation.''; and

(4) by striking ''except that no grant shall exceed the total cost of the education program provided by such college or university.'' and inserting the following:

''(2) EXCEPTION.—The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.''.

(g) GENERAL PROVISIONS REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking ''1999'' and inserting ''2008'';

(2) in paragraphs (1), (2), and (3), by striking ''4 succeeding'' and inserting ''5 succeeding'';

(3) in paragraph (2), by striking ''$40,000,000'' and inserting ''such sums as may be necessary'';

(4) in paragraph (3), by striking ''$10,000,000'' and inserting ''such sums as may be necessary''; and

(5) in paragraph (4), by striking ''succeeding 4'' and inserting ''5 succeeding''.

(h) ENDOWMENT PROGRAM REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking ''1999'' and inserting ''2008''; and

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

(i) TRIBAL ECONOMIC DEVELOPMENT REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking ''$2,000,000 for fiscal year 1999'' and inserting ''such sums as may be necessary for fiscal year 2008''; and

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

(j) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.—

(1) IN GENERAL.—The Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended by adding at the end the following:

"Subtitle V—Tribally Controlled Postsecondary Career and Technical Institutions

"SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.

''In this title, the term 'tribally controlled postsecondary career and technical institution' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

"SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS PROGRAM.

''(a) IN GENERAL.—Subject to the availability of appropriations, for fiscal year 2008 and each fiscal year thereafter, the Secretary shall—

''(1) subject to subsection (b), select 2 tribally controlled postsecondary career and technical institutions to receive assistance under this title; and

''(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

''(b) SELECTION OF CERTAIN INSTITUTIONS.—

''(1) REQUIREMENT.—For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 501, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

''(2) INSTITUTIONS.—The 2 tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

''(A) the United Tribes Technical College; and

''(B) the Navajo Technical College.

''(c) METHOD OF PAYMENT.—For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

''(d) DISTRIBUTION.—

''(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

''(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

''(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

''(2) EXCESS AMOUNTS.—If, for any fiscal year, the amount made available pursuant to section 504 exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

''(A) dividing the excess amount by the aggregate Indian student count (as defined in section 117(h) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(h)) of such institutions for the prior academic year; and

''(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

"SEC. 503. APPLICABILITY OF OTHER LAWS.

''(a) IN GENERAL.—Paragraphs (4) and (7) of subsection (a), and subsection (b), of section 2, sections 105, 108, 111, 112 and 113, and titles II, III, and IV shall not apply to this title.

''(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—Funds made available pursuant to this title shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(c) ELECTION TO RECEIVE.—A tribally controlled postsecondary career and technical institution selected for a fiscal year under section 502(b) may elect to receive funds pursuant to section 502 in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in existence on the date of enactment of the Higher Education Amendments of 2007.

''(d) OTHER ASSISTANCE.—Eligibility for, or receipt of, assistance under this title shall not preclude the eligibility of a tribally controlled postsecondary career and technical institutions to receive Federal financial assistance under—

''(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

''(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006; or

''(3) any other applicable program under which a benefit is provided for—

''(A) institutions of higher education;

''(B) community colleges; or

''(C) postsecondary educational institutions.

"SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary for fiscal year 2008 and each fiscal year thereafter to carry out this title.''.

(2) CONFORMING AMENDMENTS.—Section 117 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

''(1) title I of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

''(2) the Navajo Community College Act (25 U.S.C. 640a et seq.).''; and

(B) by striking subsection (d) and inserting the following:

''(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

(k) SHORT TITLE.—

(1) IN GENERAL.—The first section of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 note; Public Law 95–471) is amended to read as follows:

"SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Tribally Controlled Colleges and Universities Assistance Act of 1978'.''.

(2) REFERENCES.—Any reference in law (including regulations) to the Tribally Controlled College or University Assistance Act of 1978 shall be considered to be a reference to the ''Tribally Controlled Colleges and Universities Assistance Act of 1978''.

Subpart 2—Navajo Higher Education

SEC. 945. SHORT TITLE.

This subpart may be cited as the ''Navajo Nation Higher Education Act of 2006''.

SEC. 946. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(2) by striking ''the Navajo Community College'' and inserting ''Diné College''.

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting ''the'' before ''Interior'';

(B) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(C) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(2) in the second sentence—

(A) by striking ''Navajo Tribe'' and inserting ''Navajo Nation''; and

(B) by striking ''Navajo Indians'' and inserting ''Navajo people''.

(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''the Navajo Community College'' and inserting ''Dine College''; and

(ii) by striking ''August 1, 1979'' and inserting ''October 31, 2010''; and

(B) in the second sentence, by striking ''Navajo Tribe'' and inserting ''Navajo Nation'';

(2) in subsection (b), by striking ''the date of enactment of the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''October 1, 2007''; and

(3) in subsection (c), in the first sentence, by striking ''the Navajo Community College'' and inserting ''Diné College''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Navajo Community College Act (25 U.S.C. 640c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$2,000,000'' and all that follows through the end of the paragraph and inserting ''such sums as are necessary for fiscal years 2008 through 2013.''; and

(B) by adding at the end the following:

''(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).'';

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(ii) by striking '', for each fiscal year'' and all that follows through ''for—'' and inserting ''such sums as are necessary for fiscal years 2008 through 2013 to pay the cost of—'';

(B) in subparagraph (A)—

(i) by striking ''college'' and inserting ''College'';

(ii) in clauses (i) and (iii), by striking the commas at the ends of the clauses and inserting semicolons; and

(iii) in clause (ii), by striking '', and'' at the end and inserting ''; and'';

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) in subparagraph (C), by striking '', and'' at the end and inserting a semicolon;

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

(F) by adding at the end the following:

''(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

''(i) higher education programs;

''(ii) career and technical education;

''(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;

''(iv) employment and training opportunities;

''(v) economic development and community outreach; and

''(vi) a safe learning, working, and living environment.''; and

(3) in subsection (c), by striking ''the Navajo Community College'' and inserting ''Diné College''.

(e) EFFECT ON OTHER LAWS.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c–2) is amended—

(1) by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''; and

(2) in subsection (b), by striking ''college'' and inserting ''College''.

