DURBIN) was added as a cosponsor of S. 1248, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1250
At the request of Mr. Jeffords, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1250, a bill to reauthorize the Great Ape Conservation Act of 2000.

S. CON. RES. 27
At the request of Mr. DeWine, the names of the Senator from New Jersey (Mr. Lautenberg), the Senator from Colorado (Mr. Salazar), and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of S. Con. Res. 37, a concurrent resolution honoring the life of Sister Dorothy Stang.

S. RES. 31
At the request of Mr. Coleman, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public, and homeless health centers, and for other purposes.

S. RES. 39
At the request of Ms. Landrieu, the name of the Senator from Utah (Mr. Hatch) was added as a cosponsor of S. Res. 39, a resolution apologizing to the victims and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 165
At the request of Ms. Snowe, the name of the Senator from Virginia (Mr. Allen) was added as a cosponsor of S. Res. 165, a resolution congratulating the Small Business Development Centers of the Small Business Administration on their 25 years of service to America's small business owners and entrepreneurs.

AMENDMENT NO. 771
At the request of Mr. Jeffords, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of amendment No. 771 intended to be proposed to H.R. 6, a bill Reserved.

AMENDMENT NO. 783
At the request of Mr. Nelson of Florida, the names of the Senator from Connecticut (Mr. Dodd), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of amendment No. 783 intended to be proposed to H.R. 6, a bill Reserved.

AMENDMENT NO. 784
At the request of Mr. Burr, his name was added as a cosponsor of amendment No. 784 intended to be proposed to H.R. 6, supra.

AMENDMENT NO. 788
At the request of Mr. DeWine, the names of the Senator from New York (Mr. Schumer), the Senator from Oregon (Mr. Wyden), and the Senator from Illinois (Mr. Durbin), the Senator from Iowa (Mr. Harkin), the Senator from South Carolina (Mr. Graham), the Senator from Massachusetts (Mr. Kennedy), and the Senator from New Jersey (Mr. Lautenberg) were added as cosponsors of amendment No. 788 intended to be proposed to H.R. 6, a bill Reserved.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. Voinovich (for himself, Mr. Akaka, Ms. Collins, Mr. Durbin, and Mr. Stevens): S. 1255. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs; to the Committee on Finance.

VOINOVICH. Mr. President, today I rise to introduce the Generating Opportunity by Forgiving Educational Debt act of 2005, also known as GOFEDS, a bill that will help Federal agencies and the Armed Forces recruit talented individuals to serve in all areas of the Federal Government and the military. This legislation is a modestly expanded version of a bill I introduced in the 108th Congress.

Current law authorizes Federal agencies to pay student loans up to $10,000 a year with a cumulative cap of $60,000, but the incentive is taxed. Known as GOFEDS, this bill would amend the Federal tax code and allow the Federal Government's student loan repayment programs to be offered on a tax-free basis.

In recent years, many educational institutions have established programs that repay a portion of the student loan debt their graduates owe. These programs are designed to encourage students to seek jobs with government or non-profit organizations that cannot pay salaries commensurate with the private sector upon graduation. Under current law, the amounts these institutions offer their graduates as student loan debt their graduates owe. These programs are designed to encourage students to seek jobs with government or non-profit organizations that cannot pay salaries commensurate with the private sector upon graduation. Under current law, the amounts these institutions offer their graduates as student loan debt are not taxed as income, provided the recipients choose to work for the government or non-profit organizations.

Unfortunately, the Federal Tax Code does not treat the Federal Government’s loan repayment programs in the same way, considering such loan repayment as taxable income to the employee. As a result, the net benefit of any such program is reduced by the amount of tax that the individual has to pay on his loan. This bill would amend the tax code so that the Government does not continue to underwrite its own loan repayment re-
cruitment incentive. This change will help Federal agencies recruit and retain well-qualified graduates.

This Congress, I have expanded GOFEDS to our military because recent reports indicate that all four services missed their recruiting goals last year. Unfortunately, military recruiting levels are now at a 30-year low. Under GOFEDS, military education loan programs, like the Active-Duty Loan Repayment Program will be offered on a tax-free basis.

With more than half of the Federal workforce eligible for retirement in the next two years and surveys showing that fewer Americans find government services attractive, the need for this legislation is even more necessary. I believe the cost of this bill is minimal, but its potential impact is great. I urge all of my colleagues to support this legislation and I am confident that it can be enacted this year.

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. 1255
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 "Generating Opportunity by Forgiving Educational Debt for Service Act of 2005.

SEC. 2. EXCLUSION FROM STUDENT LOAN REPAYMENTS BY THE FEDERAL GOVERNMENT.
(a) EXCLUSION FROM GROSS INCOME.—Section 108(f) of the Internal Revenue Code of 1986 (relating to student loans) is amended by adding at the end the following:

"(5) STUDENT LOAN REPAYMENTS BY FEDERAL GOVERNMENT.—In the case of an individual, gross income does not include any payments made by the Federal Government on behalf of such individual under paragraph (23)."

(b) EXCLUSION FROM WAGES.—(1) IN GENERAL.—Section 3121(a) of such Code (defining wages) is amended— (A) in paragraph (21), by striking "or" at the end;

"(23) any payment excluded from gross income under section 108(f)(5) (relating to student loan repayments by the Federal Government)."

(2) SOCIAL SECURITY ACT.—Section 200(a) of the Social Security Act (42 U.S.C. 409(a)) is amended by adding at the end the following:

"(3) any payment excluded from gross income under section 108(f)(5) (relating to student loan repayments by the Federal Government)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after the date of enactment of this Act in taxable years ending after such date.
By Mr. BIDEN:

S. 256. A bill to require the Secretary of Homeland Security to develop regulations regarding the transportation of extremely hazardous materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BIDEN. Mr. President, I rise today to introduce the Hazardous Materials Vulnerability Reduction Act of 2005. It is regretful that I am introducing this legislation, as the Department of Homeland Security has all of the legal authorities necessary to undertake the steps set out in this legislation. However, nearly 4 years after September 11, the Department of Homeland Security is still not doing its job. Quite frankly, officials at the Department of Homeland Security are either unaware, or even worse, they are purposely ignoring a grave threat to our cities. Hazardous materials being transported by 90-ton rail tankers has been described as a “uniquely dangerous” threat—comparable only to a nuclear or biological attack. According to the Department of Homeland Security and the Department of Transportation, rail tankers pose the greatest risks during transportation because their uncontrolled release can endanger significant numbers of people. In addition, there have been countless reports of lax security along the urban area where rail tankers travel. Nevertheless, the administration has done nothing to reduce this threat. The legislation that I am introducing today will require the Department of Homeland Security to develop a comprehensive, risk-based strategy for reducing the threat of a terrorist attack on extremely hazardous materials in our Nation’s high-threat cities. The steps set out in this legislation should have been taken years ago, but it is clear that the Department of Homeland Security will not act to protect the public with which my colleagues and I join me in passing this legislation to require them to act.

Within just a few miles of where we stand right now, rail tankers carrying the world’s most dangerous chemicals are being transported over tracks that are not sufficiently safeguarded or monitored. According to Richard A. Falkenrath, a former homeland security adviser to President Bush, this threat exists out “as acutely vulnerable, acutely dangerous and acutely predictable.” He is not alone in this opinion. The Homeland Security Council released a report in July 2004 indicating that an explosion, in an urban area, of a rail tanker carrying chlorine could kill up to 17,500 individuals and could require the hospitalization of nearly 100,000. An analysis by the Naval Research Laboratory depicted a more troubling scenario when it studied the potential for damage if an attack occurred while an event was being held on the National Mall, and it concluded that “extreme scenarios” could seriously harm or even kill in the first half hour.” Let me say that again, according to a study by the Naval Research Laboratory “over 100,000 people could be seriously harmed or killed in the first half hour.” Terrorist groups already understand the potential for mass casualties. The FBI and CIA have uncovered evidence that terrorists have targeted chemical shipments, and just a few months ago during testimony before the Senate Intelligence Committee, FBI Director Mueller indicated that threats to rail remain a key concern. This should not be a surprise. Rail systems are the most frequently attacked targets worldwide, and the wide open nature of their architecture makes them vulnerable at many points. In other words, rail systems present many soft targets. Incidentally, I have introduced separate legislation in the last three Congresses that would provide $1.2 billion to eliminate some of the vulnerabilities in our rail system; however, this legislation has not been supported by the Bush administration and it has not passed Congress. In fact, the administration has not asked for a single dime specifically for rail security. The terrorist threat is real, and we know that the modus operandi for many terrorist groups is to cause mass casualties and spectacular damage. According to the Chlorine Institute, an attack on a 90-ton tanker could create a toxic cloud with an estimated radius of 1 mile. The Environmental Protection Agency estimates that in an urban area this toxic cloud could extend 14 miles. Can you imagine the psychological impact of a toxic cloud of poisonous gas expanding and moving slowly over one of our major metropolitan areas—leaving death and chaos in its path?

Given the potential damage and the direct threat against chemical rail tankers, you would think that the Bush administration would be busy reducing or eliminating this threat. Unfortunately, as with so many other areas involving our homeland security this does not appear to be the case. In January testimony before the Senate Homeland Security Committee, Mr. Falkenrath stated that: “To date, the Federal Government has not made a material reduction in the inherent vulnerability of hazardous chemical targets inside the United States.” He went on to say that this should be the high-priority objective of Homeland Security. A Wall Street Journal article written last year—“Graffiti Artists Put Their Mark on War Against Terrorism”—provides a chilling example of the exposure of these chemical tanks. The reporter followed a graffiti artist to a railroad tunnel along tracks that run near I-395 not far from where we stand. As he was conducting the interview, a tanker carrying dangerous chemicals rolled by on an adjacent track. The graffiti artist pointed at all the graffiti and asked someone for like Al Qaeda to wait right here for the right poison and bang! Good-bye Washington.”

This threat and the lack of action by the Department of Homeland Security has led many city officials to consider local legislation to ban shipments of hazardous materials. Right now, a dispute between the District of Columbia and several rail companies joined by the Bush administration is being litigated in Federal courts. Other cities, such as Philadelphia and Boston are considering similar action. As a former county executive, I am sympathetic to the plight of local officials, and they should certainly be allowed to exercise their police powers in appropriate situations. I believe, and I am sure most local officials would agree, that it would be better to have a national, comprehensive policy on this issue. This is simply too important to have a patchwork strategy. The Department of Homeland Security should have already done this. Unfortunately, they have not, and this legislation will require the Department to take some basic, fundamental steps to enhance safety for the American people.

The legislation that I am introducing requires the Department of Homeland Security to issue regulations establishing a risk-based strategy for reducing or eliminating this threat. Unfortunately, as with so many other areas involving our homeland security this does not appear to be the case. In January testimony before the Senate Homeland Security Committee, Mr. Falkenrath stated that: “To date, the Federal Government has not made a material reduction in the inherent vulnerability of hazardous chemical targets inside the United States.” He went on to say that this should be the high-priority objective of Homeland Security. A Wall Street Journal article written last year—“Graffiti Artists Put Their Mark on War Against Terrorism”—provides a chilling example of the exposure of these chemical tanks. The reporter followed a graffiti artist to a railroad tunnel along tracks that run near I-395 not far from where we stand. As he was conducting the interview, a tanker carrying dangerous chemicals rolled by on an adjacent track. The graffiti artist pointed at all the graffiti and asked someone for like Al Qaeda to wait right here for the right poison and bang! Good-bye Washington.”

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is ensure that we have a national strategy for handling a threat that is comparable in scope to a nuclear or biological attack. I will close by again referring to the grave warning set out in the study by the Naval Research Laboratory. Gao 08, 100,000 people could be seriously harmed or even killed in the first half hour of an attack. The danger is simply too great to ignore, and I ask my colleagues to join me in passing this critical legislation.

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

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

S. 1266

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) Short Title.—This Act may be cited as the “Hazardous Materials Vulnerability Reduction Act of 2005”.

(b) Findings.—Congress makes the following findings:

(1) Congress has specifically given the Department of Homeland Security, working in conjunction with the Department of Transportation, and other Federal agencies, the primary authority for the security of the United States transportation sector, including passenger and freight rail.

(2) This authority includes the responsibility to protect American citizens from terrorist incidents related to the transport by rail of extremely hazardous materials.

(3) Federal agencies have determined that hazardous materials can be used as tools of destruction and terror and that extremely hazardous material is particularly vulnerable to sabotage or misuse during transport.

(4) The Federal Bureau of Investigation and the Central Intelligence Agency have found evidence suggesting that chemical tankers used to transport and store extremely hazardous chemicals have been targeted by terrorist groups.

(5) Rail shipments of extremely hazardous materials are often routed through highly attractive targets and densely populated areas, including within a few miles of the White House and United States Capitol.

(6) According to security experts, certain extremely hazardous materials present a mass casualty terrorist potential rivaled only by nuclear and chemical devices, certain acts of bioterrorism, and the collapse of large occupied buildings.

(7) A report by the Chlorine Institute found that a 90-ton rail tanker, if successfully targeted by an explosive device, could cause a catastrophic release of an extremely hazardous material, creating a toxic cloud 40 miles in diameter and 10 miles wide.

(8) The Environmental Protection Agency estimates that in an urban area a toxic cloud could extend for 14 miles.

(9) The United States Naval Research Laboratories concluded that a toxic plume of this type, created while there was a public event on the National Mall, could kill or injure up to 100,000 people in less than 30 minutes.

(10) According to security experts, rail shipments of extremely hazardous materials are particularly vulnerable and dangerous, however the Federal Government has made no material reduction in the inherent vulnerability of hazardous chemical targets inside the United States.

(11) While the safety record related to rail shipments of hazardous materials is very good, recent accidental releases of extremely hazardous materials in rural South Carolina and San Antonio, Texas, demonstrate the fatal danger posed by extremely hazardous materials.

(12) Security experts have determined that re-routing these rail shipments is the only way to immediately eliminate this danger in the high threat US, which currently puts hundreds of thousands of people at risk.

(13) Security experts have determined that the primary benefit of re-routing the shipment of extremely hazardous materials is a reduction in the number of people that would be exposed to the deadly impact of the release due to an attack, and the principal cost would be the additional operating expense associated with possible increase inhaul for the shipment of extremely hazardous materials.

(14) Less than 5 percent of all hazardous materials shipped by rail will meet the definition of extremely hazardous materials under this Act.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) EXTREMELY HAZARDOUS MATERIAL.—The term “extremely hazardous material” means any chemical, toxic, or other material being shipped or stored in quantities or states of packaging that represent an acute health threat or have a high likelihood of causing injuries, casualties, or economic damage if successfully targeted by terrorist attack, including materials that—

(A) are—

(i) toxic by inhalation;

(ii) extremely flammable; or

(iii) highly explosive;

(B) contain high level nuclear waste; or

(C) are—

(i) toxic by inhalation;

(ii) extremely flammable; or

(iii) highly explosive;

(iv) any other area designated by the Secretary as extremely hazardous;

(2) HIGH THREAT CORRIDOR.—

(A) In General.—The term “high threat corridor” means a geographic area that has been designated by the Secretary as particularly vulnerable to damage from the release of extremely hazardous materials, including—

(i) large populations centers;

(ii) areas important to national security;

(iii) areas that terrorists may be particularly likely to target;

(iv) any other area designated by the Secretary as vulnerable to damage from the rail shipment or storage of extremely hazardous materials.

(B) OTHER AREAS.—

(i) In General.—Any city that is not designated as a high threat corridor under subparagraph (A) may file a petition with the Secretary to be so designated.

(ii) Procedure.—The Secretary shall establish, by rule, regulation, or order, procedures for petitions under clause (1), including—

(A) designating the local official eligible to file a petition;

(B) establishing the criteria a city shall include in a petition; and

(C) allowing a city to submit evidence supporting its petition; and

(IV) requiring the Secretary to rule on the petition not later than 60 days after the date of submission of the petition.

(iii) NOTICE.—The Secretary’s decision regarding any petition under clause (1) shall be communicated to the requesting city, the Governor of the State in which the city is located, and the Senators and Members of the House of Representatives that represent the State in which the city is located.

(3) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security or the Secretary’s designee.

(4) STORAGE.—The term “storage” means any temporary or long-term storage of extremely hazardous materials in rail tankers or any other medium utilized to transport extremely hazardous materials by rail.

SEC. 3. REGULATIONS FOR TRANSPORT OF EXTREMELY HAZARDOUS MATERIALS.

(a) PURPOSES OF REGULATIONS.—The regulations issued under this section shall establish a national, risk-based policy for ensuring the security of shipments of extremely hazardous materials by rail or being stored. To the extent the Secretary determines appropriate, the regulations issued under this section shall be consistent with other Federal, State, and local regulations and international agreements relating to shipping or storing extremely hazardous materials.

(b) ISSUANCE OF REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue, after notice and opportunity for public comment, regulations concerning the rail shipment and storage of extremely hazardous materials by owners and operators of railroads. In developing such regulations, the Secretary shall consult with other Federal, State, and local government entities, security experts, representatives of the hazardous materials rail shipping industry, labor unions representing persons who work with hazardous materials in the rail shipping industry, and other interested persons, including private sector interest groups.

