

HATCH) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 910

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 910, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 3677

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3677, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3808

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3808, a bill to reduce the incidence of suicide among veterans.

S. 3913

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3913, a bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007.

S. 3980

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was withdrawn as a cosponsor of S. 3980, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

At the request of Mr. DODD, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from

Washington (Ms. CANTWELL) were added as cosponsors of S. 3980, supra.

S. 3984

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3984, a bill to improve programs for the identification and treatment of post-deployment mental health conditions, including post-traumatic stress disorder, in veterans and members of the Armed Forces, and for other purposes.

S. 4046

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 4046, a bill to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

S. 4049

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 4049, a bill to provide for the redeployment of United States forces from Iraq by July 1, 2007.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST:

S. 4052. A bill to authorize refugee relief and reconstruction assistance for North Korea; to the Committee on Foreign Relations.

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

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

S. 4052

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 "North Korea Refugee Relief and Reconstruction Act of 2006".

SEC. 2. PURPOSE.

The purpose of this Act is to help the people of North Korea gain freedom from political oppression.

SEC. 3. NORTH KOREA REFUGEE RELIEF AND RECONSTRUCTION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "North Korea Refugee Relief and Reconstruction Fund" (in this Act referred to as the "Fund"), consisting of such amounts as may be appropriated to the Fund pursuant to subsection (b) and such articles and services as may be made available to the Fund pursuant to subsection (c). The resources of the Fund shall be available to carry out the programs and activities identified in section 4.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for contributions to the Fund such sums as may be necessary, not to exceed \$10,000,000,000. Amounts appropriated for the Fund shall remain available until expended.

(c) DRAWDOWN AUTHORITY.—

(1) IN GENERAL.—The President may, pursuant to section 506(a)(2) of the Foreign Assist-

ance Act of 1961 (22 U.S.C. 2318(a)(2)), draw down articles and services from the inventory and resources of any agency of the United States Government for the Fund to carry out the programs and activities identified in section 4.

(2) AUTHORITY TO ACQUIRE BY CONTRACT OR OTHERWISE.—The assistance authorized under paragraph (1) may include the supply of articles and services that are acquired by contract or otherwise.

(3) AMOUNT OF ASSISTANCE.—

(A) LIMIT.—The aggregate value of assistance provided under this subsection, as defined under section 644(m) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(m)), may not exceed \$1,000,000,000.

(B) ASSISTANCE NOT COUNTED TOWARD SPECIAL AUTHORITY LIMIT.—Assistance provided under this subsection shall not count toward any limitation under section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318).

(4) REIMBURSEMENT.—

(A) IN GENERAL.—Articles and services provided under this subsection shall be made available to the Fund without reimbursement to the applicable appropriation, fund, or account except to the extent that funds are appropriated pursuant to subparagraph (B).

(B) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value of articles and services provided under this subsection, as defined under section 644(m) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(m)).

(ii) OFFSET.—The maximum amount authorized to be appropriated for the Fund under subsection (b) shall be reduced by an amount equal to the aggregate value of the articles and services made available under paragraph (1).

SEC. 4. PROGRAMS AND ACTIVITIES OF THE FUND.

(a) REFUGEE RELIEF, RELOCATION AND RESETTLEMENT ASSISTANCE.—The President may use amounts in the Fund to provide relief to refugees that have escaped from North Korea, to relocate such refugees to South Korea or other countries prepared to accept them, and to assist in the resettlement of such refugees in any country willing to accept their resettlement. These activities may be carried out pursuant to the authorities provided in the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601 et seq.).

(b) REUNIFICATION AND RECONSTRUCTION ASSISTANCE.—The President may use amounts in the Fund to provide for the benefit of persons living in the territory of North Korea the types of assistance authorized for the Independent States of the former Soviet Union under section 498 of the Foreign Assistance Act of 1961 (22 U.S.C. 2295) and for the countries of the South Caucasus and Central Asia under sections 499A, 499B, 499C, and 499D of such Act (22 U.S.C. 2296a, 2296b, 2296c, and 2296d) in the event of—

(1) the reunification of North Korea with South Korea; or

(2) the emergence in North Korea of a new national government committed to respect for human rights, nonproliferation, and peaceful relations with the United States and the other countries of the region.

SEC. 5. SENSE OF CONGRESS ON INTERNATIONAL EFFORTS.

It is the sense of Congress that the Governments of South Korea, Japan, China, and Russia and other concerned governments should make commitments commensurate to

those that the United States is offering under this Act—

(1) to assist refugees fleeing political oppression in North Korea; and

(2) to meet humanitarian and reconstruction needs arising in connection with—

(A) the reunification of North Korea with South Korea; or

(B) the emergence in North Korea of a new national government committed to respect for human rights, nonproliferation, and peaceful relations with the United States and the other countries in the region.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. BAUCUS, Mr. SALAZAR, Mr. ROCKEFELLER, Mrs. BOXER, and Mr. KERRY):

S. 4053. A bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce, along with Senators COCHRAN, KENNEDY, BAUCUS, ROCKEFELLER, SALAZAR, BOXER and KERRY, the Summer of Service Act of 2006. This bill offers middle school students the chance to spend a summer in service to their communities as they transition into high school.

Summer of Service creates a competitive grant program that enables States and localities to offer middle school students an opportunity to participate in a structured community service program over the summer months. It employs service-learning to teach civic participation skills, help young people see themselves as resources to their communities, expand educational opportunities and discourage “summer academic slide.” Providing tangible benefits to their communities, Summer of Service projects direct grantees to work on unmet human, educational, environmental and public safety needs and encourage all youth, regardless of age, income, or disability, to engage in community service. The program also grants participants with an educational award of up to \$500 which can later be used to pay for college.

Volunteerism not only brings support and services to communities in need, it also provides significant benefits to the students who participate. When young people participate in service activities they feel better able to control their lives in a positive way, avoiding risk behaviors, strengthening their community connections and become more engaged in their studies. When service is tied to what students are learning in school, they make gains on achievement tests, complete their homework more often, and increase their grade point average. Students who engage in service learning also improve their communication skills, gain increased awareness of career possibilities, and

develop more positive workplace attitudes, setting the foundation for their place as America’s future leaders. Studies also show that students who participate in community service are more likely to graduate high school and demonstrate interest in going to college.

We often hear today of the tremendous pressures our young people face at home, in school and in the afterschool hours. Summer of Service provides young people with the chance to be a positive change in their communities. For this reason, I urge my colleagues to join me in supporting the Summer of Service Act of 2006. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4053

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 “Summer of Service Act of 2006”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Throughout the United States, there are pressing unmet human, educational, environmental and public safety needs.