(f) PAYMENTS; INTEREST.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c–3) is amended by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''.

''SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

''(b) DEFINITIONS.—In this section:

''(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

''(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

''(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

''(C) is continually licensed to practice law.

''(2) STUDENT LOAN.—The term 'student loan' means—

''(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

''(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

''(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

''(ii) a loan made under section 428, 428B, or 428H; or

''(iii) a loan made under part E.

''(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a civil legal assistance attorney; and

''(2) is not in default on a loan for which the borrower seeks repayment.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

''(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

''(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

''(i) $6,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $40,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a civil legal assistance attorney for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

''(B) received repayment benefits under this section during the preceding fiscal year; and

''(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

PART E—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 951. SHORT TITLE.

This part may be cited as the ''John R. Justice Prosecutors and Defenders Incentive Act of 2007''.

SEC. 952. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part II (42 U.S.C. 3797cc et seq.) the following:

''PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

''SEC. 3001. GRANT AUTHORIZATION.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

''(b) DEFINITIONS.—In this section:

''(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

''(A) is continually licensed to practice law; and

''(B) prosecutes criminal or juvenile delinquency cases at the State or local level (including supervision, education, or training of other persons prosecuting such cases).

''(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

''(A) is continually licensed to practice law; and

''(B) is—

''(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

''(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of his or her full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, (including supervision, education, or training of other persons providing such representation); or

''(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

''(3) STUDENT LOAN.—The term 'student loan' means—

''(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

''(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20

U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

''(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a prosecutor or public defender; and

''(2) is not in default on a loan for which the borrower seeks forgiveness.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

''(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

''(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

''(i) $10,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $60,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

''(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

''(B) subject to the availability of appropriations.

''(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) received repayment benefits under this section during the preceding fiscal year; and

''(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) STUDY.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall study and report to Congress on the impact of law school accreditation requirements and other factors on law school costs and access, including the impact of such requirements on racial and ethnic minorities.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

TO AMEND U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of S. 1716 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

The bill (S. 1716) to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in RECORD.

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

The bill (S. 1716) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1716

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

SECTION 1. CONTRACT WAIVER.

The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 112) is amended by striking section 9012.

TO AMEND TITLE 4, UNITED STATES CODE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1877, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1877) to amend title 4, United States Code, to prescribe that members of the Armed Forces and veterans out of uniform may render the military salute during hoisting, lowering, or passing of flag.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1877) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1877

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

SECTION 1. CONDUCT BY MEMBERS OF THE ARMED FORCES AND VETERANS OUT OF UNIFORM DURING HOISTING, LOWERING, OR PASSING OF FLAG.

Section 9 of title 4, United States Code, is amended by striking ''all persons present'' and all that follows through the end and inserting ''those present in uniform should render the military salute. Members of the Armed Forces and veterans who are present but not in uniform may render the military salute. All other persons present should face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries should stand at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag passes.''.

AUTHORIZING PRINTING OF BROCHURE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H. Con. Res. 190, just received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 190) authorizing printing of the brochure entitled

''How Our Laws Are Made'', the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 190) was agreed to.

ORDERS FOR THURSDAY, JULY 26, 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, July 26; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final portion; that at the close of morning business, the Senate resume consideration of H.R. 2638.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. MURRAY. If there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:11 p.m., adjourned until Thursday, July 26, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 2007:

DEPARTMENT OF STATE

HARRY K. THOMAS, JR., OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE GEORGE MCDADE STAPLES.

JAMES D. MCGEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

VINCENT OBSITNIK, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

KRISTINE B. NEELEY, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. KEVIN P. CHILTON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID A. DEPTULA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CLAUDE R. KEHLER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KENNETH W. HUNZEKER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. R. STEVEN WHITCOMB, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES D. THURMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

GEN. JAMES J. LOVELACE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CARTER F. HAM, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LAWRENCE A. HASKINS, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD K. GALLAGHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ROBERT T. MOELLER, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

DAMION T. GOTTLIEB, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

FRANCIS E. LOWE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

LISTA M. BENSON, 0000
ALLISON W. BOWDEN, 0000
MARLA D. BUCKLES, 0000
LILLY B. CHRISMAN, 0000
LESLIE M. CLARAVALL, 0000
RICHARD H. EAVES, 0000
JOYCELYN ELAIHO, 0000
BETH A. EWING, 0000
JOHN R. EWING, 0000
KATRINA A. GLAVANHEISE, 0000
JANE C. HENDRICKSVESEL, 0000
MARK S. HOLLAND, 0000
JUDITH A. HUGHES, 0000
BARBARA A. JONES, 0000
ANDREW J. JORGENSEN, 0000
KAREN M. KINNE, 0000
CATHERINE F. MATTIE, 0000
CORINNE O. NAUGHTON, 0000
WILLIAM R. OSBORNE, 0000
BEVERLY J. SMITH, 0000
ROBIN E. SQUELLATI, 0000
CECELIA W. SUTTON, 0000
SANDRA C. TYNES, 0000
ROSEANNE C. WARNER, 0000
KAREN L. WEIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