(c) REQUIREMENTS.—The regulations issued under this section shall—

(1) include a list of the high threat corridors designated by the Secretary;

(2) contain the criteria used by the Secretary to determine whether an area qualifies as a high threat corridor;

(3) include a list of extremely hazardous materials;

(4) establish protocols for owners and operators of railroads transporting extremely hazardous materials regarding notifying all governors, mayors, and other designated officials and local emergency responders in a high threat corridor of the quantity and type of extremely hazardous materials that are transported by rail through that high threat corridor;

(5) require reports regarding the transport by railroad of extremely hazardous materials by the Secretary to local government officials designated by the Secretary, and Local Emergency Planning Committees, established under the Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. 11001 et seq.);

(6) establish protocols for the coordination of Federal, State, and local law enforcement authorities in creating a plan to respond to a terrorist attack, sabotage, or accident involving a rail shipment of extremely hazardous materials that causes the release of such materials;

(7) require that any rail shipment containing extremely hazardous materials be re-routed around any high threat corridor; and

(8) establish standards for the Secretary to grant exceptions to the re-routing requirements under paragraph (7).

(d) HIGH THREAT CORRIDORS.—

(1) IN GENERAL.—The criteria under subsection (c)(2) for determining whether an area qualifies as a high threat corridor may be the same criteria used for the distribution of funds under the Urban Area Security Initiative for fiscal year 2004.

(2) INITIAL LIST.—If the Secretary is unable to complete the review necessary to determine which areas should be designated as high threat corridors within 90 days after the date of enactment of this Act, the initial list shall be the cities that receive funding under the Urban Areas Security Initiative Program in fiscal year 2004.

(e) EXTREMELY HAZARDOUS MATERIALS LIST.—If the Secretary is unable to complete

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the review necessary to determine which materials should be designated extremely hazardous materials under subsection (c)(3) within 90 days of the date of enactment of this Act and shall include:

(A) explosives classified as Class 1, Division 1.1, or Class 1, Division 1.2, under section 173.2 of title 49, Code of Federal Regulations, in a quantity greater than 10,000 kilograms;

(B) flammable gasses classified as Class 2, Division 2.1, under section 173.2 of title 49, Code of Federal Regulations, in a quantity greater than 10,000 liters; and

(C) anhydrous ammonia classified as Class 2, Division 2.2, under section 173.2 of title 49, Code of Federal Regulations, in a quantity greater than 1,000 kilograms.

(f) NOTIFICATION.—

(1) IN GENERAL.—The protocols under subsection (c)(4) shall establish the required frequency of reporting by an owner or operator of a railroad to the Governor, Mayor, or other designated officials and local emergency responders in a high threat corridor.

(2) CONTENTS.—Each report made under subsection (c)(4) shall require owners and operators of railroad to make annual reports to the Secretary regarding the transportation and storage of extremely hazardous materials on railways for securing shipments of extremely hazardous materials on railways for the protection of life and property beyond the property of the owner or operator of the railroad, a railroad to the Secretary of Transportation, or the Secretary of Homeland Security.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out section 5116(j)(6).''.
Secretary shall submit a report to Congress describing the findings of the study conducted under this subsection, which shall contain recommendations and cost estimates for securing shipments of extremely hazardous materials.

(c) LEASED TRACK STORAGE ARRANGEMENTS.

(1) IN GENERAL.—Not later than 90 days after enactment of this Act, the Secretary shall conduct a study of viable alternatives to storing extremely hazardous materials in or on leased track facilities.

(2) MATTERS STUDIED.—The study conducted under this subsection shall—

(A) evaluate the extent of the use of leased track facilities to store extremely hazardous materials; and

(B) assess means to limit the consequences of an attack on extremely hazardous materials stored on leased track facilities to nearby communities.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress describing the findings of the study conducted under this subsection, which shall contain recommendations and cost estimates for securing shipments of extremely hazardous materials.

SEC. 6. WHISTLEBLOWER PROTECTION.

(a) RIGHT AGAINST DISCRIMINATION.—No owner or operator of a railroad may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to the Secretary or the Attorney General, or any Federal supervisory agency regarding a possible violation of any provision of this Act by the owner or operator of a railroad or any director, officer, or employee of an owner or operator of a railroad.

(b) ENFORCEMENT.—Any employee or former employee who believes that such employee has been discharged or discriminated against in violation of subsection (a) may file a civil action in the appropriate United States district court before the end of the 2-year period beginning on the date such discharge or discrimination.

(c) REMEDIES.—If the district court determines that a violation has occurred, the court shall, subject to the district court's discretion, order the owner or operator of a railroad that committed the violation to—

(1) reinstate the employee to the employee's former position;

(2) pay compensatory damages; or

(3) take other appropriate actions to remedy any past discrimination.

(d) LIMITATION.—The protections of this section shall not apply to any employee who—

(1) deliberatelly causes or participates in the alleged violation of law or regulation; or

(2) knowingly provides substantially false information to the Secretary, the Attorney General, or any Federal supervisory agency.

SEC. 7. PENALTIES.

(a) RIGHT OF ACTION.—

(1) IN GENERAL.—Any State or local government may bring a civil action in a United States district court for redress of injuries caused by a violation of this Act against any person (other than an individual) who transports, loads, unloads, or is otherwise involved in the shipping of extremely hazardous materials by rail and who violated this Act.

(2) REMEDIES.—In an action under paragraph (1), a State or local government may seek, for each violation of this Act—

(A) an order for injunctive relief; and

(B) a civil penalty of not more than $1,000,000.

(b) ADMINISTRATIVE PENALTIES.—

(1) IN GENERAL.—The Secretary may issue an administrative penalty of not more than $1,000,000 for each failure by a person (other than an individual) who transports, loads, unloads, or is otherwise involved in the shipping of extremely hazardous materials to comply with this Act.

(2) NOTICE AND HEARING.—Before issuing an order under paragraph (1), the Secretary shall provide the person who allegedly violated this Act—

(A) written notice of the proposed order; and

(B) the opportunity to request, not later than 30 days after the date on which the person received the notice, a hearing on the proposed order.

(3) PROCEDURES.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations establishing procedures for administrative hearings and the appropriate review of penalties issued under this subsection, including establishing deadlines.

By Mr. SPECTER (for himself and Mr. LAUTENBERG):

S. 1257. A bill to amend title 28, United States Code, to clarify that persons may bring private rights of action against foreign governments to enjoin terrorist acts, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, along with my colleague, Senator LAUTENBERG, I am introducing the Justice for Victims of Terrorism Act. I am submitting this legislation on behalf of the families of the brave servicemen who died when terrorists—with the support of the Government of Iran—sent a suicide bomber into the Marine Corps Barracks in Beirut, Lebanon, on October 23, 1983, killing 241 U.S. servicemen—18 sailors, 3 soldiers, and 220 marines.

This legislation clarifies a private right of action, in Federal courts, for U.S. citizens against state sponsors of terrorism, and makes it significantly easier for victims of such acts to collect court-ordered damages against state-sponsors of terrorism. The specific provisions of the legislation have been drafted to harmonize existing specific provisions of the legislation have been drafted to harmonize existing judicial de Cuba,

462 U.S. 611, 626–27, 1983. In this case, the U.S. Supreme Court enunciated the so-called Baneck doctrine in First Nat'l v. Baneck, 353 F.3d 1024, D.C. Cir. 2004, which created a presumption against a party being allowed to seek legal redress for acts of terrorism and will ultimately make it easier for victims of such acts to collect court-ordered damages against state-sponsors of terrorism. The specific provisions of the legislation have been drafted to harmonize existing judicial de Cuba,

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On October 23, 2004, in Philadelphia, I was privileged to take part in a memorial service held in honor of the servicemen killed in the 1983 Beirut attack. Some of the family members of those killed attended the event. Their moving comments about how they had been denied the ability to seek legal redress, despite clear findings implicating Iran in the terrorist attack, were both poignant and persuasive. It is vitally important to victims’ families that they have a private right of action against the state sponsor itself, not just against its officials, employees, or agents acting in their official capacity. These victims and their families deserve not only a day in court but also the ability to recover damages from these terrorist states that commit, direct, or materially support terrorist acts against American citizens and other nationals. This bill, which has been drafted to harmonize existing judicial de Cuba,

462 U.S. 611, 626–27, 1983. In this case, the U.S. Supreme Court enunciated the so-called Baneck doctrine in First Nat'l v. Baneck, 353 F.3d 1024, D.C. Cir. 2004, which created a presumption against a party being allowed to seek legal redress for acts of terrorism. This bill will correct Cicippio-Puleo v. Islamic Republic of Iran, 353 F.3d 1024, D.C. Cir. 2004, which held that neither 28 U.S.C. §1605(a)(7) nor the Flatow Amendment to the Foreign Sovereign Immunities Act, nor the two considered in tandem, creates a private right of action against a foreign government. This bill would create a mechanism whereby a lien could be filed in any jurisdiction in the United States where a state sponsor of terrorism directly or indirectly owns assets. This would prevent foreign state sponsors of terrorism from using the current legal regime to avoid being held responsible for their actions.

On October 23, 2004, in Philadelphia, I was privileged to take part in a memorial service held in honor of the servicemen killed in the 1983 Beirut attack. Some of the family members of those killed attended the event. Their moving comments about how they had been denied the ability to seek legal redress, despite clear findings implicating Iran in the terrorist attack, were both poignant and persuasive. It is vitally important to victims’ families that they have a private right of action against the state sponsor itself, not just against its officials, employees, or agents acting in their official capacity. These victims and their families deserve not only a day in court but also the ability to recover damages from these terrorist states that commit, direct, or materially support terrorist acts against American citizens and other nationals. This bill, which has been drafted to harmonize existing judicial de Cuba,
bill. I yield the floor. I ask unammonious 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. 1257

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

SECTION 1. CLARIFICATION OF PRIVATE RIGHT OF ACTION AGAINST TERRORIST STATES; DAMAGES

(a) RIGHT OF ACTION.—Section 1605 of title 28, United States Code, amended—

(1) in subsection (f), in the first sentence, by inserting “or (h)” after “subsection (a)(7)”; and

(2) by adding at the end the following:

"(h) Certain Actions Against Foreign States; Employees, or Agents of Foreign States.—

(1) CAUSE OF ACTION.—

(A) CAUSE OF ACTION.—A foreign state designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), the official, employee, or agent of such a foreign state, shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or the national’s legal representative for personal injury or death caused by an act or omission within the scope of his or her office, employment, or agency, for which the courts of the United States may maintain jurisdiction under subsection (a)(7) for money damages. The removal of a foreign state from designation as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(j)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or other provision of law shall not terminate a cause of action arising under this subparagraph during the period of such designation.

(B) DISCOVERY.—The provisions of subsection (g) apply to actions brought under subparagraph (A).

(C) NATIONALITY OF CLAIMANT.—No action shall be maintained under subparagraph (A) arising out of a foreign state, by an official, employee, or agent of a foreign state if neither the claimant nor the victim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) when such acts occurred.

(D) DAMAGES.—In an action brought under paragraph (1) against a foreign state or any of its officials, employees, or agents, or against a foreign state, the foreign state, official, employee, or agent, as the case may be, may be held liable in accordance with the laws of the United States, by which may include economic damages, damages for pain and suffering, and, or, notwithstanding section 1606, punitive damages. In all actions brought under paragraph (1), a foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

(E) APPEALS.—An appeal in the courts of the United States in an action brought under paragraph (1) may be made—

(A) only from a final decision under section 1292 of title 28, and then only if joined with the clerk of the district court within 30 days after the entry of such final decision; and

(B) in the case of an appeal from an order denying the immunity of a foreign state, a political subdivision thereof, or an agency of

instrumentality of a foreign state, only if filed under section 1292 of this title.


SEC. 2. PROPERTY SUBJECT TO ATTACHMENT EXECUTION.

Section 1610 of title 28, United States Code, amended by adding at the end the following:

"(g) PROPERTY INTERESTS IN CERTAIN ACTIONS.—

(1) IN GENERAL.—A property interest of a foreign state, agency or instrumentality of a foreign state, against which a judgment is entered under subsection (a)(7) or (h) of section 1605, including a property interest that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

(A) the level of economic control over the property interest by the government of the foreign state;

(B) whether the profits of the property interest go to that government;

(C) the degree to which officials of that government manage the property interest or otherwise control its daily affairs;

(D) whether that government is the real beneficiary of the conduct of the property interest; or

(E) whether establishing the property interest as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

(2) UNITED STATES SOVEREIGN IMMUNITY APPLICABLE.—Any property interest of a foreign state, agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under subsection (a)(7) or (h) of section 1605. The property interest is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.,”.

SEC. 3. APPOINTMENT OF SPECIAL MASTERS.

(a) VICOMES OF CRIME ACT.—Section 1404(c)(3)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 16033(a)(3)) is amended by striking “December 21, 1988, with respect to which an investigation or” and inserting “October 25, 1984, with respect to which an investigation or a civil criminal”.

(b) JUSTICE FOR MARINES.—The Attorney General shall transfer, from funds available to carry out the orders of United States District Judge Royce C. Lamberth appointing Special Masters in the matter of Peterson, et al. v. The Islamic Republic of Iran, Case No. 01CV02094 (RCL).

SEC. 4. LIS PENDENS.

(a) LIENS.—In every action filed in a United States district court in which jurisdiction is alleged under subsection (a)(7) or (h) of section 1605 of title 28, United States Code, the filing of a notice of pending action pursuant to subsection (c), which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien on the defendant's assets, within which may include personal property, such as the Montgomery bus boycott, which Lewis could no longer stand idly by while others suffered for his sake. He was motivated to become an active participant in these historical events. From organizing peaceful demonstrations, to riding in the fronts of buses, Lewis was a key leader and played a dynamic role in the civil rights movement.

From 1963–1966 Lewis served as a member of the Student Nonviolent Coordinating Committee. In 1965 Lewis was named one of the Big Six Civil Rights leaders along with Martin Luther King Jr., James Farmer, Roy Wilkins, Whitney Young, and A. Phillip Randolph. In August 1963, John Lewis was a keynote speaker at the momentous March on Washington where Martin Luther King, Jr., gave his powerful "I Have a Dream" speech. On March 7, 1965, Lewis helped the now pivotal voting rights march from Selma to Montgomery, AL. Sustaining physical injuries for the principles he believed in, John Lewis remained steadfast in his commitment to protect human rights in the United States. The violent reactions in Alabama state troopers that day sparked an outcry and

Mr. President, as a congressman, statesman, humanitarian, the Nation has benefited greatly from the lifelong contributions of JOHN LEWIS. I am proud to introduce legislation honoring JOHN LEWIS.

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

S. 1258

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

SECTION 1. JOHN LEWIS CIVIL RIGHTS INSTITUTE.

(a) DESIGNATION.—The building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, shall be known and designated as the “John Lewis Civil Rights Institute”.

(b) REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the John Lewis Civil Rights Institute.

By Mr. ALEXANDER:

S. 1261. A bill to simplify access to financial aid and access to information on campus; to provide for a general grant of funds for learning and less reporting, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, in case the President may be wondering, and I asked consent about this, these are 7,000 regulations. We have 6,000 autonomous institutions of higher education in the United States, colleges and universities.

The Presiding Officer comes from the State that has some of the finest colleges and universities anywhere in America. I will not begin to name them because there are so many of them I might leave one out. Every single college or university, public or private, in North Carolina, Tennessee, or Colorado which has students with Federal grants or loans gets all of these boxes this year. These are the Federal regulations under title IV of the Higher Education Act that somebody at the smallest college or the biggest university must wade through in order to help students have Federal grants and Federal loans. The Federal grant and Federal loans are one of the great success stories of the United States of America. I will talk about that.

Mr. President, 60 percent of our college students and university students at those 6,000 public and private and profit and nonprofit institutes of higher education, 60 percent of them have a Federal grant or loan to help pay for college. That has increased over the last 4 or 5 years about 10 times faster—9 times faster—than State funding for higher education.

But my goal today, in my remarks and in the bill I am introducing, is to make it easier for them to get access to available financial resources. Second, it will reduce the burden on colleges and universities imposed by Federal regulations so they can devote more of their time doing what they are meant to do: provide the highest quality postsecondary education in the world. And third, it will ensure that the autonomy and independence of our 6,000 institutions of higher education are preserved.

I am delighted I am able to interrupt the energy debate to talk about higher education because I think while it sounds like we are shifting gears, they really go together. If I am looking at a country I would have to take an exam this minute about the two greatest issues facing the United States of America, I would say, No. 1, terrorism, and, No. 2, competitiveness. “Competitiveness” a big word, meaning: How are we going to do? How are we going to keep our standard of living in this country when we have 5 or 6 percent of the people in the world, and yet we produce a third of all the energy? And China and India and Singapore and Malaysia, not to mention Japan and Europe, are saying: Wait a minute. Our brains are as good as those American brains. A lot of our students have been going to the United States, creating jobs for those Americans. In fact, 1,000,000 foreign students are in this country today, basically improving our standard of living by their work here.

So we are in a very competitive time. Just as we have been saying in energy, here comes China, here comes Malaysia, here comes India buying up the oil reserves, driving up the price. Here comes Germany and other parts of the world with lower natural gas prices than we have. And our jobs are going toward them.

The other thing we could do to ensure our good jobs and to keep our higher standard of living is to focus on our brainpower. The great advantages the United States of America has had since World War II have been our low cost, reliable supply and access to energy, our science and technology edge, and our educational institutions. There are so many examples of that.