(2) Americans desire to affirm common responsibilities and shared values, and join together in positive experiences, that transcend race, religion, gender, age, disability, region, income, and education.

(3) Americans of all ages can improve their communities and become better citizens through service to their communities.

(4) When youth participate in service activities and see that they are able to improve the lives of others, the youth feel better able to control their own lives in a positive way, avoiding risky behaviors, strengthening their community connections, and becoming more engaged in their own education.

(5) When youth service is tied to learning objectives, that service is shown to decrease alienation and behavior problems, and increase knowledge of community needs, commitment to an ethic of service, and understanding of politics and morality.

(6) When service is tied to what students are learning in school, the students make gains on achievement tests, complete their homework more often, and increase their grade point averages.

(7) Students who engage in service-learning improve their communication skills, increase their awareness of career possibilities, have a deeper understanding of social and economic issues that face the United States, and develop more positive workplace attitudes, preparing them to take their places as future leaders of the United States.

(8) In a national poll, more than 80 percent of parents said that their child would benefit from an after school program that offered community service and 95 percent of teens agreed that is important to volunteer time to community efforts.

(b) PURPOSE.—The purposes of this Act are to—

(1) offer youth the chance to spend a summer in service to their communities as a rite of passage before high school;

(2) teach civic participation skills to youth and help youth see themselves as resources and leaders for their communities;

(3) expand educational opportunities and discourage “summer slide” by engaging youth in summer service-learning opportunities;

(4) encourage youth, regardless of age, income, or disability, to engage in community service;

(5) provide tangible benefits to the communities in which Summer of Service programs are performed; and

(6) enhance the social-emotional development of youth of all backgrounds.

SEC. 3. SUMMER OF SERVICE PROGRAMS.

Title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.) is amended—

(1) by redesignating subtitles F, G, H, and I as subtitles G, H, I, and J, respectively;

(2) by redesignating sections 160 through 166 as sections 159A through 159G, respectively; and

(3) by inserting after subtitle E the following:

“Subtitle F—Summer of Service Programs

“SEC. 161. DEFINITIONS.

“In this subtitle:

“(1) EDUCATIONAL AWARD.—The term ‘educational award’ means an award disbursed under section 162B(d) or 163B(d).

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a public or private nonprofit organization, an institution of higher education, a local educational agency, a public elementary school or public secondary school, or a consortium of 2 or more of the entities described in this paragraph.

“(3) ELIGIBLE YOUTH.—The term ‘eligible youth’ means a youth who will be enrolled in the sixth, seventh, eighth, or ninth grade at the end of the summer for which the youth would participate in community service under this subtitle.

“PART I—SUMMER OF SERVICE STATE GRANT PROGRAM

“SEC. 162. GRANTS TO STATES.

“(a) GRANTS.—

“(1) IN GENERAL.—The Chief Executive Officer shall award grants on a competitive basis to States, to enable the State Commissions—

“(A) to carry out State-level activities under subsection (d); and

“(B) to award subgrants on a competitive basis under section 162A to eligible entities to pay for the Federal share of the cost of carrying out community service projects.

“(2) FUNDS FOR EDUCATIONAL AWARDS.—The Chief Executive Officer shall decide whether funds appropriated to carry out this part and available for educational awards (referred to in this part as ‘educational award funds’) shall be—

“(A) included in the funds for such grants to States and subgrants to eligible entities; or

“(B) reserved by the Chief Executive Officer, deposited in the National Service Trust for educational awards, and disbursed according to paragraphs (1) and (3) of section 162B(d).

“(3) PERIODS OF GRANTS.—The Chief Executive Officer shall award the grants for periods of 3 years.

“(4) AMOUNTS OF GRANTS.—The Chief Executive Officer shall award such a grant to a State for a program in a sum equal to—

“(A) the amount obtained by multiplying \$500 and the number of youth who will participate in the program (to be used for program expenses);

“(B) unless the Chief Executive Officer decides to deposit funds for educational awards

in the National Service Trust, as described in paragraph (2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards); and

“(C) an amount sufficient to provide for the reservation for State-level activities described in subsection (d).

“(b) STATE APPLICATION.—To be eligible to receive a grant under this section, a State shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information that—

“(1) designates the State Commission as the agency responsible for the administration and supervision of the community service program carried out under this part in the State;

“(2) describes how the State Commission will use funds received under this part, including funds reserved for State-level activities under subsection (d);

“(3) describes the procedures and criteria the State Commission will use for reviewing applications and awarding subgrants on a competitive basis under section 162A to eligible entities for projects, including how the State Commission will give priority to an entity that—

“(A) offers a quality plan for or has an established track record of carrying out the activities described in the entity’s application;

“(B) has a leadership position in the community from which the youth participating in the project described in the application will be drawn;

“(C) proposes a project that focuses on service by the participants during the transition year before high school;

“(D) plans to ensure that at least 50 percent of the participants are low-income eligible youth;

“(E) proposes a project that encourages or enables youth to continue participating in community service throughout the school year;

“(F) plans to involve the participants in the design and operation of the project, including involving the participants in conducting a needs-based assessment of community needs;

“(G) proposes a project that involves youth of different ages, races, sexes, ethnic groups, religions, disability categories, or economic backgrounds serving together; and

“(H) proposes a project that provides high quality service-learning experiences;

“(4) describes the steps the State Commission will take, including the provision of ongoing technical assistance described in subsection (d)(2) and training, to ensure that projects funded under section 162A will implement effective strategies; and

“(5) describes how the State Commission will evaluate the projects, which shall include, at a minimum—

“(A) a description of the objectives and benchmarks that will be used to evaluate the projects; and

“(B) a description of how the State Commission will disseminate the results of the evaluations, as described in subsection (d)(4)(C).

“(c) APPLICANT REVIEW.—

“(1) SELECTION CRITERIA.—The Chief Executive Officer shall evaluate applications for grants under this section based on the quality, innovation, replicability, and sustainability of the State programs proposed by the applicants.

“(2) REVIEW PANELS.—The Chief Executive Officer shall employ the review panels estab-

lished under section 165A in reviewing the applications.

“(3) NOTIFICATION OF APPLICANTS.—If the Chief Executive Officer rejects an application submitted under this section, the Chief Executive Officer shall promptly notify the applicant of the reasons for the rejection of the application.