KEVIN C. BLAKLEY, 0000
ROBERT V. BOWERSOX, 0000
MARK E. BUTLER, 0000
STEVEN C. CABERTO, 0000
ROBERT J. CAMPBELL, 0000
JOHN L. CHITWOOD, 0000
SCOTT E. CORCORAN, 0000
DALE A. FERGUSON, 0000
LAWRENCE K. HARRINGTON, 0000
DONALD C. HICKMAN, 0000
SCOTT R. MARRS, 0000
PARKER P. PLANTE, 0000
BRYAN E. RAMSTACK, 0000
MARTHA A. STOKES, 0000
FRED P. STONE, 0000
TERRY L. STOTLER, 0000
ROBERT A. TETLA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT K. ABERNATHY, 0000
DONALD R. ADAMS, JR., 0000
DAVID J. ALCORN, 0000
PATRICK R. ALLEN, 0000
RANDY S. ALLEN, 0000
KENNETH ALLISON, 0000
JAMES L. ANDERSEN, 0000
DAVID M. ANDERSON, 0000
DEAN J. ANDERSON, 0000
DOUGLAS P. ANDERSON, 0000
KEVIN J. ANDERSON, 0000
JOHN L. ARMANTROUT, 0000
ROBERT G. ARMFIELD, 0000
MERRILL F. ARMSTRONG, 0000
ROBERT T. ATKINS, 0000
KORVIN D. AUCH, 0000
LAWRENCE M. AVERBECK, 0000
FREDERICK C. BACON, 0000
THOMAS M. BAILEY, 0000
RONALD B. BALDINGER, 0000
DIETER E. BAREIHS, 0000
CHRIS BARGERY, 0000
CASSIE B. BARLOW, 0000
EDWARD C. BARON, 0000
RICHARD C. BARTON, 0000
CHARLES L. BEAMES, 0000
ARTHUR F. BEAUCHAMP, 0000
JAMES J. BEISSNER, 0000
ANDREW E. BELKO II, 0000
FRANK K. BENJAMIN, 0000
JOHN R. BERNIER, 0000
HARRY A. BERRY, 0000
GEORGE W. BIRSIC IV, 0000
SCOTT C. BISHOP, 0000
SCOTT C. BLUM, 0000
ERIC A. BOE, 0000
SCOTT C. BOWEN, 0000
VICTORIA L. BOWENS, 0000
LARRY D. BOWERS, 0000
MARTIN C. BRAUN, 0000
WILLIAM S. BREI, 0000
GORDON D. BRIDGER, 0000
KAREN M. BRIDGES, 0000
KIM R. BROOKS, 0000
TODD A. BROOKS, 0000
DAVID W. BROWN, 0000
EUGENE A. BROWN, JR., 0000
KELLEY A. BROWN, 0000
ROGER A. BROWN, 0000
STANLEY L. BROWN, 0000
KENRYU M. BRYSON, 0000
DAVID T. BUCKMAN, 0000
JOHN T. BUDD, 0000
WILLIAM E. BURTON, JR., 0000
TIMOTHY E. BUSH, 0000
SCOTT R. CALISTI, 0000
MARK D. CAMERER, 0000
CRAIG P. CAMPBELL, 0000
ROBERT C. CAMPBELL, JR., 0000
WAYNE A. CANIPE, 0000
DOUGLAS C. CATO, JR., 0000
THOMAS J. CHIAVACCI, 0000
CATHERINE M. CHIN, 0000
GREGORY M. CHRIST, 0000
STEVEN E. CLAPP, 0000
AARON J. CLARK, 0000