Mrs. KAY BAILEY HUTCHISON, the senior Senator from Texas, and our major ity leader, Senator Cardin from Maryland, had a little session in the leader’s office last year. They invited the former Brazilian President Fernando Henrique Cardoso, he was concluding his residency at the Library of Congress. I remember after he had said what he had to say, we asked our questions.

Senator HUTCHISON asked of President Cardoso: Mr. President, what is the one thing you are going to remember about the United States from your stay here at the Library of Congress that you will take with you back to your country of Brazil? Without a moment’s hesitation, he said: The American university, the greatness and the autonomy of the American university.

I will tell you another story. A few years ago, I was asked to be the president of the University of Tennessee. It was 1988. I was asked to be the chairman of the board of the university for 8 years as Governor, and I appointed a lot of the trustees, but I was not a skilled university president. So I sought out David Gardner, the president of the University of California, which I regard, with all respect to North Carolina, at least at that time, to be the outstanding public university in America and perhaps one of the best in the world.

I said to David Gardner: Why is the University of California so good? Without a moment’s hesitation, he said: First, autonomy. When California created the university—they created four branches of government, a legislator, executive, judicial, and then the University of California. He said: Fundamentally, they give us the money, and then our board and we decide how to spend it. Our autonomy has permitted us to do that, set very high standards. And then he said the third thing was the large amount of Federal dollars that follows students to the educational institution of their choice. So autonomy, excellence and choice—Federal dollars following students to the schools of their choice. That is how David Gardner explained the California model for excellence in higher education.

That model has worked for our country since the GI bill for veterans was enacted in 1944. I have wondered many times how we were fortunate enough to have decided to do it in the way they did it. This was for the veterans. It was the end of World War II. There were college presidents who were very upset about the idea of giving the veterans money and just telling them to go wherever they wanted to go to college. The president of the University of Chicago said it would make the University of Chicago a hobo’s jungle. But we know what it did. We had veterans coming back and taking their GI bill. Many of them took it to Catholic high schools and two-year colleges because they had not finished high school. But they went wherever they wanted, to any accredited institution. They went to Yeshiva. They went to Vanderbilt. They went to the historically Black colleges and universities across America—Harvard. It did not matter. If it was accredited, they chose the institution.
The same formula was applied when the Pell grants were created by this Congress in honor of Senator Pell, who was a former Member of this body; as is true with Senator Stafford and the Stafford loans. Instead of giving those grants and loans to the University of North Carolina or the University of Tennessee, they went to the student. The student then said: Well, I will decide where I want to go. I may want to go to Rhodes College, or I may want to go to Lenore Rhyne or I may want to go to the University of Florida or Yeshiva or Howard. They go where they want to go.

Because of that, we now have 6,000 autonomous institutions around the country. Many of them are nonprofit. Many of them are for profit. Eighty percent of our students go to public institutions, but 20 percent go to private institutions. Because it is a marketplace of 6,000 institutions, and some are, other than others because it is a marketplace, we have been able to adapt to a changing world that now has different subjects, different standards, a more global environment, and students who are, by and large, much more have different needs than they did before.

If we had not had that kind of marketplace of colleges and universities, we would be stuck in the mud, and we would have former President Cardoso of Brazil talking so well about our colleges and universities.

We do not just have some of the best colleges and universities in the world; we have almost all of them. And the rest of the world knows that. We do not have 572,000 foreign students studying in our country this year because we made them come, or even because we give them scholarships. They pay to come for the most part. They are the brightest students in most of these countries. And 60 percent of our postdoctoral students are from overseas. Half our students in computer and engineering graduate programs are from overseas, and they are here because we have a compliance calendar so that universities know what requirements they have to meet and when they have to meet them.

What I mean by that is, it will be up to us in the Federal Government to send to the University of North Carolina or Maryville College in Tennessee a list of the rules they have to comply with, and that is the whole team of people trying to answer over 100 confusing questions, the vast majority of which are only applicable for the State of California.

So a second thing we can do is make sure students can use the Federal aid for education they need year round. Flexibility for year-round Pell grants is a part of this legislation so students can have the flexibility they need to continue their education in the summer. There is a disincentive for that. Not only is that inconvenient for students and working students, it tends to encourage institutions to waste the resources in the summertime, which they became the best buy list—a list of the 100 schools with the lowest tuition and required fees, with the greatest availability of scholarships and grants. In other words, this would help parents and students decide where they could get the biggest bang for their buck.

Many of the ideas that are in our legislation came from the Advisory Committee on Student Financial Assistance. Senator Gregg, when he was chairman, and I invited them to work on this. They did a terrific job and they came up with 10 recommendations, 8 of which are in this bill, and I believe they have no cost to the budget.

The other area and my final comments have to do with the other side of the ledger. While we are making it easier for students to get financial aid, we should work to relieve the regulatory burden on colleges and universities represented by these boxes of 7,000 regulations that contain all the forms any college or university in Florida or Tennessee or North Carolina would receive this year to fill out.

Thanks to the last two rounds of reauthorizing the Higher Education Act.
there are today more than 7,000 regulations associated with the title IV student aid program. With the exception of the Consumer Product Safety Commission and the Federal Trade Commission, every Federal agency is involved in regulating some aspect of higher education. That is incredible and it is absolutely ridiculous.

In 1997, Gerhard Casper, the president of Stanford University, said Stanford spends 7 cents out of every tuition dollar on compliance with Government regulations. This has only gotten worse in the last 9 years. We need to ease the burden. For example, under the Higher Education Act, universities are required to report how many full-time employees have dental insurance, whether the university is a member of a national athletic association, and the number of meals that are in a “board” charge. Colleges are required to hand every student a paper in-State voter registration form and cannot use modern technologies such as Web registrations, which would actually reach more students. We are giving university staff busy work to do when they ought to be helping students.

Here is another example. When a major chemical company such as Du Pont produces 55-gallon containers of a potentially hazardous waste, we require Du Pont to report on how all that waste is disposed and ensure that it is done in a certain manner. This is a good regulation and idea, but it is not well thought out. The Net effect is, we are applying the same regulation and paperwork to a chemistry class at a college that might produce half a test tube of the same substance.

Mr. President, I don’t know about the presiding officer, the Senator from Florida, and I now see the Senator from Virginia; I suspect that when we all go back to our States and speak to our Lincoln Day dinners, or when the Democrats go to the Jefferson Day dinners, they will not say the thing we need to do once we pass these laws is to have more oversight and ease the burden of regulation. When I say that, I get a big round of applause, because at home people don’t think we get any smarter when we fly to Washington, DC, each week. They think it would be absurd to know there are 7,000 regulations governing college grants and loans, and that Stanford University spends 7 cents out of— and this is a private university—$4,000 a dollar paying for the cost of Government regulations.

One reason we have an increased interest in regulating is because there are a great many Members of Congress, as well as people in the country, who worry about rising tuition costs. I worry about those, too. When I was Governor of Tennessee, we used to have to worry about those, too. When I was Governor of Tennessee, we used to have to worry about rising tuition costs. I worry about our students, and I think it is important for us to know that. Tuition is not going up because the Federal Government is failing to do its job. Over the last 4 years, Pell grants, work-study, scholarships all gone up about 30 percent. At the same time, over the last 4 years, State spending for higher education is up 3.6 percent. I will say that again. This is according to various educational institutions. The Higher Education Study of Education Policy, Illinois State University. In fiscal year 2001, there was a 3.4 percent increase in State funding for higher education. In 2002, there was a 1.2-percent decrease; in the next year, a 23-percent increase. This is State funding for higher education. Last year, there was a 3.8-percent increase—3.6 over the 4 years.

So what our colleges and universities are feeling, and what our students are feeling, is decreasing State support for higher education. One reason they are feeling that is because we have not given States the tools to control the growth in Medicaid spending. So in Tennessee, Florida, Virginia, and other States in the Southeast, our colleges and universities are hurting because the Governors and legislatures are spending the dollars that ought to be going for excellence in universities. They are spending it on huge increases in Medicaid costs. That is part of our responsibility, too.

So I come to the floor to introduce the Higher Education Simplification and Deregulation Act of 2005. I invite my colleagues to join me in it. We are going to continue to fund those grants and loans, as we have from here, but we also need to do two other things. One of them is in here, and that is not to get busy regulating more colleges and universities. We should be deregulating. The other thing we should do, which is not a part of this bill, is to keep our commitment to the Governors and the States that, back in 1997, we said we should give them the legislative tools they need—and I believe also relief from Federal court consent decrees, which are outdated—so they can manage the growth of Medicaid spending, so that in turn we can continue to support higher education.

Our energy bill and our higher education bill are at the forefront of our policies to keep our jobs and our competitiveness.

Here’s another example: If you grab a pint bottle of rubbing alcohol from your bathroom and take it to a university, they will make sure that you have it delivered to a university’s building where it can be stored. They think it would be absurd to keep our commitment to the Governors and the States that, back in 1997, we said we should give them the legislative tools they need—and I believe also relief from Federal court consent decrees, which are outdated—so they can manage the growth of Medicaid spending, so that in turn we can continue to support higher education.

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Our energy bill and our higher education bill are at the forefront of our policies to keep our jobs and our competitiveness.
of American and British universities. Authorities in India and especially China are working harder than ever to improve the quality of education in their own countries and keep their brightest minds from leaving their countries. Australia and Canada are making good progress. And, for the first time, we have witnessed a decline in graduate student enrollment. The Council on Graduate Schools estimated that foreign applications to graduate programs in the U.S. were down this year for the first time.

This greater competition means that not only do we find it harder than ever to attract foreign students, but our graduates will find it harder to compete for top-paying jobs in the global economy since they will be competing against talented, well-educated individuals from around the world.

Now is the time to fine-tune our own system of higher education and restore its greatest strengths: generous financial aid, student incentives, autonomy, and high standards. Generous support is most effective when students can access it with a minimum of hassle and with maximum flexibility to apply it to their accredited program. Freedom from over-regulation or control by government allows colleges and universities to quickly adjust to the needs of their students and focus on teaching and research. High standards are the natural result of a competitive system where schools compete among each other for students.

My bill restores the pillars of our higher education system and gives us the ability to move forward with confidence in the twenty-first century. I urge my colleagues to join me in this effort.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the Higher Education Simplification and Deregulation Act of 2005.

‘‘Moreover, without objection, the material was ordered to be printed in the RECORD, as follows:’’

HIGHER EDUCATION SIMPLIFICATION AND DEREGULATION ACT OF 2005

There are 6,000 autonomous institutions of higher education nationwide, and it is the autonomy and independence that our universities possess that makes our system of higher education the best in the world. While the federal government partners with American students, families and institutions to make a college education accessible, increased regulations on these same entities threatens this remarkably successful relationship. Countries around the world look to our higher education system and are trying to emulate it. The Higher Education Simplification and Deregulation Act of 2005 (the Act) takes steps to reduce bureaucratic red tape, increase autonomy and allow the U.S. to continue to be the best in the world. As we reform higher education, we must engage the appropriate agencies to keep regulations in line with the needs of students, families and institutions.

SIMPSON: ACCESS TO FINANCIAL AID AND INFORMATION ON COLLEGE COSTS

(1) Simplify the Free Application for Federal Student Aid (FAFSA)

Implement the majority of recommendations from the Advisory Committee on Student Financial Assistance on simplification of the FAFSA form including improved transparency, clearer notification of financial aid eligibility. There is no cost associated with implementing these recommendations.

(2) Establish a Low-Interest Loan for Year Round Study

Authorize year-round Pell grants for both 2 and 4 year institutions. This will help working students and older adults who need increased flexibility and year round financial aid.

(3) Increase annual loan limits for greater funding flexibility for students attending college for more than two academic semesters.

(4) Secretary’s list on College “BEST BUYS”

Secretary will publish existing institutional data in a user friendly way. Best Buy List of “the top 100” will help students decipher institutional expenses and financial aid.

Each year the Secretary shall publish a list of institutions of higher education, by all nine sectors, that identifies:

(a) The 100 schools with the lowest tuition and required fees;
(b) The 100 schools with the lowest cost of attendance;
(c) The 100 schools with the largest percentage of incoming full-time students who receive financial aid;
(d) The 100 schools with the largest average amount of incoming full-time student financial aid on a per student basis;
(e) The 100 schools with the largest percentage of students who receive institutional grants and scholarships;
(f) The 100 schools with the slowest increase in tuition and fees during the preceding 5 years; and
(g) The 100 schools with the slowest increase in total cost of attendance during the preceding 5 years.

(5) Make the Department of Education’s Graduate Programs’ Need Analysis consistent with other federal graduate programs.

All graduate and professional students are, by definition, independent students and therefore have a demonstrable financial need. The federal need analysis requirement in Jacob K. Javits fellowship and Graduate Assistance in Areas of National Need (GAANN) programs often causes lengthy delays in processing grant applications. Instead of yielding helpful distinctions among the applicant pool, the requisite utilization of the federal needs analysis methodology creates massive amounts of paperwork for students, institutions, and the Department of Education. Comparable graduate fellowship programs, such as the Title VI Foreign Language and Area Studies program, and similar training and fellowship programs at National Institutes of Health, National Science Foundation, the Department of Defense contain no such requirement. Therefore, Javits and GAANN will not be subject to federal need analysis.

MORE LEARNING, LESS REPORTING

Institutions of higher education are among the most regulated entities in the United States. With the exception of the Consumer Product Safety Commission and the Federal Trade Commission, all federal agencies are involved in regulating some aspect of higher education.

In addition, there are more than 7,000 regulations associated with Title IV student aid programs alone. Seven cents of every tuition dollar is spent on government regulations (Stanford University, 1997).

There are lots of regulators of higher education and even more regulations issued by the Department.

(1) Application of Change of Ownership to non-profit institutions

(2) Application of Change of Control to non-profit institutions

(3) Application of Change of Control to for-profit institutions

(4) Application of Change of Control to public institutions

(5) Application of Change of Control to non-profit institutions

(6) Voter Registration Dissemination

This bill clarifies that institutions can use electronic means to meet the requirement to disseminate voter registration forms to students. Electronic means will ensure that dissemination to students occurs both effectively and efficiently.

ELIMINATE OR ALTER THE FOLLOWING REPORTING REQUIREMENTS IN THE HEA

(1) Application of Change of Ownership to non-profit institutions

(2) Application of Change of Control to non-profit institutions

(3) Application of Change of Control to for-profit institutions

(4) Application of Change of Control to public institutions

(5) Application of Change of Control to non-profit institutions

(6) Voter Registration Dissemination

This bill clarifies that institutions can use electronic means to meet the requirement to disseminate voter registration forms to students. Electronic means will ensure that dissemination to students occurs both effectively and efficiently.

A significant step in reducing costs and fees for students is the requirement to allow more streamlined payment of student loans. The bill would allow a single check payment of student loans.

There are lots of regulators of higher education, and the simplification bill would streamline the delivery of student aid and dissemination of information requirements. The process would then make recommendations to the Secretary of Education and the appropriate committees on streamlining and eliminating these regulations.

approval size does not fit all for industry and academic regulations

Fund a project by the National Research Council to develop standards in environmental, health and safety areas to provide for differential regulation of industrial facilities, on the one hand, and research and teaching laboratories and facilities on the other.

(2) The report will make specific recommendations for statutory and regulatory changes that are needed to develop such a differential approach.

(3) Accelerated Negotiated Rulemaking Process

The process, while somewhat successful, is complex and significantly disproportionate to the content or distribution of the report. The list will include:

(1) the date each report is required to be completed and to be submitted, made available, or disseminated; (2) any required method for transmittal; (3) a description of the content of each report; and (4) any other information which is pertinent to the content or distribution of the report or disclosure.

(4) Reinstatement of financial aid programs that have been in effect for at least five years.

The provisions in this bill would allow for programs with cohort default rates below 15 percent to disburse a loan in a single installment rather than in multiple disbursements over the year.

The second section of the act would require the Department of Education to develop regulations to allow students to request a first-time borrower loan be withheld for thirty days so that these students can purchase books and supplies, pay housing costs, and meet other expenses without having to seek other forms of financial aid.
The Department of Education applies provisions concerning change of institutional ownership to nonprofit institutions, despite clear expression of contrary congressional intent. Indeed, almost exactly as my dad did 60 years ago.

By Mr. FRIST (for himself, Mrs. CLINTON, Mr. MARTINEZ, Mr. BINGAMAN, Mr. TALENT, Ms. MIKULSKI, Mr. THUNE, and Mr. ONDERDONK)

S. 1262. A bill to reduce healthcare costs, improve efficiency, and improve healthcare quality through the development of a nation-wide interoperable health information technology system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, this morning I am pleased to be joined on the floor by my distinguished colleague from the state of New York, together we share an important goal to improve health care quality and reduce costs through the use of health information technology tools.

I had the wonderful opportunity of spending 20 years as a physician and as a heart surgeon before coming to this body. Like most physicians, I wanted to and, in fact, did use the very latest, most advanced technology, anything that could possibly, in my practice, make my patients live a healthier life, a better life, a more comfortable life.

But amidst the artificial heart assist devices, the lasers that are used to remove lesions in the windpipe or the trachea, CT scan machines, x-rays, digital x-rays, digital thermometers, doctors today, unfortunately, for the most part, keep patient records the very same way I did 10 years ago and, indeed, almost exactly as my dad did 60 years ago as he practiced medicine, and that is handwritten on paper in manila folders. In the rooms of clinics or doctors' offices or hospitals.