“(4) RESUBMISSION AND RECONSIDERATION.—The Chief Executive Officer shall provide an applicant notified of rejection with a reasonable opportunity to revise and resubmit the application. At the request of the applicant, the Chief Executive Officer shall provide technical assistance to the applicant as part of the resubmission process. The Chief Executive Officer shall promptly reconsider an application resubmitted under this paragraph.

“(d) STATE-LEVEL ACTIVITIES.—A State that receives a grant under this section may reserve up to 5 percent of the grant funds for State-level activities, which may include—

“(1) hiring staff to administer the program carried out under this part in the State;

“(2) providing technical assistance, including technical assistance concerning the professional development and training of personnel, to eligible entities that receive subgrants under section 162A;

“(3) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of eligible entities and local eligible youth in the program carried out under this part; and

“(4)(A) conducting an evaluation of the projects carried out by eligible entities under this part;

“(B) using the results of the evaluation to collect and compile information on best practices and models for such projects; and

“(C) disseminating widely the results of the evaluation.

“SEC. 162A. SUBGRANTS TO ELIGIBLE ENTITIES.

“(a) SUBGRANTS.—

“(1) IN GENERAL.—A State that receives a grant under section 162 shall use the grant funds to award subgrants on a competitive basis to eligible entities to pay for the Federal share of the cost of carrying out community service projects.

“(2) PERIODS OF SUBGRANTS.—The State shall award the subgrants for periods of 3 years.

“(3) AMOUNTS OF SUBGRANTS.—The State shall award such a subgrant to an eligible entity for a project in a sum equal to—

“(A) the amount obtained by multiplying \$500 and the number of youth who will participate in the project (to be used for project expenses); and

“(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in section 162(a)(2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards).

“(b) APPLICATIONS.—To be eligible to receive a subgrant under this section for a project, an entity shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require, including information that—

“(1) designates the community in which the entity will carry out the project, which community may be the service area of an elementary school or secondary school, a school district, a city, town, village, or other locality, a county, the area in which a public housing project is located, a neighborhood, or another geographically or politically designated area;

“(2) describes the manner in which the entity will—

“(A) engage a substantial portion of the youth in the designated community;

“(B) engage a variety of entities and individuals, such as youth organizations, elementary schools or secondary schools, elected officials, organizations offering summer camps, civic groups, nonprofit organizations, and other entities within the designated community to offer a variety of summer service opportunities as part of the project;

“(C) ensure that the youth participating in the project engage in service-learning;

“(D) engage as volunteers in the project business, civic, or community organizations or individuals, which may include older individuals, volunteers in the National Senior Volunteer Corps established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.), participants in the school-based and community-based service-learning programs carried out under parts I and II of subtitle B, participants in the AmeriCorps program carried out under subtitle C, or students enrolled in secondary schools or institutions of higher education;

“(E) ensure that youth participating in the project provide at least 100 hours of community service for the project;

“(F) recruit eligible youth to participate in the project;

“(G) recruit service sponsors for community service activities carried out through the project, if the eligible entity intends to enter into an arrangement with such sponsors to provide project placements for the youth;

“(H) promote leadership development and build an ethic of civic responsibility among the youth;

“(I) provide team-oriented, adult-supervised experiences through the project;

“(J) conduct opening and closing ceremonies honoring participants in the project;

“(K) involve youth who are participating in the project in the design and planning of the project; and

“(L) provide training, which may include life skills, financial education, and employment training, in addition to training concerning the specific community service to be provided through the project, for the youth; and

“(3)(A) specifies project outcome objectives relating to youth development or education achievement, community strengthening, and community improvement;

“(B) describes how the eligible entity will establish annual benchmarks for the objectives, and annually conduct an evaluation to measure progress toward the benchmarks; and

“(C) provides an assurance that the eligible entity will annually make the results of such evaluation available to the State.

“(c) CONTINUED ELIGIBILITY.—To be eligible to receive funds under this section for a second or subsequent year of a subgrant period, an entity shall demonstrate that the entity has met the annual benchmarks for the objectives described in subsection (b)(3).

“(d) SELECTION OF SUBGRANT RECIPIENTS.—In awarding subgrants under this section, the State shall ensure that projects are funded in a variety of geographic areas, including urban and rural areas.

“SEC. 162B. SUMMER OF SERVICE PROJECTS.

“(a) USE OF FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives a subgrant under section 162A shall use the subgrant funds to carry out a community service project.

“(2) SPECIFIC USES.—The eligible entity may use the subgrant funds to pay for—

“(A) hiring staff to administer the project;
“(B) developing or acquiring service-learning curricula for the project, to be integrated into academic programs, including making modifications for students who are individuals with disabilities and students with limited English proficiency;

“(C) forming local partnerships to develop and offer a variety of service-learning programs for local youth participating in the project;

“(D) establishing benchmarks, conducting evaluations, and making evaluation results available, as described in subparagraphs (B) and (C) of section 162A(b)(3);

“(E) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of local eligible youth and community partners in the project;

“(F) conducting ceremonies as described in section 162A(b)(2)(J);

“(G) carrying out basic implementation of the community service project; and

“(H) carrying out planning activities, during an initial 6 to 9 months of the subgrant period.

“(3) NON-FEDERAL SHARE.—An eligible entity that receives a subgrant under section 162A shall provide the non-Federal share of the costs described in section 162A(a)(1) from private or public sources other than the subgrant funds. The sources may include fees charged to the parents of the youth participating in the community service project involved and determined on a sliding scale based on income.

“(b) SERVICE PROJECTS.—

“(1) ELIGIBLE SERVICE CATEGORIES.—The eligible entity may use the subgrant funds to carry out a community service project to meet unmet human, educational, environmental, or public safety needs.

“(2) INELIGIBLE SERVICE CATEGORIES.—The eligible entity may not use the subgrant funds to carry out a service project in which participants perform service described in section 132(a).

“(c) PERIOD OF SERVICE PROJECTS.—The eligible entity—

“(1) shall carry out the community service project funded under section 162A during a period, the majority of which occurs in the months of June, July, and August; and

“(2) may carry out the project in conjunction with a related after school or in-school service-learning project operated during the remaining months of the year.

“(d) EDUCATIONAL AWARD.—

“(1) ELIGIBILITY.—Each eligible youth who provides at least 100 hours of community service for a project carried out under this part shall be eligible to receive an educational award of not more than \$500. An eligible youth may participate in more than 1 such project but shall not receive in excess of \$1,000 in total for such participation.