BYRON K. CLAY, 0000
PATRICK G. CLEMENTS, 0000
SARAH B. CLIATT, 0000
ALFORD C. COCKFIELD, 0000
RICHARD A. COE, 0000
CHRISTOPHER A. COFFELT, 0000
LAVANSON C. COFFEY III, 0000
DAVID M. COHEN, 0000
ROBERT H. COLE, 0000
EDWARD S. CONANT, 0000
LYNN F. CONNETT, 0000
STANLEY K. CONTRADES, 0000
SEBASTIAN M. CONVERTINO, 0000
CHRISTOPHER D. COOK, 0000
DEANNA L. COOPER, 0000
CRAIG R. COREY, 0000
SHANE P. COURVILLE, 0000
DOUGLAS A. COX, 0000
DUANE T. CREAMER, 0000
BRIAN J. CREELMAN, 0000
DAVID J. CROW, 0000
RUSSELL N. CUTTING, 0000
CHARLES H. CYNAMON, 0000
MARK G. CZELUSTA, 0000
DANNY P. DAGHER, 0000
ROBERT J. DAGUE, 0000
PAUL S. DALY, JR., 0000
MARK T. DAMIANO, 0000
DANIEL A. DANT, 0000
RANDY J. DAVIS, 0000
STEPHEN L. DAVIS, 0000
JAMES C. DAWKINS, JR., 0000
ALLAN E. DAY, 0000
PATRICK K. DEAN, 0000
DAVID S. DEARY, 0000
JON CHASE DECLERCK, 0000
CARL T. DEKEMPER, 0000
DAVID F. DEMARTINO, 0000
DAVID R. DENNING, 0000
DEBORAH A. DETERMAN, 0000
VICTOR J. DIAZ, JR., 0000
DONALD A. DICKERSON, 0000
BERNARD DODSON, JR., 0000
DAVID M. DOE, 0000
PATRICK J. DOHERTY, 0000
PETER A. DONNELLY, 0000
TIMOTHY S. DONOHUE, 0000
CHARLES A. DOUGLASS, 0000
BERT L. DREHER, 0000
JOHN A. DUCHARME, JR., 0000
DAWN M. DUNLOP, 0000
LARRY J. DUVALL, 0000
KENNETH L. ECHTERNACHT, JR., 0000
TRENT H. EDWARDS, 0000
REGAN W. ELDER, 0000
WILLIAM G. ELDRIDGE, 0000
LAURENCE E. ELLIS, 0000
ALBERT M. ELTON II, 0000
CHARLES D. ENGEL, 0000
SAMUEL H. EPPERSON, JR., 0000
JASON G. EVGENIDES, 0000
FREDERICK L. FAHLBUSCH, 0000
GEORGE R. FARFOUR, 0000
MICHAEL R. FARRAR, 0000
TAMMY E. FARROW, 0000
VINCENT J. FECK, 0000
MICHAEL C. FERGUSON, 0000
TIMOTHY D. FERGUSON, 0000
ERIC T. FICK, 0000
TOD R. FINGAL, 0000
JAMES D. FISHER, 0000
JOHN A. FISHER, 0000
MICHAEL F. FLECK, 0000
MATTHEW W. FLOOD, 0000
PATRICK F. FOGARTY, 0000
TIMOTHY A. FORSYTHE, 0000
HARRY A. FOSTER, 0000
MICHAEL R. FRANKEL, 0000
JEFFREY E. FRANKHOUSER, 0000
TODD M. FREECE, 0000
SEAN M. FRISBEE, 0000
GARY GAGLIARDI, 0000
JOSEPH M. GAINES, 0000
VON A. GARDINER, 0000
LAWRENCE M. GATTI, 0000
FRED W. GAUDLIP, 0000
AMANDO E. GAVINO, JR., 0000
JAMES R. GEAR, 0000
MARTIN R. GEARHART, 0000
CHRISTOPHER R. GENTRY, 0000
DAVID MARTIN GIACHETTI, 0000
DAVID L. GILLESPIE, 0000
THOMAS L. GLARDON, 0000
JOHN A. GLAZE, 0000
KEVIN A. GORDEY, 0000
DANIEL B. GORDON, 0000
TODD W. GOSSETT, 0000
GARY J. GOTTSCHALL, 0000
DAVID C. GOULD II, 0000
BRADLEY K. GRAMBO, 0000
STEVEN G. GRAY, 0000
MICHAEL R. GREGG, 0000
FREDERICK D. GREGORY, JR., 0000
GORDON C. GRIFFIN, 0000
JAMES L. GRIFFITH, 0000
LUKE G. GROSSMAN, 0000
ROBERTO I. GUERRERO, 0000
GREGORY M. GUILLOT, 0000
DAVID A. HAASE, 0000
WILLIAM D. HACK, 0000
TODD C. HACKETT, 0000
DAVID E. HAFER, JR., 0000
SCOTT A. HAINES, 0000
ZOE M. HALE, 0000
WESLEY P. HALLMAN, 0000
PATRICK J. HALLORAN, 0000
BRADLEY K. HAMMER, 0000
AMY A. HAMMOND, 0000
WILLIAM E. HAMPTON, 0000
ERIK W. HANSEN, 0000
BRUCE E. HARDY, 0000
JOHN N. HARRIS, 0000
HARRY M. HARRISON, 0000
SHAWN D. HARRISON, 0000
KEVEN E. HARSHBARGER, 0000
SCOTT A. HARTFORD, 0000
JAMES P. HARVEY, 0000
DAVID C. HATHAWAY, 0000
DANIEL J. HAUSAUER, 0000
MICHAEL D. HAYS, 0000
RICHARD J. HAZDRA, 0000
GLENN H. HECHT, 0000
SCOT T. HECKMAN, 0000
BRUCE T. HELLEN, 0000
CHARLES HELWIG III, 0000
GARY W. HENDERSON, 0000
MASAO HENDRIX, 0000
MICHAEL D. HENNESSY, 0000
THOMAS A. HENWOOD, 0000
MARK A. HERING, 0000
SEAN R. HERR, 0000
MARTIN R. HERTZ, 0000
JOSEPH C. HICKOX, 0000
NATHAN E. HILL, 0000
PAMELA M. HILL, 0000
FRANKLIN J. HINSON, JR., 0000
STEVEN T. HISS, 0000
ROBERT J. HOCK, 0000
PETER D. HOFELICH, 0000
ROBERT S. HOLBA, 0000
ERIC J. HOLDAWAY, 0000
PATRICK R. HOLLRAH, 0000
PHILLIP W. HOOVER, 0000
GERALD L. HOUNCHELL, 0000
PETER W. HUGGINS, 0000
JOHNATHAN B. HUGHES, 0000
MICHAEL P. HUGHES, 0000
JOSEPH A. HUNTINGTON, 0000
ROBERT E. HUTCHENS, 0000
ANDREW D. INGRAM, 0000
PAUL E. IRWIN, JR., 0000
GORDON D. ISSLER, 0000
JAMES A. JACOBSON, 0000
DOUGLAS E. JAMES, 0000
JAMES D. JEFFERS, 0000
MARILYN H. JENKINS, 0000
JIM E. JENNINGS, 0000
CAROL A. JOHNSON, 0000
JERRY L. JOHNSON, 0000
KARLTON D. JOHNSON, 0000
STEVEN B. JOHNSON, 0000
NICHOLAS G. JOHNSTON, 0000
DAVID E. JONES, 0000
HOWARD G. JONES III, 0000
KEITH R. JONES, 0000
SOREN K. JONES, 0000