It is amazing because we design hospitals, structures on computers today, we conduct medical research with computers, we use computers power almost everything we use, everything we do in terms of diagnosis in medicine, in health care.

But—and this is what we have come to the floor to address—when it comes to health information, when it comes to electronic medical records, we are in the stone age and not the information age.

Imagine a traveler far away from home who gets in an automobile accident and is taken unconscious or conscious to the hospital. Paramedics rush them to a hospital, and at the very moment that individual arrives at the doctor of that emergency room, the emergency room physician meets them, but emptyhanded, with no notification of allergies or past medical history, with no notification of preexisting illnesses, all of which is potentially lifesaving information.

That is inexcusable in this day and age.

My colleague from New York knows this all too well.

Mrs. CLINTON. Mr. President, I wish to express my appreciation to Senator FRIST for his leadership on this issue because we certainly do need to bring our health care system out of the information dark ages. I am pleased to be introducing this legislation today with the majority leader. It is a priority for both of us, and I look forward to continuing our partnership to move this legislation through the legislative process.

For several years, I have been promoting the adoption of health information technology as a means to improve our health care system and bring it into the 21st century. I introduced health information technology legislation in 2003 to jump-start the conversation on health IT. I am very pleased that I have had the opportunity now to work with the majority leader for more than a year on realizing what we believe would work, that would enable patients, physicians, nurses, hospitals—all—to have access electronically in a privacy-protected way to health information.

We have a lot of challenges facing us in health care. We have a long way to go to achieve the goal of expanding access to quality, affordable health care for all Americans. But creating a health information technology infrastructure needs to be a key part of achieving our health care goals because we are facing an escalating health care crisis.

Information technology has radically changed business and other aspects of our lives. It is time to use it to bring our health sector into the information age.

Currently, the health industry spends 2 to 3 percent of its revenues on information technology, compared to roughly 12 percent in industries such as finance or banking. That is why you cannot go to an ATM virtually anywhere in the world and access money from your bank account.

But despite evidence that greater investment could yield returns, we have not put in place the necessary infrastructure to stimulate the necessary investment in an interoperable health information technology and quality infrastructure.

Mr. FRIST. Mr. President, this needs to change and it must change. We must establish an interoperable privacy-protected electronic medical record for every American who wants one. Working together, our Nation can confront these challenges, and we can build an interoperable health information technology system. We know it will save lives. We know it will save money. It will improve quality and it will lead to huge measurable progress in the medical field, in the health field.

But amidst the artificial heart assist devices, the lasers that are used to remove lesions in the windpipe or the trachea, CT scan machines, x-rays, digital x-rays, digital thermometers, doctors today, unfortunately, for the most part, keep patient records the very same way I did 10 years ago and, indeed, almost exactly as my dad did 60 years ago as he practiced medicine, and that is handwritten on paper in manila folders. In the rooms of clinics or doctors' offices or hospitals.

It is amazing because we design hospitals, structures on computers today, we conduct medical research with computers, we use computers power almost everything we use, everything we do in terms of diagnosis in medicine, in health care.

But—and this is what we have come to the floor to address—when it comes to health information, when it comes
cable, more than those Internet connections. It requires standards and laws that make it possible to exchange medical information in a privacy-protected way throughout our Nation.

The Government should not impose these on the private sector, but it has a duty, and indeed it has an obligation, to lead the way. Medicare, Medicaid, SCHIP, the Indian Health Service, and other Federal programs should lead the way and establish electronic health records for all of their clients.

The Veterans’ Administration already leads the way with interoperable systems, but we need to get the VA to be able to talk to the Department of Defense.

Mrs. CLINTON. That is absolutely the case, especially as we tragically know so many young people who have been injured in Iraq or Afghanistan move from the DOD to the VA. We have to have a better system so that they don’t have to keep re-entering the information needed to handle for these brave young men and women.

Secondly, we believe our legislation should work to reduce barriers and facilitate the electronic exchange of health information among providers in a secure and private way to improve health care quality and meet community needs. When communities come together, as is beginning to happen all over the country, the Federal Government should help them implement an interoperable health IT system.

Interoperable sounds like a confusing word, but it means they can talk to each other, they can operate in the same overall system and do it in a way that complies with national standards. To speed up this process, we propose spending a total of $600 million—$125 million a year, over 5 years—to begin the work of rolling out interoperable electronic medical records systems around the Nation.

Finally, we must use the data we collect to focus intensely on improving the quality of health care. Our medical system, which is, and deserves to be, the envy of the world, still suffers from enormous and unpardonable disparities in the quality of care. Health IT will be a tool to help our dedicated health care professionals improve care, and efficiently, so that they spend more time at the bedside, more time at the office visit, and less on paperwork.

Therefore, Mr. President, we will begin to collect consistent data on the quality of health care delivered in America. As the largest health care payer in the country, the Federal Government has a responsibility to begin that process of collecting data on its own health care programs and share it with the public. Then, with this data, we can begin to move to a health care system that actually rewards providers who give their patients superior care.

Mr. PRIST. Mr. President, as we talk about these systems and standards and words such as interoperability, which, as the Senator from New York said, does mean being able to connect it all together, people who are listening must ask: Well, how in the world do these electronic health records and the appropriate use of that data bring concrete benefits to them as individuals and to their families?

First, the private system wastes and inefficiency in the system. It only makes sense that fragmentated systems, with no interconnectivity at all, have inherent inefficiencies and waste. That is moved aside. That has a very direct impact on lower costs, making health care more efficient, and thus available for people broadly.

It improves quality. Right now we know that medical errors occur. Too many medical errors occur in our health care system today. By the application of technology, we can move those medical errors aside. They will not occur and that improves quality.

They will empower patients. It gives that individual who is listening right now the knowledge and power to be able to make informed decisions in an inter-operable health IT system where choices can be made, where the focus is on the patient, that is provider friendly, that is driven by information and choice and empowerment to make that choice.

They will respect privacy and promote the secure exchange of lifesaving health information. It is spelled out in the legislation. It is going to be privacy protected.

For the first time, they will seamlessly integrate this advancement in health information technology with quality measures, with quality advancements, harmonizing and integrating them in a way that simply has not been done in the past.

This proposal brings together people, as we can see, from across the political spectrum, and it will unlock the potential of medical information technology for all Americans.

Mrs. CLINTON. I am delighted to be working on a very important national initiative with the majority leader because we are at a pivotal moment. Pockets of innovation and investment are developing all over the country. In my State, places like Rochester, NY, and in the majority leader’s State, the Tri-Cities region of Tennessee, health care providers, employers and community groups are beginning to process the building of a health information technology network. That is a model that should be put in every hospital, one system for every clinical practice. They cannot talk to each other. So a person goes to one doctor. Their doctor is in New York, but they travel to Tennessee to visit friends, they are in an accident, and nobody knows how to get the information that will give them the best possible treatment.

So if we do this right, this comprehensive legislation will create a health information technology framework that improves quality, protects patient privacy and ensures interoperability through the adoption of health IT standards and quality measures.

We are marrying technology and quality to create a seamless, efficient health care system for the 21st century. I thank the majority leader, who has brought so much interest and expertise to this, for being a leader and making this happen in the next 18 months.

Mr. PRIST. Thank you very much for your support. I am looking forward to seeing this work that improves quality and reduces costs.

In closing, this is not going to be an easy process. I look back at the technology in my past in medicine for 20 years, but then also in my dad’s practice; he practiced medicine for 55 years. I remember there was a very early electrocardiogram, EKG, machines in the State of Tennessee. At that time—because there were so few machines and so many cardiologists—he would take referrals from all over the state to come to Nashville to have an EKG done. The machine itself was bigger than the desk before me, at the time.

What would happen then is, if there was a machine in a little rural community 100 miles away from Nashville, the cardiologist would take a piece of paper, they would run it through, they would send it by mail. It would take 2 days to get to Nashville. Dad would read it and send it back. Four days later, that doctor would be able to read that EKG.

Then, when I was about 9 or 10 years of age—because their bedroom was right around the corner from mine—I remember so well when he installed a telephone to put another big box there that had the EKG machine. He just stole the first in Tennessee again of an EKG. He put an EKG electronically over the telephone wire and have it interpreted at the bedside. He would keep it there because people, of course, have heart attacks in the middle of the night. Then it would take probably about 30 or 40 minutes to get the result back.

Of course, today we are at a point where with a little tiny machine, an accessory—nothing more than a controllable heart conveyor machine and a machine and a piece of paper and of the EKG but the result actually read by the box.

I have been able to see huge progress in my own life and watching my dad’s practice and my practice. Now we need to see all of that sort of progress condensed, applied not just to the technology but to the collection of information, the promotion of electronic health records, and the appropriate sharing of that information which is absolutely critical to the development of the quality and the progress we are going to see. We are going to see it come alive on the Senate floor and with the House and work
in concert with the President of the United States to make sure that the great advantages, in terms of lowering costs, getting rid of inefficiencies, and promoting quality will be realized.

The bill that we will shortly introduce is for all Americans.

Again, I thank my distinguished colleague from New York. We urge all of our colleagues to look at this bill and support this bill. With this legislation, there is no doubt in my mind that we will, yes, help save money and help save time, but most importantly we will save lives.

I ask unanimous consent that the text of the bill we will shortly send to the desk be printed in the RECORD.

Mr. President, I am proud to join Senators Frist and Clinton in introducing the Health Technology to Enhance Quality Act of 2005.

Our national health care system is in crisis. Forty-five million Americans are uninsured and this number continues to rise. Health care costs are increasing at almost double digit rates. Millions of Americans are suffering, and dying, from diseases such as diabetes or AIDS that could have been prevented or delayed for many years. And the chance of Americans receiving the right care, at the right time and for the right reason is no greater than the flip of a coin.

These health care issues are varied and complex, as are the solutions. But, as one of my constituents advised, it is time for us in the Congress to put on our hard hats, pick up our tool belts and get to work fixing our broken health care system.

One place to start is by bringing the health care system into the 21st century. In our lifetimes, we have seen some of the greatest advances in the history of technology and the sharing of information. Yet, in our health care system, too much care is still provided without adequate information about patients is not shared between doctors or readily available to them in the first place. And provides too often do not have the information to know what care has worked most effectively and efficiently to make patients healthy.

Mistakes are easily made—medical errors alone kill up to 98,000 people a year, more people than the number who die from AIDS each year.

But, implementing 21st century technology is not just about reducing errors and improving the quality of medical care. It is also about cost.

We spend nearly $1.5 trillion a year on health care in America. But a quarter of that money—out of every four dollars—is spent on non-medical costs—most of it on bills and paperwork. Every transaction you make at a bank now costs them less than a penny. Yet, because we have not updated technology in the rest of the health care industry, a single transaction still costs up to $25—not one dime of which goes toward improving the quality of our health care.

The Health Technology to Enhance Quality Act of 2005 is going to help bring the health care system into the 21st century. This bill will lead to the development and implementation of health information technology standards that will ensure interoperability of health information systems. The legislation codifies the Office of National Coordinator for Information Technology and establishes standards for the electronic exchange of health information. The bill also provides grant funding to support development of health information technology infrastructure as well as measurement of the quality of care provided to patients.

This legislation will help our health care system take a huge step forward. A vote for the Health TEQ Act is a vote for health care that is safe, effective, and affordable. I urge my colleagues to join us in passing this bill quickly.

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

S. 1362

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 “Health Technology to Enhance Quality Act of 2005” or the “Health TEQ Act of 2005.”

TITLE I—HEALTH INFORMATION TECHNOLOGY STANDARDS ADOPTION AND INFRASTRUCTURE DEVELOPMENT

SEC. 101. ESTABLISHMENT OF NATIONAL COORDINATOR, RECOMMENDATION, ADOPTION, AND IMPLEMENTATION OF HEALTH INFORMATION ELECTRONIC EXCHANGE STANDARDS.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

“TITLE XXIX—HEALTH INFORMATION TECHNOLOGY

“SEC. 2901. DEFINITIONS. For purposes of this title:

“(1) GROUP HEALTH PLAN.—The term ‘group health plan’ has the meaning given that term in section 2791.

“(2) HEALTHCARE PROVIDER.—The term ‘healthcare provider’ means a hospital, skilled nursing facility, home health entity, provider of surgical services, provider of primary care, health center, group practice (as defined in section 1877(b)(4) of the Social Security Act), a physician (as defined in section 1861(r)(1) of the Social Security Act) and an ambulatory surgical center, a pharmacy, a laboratory, and any other category of facility or clinician determined appropriate by the Secretary.

“(3) HEALTH INFORMATION.—The term ‘health information’ means any information, recorded in any form or medium, that relates to the past, present, or future physical or mental health or condition of an individual, the provision of healthcare to an individual, or the past, present, or future payment for the provision of healthcare to an individual.

“(4) HEALTH INSURANCE ISSUER.—The term ‘health insurance issuer’ has the meaning given that term in section 2791.

“(5) LABORATORY.—The term ‘laboratory’ has the meaning given that term in section 333.

“(6) PHARMACIST.—The term ‘pharmacist’ has the meaning given that term in section 804 of the Federal Food, Drug, and Cosmetic Act.

“SEC. 2902. OFFICE OF THE NATIONAL COORDINATOR OF HEALTH INFORMATION TECHNOLOGY.

“(a) OFFICE OF NATIONAL HEALTH INFORMATION TECHNOLOGY.—There is established within the Office of the Secretary an Office of the National Coordinator of Health Information Technology (referred to in this section as the ‘Office’). The Office shall be headed by a National Coordinator who shall be appointed by the President in consultation with the Secretary and shall report directly to the Secretary.

“(b) PURPOSE.—It shall be the purpose of the Office to carry out programs and activities to develop a nationwide interoperable health information technology infrastructure that—

“(1) improves healthcare quality, reduces medical errors, and advances the delivery of patient-centered medical care;

“(2) reduces healthcare costs resulting from inefficiency, medical errors, inappropriate care, and income loss.

“(3) ensures that appropriate information to help guide medical decisions is available at the time and place of care;

“(4) promotes a more effective marketplace, greater competition, and increased choice through the wider availability of accurate information on health care costs, quality, and outcomes.

“(5) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an integrated infrastructure for the secure and authorized exchange of healthcare information.

“(6) improves public health reporting and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks.

“(7) facilitates health research; and

“(8) ensures that patients’ health information is secure and protected.

“(c) DUTIES OF NATIONAL COORDINATOR.—

“(1) IN GENERAL.—The National Coordinator shall—

“(A) facilitate the adoption of a national standard for the electronic exchange of health information;

“(B) serve as the principal advisor to the Secretary on the development, application, and use of health information technology, and coordinate and oversee the health information technology programs of the Department;

“(C) ensure the adoption and implementation of standards for the electronic exchange of health information, including coordinating the activities of the Standards Working Group under section 1341 and the Committee on National Health Information Technology; and

“(D) carry out activities related to the electronic exchange of health information that reduce cost and improve healthcare quality.

“(E) ensure that health information technology policy and programs of the Department are coordinated with those of relevant agencies and branch agencies (including Federal commissions) with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability.

“(F) to the extent permitted by law, coordinate outreach and education on the implementation by the relevant executive branch agencies (including Federal commissions) with public and
private parties of interest, including consumers, payers, employers, hospitals and other healthcare providers, physicians, community health centers, laboratories, vendors and other stakeholders.

"(G) advise the President regarding specific Federal health information technology programs; and

"(H) in addition to the reports described under paragraph (2).

"(2) REPORTS TO CONGRESS.—The National Coordinator shall submit to Congress, on an annual basis, a report that describes—

"(A) specific steps that have been taken to facilitate the adoption of a nationwide system for the electronic exchange of health information;

"(B) barriers to the adoption of such a nationwide system; and

"(C) recommendations to achieve full implementation of such a nationwide system.

"(d) DETAIL OF FEDERAL EMPLOYEES.—

"(1) IN GENERAL.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

"(2) EFFECT OF DETAIL.—Any such detail shall—

"(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

"(B) in addition to any other staff of the Department employed by the National Coordinator.

"(3) ACCEPTANCE OF DETAILERS.—Notwithstanding any other provision of law, the Officer may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Office under this section for each of fiscal years 2006 through 2010.

**SEC. 2903. COLLABORATIVE PROCESS FOR THE RECOMMENDATION, ADOPTION, AND IMPLEMENTATION OF HEALTH INFORMATION STANDARDS.**

"(a) ESTABLISHMENT OF WORKING GROUP.—Not later than 90 days after the date of enactment of this title, the National Coordinator, in consultation with the Director of the Standards and Technology (referred to in this section as the ‘Director’), shall establish a permanent Electronic Health Information Standards Development Working Group (referred to in this title as the ‘Standards Working Group’).

"(b) COMPOSITION.—The Standards Working Group shall be composed of—

"(1) the National Coordinator, who shall serve as the chairperson of the Standards Working Group,

"(2) the Director;

"(3) representatives of the relevant Federal agencies and departments, as selected by the Secretary in consultation with the National Coordinator, that is composed of representatives of the Department of Veterans Affairs, the Department of Defense, the Office of Management and Budget, the Department of Homeland Security, and the Environmental Protection Agency;

"(4) private entities accredited by the American National Standards Institute, as selected by the National Coordinator;

"(5) representatives, as selected by the National Coordinator—

"(A) of health plans or other health insurance issuers;

"(B) of healthcare provider organizations;

"(C) with expertise in health information security;

"(D) with expertise in health information privacy;

"(E) with experience in healthcare quality and patient safety, including those with experience in utilizing health information technology to improve healthcare quality and patient safety;

"(F) of consumer and patient organizations;

"(G) of employers;

"(H) of users of data in exchange; and

"(I) with experience in developing health information technology standards and new health information technology; and

"(4) private entities accredited by the National Coordinator in consultation with the Secretary.