“(2) DISBURSEMENTS BY ELIGIBLE ENTITY.—If the Chief Executive Officer decides under section 162(a)(2)(A) to include educational award funds in subgrants under this part, the eligible entity carrying out the project shall—

“(A) disburse an educational award described in paragraph (1) in accordance with regulations issued by the Chief Executive Officer, which—

“(i) may permit disbursement of the award to the parents of the youth that have established a qualified tuition program account under section 529 of the Internal Revenue Code of 1986, for deposit into the account; but

“(ii) shall not otherwise permit disbursement of the award to the parents; or

“(B) enter into a contract with a private sector organization to hold the educational award funds and disburse the educational award as described in subparagraph (A).

“(3) DISBURSEMENTS BY CHIEF EXECUTIVE OFFICER.—If the Chief Executive Officer decides under section 162(a)(2)(B) to reserve educational award funds, the Chief Executive Officer shall disburse the educational award as described in paragraph (2)(A).

“SEC. 162C. SUPPLEMENTAL GRANTS.

“(a) IN GENERAL.—The Chief Executive Officer may award a supplemental grant to an eligible entity that demonstrates the matters described in subsection (b), to assist the entity in carrying out a community service project in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

“(b) APPLICATION.—To be eligible to receive a supplemental grant under subsection (a), an entity shall submit an application to the Chief Executive Officer, at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information demonstrating—

“(1) that the entity received a subgrant under section 162A for a community service project; and

“(2) that the entity would be unable to carry out the project without substantial hardship unless the entity received a supplemental grant under subsection (a).

“(c) AMOUNT OF GRANT.—The Chief Executive Officer shall award such a grant to an eligible entity for the project in the amount obtained by multiplying \$250 and the number of youth who will participate in the project (to be used for project expenses).

“SEC. 162D. INDIAN TRIBES AND TERRITORIES.

“From the funds made available to carry out this part under section 165(b)(2)(A) for any fiscal year, the Chief Executive Officer shall reserve an amount of not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be used in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

“PART II—SUMMER OF SERVICE NATIONAL DIRECT GRANT PROGRAM

“SEC. 163. NATIONAL DIRECT GRANTS.

“(a) GRANTS.—

“(1) IN GENERAL.—The Chief Executive Officer shall award grants on a competitive basis to public or private organizations (referred to individually in this part as an ‘organization’)—

“(A) to carry out quality assurance activities under subsection (d); and

“(B) to pay for the Federal share of the cost of carrying out a community service program—

“(i) in a State where the State Commission does not apply for funding under part I; or

“(ii) in multiple States.

“(2) FUNDS FOR EDUCATIONAL AWARDS.—The Chief Executive Officer shall decide whether funds appropriated to carry out this part and available for educational awards (referred to in this part as ‘educational award funds’) shall be—

“(A) included in the funds for such grants to organizations and any subgrants to local providers; or

“(B) reserved by the Chief Executive Officer, deposited in the National Service Trust for educational awards, and disbursed according to paragraphs (1) and (3) of section 163B(d).

“(3) PERIODS OF GRANTS.—The Chief Executive Officer shall award the grants for periods of 3 years.

“(4) AMOUNTS OF GRANTS.—The Chief Executive Officer shall award such a grant to an organization for a program in a sum equal to—

“(A) the amount obtained by multiplying \$500 and the number of youth who will participate in the program (to be used for program expenses);

“(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in paragraph (2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards); and

“(C) an amount sufficient to provide for the reservation for quality assurance activities described in subsection (d).

“(b) NATIONAL DIRECT APPLICATIONS.—To be eligible to receive a grant under this section for a community service program, an organization shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information that—

“(1) describes how the organization will use funds received under this part, including funds reserved for quality assurance activities under subsection (d);

“(2)(A) describes the procedures and criteria the organization will use for reviewing applications and awarding subgrants on a competitive basis under section 163A to local providers for projects, including how the organization will give priority to a provider that, with respect to each project described in the application—

“(i) offers a quality plan for or has an established track record of carrying out the activities described in the provider’s application;

“(ii) has a leadership position in the community from which the youth participating in the project will be drawn;

“(iii) proposes a project that focuses on service by the participants during the transition year before high school;

“(iv) plans to ensure that at least 50 percent of the participants are low-income eligible youth;

“(v) proposes a project that encourages or enables youth to continue participating in community service throughout the school year;

“(vi) plans to involve the participants in the design and operation of the project, including involving the participants in conducting a needs-based assessment of community needs;

“(vii) proposes a project that involves youth of different ages, races, sexes, ethnic groups, religions, disability categories, or economic backgrounds serving together; and

“(viii) proposes a project that provides high quality service-learning experiences; or

“(B) if the organization will carry out the community service program directly, demonstrates that the organization meets the requirements of clauses (i) through (viii) of subparagraph (A) with respect to each project described in the application;

“(3) describes the steps the organization will take, including the provision of ongoing technical assistance described in subsection (d)(2) and training, to ensure that projects funded under this part will implement effective strategies; and

“(4) describes how the organization will evaluate the projects funded under this part, which shall include, at a minimum—

“(A) a description of the objectives and benchmarks that will be used to evaluate the projects; and

“(B) a description of how the organization will disseminate widely the results of the evaluations, as described in subsection (d)(3)(C).

“(c) APPLICANT REVIEW.—

“(1) SELECTION CRITERIA.—The Chief Executive Officer shall evaluate applications for grants under this section based on the quality, innovation, replicability, and sustainability of the programs proposed by the applicants.

“(2) REVIEW PANELS.—The Chief Executive Officer shall employ the review panels established under section 165A in reviewing the applications.

“(3) NOTIFICATION OF APPLICANTS.—If the Chief Executive Officer rejects an application submitted under this section, the Chief Executive Officer shall promptly notify the applicant of the reasons for the rejection of the application.

“(4) RESUBMISSION AND RECONSIDERATION.—The Chief Executive Officer shall provide an applicant notified of rejection with a reasonable opportunity to revise and resubmit the application. At the request of the applicant, the Chief Executive Officer shall provide technical assistance to the applicant as part of the resubmission process. The Chief Executive Officer shall promptly reconsider an application resubmitted under this paragraph.

“(d) QUALITY ASSURANCE ACTIVITIES.—An organization that receives a grant under this section may reserve up to 5 percent of the grant funds for quality assurance activities, which may include—

“(1) hiring staff to administer the program carried out under this part by the organization;

“(2) providing technical assistance, including technical assistance concerning the professional development and training of personnel, to local providers that receive subgrants under section 163A; and

“(3)(A) conducting an evaluation of the projects carried out by local providers of the organization under this part;

“(B) using the results of the evaluation to collect and compile information on best practices and models for such projects; and

“(C) disseminating widely the results of the evaluation.