BRIAN T. JORDAN, 0000
BARBARA J. JORGENSEN, 0000
THOMAS C. JOYCE, 0000
DAVID J. JULAZADEH, 0000
DIMASALANG F. JUNIO, 0000
PATRICK KANE, 0000
DAVID A. KASBERG, 0000
ROBERT H. KAUFMAN, 0000
MATTHEW L. KELL, 0000
STEVEN D. KEPHART, 0000
JOHN A. KIMBALL III, 0000
STEVEN A. KIMBALL, 0000
JEFFREY D. KINDLEY, 0000
CHRISTOPHER J. KINNAN, 0000
JAMES A. KIRK, JR., 0000
BRETT W. KNAUB, 0000
CRAIG J. KNIERIM, 0000
KATHRYN L. KOLBE, 0000
MUSTAFA R. KOPRUCU, 0000
EDWARD J. KOSLOW, 0000
JOHN C. KRESS, 0000
DAVID A. KRUMM, 0000
JEFFREY A. KRUSE, 0000
MICHAEL J. KUCHTA, 0000
GARRY L. KUHN, 0000
CHRISTOPHER J. KULAS, 0000
RUSSELL D. KURTZ, 0000
MICHAEL L. LAKOS, 0000
DOUGLAS K. LAMBERTH, 0000
MARK G. LANGENDERFER, 0000
BILLY R. LANGFORD, 0000
KELLY J. LARSON, 0000
JON A. LARVICK, 0000
STEVEN G. LAVOYE, 0000
STEVEN B. LAWLOR, 0000
KIRK A. LEAR, 0000
PETER A. LEE, 0000
CEDRIC E. LEIGHTON, 0000
BARRY P. LEISTER, 0000
SCOTT P. LEMAY, 0000
ROBERT M. LETOURNEAU, 0000
WILLIAM K. LEWIS, 0000
DENNIS W. LISHERNESS, 0000
STEPHEN W. LISKA, 0000
DONALD C. LOCKE, JR., 0000
PHIL LOCKLEAR, 0000
SCOTT C. LONG, 0000
PATRICK A. LOPARDI, 0000
THOMAS J. LOWRY, 0000
JAMES L. MACFARLANE, 0000
MICHAEL E. MADISON, 0000
JAMES A. MAESTAS, 0000
DAVID H. MAHARREY, JR., 0000
DEIRDRE A. MAHON, 0000
DENNIS J. MALFER, JR., 0000
CHRISTOPHER S. MARDIS, 0000
KURT M. MARISA, 0000
PETER A. MARKLE, 0000
GLENN D. MARTIN, 0000
GREGORY S. MARZOLF, 0000
KEVIN P. MASTIN, 0000
RUSSELL F. MATHERS, 0000
STEPHEN M. MATSON, 0000
KYLE H. MATYI, 0000
CHARLES C. MAU, 0000
SIDNEY F. MAYEUX, 0000
ROBERT S. MCALLUM, 0000
KEITH D. MCBRIDE, 0000
TERRANCE J. MCCAFFREY II, 0000
MICHAEL J. MCCARTHY, 0000
THOMAS D. MCCARTHY, 0000
GARY L. MCCOLLUM, 0000
RICHARD D. MCCOMB, 0000
BRADLEY K. MCCOY, 0000
DENNIS P. MCDEVITT, JR., 0000
JOHN F. MCDEVITT, JR., 0000
JENNY A. MCGEE, 0000
KEVIN P. MCGLAUGHLIN, 0000
JAMES K. MCKENZIE, 0000
PATRICK T. MCKENZIE, 0000
FLOYD A. MCKINNEY, 0000
MICHAEL T. MCLAUGHLIN, 0000
BENJAMIN S. MCMULLEN, 0000
MARY E. MCRAE, 0000
ROBERT K. MENDENHALL, 0000
GEORGE T. MENKER, JR., 0000
RODNEY C. MERANDA, 0000
SCOTT C. MERRELL, 0000
ROBERT E. MIGLIONICO, 0000
BARRY G. MILLER, 0000
COLIN R. MILLER, 0000
DANIEL R. MILLER, 0000
DOUGLAS R. MILLER, 0000
JOHN G. MILLER, 0000
MICHAEL J. MILLER, 0000
TIMOTHY M. MILLER, 0000
VINCENT B. MILLER, 0000
M. J. MITCHELL, 0000
MARIAMNE R. MITCHELL, 0000
ROBERT E. MITCHELL, 0000
PETER H. MIYARES, 0000
DAVID B. MOBLEY, 0000
ANDREW J. MOLNAR, 0000
ROBERT E. MONROE, 0000
POLLYANNA P. MONTGOMERY, 0000
MICHAEL S. MOORE, 0000
DAVID A. MORGAN, 0000
JEFFREY W. MORGAN, 0000
ROBERT A. MORIARTY, 0000
BRETT E. MORRIS, 0000
SHAUN Q. MORRIS, 0000
TIMOTHY R. MORRIS, 0000
RANDY J. MOSER, 0000
ROBERT A. MULHERAN, 0000
KENNETH B. MULLIGAN, 0000
ANTHONY J. MURCH, 0000
RICKY R. MURPHY, 0000
THOMAS E. MURPHY, 0000
JOHN D. NEWBERRY, 0000
TIMOTHY P. NICKERSON, 0000
JOHN S. OATES, 0000
TRACY A. OGRADYWALSH, 0000
STEVEN G. OLIVE, 0000
CHARLES E. OSTEEN, 0000
PATRICK J. OWENS, 0000
HENRY P. PANDES, 0000
KEITH J. PANNABECKER, 0000
MARK W. PAPEN, 0000
GUY E. PARKER, 0000
GEOFFREY S. PARKHURST, 0000
CHARLES W. PATNAUDE, 0000
JOHN T. PATRICOLA, 0000
CHRIS B. PATTERSON, 0000
JOHN W. PEARSE, 0000
DAVID R. PEDERSEN, 0000
LEE J. PERA, 0000
LEEANN PERKINS, 0000
MONTY R. PERRY, 0000
MICHAEL E. PETERSON, 0000
TRENT A. PICKERING, 0000
ERIC J. PIERCE, 0000
GEORGE M. PIERCE II, 0000
TODD M. PIERGROSSI, 0000
BRIAN C. PIERSON, 0000
CHRISTOPHER A. PIKE, 0000
WILLIAM B. PILCHER, JR., 0000
JOSEPH M. PINCKNEY, JR., 0000
LEE T. PITTMAN, 0000
SCOTT L. PLEUS, 0000
WILLIAM S. PORTER, JR., 0000
THOMAS J. PORTERFIELD, 0000
STEVEN W. POWELL, 0000
PHILLIP R. J. PRATZNER, 0000
RONALD R. PRINCE, 0000
MARK D. PRUITT, 0000
DAVID C. PTAK, 0000
ALDON E. PURDHAM, JR., 0000
GEORGE C. RAMEY, 0000
KIMBERLEY A. RAMOS, 0000
GLENN R. RATTELL, 0000
JAMES J. RAVELLA, 0000
DAVID A. REARICK, 0000
MICHAEL D. REED, 0000
VICTORIA H. REED, 0000
WILLIAM A. REESE, 0000
JAMES A. REGENOR, 0000
JAMES R. REITZEL, 0000
LENNY J. RICHOUX, 0000
HEINRICH K. RIEPING, JR., 0000
EDWARD M. RIVERA, 0000
KEVIN J. ROBBINS, 0000
JULIE M. ROBEL, 0000
KYLE W. ROBINSON, 0000
STEVEN M. ROBINSON, 0000
LAWRENCE O. ROCHE, 0000