"(b) STANDARDS DEEMED ADOPTED.—On the date of enactment of such standards, the Standards Working Group shall deem such standards adopted under subsection (c); and

"(C) that the Secretary shall review and provide for the electronic exchange of health information, including such standards deemed adopted under subsection (c); and

"(D) identify deficiencies and omissions in such existing standards;

"(E) identity duplications and omissions in existing standards, and recommend modifications to such standards necessary; and

"(F) submit a report to the Secretary recommending for adoption by such Secretary and private entities—

"(i) modifications to the standards deemed adopted under subsection (c); and

"(ii) any additional standards reviewed pursuant to this paragraph.

"(2) ONGOING REVIEW.—Beginning 1 year after the date of enactment of this title, and on an ongoing basis thereafter, the Standards Working Group shall—

"(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under subsections (c) and (e);

"(B) identify deficiencies and omissions in existing standards, and recommend modifications to such standards necessary; and

"(C) identity duplications and omissions in existing standards, and recommend modifications to such standards necessary; and

"(D) submit a report to the Secretary recommendation for adoption by such Secretary and private entities—

"(i) modifications to any existing standards; and

"(ii) any additional standards reviewed pursuant to this paragraph.

"(3) LIMITATION.—The standards described under this subsection shall not include any standards developed pursuant the Health Insurance Portability and Accountability Act of 1996.

"(e) ADOPTION BY SECRETARY.—Not later than 1 year after the receipt of a report from the Standards Working Group under paragraph (1) or (2) of subsection (d), the Secretary shall review and provide for the adoption by the Federal Government of any modification or standard recommended in such report.

"(f) VOLUNTARY ADOPTION.—Any standards adopted by the Secretary under this section shall be voluntary for private entities.

**SEC. 2904. AUTHORITY FOR COORDINATION AND SPENDING.**

"(a) IN GENERAL.—The Secretary acting through the National Coordinator—

"(1) shall direct and coordinate—

"(A) Federal spending related to the development, adoption, and implementation of standards for the electronic exchange of health information; and

"(B) the adoption of the recommendations submitted to such Secretary by the Standards Working Group established under section 2903; and

"(2) may utilize the entities recognized under paragraph (4) to provide for the implementation and certification related to the implementation by the Federal Government of the standards adopted by the Secretary under this title.

"(b) LIMITATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no Federal agency shall expend Federal funds for the purchase of hardware, software, or support services for the purpose of implementing a standard related to the electronic exchange of health information that is not a standard adopted by the Secretary under section 2903.

**SEC. 102. ENCOURAGING SECURE EXCHANGE OF HEALTH INFORMATION.**

"(a) STUDY AND GRANT PROGRAMS RELATED TO STATE HEALTH INFORMATION LAWS AND PRACTICES.—

"(1) STUDY OF STATE HEALTH INFORMATION LAWS AND PRACTICES.—

"(2) LIMITATION.—Notwithstanding paragraph (1), the 2-year termination date under section 14 of the Federal Advisory Committee Act shall not apply to the Standards Working Group.

**SEC. 2905. IMPLEMENTATION AND CERTIFICATION OF HEALTH INFORMATION STANDARDS.**

"(a) IMPLEMENTATION.—

"(I) IN GENERAL.—The Secretary, in consultation with the National Coordinator and the Director of the National Institute of Standards and Technology, shall develop criteria to ensure uniform and consistent implementation of any standards for the electronic exchange of health information voluntarily adopted by private entities in technical conformance with such standards adopted under this title.

"(II) STANDARDS.—The Secretary may recognize a private entity or entities to assist private entities in the implementation of the standards adopted under this title.

"(II) CERTIFICATION.—

"(I) IN GENERAL.—The Secretary, in consultation with the National Coordinator and the Director of the National Institute of Standards and Technology shall develop criteria to ensure and certify that hardware, software, and support services for use in compliance with any standard for the electronic exchange of health information adopted under this title have established and maintain such compliance in technical conformance with such standard.

"(II) CERTIFICATION.—The Secretary may recognize a private entity or entities to assist private entities in the certification described under paragraph (1).

"(IV) DELEGATION AUTHORITY.—The Secretary may delegate the development of the criteria under subsection (a) and (b) to a private entity.

**SEC. 102. ENCOURAGING SECURE EXCHANGE OF HEALTH INFORMATION.**

"(a) STUDY AND GRANT PROGRAMS RELATED TO STATE HEALTH INFORMATION LAWS AND PRACTICES.—

"(1) STUDY OF STATE HEALTH INFORMATION LAWS AND PRACTICES.—

"(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ‘Secretary’) shall carry out, or contract with a private entity to carry out, a study that examines—

"(B) the extent to which health information is exchanged among providers of services to Medicare and Medicaid beneficiaries; and

"(C) whether providers and other health plans are adequately protected from liability for the exchange of health information among providers of services to Medicare and Medicaid beneficiaries; and

"(2) LIMITATION.—Notwithstanding paragraph (1), the 2-year termination date under section 14 of the Federal Advisory Committee Act shall not apply to the Studies Working Group.
the variation among State laws that relate to the privacy, confidentiality, and security of health information;
(ii) how such variation among State laws and practices may impact the electronic exchange of health information (as defined in section 2901 of the Public Health Service Act (as added by section 101));
(I) among the States;
(II) between the States and the Federal Government; and
(III) among private entities; and
(iii) how such laws and practices may be harmonized to permit the secure electronic exchange of health information.

(B) Administrative Requirements.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—
(i) describes the results of the study carried out under subparagraph (A); and
(ii) makes recommendations based on the results of such study.

(2) Secure Exchange of Health Information; Incidence Grants.—Title XXIX of the Public Health Service Act (as added by section 101) is amended by adding at the end the following:

"SEC. 2906. SECURE EXCHANGE OF HEALTH INFORMATION; INCENTIVE GRANTS.

"(a) IN GENERAL.—The Secretary may make awards to carry out programs under which such States cooperate with other States to develop and implement State policies that will facilitate the secure electronic exchange of health information utilizing the standards adopted under section 2903—
"(1) among the States;
"(2) between the States and the Federal Government; and
"(3) among private entities.

"(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to States that provide assurance that any funding awarded under such a grant shall be used to harmonize privacy laws and practices between the States, the States and the Federal Government, and among private entities related to the privacy, confidentiality, and security of health information.

"(c) PLAN.—The Secretary shall disseminate information regarding the efficacy of efforts of a recipient of a grant under this section.

"(d) COSTS OF ASSURANCE.—The Secretary may provide technical assistance to recipients of a grant under this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

"(f) STUDY AND GRANT PROGRAMS RELATED TO STATE LICENSURE LAWS.—

"(1) STUDY OF STATE LICENSURE LAWS.—

"(A) IN GENERAL.—The Secretary shall carry out, or contract with a private entity to carry out, a study that examines—
"(i) the variation among State laws that relate to the licensure, registration, and certification of medical professionals; and
"(ii) how such variation among State laws impacts the secure electronic exchange of health information (as defined in section 2901 of the Public Health Service Act) (as added by section 101).

"(B) BETWEEN THE STATES AND THE FEDERAL GOVERNMENT.

"(C) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a report that—

"(i) describes the results of the study carried out under subparagraph (A); and
"(ii) makes recommendations to States regarding the harmonization of State laws based on the results of such study.

"(2) REAUTHORIZATION OF INCENTIVE GRANTS RELATING TO THE PUBLIC HEALTH SERVICE ACT.—The Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 2540c-18(b)) is further amended by striking ‘‘2002 through 2006’’ and inserting ‘‘2006 through 2010’’.

"(3) HIPAA APPLICATION TO ELECTRONIC HEALTH INFORMATION.—Title XXIX of the Public Health Service Act (as added by section 101) is further amended by adding at the end the following:

"SEC. 2907. APPLICABILITY OF PRIVACY AND SECURITY LAW TO UTILIZATION OF ELECTRONIC HEALTH INFORMATION; INCENTIVE GRANTS.

"The regulations promulgated by the Secretary under part C of title XI of the Social Security Act and sections 261, 262, 263, and 264 of the Health Insurance Portability and Accountability Act of 1996 with respect to the privacy, confidentiality, and security of health information shall—

"(1) apply to any health information stored or transmitted in an electronic format as of the date of enactment of this title; and
"(2) apply to the integration of standards, programs, and activities under this title.

"(c) STUDY AND REPORT.—

"(1) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall carry out, or contract with a private entity to carry out, a study that examines the integration of the standards adopted under the amendments made by this Act with the standards adopted under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

"(2) PLAN; REPORT.—

"(A) PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall, based on the results of the study carried out under subparagraph (A), submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(B) REQUIRED INFORMATION.—At a minimum, an application submitted under this subsection shall include—

"(1) a clearly identified short-term and long-term objectives of the regional or local health information plan;

"(2) a plan that describes initiatives to improve healthcare quality and efficiency, including the use of healthcare quality measures adopted under section 2908;

"(3) a description of the electronic exchange of health information by all physicians, including single physician practitioners and small physician groups participating in the health information plan;

"(4) a plan to ensure the privacy and security of personal health information that is consistent with Federal and State law;

"(5) a governance plan that defines the manner in which the stakeholders shall jointly make policy and operational decisions on an ongoing basis; and

"(6) a financial business plan that describes—

"(i) the sustainability of the plan;

"(ii) the financial costs and benefits of the plan; and

"(iii) the entities to which such costs and benefits will accrue.

"(f) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) demonstrate financial need to the Secretary;

"(2) demonstrate that one of its principal missions or purposes is to use information technology to improve healthcare quality and efficiency;

"(3) adopt bylaws, memoranda of understanding, or other documents that demonstrate that the governance structure and decisionmaking processes of such entity allow for participation on an ongoing basis by multiple stakeholders within a community, including—

"(A) physicians (as defined in section 1841(k)(1) of the Social Security Act), including physicians that provide services to low income and underserved populations;

"(B) hospitals (including hospitals that provide services to low income and underserved populations);

"(C) group health plans or other health insurance issuers;

"(D) health centers (as defined in section 330(b)(1) and Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act);

"(E) regional or local health information technology standards adopted by the Secretary under section 2903;

"(F) consumer organizations;

"(G) employers; and

"(H) any other healthcare providers or other entities, as determined appropriate by the Secretary;

"(4) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation in the health information plan by all stakeholders; and

"(5) adopt the national health information technology standards adopted by the Secretary under section 2903.

"(g) SUBMISSION OF APPLICATIONS.—Not later than 2 years after the date of enactment of this Act of 1996 (Public Law 104-191), the Secretary shall carry out, or contract with a private entity to carry out, a study that examines the integration of the standards adopted under the amendments made by this Act with the standards adopted under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and the standards adopted under the amendments made by section 1861(aa)(4) of the Social Security Act; and

"(h) AUTHORIZATION OF APPROPRIATIONS.—The Secretary may provide technical assistance to recipients of grants awarded under this title.
to an entity or individual for developing, implementing, operating, or facilitating the electronic exchange of health information (as defined in section 2903 of the Public Health Service Act). The Secretary shall ensure that such support is primarily designed to promote the electronic exchange of health information.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Federally contributed (as defined in section 3008, and annually thereafter during the grant period, an entity that receives a grant under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $25,000,000 for each of fiscal years 2006 through 2010.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available for obligations incurred for 4 years after the date of enactment of this Act.

SEC. 2909. REPORTS.

Not later than 1 year after the date on which the first grant is awarded under section 2908 and each year thereafter during the grant period, an entity that receives a grant under such section shall submit to the Secretary, acting through the National Coordinator for Health Information Technology, a report on the activities carried out under the grant involved. Each such report shall include—

(1) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

(2) an analysis of the impact of the project on healthcare quality and safety;

(3) a description of any reduction in duplicative or unnecessary care as a result of the project involved; and

(4) other information as required by the Secretary.

SEC. 2902. EXCEPTION FOR THE PROVISION OF PERMITTED SUPPORT.

(a) EXCEPTIONS FROM CRIMINAL PENALTIES.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7(b)(3)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking ''and'' and inserting ''or''; and

(B) in subparagraph (H), as added by section 1395nn(e), by amending the last sentence to read as follows—

(2) by adding at the end the following:

"(9) PERMITTED SUPPORT.—The provision of permitted support (as described in section 1128B(b)(3)(J)) shall not apply unless the following conditions are met:

(1) the provision of permitted support is not conditioned on the recipient of such support making any referral to, or generating any business for, any entity or individual for which any Federal health care program provides reimbursement; and

(2) the permitted support complies with the standards for the electronic exchange of health information adopted by the Secretary under section 2903 of the Public Health Service Act.

(II) The entity or network receiving permitted support is used by the entity or the network for the electronic exchange of health information in accordance with the standards adopted by the Secretary under section 2903 of the Public Health Service Act.

(III) The entity network receiving permitted support is able to document that such support is used by the entity or the network for the electronic exchange of health information in accordance with the standards adopted by the Secretary under section 2903 of the Public Health Service Act.

(b) CONDITIONS.—Paragraph (3)(J) shall not apply unless the following conditions are met:

(1) the provision of permitted support is not conditioned on the recipient of such support making any referral to, or generating any business for, any entity or individual for which any Federal health care program provides reimbursement; and

(2) the permitted support complies with the standards for the electronic exchange of health information adopted by the Secretary under section 2903 of the Public Health Service Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to permitted support provided on or after the date of enactment of this Act.

SEC. 2003. GROUP PURCHASING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a safe harbor for group purchasing of hardware, software, and services as support services for the electronic exchange of health information in compliance with section 2903 of the Public Health Service Act (as added by section 101).

(b) CONDITIONS.—In establishing the safe harbor under subsection (a), the Secretary shall establish conditions on such safe harbor consistent with the purposes of—

(1) improving healthcare quality;

(2) reducing medical errors;

(3) reducing healthcare costs;

(4) improving the coordination of care;

(5) streamlining administrative processes; and

(6) promoting transparency and competition.

SEC. 204. PERMISSIBLE ARRANGEMENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and notwithstanding any other provision of law, the Secretary shall establish guidelines in compliance with section 2903 of the Public Health Service Act that permit certain arrangements between group health plans and health insurance issuers (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)) and between healthcare providers (as defined in section 2901 of such Act) and health insurers (as defined in section 1128B(b)(3)(B)(vii)(II) of the Social Security Act).

(b) CONDITIONS.—In establishing the guidelines under subsection (a), the Secretary shall establish conditions on such arrangements consistent with the purposes of—

(1) improving healthcare quality;

(2) reducing medical errors;

(3) reducing healthcare costs;

(4) improving the coordination of care;

(5) streamlining administrative processes; and

(6) promoting transparency and competition.

TITLE III—ADOPTION, IMPLEMENTATION, AND USE OF HEALTHCARE QUALITY MEASURES

SEC. 301. STANDARDIZED MEASURES.

(a) IN GENERAL.—The Secretary shall conduct an ongoing review of the measures adopted under paragraph (1).

(b) CONDITIONS.—In determining the measures to be adopted under subsection (a), and the timing of any such adoption, the Secretary shall give prior consideration to—

(1) measures that may be rapidly implemented by group health plans, health insurance issuers, physicians, hospitals, nursing homes, long-term care providers, and other providers; and

(2) measures which may inform healthcare decisions made by consumers and patients.

(3) NATIONAL QUALITY FORUM MEASURES; QUALITY OF CARE INDICATORS.—To the extent determined feasible and appropriate by the Secretary, the Secretary shall give priority to—

(1) measures endorsed by the National Quality Forum, subject to compliance with the amendments made by the National Technology Transfer and Advancement Act of 1995; and

(2) indicators relating to the quality of care data submitted to the Secretary by hospitals under section 1886(b)(3)(B)(ii)(I) of the Social Security Act.

(c) COLLABORATION WITH PRIVATE ENTITIES.—

(1) IN GENERAL.—The Secretary may establish collaborative agreements with private entities, including group health plans
and health insurance issuers, providers, purchasers, consumer organizations, and entities receiving a grant under section 2908, to—

(A) encourage the use of the healthcare quality measures adopted by the Secretary under this section; and

(B) foster uniformity between the healthcare quality measures utilized in Federal programs and private entities.

(2) USE OF MEASURES.—The measures adopted by the Secretary under this section may be applied in one or more disease areas and across public health officials, researchers, and other appropriate individuals and entities, the Secretary and other relevant agencies shall provide for the aggregation, analysis, and dissemination of quality measures collected under this section. Nothing in this section shall be construed as modifying the privacy standards under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

(e) EVALUATIONS.—

(1) GENERAL.—The Secretary shall ensure the ongoing evaluation of the use of the healthcare quality measures adopted under this section.

(2) REPORT.—

(A) EVALUATION.—The Secretary shall, directly or indirectly through a contract with another entity, conduct an evaluation of the collaborative efforts of the Secretary to adopt uniform healthcare quality measures and reporting requirements for federally supported healthcare delivery programs as required under this section.

(B) REPORT.—Not later than 2 years after the date of enactment of this title, the Secretary shall submit a report to the appropriate committees of Congress concerning the results of the evaluation under subparagraph (A).