“SEC. 163A. SUBGRANTS TO LOCAL PROVIDERS.

“(a) SUBGRANTS.—

“(1) IN GENERAL.—An organization that receives a grant under section 163 may use the grant funds to award subgrants on a competitive basis to local providers to pay for the Federal share of the cost of carrying out community service projects.

“(2) PERIODS OF SUBGRANTS.—The organization shall award the subgrants for periods of 3 years.

“(3) AMOUNTS OF SUBGRANTS.—The organization shall award such a subgrant to a local provider for a project in a sum equal to—

“(A) the amount obtained by multiplying \$500 and the number of youth who will participate in the project (to be used for project expenses); and

“(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in section 163(a)(2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards).

“(b) LOCAL PROVIDER APPLICATION.—To be eligible to receive a subgrant under this section, a local provider shall submit an applica-

tion to the organization at such time, in such manner, and containing such information as the organization may require, including information that—

“(1) designates the communities in which the local provider will carry out projects under the subgrant, each of which communities may be the service area of an elementary school or secondary school, a school district, a city, town, village, or other locality, a county, the area in which a public housing project is located, a neighborhood, or another geographically or politically designated area;

“(2) for each project described in such application, describes the manner in which the local provider will—

“(A) engage a substantial portion of the youth in the designated community involved;

“(B) engage a variety of entities and individuals, such as youth organizations, elementary schools or secondary schools, elected officials, organizations offering summer camps, civic groups, nonprofit organizations, and other entities within the designated community to offer a variety of summer service opportunities as part of the project;

“(C) ensure that the youth participating in the project engage in service-learning;

“(D) engage as volunteers in the project business, civic, or community organizations or individuals, which may include older individuals, volunteers in the National Senior Volunteer Corps established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.), participants in the school-based and community-based service-learning programs carried out under parts I and II of subtitle B, participants in the AmeriCorps program carried out under subtitle C, or students enrolled in secondary schools or institutions of higher education;

“(E) ensure that youth participating in the project provide at least 100 hours of community service for the project;

“(F) recruit eligible youth to participate in the project;

“(G) recruit service sponsors for community service activities carried out through the project, if the local provider intends to enter into an arrangement with such sponsors to provide project placements for the youth;

“(H) promote leadership development and build an ethic of civic responsibility among the youth;

“(I) provide team-oriented, adult-supervised experiences through the project;

“(J) conduct opening and closing ceremonies honoring participants in the project;

“(K) involve youth who are participating in the project in the design and planning of the project; and

“(L) provide training, which may include life skills, financial education, and employment training, in addition to training concerning the specific community service to be provided through the project, for the youth; and

“(3)(A) specifies project outcome objectives relating to youth development or education achievement, community strengthening, and community improvement;

“(B) describes how the local provider will establish annual benchmarks for the objectives, and annually conduct an evaluation to measure progress toward the benchmarks; and

“(C) provides an assurance that the local provider will annually make the results of such evaluation available to the organization.

“(c) CONTINUED ELIGIBILITY.—To be eligible to receive funds under this section for a sec-

ond or subsequent year of a subgrant period, a local provider shall demonstrate that all the projects for which the subgrant was awarded met the annual benchmarks for the objectives described in subsection (b)(3).

“(d) SELECTION OF SUBGRANT RECIPIENTS.—In awarding subgrants under this section, the organization shall ensure that projects are funded in a variety of geographic areas, including urban and rural areas.

“SEC. 163B. SUMMER OF SERVICE PROJECTS.

“(a) USE OF FUNDS.—

“(1) IN GENERAL.—A local provider that receives a subgrant under section 163A shall use the subgrant funds to carry out a community service project.

“(2) SPECIFIC USES.—The local provider may use the subgrant funds, to pay for—

“(A) hiring staff to administer the project;

“(B) developing or acquiring service-learning curricula for the project, to be integrated into academic programs, including making modifications for students who are individuals with disabilities and students with limited English proficiency;

“(C) forming local partnerships to develop and offer a variety of service-learning programs for local youth participating in the project;

“(D) establishing benchmarks, conducting evaluations, and making evaluation results available, as described in subparagraphs (B) and (C) of section 163A(b)(3);

“(E) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of local eligible youth and community partners in the project;

“(F) conducting ceremonies as described in section 163A(b)(2)(J);

“(G) carrying out basic implementation of the community service project; and

“(H) carrying out planning activities, during an initial 6 to 9 months of the grant period.

“(3) NON-FEDERAL SHARE.—A local provider that receives a subgrant under section 163A shall provide the non-Federal share of the cost described in section 163A(a)(1) from private or public sources other than the subgrant funds. The sources may include fees charged to the parents of the youth participating in the community service project involved and determined on a sliding scale based on income.

“(b) SERVICE PROJECTS.—

“(1) ELIGIBLE SERVICE CATEGORIES.—The local provider may use the subgrant funds to carry out a community service project to meet unmet human, educational, environmental, or public safety needs.

“(2) INELIGIBLE SERVICE CATEGORIES.—The local provider may not use the subgrant funds to carry out a service project in which participants perform service described in section 132(a).

“(c) PERIOD OF SERVICE PROJECTS.—The local provider—

“(1) shall carry out the community service project funded under section 163A during a period, the majority of which occurs in the months of June, July, and August; and

“(2) may carry out the project in conjunction with a related after school or in-school service-learning project operated during the remaining months of the year.

“(d) EDUCATIONAL AWARD.—

“(1) ELIGIBILITY.—Each eligible youth who provides at least 100 hours of community service for a project carried out under this part shall be eligible to receive an educational award of not more than \$500. An eligible youth may participate in more than 1 such project but shall not receive in excess of \$1,000 in total for such participation.

“(2) DISBURSEMENTS BY LOCAL PROVIDER.—If the Chief Executive Officer decides under section 163(a)(2)(A) to include educational award funds in subgrants under this part, the local provider carrying out the project shall—

“(A) disburse an educational award described in paragraph (1) in accordance with regulations issued by the Chief Executive Officer, which—

“(i) may permit disbursement of the award to the parents of the youth that have established a qualified tuition program account under section 529 of the Internal Revenue Code of 1986, for deposit into the account; but

“(ii) shall not otherwise permit disbursement of the award to the parents; or

“(B) enter into a contract with a private sector organization to hold the educational award funds and disburse the educational award as described in subparagraph (A).