RICKEY S. RODGERS, 0000
ERNEST H. RODRIGUEZ, 0000
VICTOR M. RODRIGUEZ, 0000
DONNA M. ROGERS, 0000
MARILYN R. ROGERS, 0000
JOHN R. ROMERO, 0000
LUIS E. ROSABERRIOS, 0000
PAT A. ROSE, JR., 0000
LEE W. ROSEN, 0000
JAMES P. ROSS, 0000
WILLIAM G. ROUTT, 0000
TOMISLAV Z. RUBY, 0000
WILLIAM Y. RUPP, 0000
JOHN T. RUSSELL, 0000
ROBERT L. RUSSELL, JR., 0000
JAMES P. RYAN, 0000
MELVIN D. SACHS, 0000
RICHARD P. SAMUELS, 0000
JOSE A. SANCHEZ, 0000
WALTER R. SCHENBERGER, JR., 0000
JOSEPH H. SCHERRER, 0000
PAUL F. SCHULTZ, 0000
JIMMIE D. SCHUMAN, JR., 0000
GREGORY J. SCHWARTZ, 0000
RICHARD P. SCHWING, 0000
TODD J. SCOTT, 0000
SCOTT D. SEAVERS, 0000
JEFFREY D. SEINWILL, 0000
GREGORY S. SELLERS, 0000
CHRISTOPHER C. SHARPE, 0000
PETRA L. SHARRETT, 0000
JOHN E. SHAW, 0000
CHARLES B. SHERWIN, JR., 0000
KEITH B. SHOATES, 0000
TIMOTHY D. SKINNER, 0000
ANDREW T. SLAWSON, 0000
DIRK D. SMITH, 0000
GREGORY C. SMITH, 0000
JEFFREY J. SMITH, 0000
MARVIN W. SMITH, JR., 0000
MICHAEL S. SMITH, 0000
MICHAEL V. SMITH, 0000
SHANE RAY SMITH, 0000
MICHAEL C. SNEEDER, 0000
JEFFERY S. SNELL, 0000
DANIEL R. SNY, 0000
THOMAS J. SNYDER, 0000
DWIGHT C. SONES, 0000
DAVID A. SOUTHERLAND, 0000
JOEL S. SPEIGHT, 0000
CHARLES F. SPENCER, JR., 0000
LESLEY D. SPRAKER, 0000
CLIFFORD B. STANSELL, 0000
SHERRY L. STEARNSBOLES, 0000
ROBERT L. STEPHENSON, 0000
WILLIAM B. STEVENSON IV, 0000
DAVID T. STEWART, 0000
MICHAEL J. STINSON, 0000
RICHARD C. STOCKTON, 0000
CRISTINA M. STONE, 0000
ANTHONY STRICKLAND, 0000
RICKY D. STRICKLAND, 0000
DANA E. STRUCKMAN, 0000
JOSEPH A. SUBLOUSKY, 0000
THOMAS A. SUMMERS, 0000
DAVID E. SWANSON, 0000
JEFFREY R. SWEGEL, 0000
GLENN B. SWIFT, 0000
WILLIAM M. TART, 0000
KENNETH R. TATUM, JR., 0000
DOUGLAS J. TAYLOR, 0000
JOHN B. TAYLOR, 0000
RUSSELL E. TAYLOR, 0000
WILLIAM J. TAYLOR, 0000
MICHAEL L. THERIANOS, JR., 0000
JAMES P. THOMAS, 0000
BILLY D. THOMPSON, 0000
RONALD E. THOMPSON, JR., 0000
WILLIAM A. THOMPSON, 0000
DAVID A. THOMSON, 0000
ERIC M. THOMTON, 0000
PAUL W. TIBBETS IV, 0000
JOHN C. TOBIN, 0000
WADE G. TOLLIVER, 0000
JODINE K. TOOKE, 0000
THOMAS J. TOOMER, 0000
EDWARD M. TOPPS, 0000
ROBERT J. TORICK, JR., 0000
JOSE L. TORRES, JR., 0000
ANDREW J. TOTH, 0000
ROBERT P. TOTH, 0000
WILLIAM S. TULLY, JR., 0000
KIP B. TURAIN, 0000
LUTHER S. TURNER III, 0000
SCOTT M. TURNER, 0000
SHAUN B. TURNER, 0000
ROGER T. TYREE, 0000
JON H. ULLMANN, 0000
KIMBERLY C. ULLMANN, 0000
FRANK L. VANHORN, 0000
DONALD A. VANPATTEN, 0000
EDGAR M. VAUGHAN, 0000
MARK K. VIDMAR, 0000
XAVIER C. VILLARREAL, 0000
ROGER M. VINCENT, 0000
JEFFERY ALLEN VINGER, 0000
MICHAEL D. VLK, 0000
ROGER L. WAGNER, 0000
ANDREAS W. WALSH, 0000
BENJAMIN F. WARD, 0000
TERRY WARD, 0000
WILLIAM R. WARD, 0000
BENJAMIN C. WASH, 0000
MARK E. WEATHERINGTON, 0000
JEFFREY R. WEED, 0000
JAMES L. WERTZ, 0000
HERBERT H. WESSELMAN, 0000
JAMES J. WESSLUND, 0000
EVIN R. WESTEREN, 0000
ROGER H. WESTERMEYER, 0000
BENJAMIN WHAM II, 0000
MARK S. WHINNERY, 0000
ROBERT E. WICKS, JR., 0000
ALAN J. WIEDER, 0000
DAVID P. WIEGAND, 0000
ALBERT C. WILLIAMS II, 0000
JOHN D. WILLIAMS, 0000
TRAVIS A. WILLIS, JR., 0000
CRAIG D. WILLS, 0000
KURT DANIEL WILSON, 0000
RUSSELL A. WILSON, 0000
CURTIS M. WINSTEAD, 0000
ROGER J. WITEK, 0000
RANDY L. WITHAM, 0000
MARSHALL S. WOODSON, 0000
LARRY D. WORLEY, JR., 0000
CHRISTOPHER P. WRIGHT, 0000
GEORGE A. ZANIEWSKI, 0000
ANTHONY J. ZUCCO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LAURA E. BARNES, 0000
SARAHANN BEAL, 0000
RICHARD J. BERT, JR., 0000
DANIEL J. BESSMER, 0000
LAWRENCE A. CALABRO, 0000
JOSEPH COSTANTINO, 0000
GERALD F. HESKO, 0000
BARRY O. HILL, 0000
SCOTT B. HOLLIDAY, 0000
MELISSA R. HOWARD, 0000
BRENT A. JOHNSON, 0000
ROSALIND D. JONES, 0000
SCOTT J. KREBS, 0000
MICHAEL LEE, 0000
KERRY L. LEWIS, 0000
MICHAEL P. LUNDY, 0000
STEPHANIE D. MCCORMACKBROWN, 0000
SCOTT M. MCKIM, 0000
DUANE L. MEIGHAN, 0000
SCOTT A. NEMMERS, 0000
JODY C. NOE, 0000
STEPHEN E. NOVAK, 0000
ROBERT A. NYQUIST, 0000
CARLENE M. PERRY, 0000
JAMES R. POEL, 0000
KYLE R. REINHARDT, 0000
JEAN P. RUDDELL, 0000
LIBBY S. SCHINDLER, 0000
RAYMOND M. SIRAK, 0000
BECKY S. SOBEL, 0000
MARK A. STAAL, 0000
CHRISTOPHER B. STANLEY, 0000
DAVID W. STREETER, 0000
LARRY G. TAYLOR, 0000
KEVIN W. TILLER, 0000
SANDRA L. TODD, 0000
RYAN L. TRAVER, 0000
JAY A. VIETAS, 0000
JOHN M. WAITE, 0000
CAROL C. WALTERS, 0000
KEVIN L. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DANA M. ADAMS, 0000
JENNIFER M. AGULTO, 0000
MARY J. ANTE, 0000
SYLVIA BALLEZGRIFFIN, 0000
LORRAINE R. BARTON, 0000
MICHELE A. BAXTER, 0000
PAMELA K. BEMENT, 0000
KIRSTEN A. BENFORD, 0000
JULIE M. BOSCH, 0000
DAVID A. BRADFIELD, 0000
PATRICIA N. BRADSHAW, 0000
MARY T. CARLISLE, 0000
MAUREEN A. CHARLES, 0000
DOUGLAS J. CHEEK, 0000
ELIZABETH J. CODDINGTON, 0000
SUSAN C. DAVIS, 0000
ELIZABETH A. DECKER, 0000
DEBORAH J. DILLARD, 0000
ADRIANA EDEN, 0000
DEONA J. EICKHOFF, 0000
NATHALIE F. ELLIS, 0000
KELLY JO FIELDS, 0000
RAMONA L. FIELDS, 0000
AMY A. FORRESTER, 0000
LAURA J. FRAZER, 0000
JOANN C. FRYE, 0000
BETH A. GOODWILL, 0000
CHERYL J. GREENTREE, 0000
DALE G. GREY, 0000
RITCHIE D. GRISSETT, 0000
MARIA GUEVARADEMATALOBOS, 0000
JULIE C. HANSON, 0000
ROBERT L. HARSHAW, 0000
DOUGLAS L. HOUSTON, 0000
GWENDOLYN C. JOHNSON, 0000
LAURIE E. JOHNSON, 0000
KRISTI A. KENNEDY, 0000
ALINA KHALIFE, 0000
PAULETTE E. KING, 0000
VINCENT L. KIRKNER, 0000
BRIAN T. KOONCE, 0000
PETER R. LITTLE, 0000
MICHELLE D. MARTINEAU, 0000
ANTOINETTE M. MCNEARY, 0000
PATRICE H. MORRISON, 0000
JACQUELINE A. MUDD, 0000
JILL J. OREAR, 0000
PATRICIA F. PARK, 0000
SUSAN M. PERRY, 0000
MARCIA A. POTTER, 0000
JERE M. POUND IV, 0000
MELANIE A. PRINCE, 0000
IRIS A. REEDOM, 0000
TERRI A. RENSCH, 0000
ALESIA D. RICKS, 0000
ANNA M. RIGHERO, 0000
CHRISTLE A. ROBINSON, 0000
JOANNE R. RUGGERI, 0000
JEANNINE M. RYDER, 0000
SHARON T. SCOTT, 0000
DAVID J. STAMPS, 0000
CHRISTINE S. TAYLOR, 0000
SHEILA M. THORNTON, 0000
KIRK A. TRESCH, 0000
JULIE P. TSEHWILLCOCKSON, 0000
STEVEN F. ULSAS, 0000
VIVENE E. WALTERS, 0000
KATHRYN W. WEISS, 0000
KENNETH R. WESTENKIRCHNER, 0000
MONICA L. WHEATON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARY ANN BEHAN, 0000
DAVID M. BERTHE, 0000
STEVEN E. BODILY, JR., 0000
CHRISTOPHER J. CANALES, 0000
GEORGE G. CARTER, 0000
PAUL N. CONNER, 0000
CARRIE D. COOPER, 0000
GREGORY S. CULLISON, 0000
MICHAEL D. CUPITO, 0000
CHRISTOPHER A. DUN, 0000
TIMOTHY A. DYKENS, 0000
MONTSERRAT P. EDIEKORLESKI, 0000
LEAH JANE ERWIN, 0000
ALFRED K. FLOWERS, JR., 0000
BRIAN T. GOUVEIA, 0000
LINDA M. GUERRERO, 0000
ROBERT A. HARRIS, 0000
SALLY ANN KELLYRANK, 0000
STEPHEN D. LARSEN, 0000
RODNEY J. LASTER, 0000
CAMILLE R. LOONEY, 0000
JOHN J. MAMMANO, 0000
ANTHONY M. MARICI, 0000
TIMOTHY L. MARTINEZ, 0000
RONALD J. MERCHANT, 0000
TIMOTHY T. MIDDLETON, 0000
JON T. MOHATT, 0000
JAMES B. MOTT, 0000
GREGORY W. PAPKE, 0000
WAYNE S. PETERS, 0000
MICHELLE A. PUFALL, 0000
SCOTT C. SUCKOW, 0000
MICHAEL A. TAYLOR, 0000
SAMUEL C. WASHINGTON, 0000
JEFFREY J. WHITE, 0000
PAUL A. WILLINGHAM, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