SEC. 302. VALUE BASED PURCHASING PROGRAMS: SENSE OF THE SENATE.

(a) MEDICARE VALUE BASED PURCHASING PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) a value based purchasing pilot program based on the reporting of quality measures pursuant to those adopted in section 2901 of the Public Health Service Act (as added by section 301) and the overall improvement of healthcare quality through the use of the electronic exchange of health information by entities (including that the steps described in subclause (I) are reasonable, accurate, and based on generally accepted methods of actuarial principles and methodologies, including that the steps described in subclause (I) will be adequate to avoid violating the limitation described in subparagraph (B)).

(b) APPLICATION OF LIMITATION.—If the Secretary determines that the provisions of this subsection will result in the limitation described in subparagraph (B) being violated in any year, the Secretary shall take appropriate steps to reduce spending that is occurring by reason of such provisions, including reducing the scope, site, and duration of the pilot project.

(c) AUTHORITY.—The Secretary shall make necessary spending adjustments under the medicare program so that the limitation described in subparagraph (B) is not violated in any year.

(b) SENSE OF THE SENATE REGARDING PHYSICIANS AND MEDICAL MANUFACTURERS.—It is the sense of the Senate that modifications to the medicare fee schedule for physicians’ services under section 1848 of the Social Security Act (42 U.S.C. 1395gg–1) (in this section referred to as the “Fee Schedule”), to be determined by the Secretary.

(2) LIMITATION ON FUNDING LIMITATION.—The Secretary may not fund any provision of this section until the limitation described in subparagraph (B) is not violated in any year.

(c) MEDICAID VALUE BASED PURCHASING PROGRAMS.—

(1) IN GENERAL.—The Secretary shall authorize waivers under section 1115 of the Social Security Act (42 U.S.C. 1316a–1) and the Medicaid Program (42 U.S.C. 1396a) to establish value based purchasing programs for State Medicaid programs established under title XIX of such Act (42 U.S.C. 1396a). Such programs may include the reporting of quality measures pursuant to those adopted in section 2901 of the Public Health Service Act (as added by section 301) to improve healthcare quality through the use of the electronic exchange of health information pursuant to those adopted under section 2903 of such Act (as added by section 101).

(2) WAIVER.—In authorizing such waivers, the Secretary shall waive any provisions of title XI or XIX of the Social Security Act that would otherwise prevent a State from establishing a value based purchasing program in accordance with paragraph (1).

(d) QUALITY INFORMATION SHARING.—

(1) REVIEW OF MEDICARE CLAIMS DATA.—

(A) PROCEDURES.—In order to improve the quality and efficiency of items and services furnished to Medicare beneficiaries under title XVIII of the Social Security Act, the Secretary shall establish and review claims data submitted under such title with respect to items and services furnished or ordered by physicians.

(B) REVIEW OF MOST RECENT MEDICARE CLAIMS DATA.—In conducting the review under subparagraph (A), the Secretary shall use the most current claims data that is available to the Secretary.

(2) SHARING OF DATA.—Beginning in 2006, the Secretary shall periodically provide physicians with comparative information on the utilization of items and services under such title XVIII based upon the review of claims data under paragraph (1).

SEC. 303. QUALITY IMPROVEMENT ORGANIZATION ASSISTANCE.

(a) IN GENERAL.—Section 1154(a) of the Social Security Act (42 U.S.C. 1320c–3(a)) is amended by adding at the end the following:—

"(18) The organization shall assist, at such time and in such manner as the Secretary may require, healthcare providers (as defined in section 2901 of the Public Health Service Act) and implementers of electronic exchange of health information (as defined in such section 2901)."

"(b) IMPLEMENTATION DATE.—The amendment made by this section shall apply to contracts entered into on or after the date of enactment of this Act.

By Mr. BOND.

S. 1263. A bill to amend the Small Business Act to establish eligibility requirements for business concerns to restructure in the United States Small Business Innovation Research Program; to the Committee on Small Business and Entrepreneurship.

Mr. BOND. Mr. President, the United States biotechnology industry is the world leader in innovation. This is due, in large part, to the Federal Government’s partnership with the private sector to foster growth and commercialization in the hope that one day we will uncover a cure for unmet medical needs such as cystic fibrosis, heart disease, various cancers, multiple sclerosis, and AIDS.

However, the industry was dealt a setback last year when the Small Business Administration—SBA—determined that venture-backed biotechnology companies can no longer
participate in the Small Business Innovation Research—SBIR—program. Prior to the SBA’s decision, the SBIR program was an example of a highly successful Federal initiative to encourage economic growth and innovation in the biotechnology industry by funding the critical startup and development stages of a company.

Traditionally, to qualify for an SBIR grant a small business applicant had to meet two requirements: one, that the company have fewer than 500 employees; and two, that the business be 51 percent owned by one or more individuals. Now, according to the SBA, the term “individuals” means natural persons only, whereas for the past 20 years the term individual has included venture-capital companies. As a result, biotech companies backed by venture-capital funding in Missouri and throughout our Nation, who are on the cutting edge of science, can no longer participate in the program.

The biotechnology industry is like no other in the world because it takes such a long span of time and intense capital expenditures to bring a successful product to market. In fact, according to a study completed by the Tufts Center for the Study of Drug Development, it takes roughly 10-15 years and $800 million for a company to bring just one product to market. As you can imagine, the industry’s entrepreneurs are seeking financial assistance wherever they can find it.

For the past 20 years, the SBIR program has been a catalyst for developing our Nation’s most successful biotechnology companies. In addition to these important government grants, venture capital funding plays a vital role in the financial support of these same companies. The strength of our biotechnology industry is a direct result of government grants and venture capital working together.

However, many have argued that a biotech firm with a majority venture capital backing is a large business. This is simply a bogus conclusion. Venture capital firms solely invest in biotech start-ups for the possibility of a future innovation and financial return, and generally do not seek to take control over the management functions or day-to-day operations of the company. Venture capital firms that seek to invest in small biotech businesses do not, simply by their investment, turn a small company into a large business. These are legitimate, small, start-up businesses. Let’s not punish them.

Instead, we must work together to avoid stifling innovation. Let me be clear. Our impact today will foster cures and medicines tomorrow that were once thought to be inconceivable. However, the industry cannot do it alone. We must nurture biotechnology and help the industry grow for the future of our economy and for our well-being.

This bill that I am introducing today will do just that. It will ensure that the biotechnology industry has access to SBIR grants, as it has had for 20 years. It will level the playing field to ensure that SBIR grants are given to small businesses based on fruitful science and nothing else. This is still a young and fragile industry, and we are on the cusp of great scientific advances. However, there will be profound consequences if biotechnology companies continue to be excluded from the SBIR program.

Mr. President, I ask unanimous consent that 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. 1263

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 “Save America’s Biotechnology Innovative Research Act of 2005” or “SBIR Act.”

SEC. 2. ELIGIBILITY FOR PARTICIPATION IN SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following new subsection:

(18) ELIGIBILITY FOR PARTICIPATION IN SBIR PROGRAM.—

(1) In General.—To be eligible to receive an award under the SBIR program, a business concern—

(A) shall have not more than 500 employees; and

(B) shall be owned in accordance with one of the ownership requirements described in paragraph (2).

(2) OWNERSHIP REQUIREMENTS.—The ownership requirements referred to in paragraph (1) are the following:

(A) The business concern is—

(i) at least 51 percent owned and controlled by individuals or eligible venture capital companies, which are citizens of or permanent resident aliens in the United States; and

(ii) not more than 49 percent owned and controlled by a single eligible venture capital company (or group of commonly-controlled eligible venture capital companies).

(B) The business concern is at least 51 percent owned and controlled by another business concern that is itself at least 51 percent owned and controlled by individuals who are citizens or permanent resident aliens in the United States.

(C) The business concern is a joint venture in which each entity to the joint venture meets one of the ownership requirements under this paragraph.

(3) EMPLOYEE DEFINED.—For purposes of paragraph (1)(A), the term ‘employee’ means an individual employed by the business concern and does not include—

(A) an individual employed by an eligible venture capital company providing financing to the business concern; or

(B) an individual employed by any entity in which the eligible venture capital company is invested other than that business concern.

(4) TREATMENT OF OTHER FORMS OF OWNERSHIP.—

(A) STOCK OPTION OWNERSHIP.—For purposes of this subsection, in the case of a business concern owned in whole or in part by an employee stock option plan, each stock trustee or plan member shall be deemed to be an owner.

(B) TRUST OWNERSHIP.—For purposes of this subsection, in the case of a business concern owned in whole or in part by a trust, each trustee or trust beneficiary shall be deemed to be an owner.

(5) EXCEPTION FOR START-UP CONCERNS.—Notwithstanding paragraphs (1) through (4), any business concern that is a start-up concern shall be eligible to receive funding under the SBIR program.

(6) SBIR RESEARCH AND DEVELOPMENT ACT.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended by adding at the end the following new paragraphs:

(II) The term ‘eligible venture capital company’ means a business concern—

(A) that—

(i) is a Venture Capital Operating Company, as that term is defined in the regulations promulgated by the Secretary of Labor; or

(ii) is an entity that—

(I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.); or

(II) is an investment company, as defined in section 3(c)(14) of such Act because it is beneficially owned by less than 100 persons; and

(B) that is not controlled by any business concern that is not a small business concern within the meaning of section 3.

(10) The term ‘start-up concern’ means a business concern that—

(A) for at least 2 of the 3 preceding fiscal years has had—

(i) sales of not more than $3,000,000; or

(ii) no positive cash flow from operations; and

(B) is not formed to acquire any business concern other than a small business concern that meets the requirement under subparagraph (A).

(c) REGULATIONS.—Before the date that is 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall—

(1) in accordance with the exceptions to public rulemaking under section 553(b)(A) and (B) of title 5, United States Code, promulgate regulations to implement the provisions of this Act;

(2) publish in the Federal Register a notification of the changes in eligibility for participation in the Small Business Innovation Research program made by this Act; and

(3) communicate such changes to Federal agencies that award grants under the Small Business Innovation Research program.

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to any business concern under the Small Business Innovation Research program on or after the date of the enactment of this Act.

By Mr. CORZINE (for himself, Mrs. CLINTON, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. BOXER, Ms. CANTWELL, Mr. KENNEDY, Mr. INOUYE, and Mr. KERRY):

S. 1264. A bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault; to the Convention on Universal Access to Civilian Health, Education, Labor, and Pensions.

Mr. CORZINE, Mr. President, I rise today to introduce the Compassionate Assistance for Rape Emergencies Act. In the United States, more than 300,000 women are raped each year and an estimated 25,000 to 32,000 become pregnant as a result. That is why I am introducing the Compassionate Assistance
This bill will ensure that women who are survivors of sexual assault have access to the medical care they need, including emergency contraception. Emergency contraception reduces a woman’s risk of becoming pregnant by up to 89 percent when taken within 72 hours of the assault. I want to be clear: emergency contraception does not end a pregnancy. Instead, emergency contraception works before a pregnancy can occur.

There is widespread consensus in the medical community that emergency contraception is safe and effective. Yet, New Jersey is one of only six States that legally require all medical providers to offer this care to rape survivors. Before this law, one-third of New Jersey’s hospitals did not provide this vital medical care. New Jersey’s law should be the national standard. The bill would require that all hospitals that receive Federal funding offer informed access to emergency contraception for victims of rape.

In January of this year, I, along with 21 Senators, wrote a letter to the Department of Justice asking that they include information about emergency contraception in their national protocol for sexual assault hospital examinations. But they did not. In all 141 pages, the protocol fails to provide sexual assault victims with access to this needed information and treatment. The protocol leaves the door open for health care professionals to decide whether or not to discuss certain treatment options. Today, I want to close that door.

In order to provide comprehensive medical care, hospitals must also provide quick access to preventative medication that helps protect victims of sexual assault from potentially fatal sexually transmitted diseases, such as HIV and hepatitis B. We have an obligation to protect sexual assault victims from these life threatening infections. We must not sit idly by while so many sexual assault survivors are deprived the medical care they need and deserve. Once these survivors seek treatment we ought to make sure that they get the treatment they need. Ideology should never stand between patients and the care they deserve.

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. 1361

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 “Compassionate Assistance for Rape Emergencies Act”.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) It is estimated that 25,000 to 32,000 women become pregnant each year as a result of rape or incest. An estimated 22,000 of these pregnancies could be prevented if rape survivors had timely access to emergency contraception.

(2) A 1996 study of rape-related pregnancies (published in the American Journal of Obstetrics and Gynecology) found that 50 percent of the pregnancies described in paragraph (1) ended in abortion.

(3) Surveys have shown that many hospitals do not routinely provide emergency contraception to women seeking treatment after being sexually assaulted.

(4) The risk of pregnancy after sexual assault has been estimated to be 4.7 percent in women who do not have prompt recovery from some form of contraception at the time of the attack.

(5) The Food and Drug Administration has declared emergency contraception safe and effective in preventing unintended pregnancy, reducing the risk by as much as 89 percent if taken within days of unprotected intercourse and up to 95 percent if taken in the first 24 hours.

(6) Medical research strongly indicates that the sooner emergency contraception is administered, the lower the likelihood of preventing unintended pregnancy.

(7) In light of the safety and effectiveness of emergency contraceptive pills, both the American Medical Association and the American College of Obstetricians and Gynecologists have endorsed more widespread availability of emergency contraception.

(8) The American College of Emergency Physicians and the American College of Obstetricians and Gynecologists agree that offering emergency contraception for six patients after a sexual assault should be considered the standard of care.

(9) Approximately 30 percent of American women of reproductive age are unaware of the availability of emergency contraception.

(10) New data from a survey of women having abortions estimates that 51,000 abortions were prevented by use of emergency contraception in 2000 and that increased use of emergency contraception accounted for 43 percent of the decrease in total abortions between 1994 and 2000.

(11) It is essential that all hospitals that provide emergency medical treatment provide emergency contraception as a treatment option to any woman who has been sexually assaulted, so that she may prevent an unintended pregnancy.

(12) Victims of sexual assault are at increased risk of contracting sexually transmitted diseases.

(13) Some sexually-transmitted infections cannot be reliably treated if treatment is delayed, and may result in high morbidity and mortality. HIV has killed over 520,000 Americans, and the Centers for Disease Control and Prevention currently estimates that over 1,000,000 Americans are infected with the virus. Even modern drug treatment has failed to cure infected individuals. Nearly 80,000 Americans are infected with hepatitis B each year, with some individuals unable to fully recover. An estimated 1,250,000 Americans remain chronically infected with the hepatitis B virus and at present, one in five of these may expect to die of liver failure.

(14) It is possible to prevent some sexually transmitted diseases by treating an exposed individual promptly. The use of post-exposure prophylaxis using antiretroviral drugs has been demonstrated to effectively prevent the establishment of HIV infection. Hepatitis B vaccine is 85 percent effective if an exposed individual receives prompt treatment.

(15) The Centers for Disease Control and Prevention has recommended risk evaluation and consultation for survivors of sexual assault, so that victims can be referred for early post-exposure treatment for victims of sexual assault. For such individuals, immediate treatment is the only means to prevent a life threatening infection.

(16) It is essential that all hospitals that provide emergency medical treatment promptly assess and treat the sexually-transmitted infections to minimize the harm to victims of sexual assault.

SEC. 3. SURVIVORS OF SEXUAL ASSAULT; PROVIDING EMERGENCY CONTRACEPTIVES WITHOUT CHARGE.

(a) In general.—Federal funds may not be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) Assistance for victims.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception has been approved by the Food and Drug Administration as a safe and effective method of preventing pregnancy after unprotected intercourse or contraceptive failure if taken in a timely manner, and is more effective the sooner it is taken; and

(B) emergency contraception does not cause an abortion and cannot interrupt an established pregnancy.

The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her at the hospital on her request.

(2) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(3) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman to pay for the services.

SEC. 4. PREVENTION OF TRANSMISSIBLE DISEASES.

(a) In general.—No hospital shall receive Federal funds unless it provides risk assessment, counseling, and treatment as required under this section to a survivor of sexual assault described in subsection (b).

(b) Survivors of sexual assault.—An individual is a survivor of a sexual assault as described in this subsection if the individual—

(1) presents at the hospital and declares that the individual is a victim of sexual assault, or the individual is accompanied to the hospital by another individual who declares that the first individual is a victim of a sexual assault; or

(2) presents at the hospital and hospital personnel have reason to believe the individual is a victim of sexual assault.

(c) Requirement for risk assessment, counseling, and treatment.—The following shall be provided to each sexual assault survivor to a hospital described in subsection (a):

(1) Risk assessment.—A hospital shall promptly provide a survivor of a sexual assault with an assessment of the individual’s risk for contracting sexually transmitted infections as described in paragraph (2)(A), which shall be conducted by a licensed medical professional and recorded post-exposure treatment for victims of sexual assault. For such individuals, immediate treatment is the only means to prevent a life threatening infection.
medical examination and any tests that may be conducted; and
(B) established standards of risk assessment which shall include consideration of any circumstances established by the Centers for Disease Control and Prevention, and may also incorporate findings of peer-reviewed clinical studies and appropriate research upon the non-human primate models of infection.

(2) COUNSELING.—A hospital shall provide a survivor of a sexual assault with advice, provided by a licensed medical professional, concerning—
(A) significantly prevalent sexually transmissible infections for which effective post-exposure prophylaxis exists, and for which the deferral of treatment would either significantly reduce treatment efficacy or would pose substantial risk to the individual’s health; and
(B) the requirement that prophylactic treatment for infections as described in subparagraph (A) shall be provided to the individual upon request, regardless of the ability of the individual to pay for such treatment.