“(3) DISBURSEMENTS BY CHIEF EXECUTIVE OFFICER.—If the Chief Executive Officer decides under section 163(a)(2)(B) to reserve educational award funds, the Chief Executive Officer shall disburse the educational award as described in paragraph (2)(A).

“(e) APPLICATION OF SECTION.—References in this section to local providers, with respect to the use of subgrant funds received under section 163A, apply equally to organizations that carry out community service projects directly, with respect to the use of grant funds received under section 163.

“SEC. 163C. SUPPLEMENTAL GRANTS.

“(a) IN GENERAL.—The Chief Executive Officer may award a supplemental grant to a local provider that demonstrates the matters described in subsection (b), to assist the provider in carrying out a community service project in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

“(b) APPLICATION.—To be eligible to receive a supplemental grant under subsection (a), a provider shall submit an application to the Chief Executive Officer, at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information demonstrating—

“(1) that the provider received a subgrant under section 163A for a community service project; and

“(2) that the provider would be unable to carry out the project without substantial hardship unless the provider received a supplemental grant under subsection (a).

“(c) AMOUNT OF GRANT.—The Chief Executive Officer shall award such a grant to a local provider for the project in the amount obtained by multiplying \$250 and the number of youth who will participate in the project (to be used for project expenses).

“PART III—SUMMER OF SERVICE NATIONAL ACTIVITIES

“SEC. 164. NATIONAL ACTIVITIES.

“(a) NATIONAL QUALITY AND OUTREACH ACTIVITIES.—The Chief Executive Officer may use funds reserved under section 165(b)(1), either directly or through grants and contracts, to—

“(1) provide technical assistance and training to recipients of grants and subgrants under parts I and II;

“(2) conduct outreach and dissemination of program-related information to ensure the broadest possible involvement of States, eligible entities, organizations, local providers, and eligible youth in programs carried out under parts I and II; and

“(3) to carry out other activities designed to improve the quality of programs carried out under parts I and II.

“(b) NATIONAL EVALUATION.—

“(1) RESERVATION.—For each fiscal year, the Chief Executive Officer shall reserve not more than the greater of \$500,000, or 1 percent, of the funds described in subsection (a) for the purposes described in paragraph (2).

“(2) EVALUATION.—The Chief Executive Officer shall use the reserved funds—

“(A) to arrange for an independent evaluation of the programs carried out under parts I and II, to be conducted in the second and third years in which the programs are implemented; and

“(B) using the results of the evaluation, to collect and compile information on models and best practices for such programs; and

“(C) to disseminate widely the results of the evaluation.

“(3) REPORT.—The Chief Executive Officer shall annually submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a report concerning the results of the evaluations conducted under paragraph (2). Such reports shall also contain information on models of best practices and any other findings or recommendations developed by the Chief Executive Officer based on such evaluations. Such reports shall be made available to the general public.

“PART IV—GENERAL PROVISIONS

“SEC. 165. AUTHORIZATION OF APPROPRIATIONS AND AVAILABILITY.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle \$100,000,000 for fiscal year 2007 and such sums as may be necessary for each subsequent fiscal year.

“(b) AVAILABILITY.—Of the funds appropriated under subsection (a) for a fiscal year, the Chief Executive Officer—

“(1) shall reserve not more than 4 percent to carry out activities under part III (relating to national activities); and

“(2) from the remainder of such funds, shall make available—

“(A) a portion equal to 66 $\frac{2}{3}$ percent of such funds for programs carried out under part I (relating to the State grant program), including programs carried out under section 162D; and

“(B) a portion equal to 33 $\frac{1}{3}$ percent of such funds for programs carried out under part II (relating to the national direct grant program).

“(c) REALLOCATION.—If the Chief Executive Officer determines that funds from the portion described in subsection (b)(2)(A) will not be needed to carry out programs under part I for a fiscal year, the Chief Executive Officer shall make the funds available for programs under part II for that fiscal year.

“SEC. 165A. REVIEW PANELS.

“The Chief Executive Officer shall establish panels of experts for the purpose of reviewing applications submitted under sections 162, 162C, 162D, and 163.

“SEC. 165B. CONSTRUCTION.

“An individual participating in service in a program described in this subtitle shall not be considered to be an employee engaged in employment for purposes of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).”

SEC. 4. CONFORMING AMENDMENTS.

(a) REDESIGNATION OF SUBTITLES.—

(1) Section 118(a) of the National and Community Service Act of 1990 (42 U.S.C. 12551(a)) is amended by striking “subtitle H” and inserting “subtitle I”.

(2) Section 122(a)(2) of such Act (42 U.S.C. 12572(a)(2)) is amended by striking “subtitle I” and inserting “subtitle J”.

(3) Section 193A(f)(1) of such Act (42 U.S.C. 12651d(f)(1)) is amended by striking “subtitles C and I” and inserting “subtitles C and J”.

(4) Section 501(a)(2) of such Act (42 U.S.C. 12681(a)(2)) is amended—

(A) in the paragraph heading, by striking “SUBTITLES C, D, AND H” and inserting “SUBTITLES C, D, AND I”;

(B) in subparagraph (A), by striking “subtitles C and H” and inserting “subtitles C and I”; and

(C) in subparagraph (B), by striking “subtitle H” and inserting “subtitle I”.

(b) REDESIGNATION OF SECTIONS.—

(1) Section 155(d)(3) of such Act (42 U.S.C. 12615(d)(3)) is amended by striking “section 162(a)(3)” and inserting “section 159C(a)(3)”.

(2) Section 156(d) of such Act (42 U.S.C. 12616(d)) is amended by striking “section 162(a)(3)” and inserting “section 159C(a)(3)”.

(3) Section 159(c) of such Act (42 U.S.C. 12619(c)) is amended—

(A) in paragraph (2)(C)(i), by striking “section 162(a)(2)” and inserting “section 159C(a)(2)”;

(B) in paragraph (3), by striking “section 162(a)(2)(A)” and inserting “section 159C(a)(2)(A)”.

(4) Section 159B(b)(1)(B) of such Act (as redesignated by section 3(2)) is amended by striking “section 162(a)(3)” and inserting “section 159C(a)(3)”.