DAWUD A. AGBERE, 0000
CHARLES F. BARNA, 0000
DAVID A. BOTTOMS, 0000
RANDALL E. BOWEN, 0000
JEFFREY L. BROOKS, 0000
CHARLES M. BURGESS, 0000
DONALD S. CARROTHERS, 0000
HERMAN B. CHEATHAM, 0000
DARREN K. COLEMAN, 0000
EDDIE W. COOK, 0000
LANE J. CREAMER, 0000
LAWRENCE M. DABECK, 0000
CHRISTOPHER F. EDWARDS, 0000
PAUL A. FOREMAN, 0000
MATTHEW L. GIBSON, 0000
JIMMIE C. GREGORY, 0000
WARREN L. HAGGRAY, 0000
CHARLES E. HAMLIN, 0000
GEORGE H. HAMMIL, 0000
INSOON G. HOAGLAND, 0000
DOUGLAS C. HOOVER, 0000
JERRY B. HORNER, 0000
ABDULLAH A. HULWE, 0000
MARK J. JACOBS, 0000
WILLIAM L. KELLER II, 0000
TODD M. KEPLEY, 0000
MOON H. KIM, 0000
PHILIP A. KOCHENBURGER, 0000
KRZYSZTOF A. KOPEC, 0000
KENNETH M. LEBON, 0000
JAMES B. LEE, 0000
SUN C. LEE, 0000
WILLIAM A. LOVELL, 0000
ROBERT E. MARSI, 0000
HENRY D. MCCAIN, 0000
SHAWN E. MCCAMMON, 0000
ROBERT A. MILLER, 0000
STEVEN J. MOSER, 0000