(3) TREATMENT.—A hospital shall provide a survivor of a sexual assault, upon request, with prophylactic treatment for infections described in paragraph (2)(A).

(4) ABILITY TO PAY.—The services described in paragraphs (1) through (3) shall not be denied because of the inability of the individual involved to pay for the services.

(5) LANGUAGE.—Any information provided pursuant to this subsection shall be clear and concise, readily comprehensible, and understandable in the languages other than English as the Secretary may establish.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—
(1) require that a hospital provide prophylactic treatment for a victim of sexual assault in any state or locality that evaluates according to criteria adopted by the Centers for Disease Control and Prevention clearly recommend against the application of post-exposure prophylaxis.
(2) prohibit a hospital from seeking reimbursement for the cost of services provided under this section to the extent that health insurance may reimburse for such services; and
(3) establish a requirement that any victim of sexual assault submit to diagnostic testing for the presence of any infectious disease.
(e) LIMITATION.—Federal funds may not be provided to a hospital under any health-related program unless the hospital complies with the requirements of this section.

SEC. 5. DEFINITIONS.

In this Act:
(1) EMERGENCY CONTRACEPTION.—The term "emergency contraception" means a drug, drug regimen, or device that is—
(A) approved by the Food and Drug Administration to prevent pregnancy; and
(B) is used postcoitally.
(2) HOSPITAL.—The term "hospital" has the meaning given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title. Such term includes a health care facility that is located within, or contracted to, a correctional institution or a post-secondary educational institution.
(3) LICENSED MEDICAL PROFESSIONAL.—The term "licensed medical professional" means a doctor of medicine, doctor of osteopathy, registered nurse, medical assistant, and any other healthcare professional determined appropriate by the Secretary.

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

(5) SEXUAL ASSAULT.—
(A) The term "sexual assault" means a sexual act (as defined in subparagraphs (A) through (C) of section 2246(2) of title 18, United States Code) where the victim is unable to consent or lacks the capacity to consent.
(B) APPLICATION OF PROVISIONS.—The definition under subparagraph (A) shall—
(i) in the case of section 3, apply to all individuals; and
(ii) in the case of section 4, apply only to females; and
(iii) in the case of section 4, apply to all individuals.

SEC. 6. EFFECTIVE DATE; AGENCY CRITERIA.

This Act shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary of Health and Human Services shall publish in the Federal Register criteria for carrying out this Act.

By Mr. VIOINOVICH (for himself, Mr. CARPER, Mrs. CLINTON, Mr. ISAIKSON, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. INHOFE, and Mr. JEFFORDS):
S. 1265. A bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines; to the Committee on Environment and Public Works.

Mr. VIOINOVICH. Mr. President, I speak as Chairman of the Environment and Public Works Subcommittee on Clean Air, Climate Change, and Nuclear Security to introduce a landmark, bipartisan piece of legislation—the Diesel Emissions Reduction Act of 2005. This bill is cosponsored by Environment and Public Works Committee Jim Inhofe and ranking member Jim Jeffords and Senators Tom Carper, Johnny Isakson, Hillary Clinton, Kay Bailey Hutchison, and Ben Nighthorn.

Focused on improving air quality and protecting public health, it would establish voluntary national and state-level grant and loan programs to promote the reduction of diesel emissions. Additionally, the bill would help areas come into attainment for the new air quality standards. Developed with environmental, industry, and public officials, the legislation complements Environmental Protection Agency, EPA, regulations now being implemented that address diesel fuel and new diesel engines. I am pleased to be joined by a strong and diverse group of organizations and officials: Environmental Defense; Clean Air Task Force; Ohio Environmental Council; Caterpillar Inc.; Cummins Inc.; Diesel Technology Forum; Emissions Control Technology Association; Associated General Contractors of America; State and Territorial Air Pollution Control Officials Association; Ohio Environmental Protection Agency; Regional Air Pollution Control

Agency in Dayton, Ohio; Mid-Ohio Regional Planning Commission. The cosponsors of this legislation and these groups do not agree on many issues—which is why this bill is so special.

The process for developing this legislation began last year when several of these organizations came in to meet with me. They informed me of the harmful public health impact of diesel emissions. Onroad and offroad diesel vehicles and engines account for roughly one-half of the nitrogen oxide and particulate matter mobile source emissions nationwide.

I was pleased to hear that the administration had taken strong actions with new diesel fuel and engine regulations, which were developed in a collaborative effort to substantially reduce diesel emissions. However, I was told that the full health benefit would not come into attainment until the related regulations address new engines and the estimated 11 million existing engines have a long life.

I was pleased that they had a constructive suggestion on how we could address this problem. They informed me of successful grant and loan programs at the State and local level throughout the Nation that were working on a voluntary basis to retrofit diesel engines.

I was also cognizant that the new ozone and particulate matter air quality standards were going into effect and that a voluntary program was needed to help the nation’s 485 and Ohio’s 14 nonattainment counties—especially those that are in moderate nonattainment like Northeast Ohio.

Additionally, I have visited with University of Cincinnati Medical Center doctors—as recently as this month—to discuss their Cincinnati Childhood Allergy and Air Pollution Study. Some of the early results indicate disturbing impacts on the development of children living near highways.

I became clear to me that a national program was needed. We then formed a strong, diverse coalition comprised of environmental, industry, and public officials. The culmination of this work is being revealed today in the Diesel Emissions Reduction Act of 2005. This legislation would establish voluntary national and state-level grant and loan programs to promote the reduction of diesel emissions. It would authorize $1 billion in federal grants and loans annually. Some will claim that this is too much money and others will claim it is not enough—which is probably why it is just right.

We should first recognize that the need for outpaces what is contained in the legislation. This funding is also fiscally responsible as diesel retrofits have proven to be one of the most cost-effective emissions reduction strategies. Furthermore, as a former Governor, I know firsthand that the new air quality standards are expected to create a mandate on our states and localities—and they need the Federal Government’s help.
This legislation would help bring counties into attainment by encouraging the retrofitting or replacement of diesel engines, substantially reducing diesel emissions and the formation of ozone and particulate matter.

The bill is efficient with the Federal Government dollars in several ways. First, 20 percent of the funding would be distributed to States that establish voluntary diesel retrofit programs. 10 percent of the bill’s overall funding would be set aside as an incentive for States that match the Federal dollars being provided. The remaining 70 percent of the program would be administered by the EPA.

Second, the program would focus on nonattainment areas where help is needed the most. Third, it would require at least 50 percent of the Federal program to be used on public fleets since we are talking about public dollars. Fourth, it would place a high priority on the projects that are the most cost effective and affect the most people.

Lastly, the bill would include provisions to help develop new technologies, encourage more action through non-financial incentives, and require EPA to outreach to stakeholders and report on the success of the program.

EPA estimates that this billion dollar program would leverage an additional $500 million leading to a net benefit of almost $20 billion with a reduction of about 70,000 tons of particulate matter. This is a 13 to 1 benefit-cost ratio.

The Diesel Emissions Reduction Act of 2005 enjoys broad bipartisan support, encouraging more action through non-financial incentives, and require EPA to outreach to stakeholders and report on the success of the program.

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(b) an idle-reduction program involving a vehicle or equipment described in subparagraph (A).

(2) REGULATORY PROGRAMS.—Notwithstanding paragraph (1), no grant or loan provided under this section shall be used to fund the costs of emissions reductions that are mandated under Federal, State, or local law.

(3) MANDATED.—For purposes of subparagraph (A), voluntary or elective emission reduction measures shall not be considered "mandatory" regardless of whether the reductions are included in the State implementation plan of a State.

SEC. 4. STATE GRANT AND LOAN PROGRAMS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall use 30 percent of the funds made available for a fiscal year under this Act to support grant and loan programs administered by States that are designed to achieve significant reductions in diesel emissions.

(b) APPLICATIONS.—The Administrator shall—

(1) provide to States guidance for use in applying for grant or loan funds under this section, including information regarding—
(A) grant or loan forms for applications;
(B) permissible uses of funds received; and
(C) the cost-effectiveness of various emission reduction technologies eligible to be carried out using funds provided under this section; and
(2) establish, for applications described in paragraph (1)—
(A) an annual deadline for submission of the applications;
(B) a process by which the Administrator shall approve or disapprove each application; and
(C) a streamlined process by which a State may renew an application described in paragraph (1) for subsequent fiscal years.

(c) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—For each fiscal year, the Administrator shall allocate among States for which applications are approved by the Administrator under subsection (b)(2)(B) funds made available to carry out this section for the fiscal year.

(2) LOCATION.—During not more than 20 percent of the funds made available to carry out this section for a fiscal year, the Administrator shall provide to each State described in paragraph (1) for the fiscal year an allocation of funds that is equal to—

(A) if each of the 50 States qualifies for an allocation, an amount equal to 2 percent of the funds made available to carry out this section; or
(B) if fewer than 50 States qualifies for an allocation, an amount equal to the amount described in paragraph (1); plus an additional amount equal to the product obtained by multiplying—

(i) the proportion that—

(A) the population of the State; bears to
(B) the population of all States described in paragraph (1); by
(ii) the amount of funds remaining after each State has received the 2-percent allocation under this paragraph.

(3) STATE MATCHING INCENTIVE.—

(A) IN GENERAL.—If a State agrees to match the allocation provided to the State under paragraph (2) for a fiscal year, the Administrator shall provide to the State for the fiscal year an additional amount equal to 50 percent of the allocation of the State under paragraph (2).

(B) REQUIREMENTS.—A State—

(i) shall not be required to provide a matching share for any additional amount received under subparagraph (A).

(ii) may not use funds received under this subsection to pay a matching share required under this Act.

(iii) shall—

(1) establish a program under which the Administrator considers to be appropriate.

(2) a verified technology; or

(b) TECHNOLOGY TRANSFER PROGRAM.—

(2) an emerging technology.

(3) each project for which a grant or loan is provided under this Act, including the criteria used to select the grant or loan recipients;

(4) the estimated air quality benefits, cost-effectiveness, and the benefits of the grant and loan programs under this Act;

(5) the problems encountered by projects for which a grant or loan is provided under this Act; and

(6) any other information the Administrator considers to be appropriate.

SEC. 5. EVALUATION AND REPORT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Administrator shall submit to Congress a report evaluating the implementation of the programs under this Act.

(b) INCLUSIONS.—The report shall include a description of—

(1) the total number of grant applications received;

(2) each grant or loan made under this Act, including the amount of the grant or loan;

(3) each project for which a grant or loan is provided under this Act, including the criteria used to select the grant or loan recipients;

(4) the estimated air quality benefits, cost-effectiveness, and the benefits of the grant and loan programs under this Act;

(5) the problems encountered by projects for which a grant or loan is provided under this Act; and

(6) any other information the Administrator considers to be appropriate.

SEC. 6. OUTREACH AND INCENTIVES.

(a) DEFINITION OF ELIGIBLE TECHNOLOGY.—In this section—

(1) the term "eligible technology" means—

(A) a certified engine configuration; or

(B) any other information the Administrator considers to be appropriate.

(b) TECHNOLOGY TRANSFER PROGRAM.—

(2) an emerging technology.

(c) STATE IMPLEMENTATION PLANS.—The Administrator shall develop appropriate guidance to provide credit to a State for emission reductions in the State created by the use of eligible technologies through State implementation plans under section 110 of the Clean Air Act (42 U.S.C. 7410).

(d) INTERNATIONAL MARKETS.—The Administrator, in coordination with the Department of Commerce and industry stakeholders, shall inform foreign countries with air quality problems of the potential of technology developed or used in the United States to provide emission reductions in those countries.

SEC. 7. EFFECT OF ACT.

Nothing in this Act affects any authority under the Clean Air Act (42 U.S.C. 7401 et seq.) in existence on the day before the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $200,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

By Mr. BINGAMAN:

S. 1267. A bill to amend title IV of the Higher Education Act of 1965 to reauthorize the Gaining Early Awareness and Readiness for Undergraduate Programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, our country is facing a crisis. Too many of our young people leave high school without the skills necessary to meet the demands of a global economy. According to a recent U.S. Chamber of Commerce survey, 75 percent of employers report severe difficulties when trying to hire qualified workers with 40 percent of job applicants having poor skills. As many as 3.3 million jobs may be sent overseas in the next 15 years, causing American workers to lose $136 billion in wages. The strength of our economy, and the future of our nation, largely rests on our ability to improve educational opportunities for all of our citizens.

An educated, skilled, and flexible workforce is essential to building a strong and dynamic economy, and, if we are going to maintain our country’s ability to compete in a global economy, we must help prepare young people to meet the demands of the 21st century workforce. I introduce legislation that will improve more students graduate high school ready for college and the workforce.

Only 68 percent of all students in the U.S. graduate high school on time with a regular diploma. And, the numbers are worse if the student is Hispanic, African American, Native American, has a disability, or is male. Sadly, a recent report indicates that students are dropping out at a younger age, resulting in an even less educated workforce.

For students who graduate with a high school diploma, too few go on directly to college. Astonishingly, only 38 percent of high school freshmen will earn a high school diploma and make the immediate transition to college directly after graduation. In New Mexico, the statistics are even more staggering. For every 50 ninth graders in New Mexico, only 30 will graduate high school; 18 will enter college; 11 are still enrolled in their sophomore year; and 5.5 graduate from college within 6 years. We must do better.

We also know, unfortunately, that as many as 40 percent of this country’s high school graduates are not prepared to meet the demands of college or a
competitive workforce. A survey of college professors reveals that half of all public school graduates are not adequately prepared to do college-level math or writing.

There is some good news, however: we know what works. Research conducted by the Department of Education shows that the single best predictor of college success is the quality and level of a student’s high school classes. Students who take college prep curriculums are less likely to need remedial classes, and are more likely to earn a college degree. In fact, evidence shows that the intensity and quality of high school curriculum is the greatest measure of a student’s degree. Importantly, studies also show that not only do college-bound students benefit from rigorous courses, but that all students benefit from more rigorous coursework. Accordingly, it is critically important that all of our young people have access to rigorous coursework in secondary school in order to meet the demands of postsecondary education and a competitive workforce.

Therefore, I introduce legislation that builds on this research and works toward a goal of ensuring that all secondary school students are enrolled in classes that prepare them to excel in college and in the workplace. The GEAR UP program, Gaining Early Awareness and Readiness for Undergraduate Programs, was first authorized in 1998 and was designed to promote student achievement and access to postsecondary education among low-income students. Since that time, GEAR UP grants have served over a million students per year. In my home State of New Mexico, there are six GEAR UP programs that serve thousands of students in many different ways, including by instituting reading and math programs, taking students to colleges so they can begin to imagine themselves on a college campus, creating science fairs and technology training seminars, providing career and counseling, and making other vital services. And, the individuals who work with GEAR UP programs are some of the most dedicated professionals I have met.

I believe we can build on the successes of GEAR UP to ensure more students leave high school prepared for the academic rigor of college and a competitive workforce. My legislation, which is designed to encourage more students to earn a college degree and a critical component of our demand for a competitive workforce. This legislation provides an opportunity to systematically change the way our secondary schools prepare all students for college and a competitive workforce. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows: S. 1267

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 “Gearing Up for Academic Success Act.”

SEC. 2. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

SEC. 404A. DEFINITION OF ELIGIBLE ENTITY.

In this chapter, the term ‘eligible entity’ means—

(1) a State; or

(2) a partnership consisting of—

(A) 1 or more local educational agencies acting on behalf of, or participating in, one or more eligible entities; or

(B) 1 or more elementary schools, middle schools, or secondary schools; and

(2) the secondary schools that students from the schools described in clause (i) would normally attend;

(3) (B) or more degree granting institutions of higher education; and

(C) at least 2 community organizations or entities, such as businesses, professional associations, community-based organizations, philanthropic organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.

SEC. 404B. EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.

The Secretary is authorized to award grants in accordance with this section 404C—

(1) to eligible entities described in section 404A(1) to enable the eligible entities to carry out the authorized activities described in section 404Db; and

(2) to eligible entities described in section 404A(2) to enable the eligible entities to carry out the authorized activities described in section 404G.

SEC. 404C. GRANTS TO ELIGIBLE ENTITIES.

(a) GENERAL RESERVATIONS.—From the amount appropriated under section 404H for a fiscal year the Secretary shall reserve—

(1) an amount sufficient to continue multiyear grant and scholarship awards made under this chapter prior to the date of enactment of the Gearing Up for Academic Success Act, in accordance with the terms and conditions of such awards; and

(2) the amount described in section 404G to carry out section 404G.

(b) COMPETITIVE GRANT AWARDS.—

(1) IN GENERAL.—If the amount appropriated under section 404H for a fiscal year is less than $400,000,000, the Secretary shall use the amount that remains after reserving funds under subsection (a) to award
grants, on a competitive basis and in accordance with paragraph (2), to eligible entities described in paragraphs (1) and (2) of section 404A to enable the eligible entities to carry out the authorized activities described in section 404D.

"(2) DISTRIBUTION OF COMPETITIVE GRANT AWARDS.—From the amount made available under paragraph (1) that remains after reserving funds under subsection (a) for a fiscal year, the Secretary shall—

"(A) make available—

"(i) not less than 33 percent of the remainders to eligible entities described in section 404A(2), and

"(ii) award the remainder not made available under paragraph (A) to eligible entities described in paragraph (1) or (2) of section 404A.