(c) RELATIONSHIP TO NATIONAL SERVICE EDUCATIONAL AWARD PROVISIONS.—

(1) NATIONAL SERVICE TRUST.—Section 145 of the National and Community Service Act of 1990 (42 U.S.C. 12601) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking “and” at the end;

(ii) in paragraph (3), by striking the period and inserting “, other than interest or proceeds described in paragraph (4)(B); and”; and

(iii) by adding at the end the following:

“(4)(A) any amounts deposited in the Trust under subtitle F; and

“(B) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust for a program carried out under subtitle F.”; and

(B) in subsection (c), by inserting “(other than any amounts deposited in the Trust under subtitle F)” after “Amounts in the Trust”.

(2) AVAILABILITY OF AMOUNTS IN NATIONAL SERVICE TRUST.—Section 148(a) of the National and Community Service Act of 1990 (42 U.S.C. 12604(a)) is amended by inserting “(other than any amounts deposited in the Trust under subtitle F)” after “Amounts in the Trust”.

Mr. CRAIG (for himself and Mr. AKAKA):

S. 4054. A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation that the distinguished Senator from Hawaii, Senator AKAKA, and I are introducing today. This bill would expand the number of eligible recipients of retroactive payments under the Traumatic Injury Protection under Servicemembers' Group Life Insurance,

or ‘‘TSGLI’’, benefit. Most of my colleagues have perhaps heard the story of how this important benefit became law and what its intended purpose is, but I believe it is worth repeating.

In April of 2005 I was visited by three servicemembers who were seriously injured during Operation Iraqi Freedom (OIF). They were members of an organization called the Wounded Warrior Project, and they told me of their lengthy recovery times at Walter Reed Army Medical Center and the financial toll that that period of convalescence had on them and their families. They talked about wives, parents, and other relatives who had taken long absences from work, and some who had even quit their work, in order to spend time with those recovering at Walter Reed. And they told me that the Department of Veterans Affairs compensation system was no help because, by law, those benefits do not kick in until after separation from service.

Based on their experiences, these wounded warriors recommended that I pursue legislation to create a new insurance benefit for those with traumatic injuries such as theirs. The insurance would pay between \$25,000 and \$100,000 as soon as possible after an injury occurred, thereby bridging the gap in assistance needed during the time of a wounded servicemember’s recovery and the time of his or her separation from service. They asked that I make the legislation prospective only, meaning that they, and hundreds of others, would go without any TSGLI payment. I honored that request and, together with Senator AKAKA and other Members of the Committee on Veterans’ Affairs, introduced an amendment to the 2005 Emergency Supplemental Appropriations bill then pending before the Senate.

A second degree amendment was later unanimously agreed to which authorized retroactive benefit payments to all of those injured in the Operation Iraqi Freedom and Operation Enduring Freedom (OEF) theaters of operation—providing for TSGLI payments to hundreds of servicemembers who had been seriously injured since the start of the wars in Afghanistan and Iraq. At the time, the retroactive TSGLI provision was consistent with other retroactive benefits approved within the Emergency Supplemental bill, such as \$238,000 in combined Servicemembers’ Group Life Insurance (SGLI) and death gratuity benefits that were provided retroactively to survivors of those killed in combat operations since the start of the War on Terror. Needless to say, the TSGLI amendments were approved by the Congress and enacted into law.

Fast forward to the present. TSGLI has been up and running since December 1, 2005, and provides financial assistance of \$25,000 to \$100,000 to traumatically injured servicemembers

within, on average, 60 days of the date of the injury causing event. As of September 2006, almost 2,300 wounded OIF/OEF servicemembers have benefited under the retroactive portion of the program. For those with injuries post December 1, 2005, it does not matter if an injury occurs as a result of combat operations or training exercises—payment under TSGLI is available in either situation.

The Senate Committee on Veterans’ Affairs held a hearing on the TSGLI benefit this past September. The Committee received testimony from the Wounded Warrior Project, the organization largely responsible for TSGLI’s conception. While very pleased with the program overall, a serious concern was raised regarding the equity of only extending retroactive TSGLI payments to those injured during Operations Iraqi and Enduring Freedom. Mr. Jeremy Chwat, testifying for the Wounded Warrior Project that day, used the example of one servicemember as representative of others who are not now eligible for benefits:

Brave men and women like Seaman Robert Roeder who was injured on January 29, 2005 when an arresting wire on the aircraft carrier, the USS Kitty Hawk, severed his left leg below the knee. . . . Although the ship was on its way to the Gulf and the training exercises being conducted were in preparation for action in either Operation Enduring or Iraqi Freedom, Robert’s injury does not qualify for payment.

Furthermore, since enactment of the 2005 Emergency Supplemental, retroactive SGLI and death gratuity benefits combining \$238,000 have been expanded to provide payments to survivors of all servicemembers who died on active duty, whether in combat or not. The reason behind the expansion of retroactive benefits was a recognition that military service is universal in character; that each military man or woman, no matter where they are serving, contributes in a unique way to make the United States Armed Forces second to none.

The legislation I am introducing today, along with Senate AKAKA, will make the TSGLI retroactive payment eligibility criteria consistent with the other benefit program retroactive payment criteria I just mentioned. Thus, if this legislation is enacted, all traumatically injured servicemembers who served between October 7, 2001, and December 1, 2005, will be eligible for TSGLI payments, irrespective of where their injuries occurred. Unofficial estimates from the Department of Veterans Affairs suggest that approximately 700 individuals would be covered under this bill.

Both the Wounded Warrior Project and the National Military Families Association have expressed their support for this bill. And I now ask my colleagues for their support. This is the right thing to do for our military men and women.

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

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

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

SECTION 1. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans’ Housing Opportunity and Benefits Improvement Act of 2006 (120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking ‘‘, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom’’.

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

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 4055. A bill to address the effect of the death of a defendant in Federal criminal proceedings; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the ‘‘Preserving Crime Victims’ Restitution Act of 2006.’’ The Act would clarify the rule of law and procedures that should be applied when a criminal defendant, such as former Enron CEO Kenneth Lay, dies after he has been duly convicted, but before his appeals are final.

I am pleased that Senator SESSIONS is joining me as a cosponsor in introducing this bill. We have worked closely with the Department of Justice in crafting this legislation, and have used much of DOJ’s transmitted language. DOJ fully supports the principles contained in this bill, and has indicated its support for this bill’s efforts to fix this problem now to ensure that, despite a defendant’s death, hard-won convictions are preserved and restitution remains available for the victims of crime.