LINDA D. NORLIEN, 0000
EDWARD U. OHM, 0000
PAUL G. PASSAMONTI, 0000
IBRAHEEM A. RAHEEM, 0000
DAVID A. SCHNARR, 0000
WILLIAM H. SCRITCHFIELD, 0000
MUHAMMAD K. SHABAZZ, 0000
JOHN R. SUTTON, JR., 0000
DOUGLAS C. SWIFT, JR., 0000
ROBERT R. THOMAS, 0000
FRED C. TOWNSEND, 0000
DAVID K. TROGDON, 0000
SEGGERN A. VON, 0000
ROBERT K. WALKER, 0000
EDWARD J. YURUS, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BLAKE C. ORTNER, 0000
ANDREW S. ZELLER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JULIE A. BENTZ, 0000
THOMAS L. TURPIN, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LARRY L. GUYTON, 0000
RANDY J. MIZE, 0000
WILLIAM C. PROCTOR, 0000
LINDA V. G. WEAVER, 0000
LINDA M. WILLIAMS, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

JOSE A. ACOSTA, 0000
GREGORY M. GULLAHORN, 0000
DAVID J. HARRISON, 0000
PHILLIP J. VARGAS, 0000

To be commander

GREGORY P. GEISEN, 0000
JESSE W. LEE, JR., 0000
STEVEN NAGEL, 0000

To be lieutenant commander

STEPHEN W. BOWMAN, 0000
LORI J. CICCI, 0000
JEFFREY A. GILES, 0000
DANIEL L. MODE, 0000
CHRISTOPHER L. MORGAN, 0000
JOHN Q. QUARTEY, 0000
LAWRENCE A. RAMIREZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DOUGLAS P. BARBER, JR., 0000
CHRISTOPHER J. CORVO, 0000
DANIEL R. CROUCH, 0000
JOSEPH J. ELDRED, 0000
DAMIAN D. FLATT, 0000
PETER D. GALINDEZ, 0000
PATRICK J. GIBBONS, 0000
KEITH S. GIBEL, 0000
COLLEEN M. GLASERALLEN, 0000
MARC F. GUARIN, 0000
GLENN R. HANCOCK, 0000
JOHN A. HELTON, 0000
MICHAEL C. HOLIFIELD, 0000
ELISABETH B. JONES, 0000
DONALD C. KING, 0000
SALVATORE M. MAIDA, JR., 0000
TREVOR A. RUSH, 0000
KELVIN M. STROBLE, 0000
DOUGLAS R. VELVEL, 0000
THOMAS J. WELSH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SUSAN D. CHACON, 0000
DANIEL M. EVES, 0000
BRUCE G. GREEN, 0000
ISTVAN HARGITAI, 0000
THOMAS M. JACKS, 0000
STEVEN A. MATIS, 0000
JACQUELINE R. PALAISA, 0000
ORVILLE J. STEIN, JR., 0000
FRANCISCO X. VERAY, 0000
SEUNG C. YANG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ENEIN Y. H. ABOUL, 0000
ALEJANDRO ALVARADO, 0000
PAUL A. ANDRE, 0000
HOWARD A. AUPKE, JR., 0000
DANIEL J. BELISLE, 0000
PATRICK J. BLAIR, 0000
BARBARA A. COLEMAN, 0000
MICHAEL A. CORRIERE, 0000
WILLIAM M. DENISTON, 0000
GLENDON B. DIEHL, JR., 0000
MICHAEL J. DUSZYNSKI, 0000
DUANE A. EGGERT, 0000
DAVID A. ELLENBECKER, 0000
GLENN J. GARGANO, 0000
CYNTHIA C. GRANBY, 0000
MATTHEW E. GRIMES, 0000
THOMAS C. HERZIG, 0000
DANIEL J. HIGGINS, 0000
LEE D. HOEY, 0000
ERIC R. HOFFMAN, 0000
BRIAN E. HUTCHISON, 0000
SUSAN M. JAY, 0000
ANTONY R. JOSEPH, 0000
LISA K. KENNEMUR, 0000
KRISTIN N. KLEMANN, 0000
CONRAD F. KRESS, 0000
KAREN P. LEAHY, 0000
MICHAEL S. LELAND, 0000
DENISE M. LEVELING, 0000
JAMIE M. LINDLY, 0000
RALPH J. MARRO, 0000
JAMES L. MARTIN, 0000
JAMES F. MCALLISTER, 0000
THOMAS E. MCCOY, 0000
BRENDAN T. MELODY, 0000
WILLIAM T. MILES, 0000
PATRICIA A. MILLER, 0000
PAUL C. MILLER, 0000
MARSHALL R. MONTEVILLE, 0000
GARY A. MORRIS, 0000
LEO J. MURPHY, 0000
SAMUEL T. OLAIYA, 0000
PAMELA A. OLOUGHLIN, 0000
JACQUELINE L. PIERRE, 0000
ERIC G. POTTERAT, 0000
MICHAEL C. PREVOST, 0000
JAMES D. QUEENER, 0000
EDWARD J. SULLIVAN, 0000
ROHINI SURAJ, 0000
BRIAN G. TOLBERT, 0000
LEE A. VITATOE, 0000
JUDITH M. WALKER, 0000
THOMAS C. WALTER, 0000
AARON D. WERBEL, 0000
BYRON C. WIGGINS, 0000
KIMBERLY A. ZUZELSKI, 0000