"(3) Special Rule.—The Secretary shall annually reevaluate the distribution of funds described in paragraph (2) based on the number, quality, and promise of the applications and adjust the distribution accordingly.

"(c) Formula and Competitive Grant Awards.—

"(1) IN GENERAL.—If the amount appropriated under section 404H for a fiscal year is equal to or greater than $400,000,000, then the Secretary shall use the amount that remains after reserving funds under subsection (a) as follows:

"(A) 33 percent of the remainder shall be used to award grants, from allotments under paragraph (2), to eligible entities described in section 404A(1) to enable the eligible entities to carry out the authorized activities described in section 404D.

"(B) 5 percent of the remainder shall be used to award grants, on a competitive basis, to eligible entities described in section 404A(2) to enable the eligible entities to carry out the authorized activities described in section 404D.

"(2) Formula.—

"(A) Reservations.—If the amount appropriated under section 404H is greater than or equal to $400,000,000, then the Secretary shall reserve, in addition to amounts reserved under subsection (a),—

"(i) 1⁄2 of 1 percent of the amount to award grants to the outlying areas according to their respective needs for assistance under this chapter to enable the outlying areas to carry out activities authorized under this chapter; and

"(ii) 1 percent of the amount to award grants under the Bureau of Indian Affairs to carry out activities authorized under this chapter.

"(B) Formula.—If the amount appropriated under section 404H for a fiscal year is equal to or greater than $400,000,000, then the Secretary shall allocate the amount that remains after reserving funds under subsection (a) and paragraph (A) among eligible entities having plans approved under section 404E as follows:

"(i) 50 percent of the remainder shall be allocated on the basis of the number of individuals in the State; and

"(ii) 50 percent of the remainder shall be allocated on the basis of the number of children in the State, aged 5 through 17, who are from families with incomes below the poverty line.

"(C) Census Data.—In allocating funds under this paragraph, the Secretary shall use the most recent data available from the Bureau of the Census.

"(D) Definitions.—In this paragraph:

"(1) Outlying area means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(2) Poverty line.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(1) of the Housing Act of 1937) as modified by the Secretary of Housing and Urban Development in accordance with section 484(c), in exchange for receiving tuition assistance for a period of time to be established by each eligible entity.

"(3) härsting.—The term 'State' means each of the States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(SEC. 404D. AUTHORIZED ACTIVITIES.

"(a) Uses of Funds for Partnerships.—

"(1) Cohort.—

"(A) IN GENERAL.—The Secretary shall require that eligible entities described in section 404A(2) to:

"(i) provide services under this chapter to at least 1 grade level of students, beginning not later than 7th grade, in a participating school that has a 7th grade and in which at least 50 percent of the students enrolled are eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (or, if an eligible entity determines that the effectiveness of a program, an entire grade level of students, beginning not later than the 7th grade, who reside in public housing as defined in section 3(b)(1) of the United States Housing Act of 1937); and

"(ii) ensure that the services are provided through the 12th grade to students in the participating grade level.

"(B) Coordination Requirement.—In carrying out paragraph (A), the Secretary shall require that the cohort approach is done in coordination and collaboration with existing early intervention programs and does not duplicate the services already provided to a school or community.

"(2) MANDATORY ACTIVITIES.—In order to receive a grant under this chapter, an eligible entity described in section 404A(2) shall demonstrate to the satisfaction of the Secretary, in the plan submitted under section 404E, that the eligible entity will provide activities designed to ensure the secondary school completion and college enrollment of children at risk of dropping out of school, with a focus on providing access to rigorous college preparatory academic standards. Such activities shall be designed so as to ensure systemic change in the school, so that future cohorts of children will benefit from such changes as well. Such activities shall include—

"(A) enrollment of participating students in a standard college preparation curriculum or, in the case of younger students, in a curriculum that logically articulates with a college preparation curriculum; and

"(B) professional development opportunities for instructors of college preparation classes; and

"(C) provide for the participation of the in

"(ii) policy leadership designed to promote the readiness of students in the secondary school system of mentoring and advising that—

"(1) is coordinated with the Federal and State community service initiatives; and

"(2) may provide other services or supports that are designed to ensure the secondary school completion and college enrollment of children at risk of dropping out of school, such as comprehensive monitoring, counseling, outreach, and supportive services. Examples of activities that meet the requirements of the preceding sentence include the following:

"(A) activities designed to ensure the secondary school completion and college enrollment of children at risk of dropping out of school and those who are economically disadvantaged; and
"(B) if there are eligible entities in the State that received a grant under this chapter, services designed to promote coordination and information sharing among all such eligible entities in the State.

"(2) PERMISSIBLE ACTIVITIES.—

"(A) POLICY LEADERSHIP.—In order to meet the requirements of paragraph (1)(A), an eligible entity described in section 404A(1) may engage in the following activities:

"(i) Developing a core curriculum of college preparatory classes that can be adopted by all State secondary schools.

"(ii) Facilitating curriculum development in individual schools where needed.

"(iii) Creating professional development opportunities for teachers in relation to the core curriculum.

"(iv) Facilitating the alignment of kindergarten through grade 12 classes with the requirements for passing college entrance exams, and entering college without the need for remedial courses.

"(v) Convening and consulting with groups of individuals and organizations that can provide input and expertise related to clauses (i), (ii), (iii), and (iv).

"(vii) Other activities that will promote the college readiness of students in the State.

"(C) COORDINATION AND INFORMATION SHARING.—In order to meet the requirements of paragraph (1)(B), an eligible entity described in section 404A(1) may engage in the following activities:

"(i) Providing technical assistance and training for eligible entities described in section 404A(2) that receive a grant under this chapter.

"(ii) Disseminating information about best practices among eligible entities described in section 404A(2) that receive a grant under this chapter.

"(iii) Providing eligible entities described in section 404A(2) that receive a grant under this chapter with opportunities for coordinating and networking.

"(iv) Assisting eligible entities described in section 404A(2) that receive a grant under this chapter in adopting a core curriculum and professional development opportunities for teachers.

"(v) Providing a centralized source of information, regarding college planning, college entrance requirements, and opportunities for financial aid, to students in the State.

"(vi) Providing other services that promote and support the activities of eligible entities described in section 404A(2) in the State that receive a grant under this chapter.

"(c) ALLOWABLE PROVIDERS.—In the case of eligible entities described in section 404A(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 section 4 and other organizations the State determines appropriate.

"SEC. 404F. REVENUE SHARING PROGRAMS.

"(a) DEFINITIONS.—In this section—

"(1) the term "seed money" means funds made available to the Secretary a plan for carrying out the program under this chapter.

"(2) CONTENTS.—Each plan 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 determines necessary to ensure compliance with the requirements of this chapter.

"(3) ADDITIONAL REQUIREMENTS FOR PARTNERSHIPS.—An eligible entity described in section 404A(2) shall also include in its plan—

"(A) a description of the activities for which assistance under this chapter is sought; and

"(B) a description of how the funds provided under this chapter shall be used to affect systemic schoolwide change that will ensure that future cohorts of students will also benefit from the use of the grant funds; and

"(D) a needs analysis detailing the ways in which the funds provided under this chapter will ensure the success of curricular changes (for example, by spending such funds on professional development, the purchase of curricular materials, or other activities).

"(4) ADDITIONAL REQUIREMENTS FOR STATES.—An eligible entity described in section 404A(1) shall also include in its plan—

"(A) an assessment of the activities and programs most needed to enhance the college readiness of students in the State;

"(B) a description of how the proposed activities will enhance the college readiness of students in the State;

"(C) a description of how the State will ensure that students at risk of dropping out of school and those who are economically disadvantaged receive and benefit from the proposed activities; and

"(D) if applicable, a description of how the proposed activities will promote coordination and information-sharing among all eligible entities in the State that receive a grant under this chapter.

"(b) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall not approve a plan submitted under subsection (a) unless such plan—

"(A) provides that the eligible entity will provide, from State, local, institutional, or private funds, not less than 50 percent of the cost of the program, which matching funds may be provided in cash or in kind;

"(B) specifies the methods by which matching funds provided under this chapter shall be used to ensure that future cohorts of students will also benefit from the use of the grant funds; and

"(C) includes provisions designed to ensure that funds provided under this chapter shall supplement and not supplant funds expended for existing programs.

"(2) SPECIAL RULE.—Notwithstanding the matching requirement described in paragraph (1)(A), the Secretary may require, by fiscal regulation, an entity whose grant, contract, or other agreement authorizes the activities described in paragraph (1)(A) for eligible entities described in section 404A(2).

"(3) METHODS FOR COMPLYING WITH MATCHING REQUIREMENT.—An eligible entity may count toward the matching requirement described in subsection (b)(1)(A)—

"(A) the amount of the financial assistance paid to students from State, local, institutional, or private funds under this chapter;

"(B) the amount of tuition, fees, room or board waived or reduced for recipients of financial assistance under this chapter; and

"(C) the amount expended on documented, targeted, long-term mentoring and counseling provided by volunteers or paid staff of non-Federal programs, nonprofit and philanthropic organizations, community groups, postsecondary educational institutions, nonprofit and philanthropic organizations, and other organizations.

"(c) PEER REVIEW PANELS.—The Secretary shall convene peer review panels to assist in making determinations regarding the award of grants under this chapter.

"SEC. 404F. REQUIREMENTS.

"(a) COORDINATION.—Each eligible entity shall ensure that the activities assisted under this chapter are, to the extent practicable, coordinated with, and complement and enhance—

"(1) services under this chapter provided by other eligible entities serving the same school district or State; and

"(2) related services under other Federal or non-Federal programs.

"(b) DESIGNATION OF FISCAL AGENT.—An eligible entity described in section 404A(2) shall designate an institution of higher education or a local education agency as the fiscal agent for the eligible entity for purposes of this chapter.

"(c) COORDINATORS.—Each eligible entity described in section 404A(2) that receives a grant under this chapter shall ensure that the activities described in section 404A are being carried out in accordance with the activities described in section 404A(a).

"(d) DISPLACEMENT.—An eligible entity described in section 404A(2) shall ensure that the 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.

"SEC. 404G. EVALUATION AND REPORT.

"(a) EVALUATION.—Each eligible entity receiving a grant under this chapter shall biennially evaluate the activities assisted under this chapter in accordance with the standards described in subsection (b) and shall submit to the Secretary a copy of such evaluation. The evaluation shall permit service providers to track eligible student progress during the period such students are participating in the activities and shall be consistent with the standards developed by the Secretary pursuant to subsection (b).

"(b) EVALUATION STANDARDS.—The Secretary shall prescribe standards for the evaluation described in subsection (a). Such standards shall—

"(1) provide for input from eligible entities and service providers; and

"(2) ensure that data protocols and procedures are consistent and uniform.

"(c) FEDERAL EVALUATION.—In order to evaluate and improve the impact of the activities assisted under this chapter, the Secretary shall, from not more than 0.75 percent of the funds appropriated under section 404H for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(d) REPORT.—The Secretary shall biennially report to Congress regarding the activities assisted under this chapter and the results of the evaluations conducted pursuant to this section.

"SEC. 404H. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $400,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 4 succeeding fiscal years."
SUBMITTED RESOLUTIONS

SENATE RESOLUTION 172—AFFIRMING THE IMPORTANCE OF AN NATIONAL WEEKEND OF PRAYER FOR THE VICTIMS OF GENOCIDE AND CRIMES AGAINST HUMANITY IN DARFUR, SUDAN, AND EXPRESSING THE SENSE OF THE SENATE THAT JULY 15 THROUGH 17, 2005, SHOULD BE DESIGNATED AS A NATIONAL WEEKEND OF PRAYER AND REFLECTION FOR DARFUR

Mr. BROWNBACK (for himself and Mr. CORZINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 172

Whereas, on July 22, 2004, Congress declared that genocide was taking place in Darfur, Sudan;

Whereas, on September 9, 2004, Secretary of State Colin L. Powell testified to the Senate Committee on Foreign Relations that “genocide has been committed in Darfur”;

Whereas, on September 10, 2004, President George W. Bush stated to the United Nations General Assembly that “the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes by government that have concluded are genocide”;

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951, states that “[t]he Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish”;

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas the United Nations Security Council, in Security Council Resolution 1591, condemned the “continued violations of the N’Djamena Ceasefire Agreement of 8 April 2004 and protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts”;

Whereas scholars estimate that as many as 400,000 people have died from violence, hunger and disease since the outbreak of conflict in Darfur began in 2003, and that as many as 10,000 may be dying each month;

Whereas it is estimated that more than 2,000,000 people have been displaced from their homes and remain in camps in Darfur and Chad;

Whereas religious leaders, genocide survivors, and world leaders have expressed grave concern over the continuing atrocities taking place in Darfur; and

Whereas it is appropriate that the people of the United States, leaders and citizens alike, unite in prayer for the people of Darfur and reflect upon the situation in Darfur: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the weekend of July 15 through 17, 2005, should be designated as a National Weekend of Prayer and Reflection for Darfur, Sudan;

(2) to encourage the people of the United States to observe that weekend by praying for an end to the genocide and crimes against humanity and for lasting peace in Darfur, Sudan; and

(3) to urge all churches, synagogues, mosques, and religious institutions in the United States to consider the issue of Darfur in their activities and to observe the National Weekend of Prayer and Reflection with appropriate activities and services.

SENATE RESOLUTION 173—EXPRESSING SUPPORT FOR THE GOOD FRIDAY AGREEMENT OF 1998 AS THE BLUEPRINT FOR LASTING PEACE IN NORTHERN IRELAND

Mr. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. MCCAIN, Mr. BIDEN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

Mr. KENNEDY. Mr. President, Senators COLLINS, DODD, MCCAIN, BIDEN, LEAHY and I are submitting a resolution expressing support for the 1998 Good Friday Agreement as the blueprint for lasting peace in Northern Ireland. All of us are hopeful that a constructive way forward will be found, and the way to do so is by continuing to implement the Good Friday Agreement.

The 1998 agreement was endorsed in a referendum by the overwhelming majority of people in Northern Ireland and in the Republic of Ireland. The parties to the Good Friday Agreement made a clear commitment to “partnership, equality, and mutual respect” as the basis for moving forward to end the long-standing conflict and achieve lasting peace for all the people of Northern Ireland. The parties to the agreement affirmed their “total and absolute commitment to exclusively democratic and peaceful means” to achieve the goal of peace.

Our resolution reiterates the support for the agreement as the way forward in Northern Ireland. It endorses the statement of Democratic Unionist leader Ian Paisley, who said in May that the Good Friday Agreement “should be given a reasonable burial.” Inclusive power sharing based on the defining qualities of the agreement is essential to the viability and success of the peace process.

The resolution calls on the Irish Republican Army to immediately complete the process of decommissioning; cease to exist as a paramilitary organization; and in any way in paramilitary and criminal activity. We know that discussion of the issue is underway within the IRA, and we all await a final, positive, and decisive action.

In addition, the resolution calls on the Democratic Unionist Party in Northern Ireland to share power with all the other parties, according to the democratic mandate of the Good Friday Agreement, and commit to work in good faith with all the institutions established under the Good Friday Agreement, including the Executive and the North-South Ministerial Council, to benefit all the people of Northern Ireland.

It calls on Sinn Fein to work in good faith with the Police Service of Northern Ireland.

It also calls for justice in the case of Robert McCartney, the Belfast citizen who was brutally murdered there in January.

Finally, the resolution calls on the British Government to permanently restore the democratic institutions of Northern Ireland and complete the process of demilitarization in Northern Ireland and advance equality and human rights in Northern Ireland.

The U.S. Government continues to strongly support the peace process in Northern Ireland. The Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward.

The Good Friday Agreement is the only way forward in Northern Ireland, and it deserves our strong support. I urge my colleagues to approve this resolution.

S. Res. 173

Whereas in 1998, the Good Friday Agreement, signed on April 10, 1998, in Belfast, was endorsed in a referendum by the overwhelming majority of people in Northern Ireland; and

Whereas the parties to the Good Friday Agreement also affirmed their “total and absolute commitment to exclusively democratic and peaceful means” in pursuit of lasting peace in Northern Ireland;

Whereas inclusive power-sharing based on these defining qualities is essential to the viability and advancement of the democratic process in Northern Ireland; whereas paramilitary and criminal activity is a democratic society undermines the trust and confidence that are essential in a political system based on inclusive power-sharing in Northern Ireland; and

Whereas the United States Government continues to strongly support the peace process in Northern Ireland; and

Whereas the Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward in the peace process, and have committed themselves to its implementation: Now, therefore, be it

Resolved, That—

(1) the Senate reiterates its support for the Good Friday Agreement, signed on April 10, 1998, in Belfast, as the blueprint for a lasting peace in Northern Ireland; and

(2) it is the sense of the Senate that—

(A) the Irish Republican Army must immediately—

(i) complete the process of decommissioning;

(ii) cease to exist as a paramilitary organization; and

(iii) end its involvement in any way in paramilitary and criminal activity;

(B) the Democratic Unionist Party in Northern Ireland must—

(i) share power with all parties according to the democratic mandate of the Good Friday Agreement; and

(ii) commit to work in good faith with all the institutions of the Good Friday Agreement, which established an inclusive Executive and the North-South Ministerial Council, for the benefit of all the people of Northern Ireland;