This bill that I introduce today would do the following: Establish that, if a defendant dies after being convicted of a Federal offense, his conviction will not be vacated. Instead, the court will be directed to issue a statement stating that the defendant was convicted (either by a guilty plea or a verdict finding him guilty) but then died before his case or appeal was final.

It would codify the current rule that no further punishments can be imposed on a person who is convicted if they die before a sentence is imposed or they have an opportunity to appeal their conviction.

It would clarify that, unlike punishment, all other relief, such as restitution to the victims, that could have

been sought against a convicted defendant can continue to be pursued and collected after the defendant's death.

It would establish a process to ensure that after a person dies, a representative of his estate can stand in the shoes of the defendant and challenge or appeal his conviction if they want, and can also secure a lawyer—either on their own or by having one appointed, and

If the Government had filed a criminal forfeiture action—in which it had sought to reach the defendant's assets that were linked to his crimes—the Government would get an extra 2 years after the defendant's death to file a parallel civil forfeiture lawsuit so that it could try to recover those same assets in a different, and traditionally-accepted manner.

The need for this legislation was vividly demonstrated last month. On October 17, 2006, U.S. District Judge Sim Lake, of the Southern District of Texas, wiped clean the criminal record of Enron founder Kenneth Lay, even after a jury and judge had unanimously found him guilty of 10 criminal charges, including securities fraud, wire fraud involving false and misleading statements, bank fraud and conspiracy.

That decision was not based on an error in the trial or any suggestion of unfairness in the proceedings. Instead, it was simply based on the fact that Mr. Lay died before his conviction had been affirmed on appeal, under a common law rule known as "abatement."

In other words, this order essentially means that Mr. Lay is "convicted but not guilty"—"innocent by reason of his death."

Judge Lake granted this dismissal even in the face of DOJ Enron Task Force filings, which noted how Mr. Lay's conviction "provided the basis for the likely disgorgement of fraud proceeds totaling tens of millions of dollars." In other words, the dismissal means that millions dollars, that the jury found were obtained by Mr. Lay illegally, will now remain untouched in the Lay estate. And everyone agrees that former Enron employees and shareholders will now find it much harder to lay claim to these ill-gotten gains held by Mr. Lay's estate, because they will be unable to point to his criminal conviction as proof of his wrongdoing.

I do not fault Judge Lake for issuing this order. He made it clear that he was simply following the binding precedent issued in 2004 by the full U.S. Court of Appeals for the 5th Circuit, in a case called *United States v. Estate of Parsons*.

But as I noted in a letter I wrote to Attorney General Gonzales on October 20, 2006, the Fifth Circuit's *Parsons* decision goes far beyond the traditional rule of law in this area. While the common-law doctrine of abatement has his-

torically wiped out "punishments" following a criminal defendant's death, the Supreme Court has never held that it must also wipe out a victim's right to other forms of relief such as restitution, which simply compensate third parties who were injured by criminal misconduct.

As the six dissenters in *Parsons* noted, the majority's "'finality rationale' is a completely novel judicial creation which has not been embraced or even suggested by . . . other courts." The Third and Fourth Circuits, for example, have expressly refused to take this position, and upheld a restitution order after a criminal defendant's death.

The *Parsons* decision was remarkable in several other respects, including the fact that (as the dissenters noted), its new rule of law was apparently inspired by a single law review article. That academic piece boldly claimed that a criminal defendant's right of appeal is "evolving into a constitutional right," and suggested that a conviction untested by appellate review is unreliable and illegitimate. This notion runs contrary to the traditional rule applied in virtually every other context—where a jury's findings are typically respected under the law.

Of course a defendant is presumed innocent at the outset of his case. After a jury has deliberated and unanimously issued a formal finding of guilt, however, that presumption of innocence no longer stands.

The *Parsons* "finality" rationale raises the absurd possibility that even a defendant who fully admitted his wrongdoing and pleaded guilty, but who then died while an appeal of his sentence was pending, could have his entire criminal conviction erased. In fact, this has already occurred, in the 1994 case of *United States v. Pogue*, where the D.C. Circuit ordered the dismissal of a conviction of a defendant whose appeal was pending—even though the docketing statement had said that the defendant intended to challenge only his sentence, and not his underlying conviction.

I have urged the Attorney General to continue to fight for Enron victims by appealing Judge Lake's dismissal to the Supreme Court. There, he should ask for a resolution of this split in the law between these Circuits, so that he can try to get the *Parsons* rule overturned. Unfortunately, the Justice Department has been noncommittal—it refuses to say if it will appeal the *Ken Lay* dismissal or not, even with the filing deadline fast approaching.

In the meantime, rather than remaining silent on this issue, and hoping that the Attorney General will appeal the *Lay* case as he should, I believe the time has come for Congress to take action.

While I have no desire for our Government to punish a criminal defend-

ant who dies, the calculation should be different when we are determining how to make up for harm suffered by other individuals.

There is surely a legal and moral basis for not punishing the dead. But there is also, more importantly, a legal and moral basis for defending the living. The legislation that I introduce today codifies that distinction.

This legislation offers a fair solution and orderly process in the event that a criminal defendant dies prior to his final appeal.

Enron's collapse in 2001 wiped out thousands of jobs, more than \$60 billion in market value, and more than \$2 billion in pension plans. When America's seventh largest company crumbled into bankruptcy after its accounting tricks could no longer hide its billions in debt, countless former Enron employees and shareholders lost their entire life savings after investing in Enron's 401(k) plan.

Many of these Enron victims have been following closely the years of preparation by the Enron Task Force, and the four-month jury trial and separate one-week bench trial, hoping to finally recover some restitution in this criminal case. And despite Mr. Lay's vigorous efforts to avoid being held accountable for his actions, a conviction was finally secured.

Yet now these people have essentially been victimized again. They will be forced to start all over in their efforts to get back some portion of the pension funds on which they expected to subsist, and the other hard-earned assets that will remain beyond their reach, despite the unanimous, hard-fought verdicts finding Mr. Lay guilty of all ten counts with which he had been charged.

The time has come for Congress to end this injustice—hopefully, by acting quickly enough to assist these Enron victims, but in any event in a way that will prevent this type of injustice from ever happening again in the future.

I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 614—HONORING THE FIREFIGHTERS AND OTHER PUBLIC SERVANTS WHO RESPONDED TO THE DEVASTATING ESPERANZA INCIDENT FIRE IN SOUTHERN CALIFORNIA IN OCTOBER 2006

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 614

Whereas, in late October 2006, the mountain communities west of Palm Springs, California were struck by a vast wildfire, which came to be known as the Esperanza